

#                     

**Travis County Commissioners Court Agenda Request**

Voting Session: November 3, 2009  
(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:

Receive Notice of Recognition to Travis County as a Star Community for the Work of the Children's Partnership/System of Care Project in the Health and Human Services and Veterans Service Department

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

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:

II. 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 JUDGE'S OFFICE  
09 OCT 28 PM 12:09

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**

**MEMORANDUM**

**DATE:** October 27, 2009

**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:** Travis County Recognized as a Star Community by the Champions for Inclusive Communities and the Maternal and Child Health Bureau

**Proposed Motion for Special Item:**

Receive Notice of Recognition to Travis County as a Star Community for the Work of the Children's Partnership/System of Care Project in the Health and Human Services and Veterans Service Department

**Summary:**

Champions for Inclusive Communities, ChampionsInC, is a national leadership and resource center designed to support states and communities in organizing services for families of children and youth with special health care needs. The center encourages and supports the development of services that are family centered, easy to use and satisfying to consumers. The implementation of community-based service systems is a key component of Healthy People 2010 as stated in its Objective 16.23: To increase the states and territories that have service systems for children with special health care needs.

## **Background:**

Champions for Inclusive Communities (ChampionsInC) is one of six national centers established "to achieve appropriate Community-Based Service Systems" by the Health Resources and Services Administration's (HRSA), Maternal and Child Health Bureau (MCHB). HRSA is an agency of the U. S. Department of Health and Human Services. Each national center focuses on 1 of 6 performance measures set by the MCHB. The center is located in Logan, Utah, and is part of the Early Intervention Research Institute (a division of the Center for Persons with Disabilities at Utah State University).

Their goals are to:

1. Identify and work with major national public and private community development initiatives;
2. Facilitate linkages between community development initiatives and State programs;
3. Develop and maintain a website linked to relevant community development initiatives;
4. Develop and disseminate materials on inclusion of CYSHCN;
5. Develop and implement a community recognition program; and
6. Collect, analyze, expand and apply evidence-based data to integrating community systems.

ChampionsInC recognizes Travis County's System of Care services delivery system through The Children's Partnership for "their stellar work in ensuring children and youth with special health care needs and their families receive the community based services they need." ChampionsInC publishes articles, like the one on Travis County, highlighting communities that are models of integrated community-based services, so that other communities can replicate them and improve the delivery of services to children, youth and families, not only locally but nationally as well.

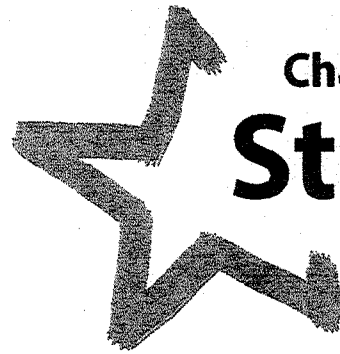
Travis County Health and Human Services and Veterans Service' Office of Children's Services, operates The Children's Partnership/System of Care Project with funding allocated by the Travis County Commissioners Court, Travis County Juvenile Probation, Austin-Travis County Integral Services (former A/TCMHMR), Austin, Pflugerville, Manor and Del Valle Independent School Districts.

Please join the staff of the Travis County Health and Human Services and Veterans Service in congratulating the many dedicated staff of The Children's Partnership for their national recognition and continued service to the residents of Travis County.

**Interested persons may access the article at the following link or see the following attachment.**

[Communitiesttp://www.championsinc.org/resources/showItem.cfm?id=568](http://www.championsinc.org/resources/showItem.cfm?id=568)

cc: Jim Lehrman, Director of the Office of Children's Services



# Champions for Inclusive Communities Star Community

## CERTIFICATE OF RECOGNITION

Champions for Inclusive Communities and the Maternal and Child Health Bureau recognize

### Travis County, Texas

as a Star Community, due to their stellar work in ensuring children and youth with special health care needs and their families receive the community-based services they need.

Richard N. Roberts  
Director, Champions InC National Center

Diana Denboba, Branch Chief  
Maternal and Child Health Bureau



[Skip menu](#)



## Champions for Inclusive Communities

### Home

### System-building Basics

### Performance Measures

### Strategies

- Care Coordination
- Coalitions
- Co-location
- Common Applications

### Star Communities

### Resources

- By Topic
- Newsletter
- Funding Opportunities
- State Information
- Publications
- Youth's Eye View

### About Us

- News
- National Centers
- Champions Team
- Contact Us
- Website

### Site Map

### en español



**Location:** [Home](#) » [Resources](#) » [Travis County, TX](#)

[español](#)



## Travis County, TX

*The following story is highlighted as part of Champions' Community Recognition Program , which identifies communities that are good models of community-based service systems.*

"People like to be respected. It doesn't matter if they make less than \$12,000 a year or \$120,000 a year, people feel empowered when they are respected." - Pam Thomas, Parent Liaison for the Children's Partnership.

"Family driven" is a perfect way to describe the system of care community of Travis County, Texas. Families participate in almost every facet of The Children's Partnership , the organization leading the Central Texas system of care community. The Children's Partnership focuses primarily on providing services to children and youth with complex needs and their families, particularly children and adolescents with serious emotional disturbances (SED), and on "changing the way business is done" in child, youth and family organizations. The Children's Partnership, however, doesn't operate in a typical manner as its best approaches to serving families are unique.

### A Virtual Approach

Instead of having one physical location where

Search

children, youth, and families come to receive services, The Children's Partnership operates virtually. This means the organization's "location" is a P.O. Box, and services are provided at the families' homes or at community locations.

More than one hundred providers are available so that youth and families can select whom they believe to be the best fit. The 44 team members that carry out the work of The Children's Partnership are all employed by partner agencies, which are spread throughout the community. These agencies include Travis County Juvenile Probation and Health and Human Services Departments, the local Mental Health Authority, Casey Family Programs, and several Independent School Districts ([a complete list of the partners](#) is available online). These providers, partner agencies, and team members all work together to comprehensively meet the complex needs of participant children, youth, and families.

Princess Katana, Director of The Children's Partnership, emphasizes that their unique approach is "truly a community-based way of serving and working with children and youth with serious emotional disturbances and their families."

### **Developing a Family's Plan of Care**

The Community Partners for Children (CPC) initiative, one of The Children's Partnership's key partners, serves as the single point of community access to services and supports for children, youth, and families. CPC supports families' access to the system of care in a distinctive way. CPC provides a unique opportunity for youth and families to share their experiences and talk about their hopes and needs with representatives from

approximately 30 public and private organizations who meet together twice a month. Families who attend CPC meetings leave with a plan of care that starts them on their way to accessing services in the community.

The Children's Partnership collaborates extensively with organizations that serve children, youth, and families in order to strengthen the community's safety net. This collaboration expands existing resources and makes possible the establishment of new services, which results in increased availability of services and supports for families. Of particular interest is the investment of resources offered by grass-root providers that support youth and family's access to non-traditional services. Such strategic investments have effectively reduced the service gaps in Travis County.

### **Empowerment for ALL Families**

Pam Thomas and Christianna Hale, Parent Liaisons for the Children's Partnership, believe that the success of the community stems from their emphasis on family-driven care. Pam points out that many of the families she works with simply need to feel validated – to know that there is another parent who has had similar experiences, who understands and confirms what they are experiencing, and can show them ways to successfully navigate the system.

The Children's Partnership takes great pride in the success achieved by participating children, youth, and families. Much of their success rests on the fact that they do not offer a "cookie-cutter" model for every participant. Instead, the family is supported to customize a plan of care that builds on their strengths, meets their needs, and

addresses their interests. This is crucial in empowering the family to take full advantage of the community's safety net. Christiana also notes, "It's really important to start where the family is." In some cases, the family may be overwhelmed by their situation and simply needs respite care to start out.

The Children's Partnership attributes the success of their system of care to the ongoing commitment to meaningful partnerships with families. Since inception, families have participated at all levels of the Travis County system of care. They have been hired as parent liaisons, service providers, and data collectors. Family members' participation on meetings of The Children's Partnership board of directors, various community committees, and related group meetings is supported by making stipends available, and through the provision of transportation childcare and a meal.

The Travis County system of care community is committed to being inclusive and strives for culturally and linguistically competent service delivery. The Children's Partnership works with diverse children, youth, and families. Members of the large Latino and Deaf communities participate readily due to members of The Children's Partnership team being able to communicate in Spanish and American Sign Language. Participation of immigrant families is further supported through the use of interpreters, and worries about documentation issues are reduced as participation in The Children's Partnership is not exclusive. In a nutshell, Pam Thomas says that parents and youth need to know they are a critical part of the system.

### **Unique Funding**

Just as the infrastructure of The Children's

Partnership is unique, so are the funding mechanisms that support its work. The Children's Partnership's non-profit status allows for certain tax benefits and provides the advantage of governance by a board of directors.

An important aspect of The Children's Partnership's community-based approach to service delivery is the flexible funding pool to which partners contribute annually. This method ensures that categorical funding doesn't drive the service delivery, but that youth and families have access to the full array of services and supports required for them to achieve their goals.

### **Transitioning to Adulthood**

Since the Children's Partnership works mostly with children and youth ages 5-18, and up to age 22 when the young adult is still in school, transition is a critical part of the organization's focus. In one situation, The Children's Partnership was alerted to the special circumstances facing a young adult with a disability who was getting ready to graduate from high school. Parent liaisons supported the youth and her family in teaming up with the Texas Department of Assistive & Rehabilitative Services (DARS) to develop the best plan for her. The adolescent's team promptly determined that instead of graduating right away, the youth could enroll in a post-secondary program that would allow her to obtain her high school diploma, earn college credits, develop independent living skills, and prepare to transition to adult life.

In addition to supporting youth and young adults transitioning into the adult service system and independent living, the Travis County system of care also supports youth

who are transitioning back to the community from congregate care. Helpful mentors, many of them "alumni" of the foster care system themselves, are key in assisting youth transitioning out of the Child Welfare system.

The Children's Partnership is a truly successful initiative and a model for other Texas communities. It operates as a virtual organization that implements service delivery around the community; supports the development of individualized child-centered, youth-guided, family-driven plans of care; partners with child-, youth-, and family-serving agencies in the community; and uses resources effectively. The clear message that The Children Partnership and its supporting community of Travis County emphasize is that when resources are united and youth and families are supported in achieving their goals, they maintain their success. This results in children and youth with complex needs being able to live successfully with their families in their homes and participate positively in school and community.

This, according to the staff at The Children's Partnership, is most important of all.

*As a system of care leader, The Children's Partnership provides training to community partners on a variety of topics, including developing a system of care community, implementing the wraparound approach to service delivery, the importance of cultural and linguistic competency, the value of meaningful family driven care, and effective financing strategies in children's mental health. To learn more, contact Princess Katana at Princess.Katana@co.travis.tx.us or via phone: (512) 854-4596.*

Last updated: 06 Jul, 2009

Champions for Inclusive Communities is supported through a cooperative agreement (#U42MC06891 :



**Comments from our readers:**

No comments yet.

**Add Comment / Send Feedback**

**Name or Initials**

**Email or Phone**

**Comment**

**Send Comment**

Diana Denboba, Project Officer.) from the Department of Health and Human Services, Health Resources and Service Administration, Maternal and Child Health Bureau, Division of Services for Children with Special Health Needs to the Early Intervention Research Institute a division of the Center for Persons with Disabilities at Utah State University in Logan, Utah.

# Travis County Commissioners Court Agenda Request

Meeting Date: November 3, 2009

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

B. Specific Agenda Language:

**APPROVE PROCLAMATION DECLARING THE MONTH OF NOVEMBER 2009 AS "PULMONARY HYPERTENSION AWARENESS MONTH" IN 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.

|  |  |
|--|--|
|  |  |
|  |  |

RECEIVED  
COUNTY JUDGE'S OFFICE  
09 OCT 27 PM 2:17

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

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.

**DRAFT**

**WHEREAS,** November is National Pulmonary Hypertension Awareness Month; and

**WHEREAS,** Pulmonary Hypertension (PH) is a simplified name for a complex life threatening health problem – continuous high blood pressure in the pulmonary artery in the lungs, resulting in an enlarged heart which can lose its ability to pump; and

**WHEREAS,** It is the hope of all those in the PH community that through advocacy, awareness, support, and education that one day a cure will be found; and

**WHEREAS,** Lisa Roberts has organized the Travis County Phun Walk for a Cure on the morning of November 7, 2009 at 5335 Airport Boulevard, Austin, TX to benefit Pulmonary Arterial Hypertension Research and Patient Education. Everyone is invited.

NOW, THEREFORE, BE IT RESOLVED, that Travis County Commissioners Court proclaims the month of November 2009 as

***“PULMONARY HYPERTENSION AWARENESS MONTH”***

in Travis County and we encourage all residents to learn more about Pulmonary Hypertension.

SIGNED AND ENTERED ON THIS 3rd DAY OF NOVEMBER 2009.

\_\_\_\_\_  
SAMUEL T. BISCOE  
County Judge

\_\_\_\_\_  
RON DAVIS  
Commissioner, Pct. 1

\_\_\_\_\_  
SARAH ECKHARDT  
Commissioner, Pct. 2

\_\_\_\_\_  
KAREN HUBER  
Commissioner, Pct. 3

\_\_\_\_\_  
MARGARET GOMEZ  
Commissioner, Pct. 4



# TRAVIS COUNTY PURCHASING OFFICE

**Cyd V. Grimes, C.P.M., Purchasing Agent**

314 W. 11<sup>th</sup> Street, Room 400 Austin, Texas 78701 (512) 854-9700 Fax (512) 854-9185

3

Approved by: \_\_\_\_\_

*Cyd V. Grimes 10/26/09*

**Voting Session: Tuesday, November 3, 2009**

**REQUESTED ACTION: APPROVE MEMORANDUM OF AGREEMENT FOR THE HUNTERS FOR THE HUNGRY PROGRAM. (TNR)**

**Points of Contact:**

- Purchasing:** Rebecca Gardner
- Department:** TNR, Joseph Geisleman , Executive Manager
- County Attorney (when applicable):** Tenely Aldredge
- 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 statutes.

Each year Travis County enters into a Memorandum of Agreement outlining roles and responsibilities regarding the processing and distribution of venison generated as a result of wildlife management activities on Travis County owned and managed lands. Orion Research and Management Services will provide management of deer populations. In cooperation with this agreement, Hudson's Sausage Company will process the deer to be provided for the Hunters for the Hungry program.

Through this memorandum, Texas Association of Community Action Agencies, Inc., Caritas of Austin, and Hudson's Sausage Company collaborate to feed low income children, families, individuals, and senior citizens in local communities. County will pay \$6,370 (\$35 per animal) for processing of meat by Hudson's Sausage Company.

➤ **Contract-Related Information:**

- Award Amount: \$6,370.00
- Contract Type: Professional Services
- Contract Period: November 3, 2009-May 1, 2010

➤ **Contract Modification Information:**

Modification Amount: NA

Modification Type: NA

Modification Period: NA

➤ **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.: 484895

Funding Account(s): 03849096296099

➤ **Statutory Verification of Funding:**

Contract Verification Form: Funds Verified X Not Verified    by Auditor.



**TRAVIS COUNTY  
TRANSPORTATION AND NATURAL RESOURCES  
INTRA-DEPARTMENT MEMORANDUM**

---

October 16, 2009

**TO:** Cyd Grimes, Purchasing Agent  
**FROM:** Joseph P. Gieselman, Executive Manager  
**SUBJECT:** Purchasing Request Memo for MOA among Travis County, Hunters for the Hungry and Caritas of Austin

Each year Travis County enters into a Memorandum of Agreement outlining roles and responsibilities regarding the processing and distribution of venison generated as a result of wildlife management activities on Travis County owned and managed lands.

Rose Farmer, Natural Resources Program Manager (X47214) is the NREQ point of contact for details regarding the MOA and oversight of this program.

PRFs to cover the costs associated with this effort have been submitted to TNR Financial. Please contact Isabelle Lopez (x47675) if there are any questions regarding the financial arrangements.

Please proceed to secure the needed signatures on the MOA developed by the County Attorney's office in conjunction with our Partners in this matter so that NREQ and Parks may begin utilizing these services in a timely fashion.

Please let me know if there are any questions, and thank you for your help.

**CC:** Robert Armistead, TNR Parks  
Charles Bergh, TNR Parks  
Marvin Brice, Purchasing  
Rebecca Gardner, Purchasing  
Rose Farmer, TNR NREQ  
Isabelle Lopez, TNR Financial  
Jon White, TNR NREQ  
Jennifer Brown, TNR NREQ



TRAVIS COUNTY  
Purchase Requisition

Number . . . . . : 0000484895  
 Type . . . . . : 1 PURCHASE REQUISITION  
 Status . . . . . : READY FOR BUYER PROCESS  
 Reason . . . . . : ENC. \$\$ PENDING AWARD  
 By . . . . . : DONNA WILLIAMS 854-76777  
 Date . . . . . : 10/21/09  
 Vendor . . . . . : 40354 TEXAS ASSOCIATION OF COMMUNITY  
 Contract nbr . . . . . :  
 Ship to . . . . . : Z1 TNR ADMIN - 11TH FLR  
 Deliver by date . . . . . : 10/21/09  
 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   |
| 5 1       | 60.00 EA DEER PROCESSING SERVICES FOR BALCONES CANYONLAND PRESERVE PROGRAM |

Total: 6370.00 +  
 F9=Print

COMMENTS EXIST  
 F3=Exit F7=Alternate view  
 F10=Approval info F12=Cancel F20=Comments

## Purchase Requisition - Item Information

Line number . . . . . 1  
Item desc . . . . . DEER PROCESSING SERVICES  
Vendor part # . . . . .  
Commodity . . . . . 962 MISCELLANEOUS SERVICES  
Sub-com . . . . . 028 BEEF/PORK PROCESSING SVC  
Item # . . . . .  
Ship to . . . . . Z1 TNR ADMIN - 11TH FLR  
Quantity . . . . . 60.00  
Order UOM . . . . . EA EACH  
Cost code . . . . . N NOT APPLICABLE  
Unit cost . . . . . 35.0000  
Account # . . . . . 03849096296099  
Project . . . . .  
Purchase order . . . . .

Press Enter to continue.

F8=Extended Description F12=Cancel

F14=Work orders

**MEMORANDUM OF AGREEMENT  
BETWEEN**

**TRAVIS COUNTY**

**AND**

**TEXAS ASSOCIATION OF COMMUNITY ACTION AGENCIES, INC.**

**AND**

**HUDSON'S SAUSAGE COMPANY**

**AND**

**CARITAS OF AUSTIN**

**RELATING TO**

**PARTICIPATION IN THE  
HUNTERS FOR THE HUNGRY PROGRAM  
2009-2010 SEASON**

**Purpose**

This Memorandum of Agreement (hereinafter referred to as "Agreement") exists to document the process whereby deer will be harvested from Travis County-owned and Travis County-managed lands for the purpose of herd and land management, and to set forth the respective rights and responsibilities of the parties hereto. The Parties to this Agreement are: Travis County, the Texas Association of Community Action Agencies, Inc. (hereinafter referred to as "TACAA"), Hudson's Sausage Company, and Caritas of Austin. The harvested deer will be prepared and processed either by Hudson's Sausage Company, a meat processor participating in Hunters for the Hungry, a program administered by TACAA, or by another participating meat processor designated by TACAA (hereinafter referred to as "Alternate Meat Processor"). The donated venison will be used by Caritas of Austin, for the purpose of feeding low income children, families, individuals, and senior citizens in local communities.

**Travis County Agrees to:**

1. Obtain the appropriate type of hunting permit from the Texas Parks and Wildlife Department, which at the time of execution of this Agreement is known as an "Antlerless Deer Control Permit."
2. Harvest up to 182 deer from Travis County managed lands during the 2009-2010 hunting season.
3. Field dress each deer after each hunt, including but not limited to the removal of feces and/or intestinal material.
4. Abide by the federal Bill Emerson Good Samaritan Food Act, 42 U.S.C.S. § 1791 (hereinafter referred to as "Emerson Food Act") and the Texas Good Faith Donor

- Act, Tex. Civ. Prac. & Rem. Code § 76.001 et seq. (hereinafter referred to as "Texas Donor Act"), by not donating any deer deemed unfit for human consumption.
5. Maintain field dressed carcasses in a cold storage until delivery to Hudson's Sausage Company and/or Alternate Meat Processor.
  6. Provide regular transportation of the harvested deer to Hudson's Sausage Company and/or Alternate Meat Processor in accordance with delivery schedules mutually agreed to in advance by Travis County and Hudson's Sausage Company or Alternate Meat Processor. No harvested deer will be delivered to Hudson's Sausage Company on any of the following dates: any Monday or Tuesday; November 1 through November 10, 2009; November 26, 2009 (Thanksgiving Day) through December 1, 2009; and December 25, 2009 (Christmas Day) through January 5, 2010.
  7. Notify Hudson's Sausage Company and/or Alternate Meat Processor in advance of any delivery schedule changes or abnormally high-volume deliveries.
  8. Notify Caritas of Austin each time harvested deer are transported to Hudson's Sausage Company and/or Alternate Meat Processor.
  9. Provide a "Deer Tag" that shall accompany each harvested deer to assist Travis County in ensuring that all processed venison resulting from this program is delivered to Caritas of Austin.
  10. Provide funding for deer meat processing in the amount of \$35.00 per deer, to TACAA, within three (3) weeks of receipt of invoice from TACAA.
  11. Provide a maximum of \$6,370 for this program in the 2009-2010 hunting season.
  12. County shall pay TACAA within thirty (30) days of receipt of a correct invoice completed as acceptable to County. Invoices shall include the date of service as well as the number of animals processed.

**TACAA Agrees to:**

1. Maintain regular contact with all parties involved, including Travis County, Hudson's Sausage Company and/or Alternate Meat Processor, and Caritas of Austin.
2. Abide by the Emerson Food Act and the Texas Donor Act.
3. Obtain donation receipts and deer tags from Hudson's Sausage Company and/or Alternate Meat Processor, maintain contact with Caritas of Austin to verify the placement of venison donations, and keep Hudson's Sausage Company and/or Alternate Meat Processor informed of the amount of funding available for venison donations from Travis County.
4. Send invoices, and copies of donation receipts for verification, to Travis County for payment. Receive funding from Travis County in order to reimburse Hudson's Sausage Company and/or Alternate Meat Processor. This will occur no more frequently than monthly.
5. Contact Caritas of Austin regularly to verify pick-up of donations.

6. Designate at least one Alternate Meat Processor, as defined above, in the event of withdrawal of Hudson's Meat Market from the project, and use best efforts to ensure that any such Alternate Meat Processor performs all obligations now performed by Hudson's Meat Market as set forth in the following section and in the section entitled "The Parties Mutually Agree".
7. Provide County with an Internal Revenue Form W-9 Request for Taxpayer Identification Number and Certification that is completed in compliance with the Internal Revenue Code, its rules and regulations, and a statement of entity status in a form satisfactory to the County Auditor before any funds are payable.

**Hudson's Sausage Company Agrees to:**

1. Process into ground meat up to 182 deer from Travis County-owned and Travis County-managed lands during the 2009-2010 hunting season.
2. Abide by the Emerson Food Act and the Texas Donor Act by not donating any venison deemed unfit for human consumption.
3. Maintain processed meat in cold storage until picked up by Caritas of Austin.
4. Ensure all Travis County "Deer Tags" remain with each processed deer until such time as it is picked up by Caritas of Austin. Collect the Travis County "Deer Tags" for each processed deer and provide these to TACAA.
5. Notify TACAA in advance of any processing schedule changes or abnormally high-volume pick-ups.
6. Provide the meat processing for the charge of \$35.00 per deer.
7. Provide TACAA with invoices and copies of donation receipts to be processed for payment on a monthly basis.

**Caritas of Austin Agrees to:**

1. Pick up processed deer meat in refrigerated trucks from Hudson's Sausage Company and/or Alternate Meat Processor.
2. Verify by signature the Travis County "Deer Tags" for each processed deer upon pickup.
3. Abide by the Emerson Food Act and the Texas Donor Act by not donating any venison deemed unfit for human consumption.
4. Use the venison to feed low income children, families, individuals, and senior citizens in local communities.
5. Communicate with TACAA to verify the poundage of venison accepted and distributed.
6. Maintain records of donation dates, amount of poundage donated, and name of the person who received the donation on behalf of Caritas of Austin.

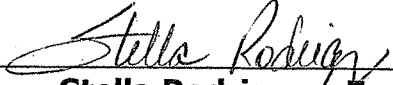
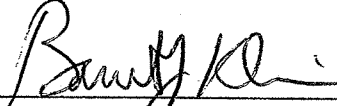
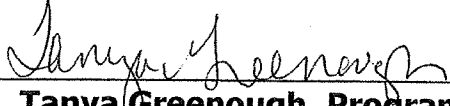
**The Parties Mutually Agree:**

1. To work together to publicize the results of this effort after its completion. This includes preparation of a report documenting how much meat was donated and the number of recipients potentially served.
2. That this Agreement may be terminated at any time by mutual written consent of all parties.
3. That this Agreement may be terminated by a single party by providing the other parties thirty days' written notice.
4. That County or its duly authorized representatives shall have access to any and all books, documents, papers and records that are directly pertinent to the Services to be performed under this Agreement for the purpose of making audits, examinations, excerpts, and transcriptions.
5. That, in the event of termination of this Agreement, Travis County will pay for all meat processing costs incurred for this project until the actual termination date, provided that the overall amount requested by TACAA does not exceed \$6,370.
6. That this Agreement is effective on the date the last authorizing signature is affixed and shall expire on May 1, 2010.
7. To the extent permitted by law, that all parties shall indemnify and hold harmless each of the other parties and its officials, agents, and employees from and against any and all claims, losses, damages, actions, suits, and liability of any kind whether meritorious or not, including without limitation all expenses of litigation, court costs, and attorneys fees, for injury to or death of any person, or for damage to any property, arising in whole or in part from any negligent act or negligent omission of any party or any party's employees, agents or representatives on account of, arising or resulting from, directly or indirectly, the performance of this Agreement.
8. And acknowledge that no officer, agent, representative or employee of Travis County, other than the Executive Manager of the Transportation and Natural Resources Department, or his designee, to whom such authority has been expressly delegated, has any authority, either express or implied, to modify or amend the terms of this agreement unless expressly granted that specific authority by the Commissioners Court of Travis County.
9. When mediation is acceptable to all Parties in resolving a dispute arising under this Agreement, to use a mutually agreed upon mediator, or a person appointed by a court of competent jurisdiction, for mediation as described in Section 154.023 of the Texas Civil Practice and Remedies Code. Unless all Parties are satisfied with the result of the mediation, the mediation will not constitute a final and binding resolution of the dispute. All communications within the scope of the mediation shall remain confidential as described in §154.073 of the Texas Civil Practice and Remedies Code, unless all Parties agree, in writing, to waive the confidentiality.
10. Notwithstanding anything to the contrary herein, the Parties agree that if any entity to which Travis County is obligated to make payment hereunder is delinquent in the payment of Travis County property taxes at the time such entity provides the



services to be rendered under this Agreement, such entity hereby assigns any payments to be made for services rendered hereunder to the Travis County Tax Assessor-Collector for the payment of said delinquent taxes.

11. Despite anything to the contrary in this Agreement, if, during budget planning and adoption, the Travis County Commissioners Court fails to provide funding for this Agreement for the following fiscal year of County, County may terminate this Agreement after giving all Parties thirty (30) calendar days written notice that this Agreement is terminated due to the failure to fund it.

|  |                               |
|--|-------------------------------|
| <hr/> <b>Samuel T. Biscoe</b><br><b>Travis County Judge</b>  | <hr/> <b>Date</b>             |
|  <hr/> <b>Stella Rodriguez, Executive Director</b><br><b>Texas Association of Community</b><br><b>Action Agencies, Inc.</b> | <hr/> 10/13/09<br><b>Date</b> |
|  <hr/> <b>Barrett Klein, Owner</b><br><b>Hudson's Sausage Company</b>  | <hr/> 10/15/09<br><b>Date</b> |
|  <hr/> <b>Tanya Greenough, Program Manager</b><br><b>Community Access and Food Services</b><br><b>Caritas of Austin</b>   | <hr/> 10/14/09<br><b>Date</b> |

4



**TRAVIS COUNTY PURCHASING OFFICE**

*Cyd V. Grimes, C.P.M., Purchasing Agent*

314 W. 11<sup>th</sup> Street, Room 400, Austin, Texas 78701 (512) 854-9700 Fax (512) 854-9185 *BS*

Approved by: \_\_\_\_\_

*Cyd V. Grimes 10/24/09*

**Voting Session: Tuesday, November 3, 2009**

**REQUESTED ACTION: DECLARE LISTING OF EQUIPMENT AS SURPLUS AND SELL AT PUBLIC AUCTION PURSUANT TO SECTION 263.151 OF THE TEXAS LOCAL GOVERNMENT CODE. (FIXED ASSETS)**

**Points of Contact:**

- Purchasing:** Ron Dube, Fixed Assets Mgr., Dan Rollie, Fixed Assets Warehouse Mgr., and Patricia Estrada, Administration
- County Attorney (when applicable):** John Hille
- County Planning and Budget Office:** Leroy Nellis
- County Auditor's Office:** Susan Spataro and Jose Palacios
- Other:** N/A

- **Purchasing Recommendation and Comments:** Purchasing recommends approval of requested action. This procurement action met the compliance requirements as outlined by the statutes.
- The court will note that some of the items on the list have purchase dates of 1984 through 2009 with an acquisition method of F/A which means "Found At Inventory". That does not necessarily mean the items were bought during those years and now they are no longer useable. In nearly every case, the year reflects when the item was found within the department and entered into the HTE tracking system. Despite our best efforts, not all departments totally comply with our inventory policies and procedures.
- Pursuant to Section 263.151, declare the attached list of equipment as Surplus Property.

**APPROVED ( ) DISAPPROVED ( )**

**BY COMMISSIONERS COURT ON**

\_\_\_\_\_

**DATE**

\_\_\_\_\_

**COUNTY JUDGE**

| LOT #    | AQ  | TYPE | YEAR | TAG    | IMP | DESCRIPTION  | SERIAL         | COST        | INS.       | DEPT. | DIV. | P.O.   | ASSET | LOC    | STA | FUND |
|----------|-----|------|------|--------|-----|--|----------------|-------------|------------|-------|------|--------|-------|--------|-----|------|
| LOT#2014 | PO  | CAM  | 1996 | 88158  | 0   | CAMERA, OLYMPUS ZOOM                               | 5959586        | \$0.00      | \$189.00   | 15    | 10   | 106374 | 36786 | TCAUC1 | A   | 8013 |
| LOT#2014 | PO  | CAM  | 2000 | 99993  | 0   | DIGITAL CAMERA, SONY CYBERSHOT DSC-S30; 1.3        | 50898          | \$0.00      | \$434.00   | 15    | 10   | 195018 | 51126 | TCAUC1 | A   | 8013 |
| LOT#2014 | PO  | CAM  | 2001 | 103082 | 0   | HEWLETT-PACKARD 2.1 MEGAPIXEL PHOTOSMART DIGITAL   | MYBOBADE-59    | \$0.00      | \$299.99   | 15    | 10   | 206338 | 52720 | TCAUC1 | A   | 8013 |
| LOT#2014 | PO  | CAM  | 2001 | 103340 | 0   | CAMERA KIT, CANON POWERSHOT G1 DIGITAL             | 172D02518      | \$0.00      | \$720.00   | 15    | 10   | 215132 | 53567 | TCAUC1 | A   | 8013 |
| LOT#2014 | PO  | CAM  | 2002 | 106616 | 0   | POLAROID 600 BUSINESS EDITION CAMERA               | DCV24LXMCJDD   | \$0.00      | \$59.95    | 15    | 10   | 232074 | 57519 | TCAUC1 | A   | 8013 |
| LOT#2014 | PO  | CAM  | 2002 | 106617 | 0   | ACCIDENT SCENE CAMERA, POLAROID 600 BUSINESS EDITI | BBP17WN3CJDD   | \$0.00      | \$59.95    | 15    | 10   | 221936 | 57520 | TCAUC1 | A   | 8013 |
| LOT#2014 | PO  | CAM  | 2002 | 106618 | 0   | ACCIDENT SCENE CAMERA, POLAROID 600 BUSINESS EDITI | BBP1SJJ3CJDD   | \$0.00      | \$59.95    | 15    | 10   | 221936 | 57521 | TCAUC1 | A   | 8013 |
| LOT#2014 | PO  | COP  | 2003 | 109580 | 0   | HANDHELD, PALM M515 #359020                        | 00VEP2K338N0   | \$0.00      | \$264.00   | 15    | 10   | 255568 | 66601 | TCAUC1 | A   | 8001 |
| LOT#2014 | PO  | CAM  | 2003 | 109584 | 0   | DIGITAL CAMERA, SONY MVC-CD400 MAVICA #379393      | 419229         | \$0.00      | \$594.00   | 12    | 60   | 255456 | 67036 | TCAUC1 | A   | 8013 |
| LOT#2014 | DN  | CAM  | 2003 | 117030 | 0   | DIGITAL CAMERA, SONY MVC-FD75                      | 1164038        | \$0.00      | \$0.00     | 15    | 10   |        | 67466 | TCAUC1 | A   | 8013 |
| LOT#2014 | DN  | CAM  | 2003 | 117031 | 0   | DIGITAL CAMERA, SONY MVC-FD75                      | 1164033        | \$0.00      | \$0.00     | 15    | 10   |        | 67467 | TCAUC1 | A   | 8013 |
| LOT#2014 | DN  | CAM  | 2003 | 117032 | 0   | DIGITAL CAMERA, SONY MVC-FD75                      | 1237624        | \$0.00      | \$0.00     | 15    | 10   |        | 67468 | TCAUC1 | A   | 8013 |
| LOT#2014 | PO  | COP  | 2004 | 123059 | 0   | GARMIN USA ETREX LEGE GPS RECEIVER                 | 7791504        | \$0.00      | \$168.00   | 15    | 10   | 290978 | 72284 | TCAUC1 | A   | 8001 |
| LOT#2014 | PO  | CAM  | 2004 | 124307 | 0   | AIPEK DV CAM-AIPEK DV 4500                         | BGM40053010    | \$0.00      | \$149.99   | 15    | 10   | 293303 | 73009 | TCAUC1 | A   | 8013 |
| LOT#2014 | PO  | CAM  | 2005 | 126693 | 0   | CAMCORDER, FUJI DIGITAL VIDEO                      | 3.52042E+11    | \$0.00      | \$373.98   | 15    | 10   | 314314 | 75455 | TCAUC1 | A   | 8013 |
| LOT#2014 | PO  | CAM  | 2006 | 126782 | 0   | CAMERA, SONY CYBERSHOT DSC-W70 7MP                 | 555788         | \$0.00      | \$279.99   | 15    | 10   | 340570 | 79536 | TCAUC1 | A   | 8013 |
| LOT#2015 | PO  | YGA  | 2006 | 127856 | 0   | BLOWER, GAS OPERATED MARIYAMA                      | 25051          | \$0.00      | \$199.00   | 15    | 10   | 329267 | 77771 | TCAUC1 | A   | 8043 |
| LOT#2016 | PO  | YGA  | 2005 | 11823  | 0   | HANDHELD POWER BLOWER, STIHL                       | 264271361      | \$0.00      | \$113.00   | 15    | 10   | 302804 | 73711 | TCAUC1 | A   | 8043 |
| LOT#2017 | PO  | MOW  | 2002 | 105808 | 0   | TRIMMER, JOHN DEERE                                | JJ0270140      | \$0.00      | \$279.00   | 15    | 10   | 239236 | 60411 | TCAUC1 | A   | 8043 |
| LOT#2018 | OJ  | RRE  | 1990 | 64909  | 0   | AMPLIFIER,MICRO & ACCESS                           | 67083          | \$0.00      | \$1,369.20 | 15    | 10   |        | 25047 | TCAUC1 | A   | 8013 |
| LOT#2018 | OJ  | OFE  | 1985 | 80153  | 0   | MICROPHONE SYSTEM FOR DISTRICT COURT #126          | 73273207       | \$0.00      | \$626.10   | 22    | 10   |        | 17920 | TCAUC1 | A   | 8001 |
| LOT#2018 | PO  | NTW  | 2000 | 80460  | 0   | AL2012E23 5PK BAYSTACK 450-24T SWTCH 24 10/100B TX | SGLKH01510     | \$0.00      | \$1,511.37 | 15    | 10   | 189236 | 50434 | TCAUC1 | A   | 8001 |
| LOT#2018 | PO  | NTW  | 2000 | 80460  | 1   | BAYSTACK 450-1SX 1-PORT 1000BASE-SX SINGLE PHY MDA | N/A            | \$0.00      | \$941.00   | 15    | 10   | 190109 | 50434 | TCAUC1 | A   | 8001 |
| LOT#2018 | PO  | NTW  | 2000 | 80463  | 0   | AL2012E23 5PK BAYSTACK 450-24T SWTCH 24 10/100B TX | SSGLKH1H29     | \$0.00      | \$1,511.37 | 15    | 10   | 189236 | 50433 | TCAUC1 | A   | 8001 |
| LOT#2018 | PO  | NTW  | 2000 | 80463  | 1   | BAYSTACK 450-1SX 1-PORT 1000BASE-SX SINGLE PHY MDA | N/A            | \$0.00      | \$941.00   | 15    | 10   | 190109 | 50433 | TCAUC1 | A   | 8001 |
| LOT#2018 | OJ  | RRE  | 1983 | 94057  | 0   | PA SYSTEM, TOA                                     | 73273244       | \$0.00      | \$625.00   | 15    | 10   |        | 13965 | TCAUC1 | A   | 8015 |
| LOT#2018 | PO  | COP  | 1993 | 95788  | 0   | DISK:M9760-BXX                                     | 2635716        | \$14,910.02 | \$0.00     | 15    | 10   | 35822  | 27975 | TCAUC1 | A   | 8001 |
| LOT#2018 | PO  | COP  | 2000 | 101290 | 0   | CD ROM BACKPACK, HP                                | 19415037       | \$0.00      | \$263.00   | 22    | 10   | 194316 | 51312 | TCAUC1 | A   | 8001 |
| LOT#2018 | PO  | FAX  | 2003 | 119664 | 0   | PANASONIC KX-FB421 PLAIN PAPER FLATBED FAX,COPIER  | 21AF045713     | \$0.00      | \$179.95   | 15    | 10   | 260683 | 66590 | TCAUC1 | A   | 8013 |
| LOT#2018 | PO  | CAM  | 2004 | 121903 | 0   | SAMSUNG SDP-900DX,DOCUMENT CAMERA                  | S3070906       | \$0.00      | \$2,149.00 | 15    | 10   | 271949 | 71735 | TCAUC1 | A   | 8013 |
| LOT#2018 | PO  | CAM  | 2004 | 121925 | 0   | SAMSUNG SDP-900DX,DOCUMENT CAMERA                  | T3801062       | \$0.00      | \$2,149.00 | 15    | 10   | 271949 | 71734 | TCAUC1 | A   | 8013 |
| 2018-A   | N/A | N/A  | N/A  | N/A    | N/A | YARDMAN MOWER                                      | N/A            | N/A         | N/A        | N/A   | N/A  | N/A    | N/A   | TCAUC1 | A   | N/A  |
| 2018-B   | N/A | N/A  | N/A  | N/A    | N/A | BOX OF LEATHER COATS                               | N/A            | N/A         | N/A        | N/A   | N/A  | N/A    | N/A   | TCAUC1 | A   | N/A  |
| 2018-C   | N/A | N/A  | N/A  | N/A    | N/A | 2 OLD BLUE COUCHES                                 | N/A            | N/A         | N/A        | N/A   | N/A  | N/A    | N/A   | TCAUC1 | A   | N/A  |
| 2018-D   | N/A | N/A  | N/A  | N/A    | N/A | 3 OLD BOOKCASES                                    | N/A            | N/A         | N/A        | N/A   | N/A  | N/A    | N/A   | TCAUC1 | A   | N/A  |
| 2018-E   | N/A | N/A  | N/A  | N/A    | N/A | (1) METAL CABINET                                  | N/A            | N/A         | N/A        | N/A   | N/A  | N/A    | N/A   | TCAUC1 | A   | N/A  |
| 2018-F   | N/A | N/A  | N/A  | N/A    | N/A | ENGINE ANALYZER                                    | N/A            | N/A         | N/A        | N/A   | N/A  | N/A    | N/A   | TCAUC1 | A   | N/A  |
| 2018-G   | N/A | N/A  | N/A  | N/A    | N/A | MINI-FRIDGE  | N/A            | N/A         | N/A        | N/A   | N/A  | N/A    | N/A   | TCAUC1 | A   | N/A  |
| LOT#2019 | PO  | TLE  | 2007 | 130832 | 0   | GLOBALSTAR QUALCOMM PHONE (SATELLITE PHONE)        | N10CX7DF       | \$0.00      | \$525.00   | 15    | 10   | 358159 | 81614 | TCAUC1 | A   | 8013 |
| LOT#2019 | PO  | TLE  | 2007 | 130833 | 0   | GLOBALSTAR QUALCOMM PHONE (SATELLITE PHONE)        | N10CX187       | \$0.00      | \$525.00   | 15    | 10   | 358159 | 81615 | TCAUC1 | A   | 8013 |
| LOT#2019 | PO  | TLE  | 2007 | 130834 | 0   | GLOBALSTAR QUALCOMM PHONE (SATELLITE PHONE)        | N10CXBK9H      | \$0.00      | \$525.00   | 15    | 10   | 358159 | 81616 | TCAUC1 | A   | 8013 |
| LOT#2019 | PO  | TLE  | 2007 | 130835 | 0   | GLOBALSTAR QUALCOMM PHONE (SATELLITE PHONE)        | N10CR0G47      | \$0.00      | \$525.00   | 15    | 10   | 358159 | 81617 | TCAUC1 | A   | 8013 |
| LOT#2020 | PO  | CAM  | 2002 | 106604 | 0   | CAMERA, INSTANT POLAROID 1200!                     | FAXJQGZMVCMA   | \$0.00      | \$94.99    | 15    | 10   | 231475 | 57744 | TCAUC1 | A   | 8013 |
| LOT#2020 | PO  | CAM  | 2003 | 119697 | 0   | KODAK DX6340 3.1 MEGAPIXEL DIGITAL CAMERA          | KCKCJ328000981 | \$0.00      | \$299.00   | 15    | 10   | 266338 | 68904 | TCAUC1 | A   | 8013 |
| LOT#2020 | PO  | CAM  | 2004 | 120381 | 0   | CAMERA,HP PHOTOSMART 735X1                         | CN3BB011H7     | \$0.00      | \$180.82   | 15    | 10   | 274747 | 68932 | TCAUC1 | A   | 8013 |
| LOT#2020 | PO  | CAM  | 2006 | 152299 | 0   | CAMERA, CANON A430 DIGITAL                         | 2626008952     | \$0.00      | \$125.89   | 15    | 10   | 338321 | 79816 | TCAUC1 | A   | 8013 |
| LOT#2020 | PO  | CAM  | 2008 | 157958 | 0   | CAMERAS, CANON A580 DIGITAL CAMERA                 | 6222028191     | \$0.00      | \$127.00   | 15    | 10   | 388108 | 86675 | TCAUC1 | A   | 8013 |
| LOT#2021 | PO  | CAM  | 2000 | 101944 | 0   | POLOROID, SPECTRA LAW ENFORCEMENT KIT              | JAWJRU71VENB   | \$0.00      | \$129.00   | 15    | 10   | 197467 | 50838 | TCAUC1 | A   | 8013 |
| LOT#2021 | PO  | COP  | 2005 | 127522 | 0   | HP IPAQ POCKET PC HX2750                           | X0950652       | \$0.00      | \$534.77   | 15    | 10   | 310965 | 76782 | TCAUC1 | A   | 8001 |
| LOT#2021 | PO  | COP  | 2005 | 127523 | 0   | HP IPAQ POCKET PC HX2750                           | X1115454       | \$0.00      | \$534.77   | 15    | 10   | 310965 | 76783 | TCAUC1 | A   | 8001 |
| LOT#2022 | PO  | CAM  | 1998 | 87166  | 0   | CAMCORDER-SHARP VIEW CAM-8MM,                      | 710570755      | \$0.00      | \$399.00   | 15    | 10   | 135590 | 41998 | TCAUC1 | A   | 8013 |
| LOT#2022 | PO  | CAM  | 2002 | 102190 | 0   | VHS-C COMPACT CONSUMER CAMCORDER 14:1 POWER ZOOM   | B21D15285      | \$0.00      | \$265.00   | 15    | 10   | 229085 | 57087 | TCAUC1 | A   | 8013 |
| LOT#2022 | PO  | CAM  | 2002 | 102191 | 0   | VHS-C COMPACT CONSUMER CAMCORDER 14:1 POWER ZOOM   | B21D19373      | \$0.00      | \$265.00   | 15    | 10   | 229085 | 57088 | TCAUC1 | A   | 8013 |
| LOT#2022 | PO  | CAM  | 2002 | 102192 | 0   | VHS-C COMPACT CONSUMER CAMCORDER 14:1 POWER ZOOM   | 321D15074      | \$0.00      | \$265.00   | 15    | 10   | 229085 | 57089 | TCAUC1 | A   | 8013 |
| 2022-A   | N/A | N/A  | N/A  | N/A    | N/A | (4) SCISSORS JACKS FOR CARS                        | N/A            | N/A         | N/A        | N/A   | N/A  | N/A    | N/A   | TCAUC1 | A   | N/A  |
| 2022-B   | N/A | N/A  | N/A  | N/A    | N/A | MILWAUKEE CHOP SAW                                 | N/A            | N/A         | N/A        | N/A   | N/A  | N/A    | N/A   | TCAUC1 | A   | N/A  |

|          |     |     |      |        |     |  |                      |             |            |     |     |        |       |        |   |      |
|----------|-----|-----|------|--------|-----|--|----------------------|-------------|------------|-----|-----|--------|-------|--------|---|------|
| LOT#2023 | PO  | CLC | 2005 | 122249 | 0   | 20 GAL WET/DRY VAC, DAYTON                         | 4YE62                | \$0.00      | \$603.00   | 15  | 10  | 310598 | 75015 | TCAUC1 | A | 8031 |
| 2023-A   | N/A | N/A | N/A  | N/A    | N/A | MAGNA BIKE   | N/A                  | N/A         | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| 2023-B   | N/A | N/A | N/A  | N/A    | N/A | PALLET OLD SHERIFF UNIFORMS                        | N/A                  | N/A         | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| 2023-C   | N/A | N/A | N/A  | N/A    | N/A | ROCK HOPPER BIKE                                   | N/A                  | N/A         | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| 2023-D   | N/A | N/A | N/A  | N/A    | N/A | MONGOOSE BIKE                                      | N/A                  | N/A         | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| 2023-E   | N/A | N/A | N/A  | N/A    | N/A | MAGNA IMPOSTER BIKE                                | N/A                  | N/A         | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| LOT#2024 | PO  | CAM | 2001 | 97884  | 0   | OVERHEAD PROJECTOR, APPOLLO 2250                   | 517027A010609507     | \$0.00      | \$336.27   | 15  | 10  | 216880 | 57082 | TCAUC1 | A | 8013 |
| LOT#2024 | FA  | PRT | 2007 | 103558 | 0   | PRINTER, DATAMAX                                   | 93803009             | \$0.00      | \$0.00     | 15  | 10  |        | 82375 | TCAUC1 | A | 8001 |
| LOT#2024 | DN  | CAM | 2002 | 106568 | 0   | PROJECTOR, DIGITAL DOAP                            | 602334               | \$0.00      | \$0.00     | 15  | 10  |        | 60031 | TCAUC1 | A | 8013 |
| LOT#2024 | PO  | ELE | 2002 | 107610 | 0   | M2B3 MODULE  | M0015                | \$0.00      | \$0.00     | 15  | 10  | 231123 | 57862 | TCAUC1 | A | 8063 |
| LOT#2024 | PO  | ELE | 2002 | 107611 | 0   | M2B3 MODULE  | M0014                | \$0.00      | \$0.00     | 15  | 10  | 231123 | 58497 | TCAUC1 | A | 8063 |
| LOT#2024 | PO  | ELE | 2002 | 107614 | 0   | M2B3 MODULE  | M0016                | \$0.00      | \$0.00     | 15  | 10  | 231123 | 58500 | TCAUC1 | A | 8063 |
| LOT#2024 | PO  | LPT | 2005 | 126236 | 0   | PORT REPLICATOR, DELL                              | CN0T7135479854CB1154 | \$0.00      | \$170.00   | 15  | 10  | 303740 | 73328 | TCAUC1 | A | 8001 |
| LOT#2024 | PO  | LPT | 2005 | 127824 | 0   | PORT REPLICATOR, DELL                              | N/A                  | \$0.00      | \$180.18   | 15  | 10  | 314215 | 77739 | TCAUC1 | A | 8001 |
| 2024-A   | N/A | N/A | N/A  | N/A    | N/A | PALLET OF LAW BOOKS                                | N/A                  | N/A         | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| LOT#2025 | PO  | TVC | 1997 | 90416  | 0   | MAGNAVOX, TV/VCR/13"                               | 70234946             | \$0.00      | \$288.00   | 15  | 10  | 128192 | 41070 | TCAUC1 | A | 8013 |
| LOT#2025 | PO  | TVC | 2000 | 102502 | 0   | TELEVISION - 27" COLOR ZENITH W/WIRELESS REMOTE    | 2126331673           | \$0.00      | \$313.16   | 15  | 10  | 194246 | 52493 | TCAUC1 | A | 8013 |
| 2025-A   | N/A | N/A | N/A  | N/A    | N/A | 2 BOOKCASES  | N/A                  | N/A         | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| 2025-B   | N/A | N/A | N/A  | N/A    | N/A | SMALL CONVEYOR TRACK                               | N/A                  | N/A         | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| 2025-C   | N/A | N/A | N/A  | N/A    | N/A | MODULAR HARDWARE & LIGHTS                          | N/A                  | N/A         | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| 2025-D   | N/A | N/A | N/A  | N/A    | N/A | PALLET OF OLD OFFICE SUPPLIES                      | N/A                  | N/A         | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| LOT#2026 | PO  | OFE | 1999 | 95080  | 0   | OVONICS STANDING ELECTRONIC COPY BOARD             | 3003677              | \$0.00      | \$1,687.00 | 15  | 10  | 173261 | 48746 | TCAUC1 | A | 8001 |
| LOT#2027 | PO  | FAX | 1997 | 11053  | 0   | FAX MACHINE, CANNON L-7000                         | 96396                | \$0.00      | \$1,995.00 | 15  | 10  | C04764 | 39531 | TCAUC1 | A | 8013 |
| LOT#2027 | PO  | OFE | 2004 | 11798  | 0   | LABELWRITER, DYMO 330 TURBO MRF# 68010             | 9.0884E+11           | \$0.00      | \$185.00   | 15  | 10  | 289809 | 72955 | TCAUC1 | A | 8001 |
| LOT#2027 | QJ  | VCR | 1985 | 54754  | 0   | QUASAR MODEL VH5246 V C R                          | SB42091661           | \$0.00      | \$562.95   | 15  | 10  |        | 17289 | TCAUC1 | A | 8001 |
| LOT#2027 | PO  | COP | 1994 | 79903  | 0   | OVERHEAD, LCD PANEL                                | 1487316              | \$0.00      | \$3,595.00 | 15  | 10  | 67330  | 30866 | TCAUC1 | A | 8001 |
| 2027-A   | N/A | N/A | N/A  | N/A    | N/A | PALLET OF OLD VALVES & CLAMPS                      | N/A                  | N/A         | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| 2027-B   | N/A | N/A | N/A  | N/A    | N/A | PALLET OF OLD OFFICE SUPPLIES                      | N/A                  | N/A         | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| 2027-C   | N/A | N/A | N/A  | N/A    | N/A | PALLET OF OLD OFFICE SUPPLIES                      | N/A                  | N/A         | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| LOT#2028 | OJ  | MDM | 1987 | 55173  | 0   | RACAL MILGO COM LINK I                             | 01UCY09019           | \$0.00      | \$850.00   | 15  | 10  |        | 21408 | TCAUC1 | A | 8001 |
| LOT#2028 | OJ  | TYP | 1984 | 58597  | 0   | IBM CORRECTING SELECTRIC III TYPEWRITER            | 6.70511E+12          | \$0.00      | \$828.00   | 15  | 10  |        | 15405 | TCAUC1 | A | 8001 |
| LOT#2028 | OJ  | MDM | 1990 | 90769  | 0   | MODEM CL7-C5                                       | YFL12282             | \$0.00      | \$342.00   | 15  | 10  |        | 24826 | TCAUC1 | A | 8001 |
| LOT#2028 | PO  | NTW | 1991 | 94876  | 0   | MULTIPLXOR 8 PORT UNISYS COMPATIBLE, JBM MDL 1008  | H00549               | \$0.00      | \$745.00   | 15  | 10  | 15084  | 9600  | TCAUC1 | A | 8001 |
| LOT#2028 | PO  | COP | 1998 | 95885  | 0   | SCANNER, FUJITSU MODEL: M3099EH TO INCLUDE:        | 162                  | \$22,819.00 | \$0.00     | 15  | 10  | 142541 | 44268 | TCAUC1 | A | 8001 |
| LOT#2028 | PO  | NTW | 1996 | 95925  | 0   | BAYNET/SYNOPTICS 16 PORT                           | SBAY1V012W           | \$0.00      | \$2,000.00 | 15  | 10  | C03795 | 37822 | TCAUC1 | A | 8001 |
| LOT#2028 | PO  | NTW | 1998 | 95990  | 0   | STAND ALONE CSU/DSU, RACAL EXCALIBUR               | BJT2073              | \$0.00      | \$2,728.35 | 15  | 10  | 132470 | 44241 | TCAUC1 | A | 8001 |
| LOT#2028 | PO  | TLE | 1998 | 96000  | 0   | RACAL MILGO EXCALIBUR DAP                          | BLZ8534              | \$0.00      | \$700.00   | 15  | 10  | 134409 | 45364 | TCAUC1 | A | 8013 |
| LOT#2028 | PO  | COP | 1998 | 96001  | 0   | STANDALONE CSU/DSU                                 | BJT2066              | \$0.00      | \$375.00   | 15  | 10  | 132470 | 46025 | TCAUC1 | A | 8001 |
| LOT#2028 | PO  | NTW | 1999 | 97936  | 0   | ISX 5312 STANDALONE CSU/DSU                        | 4269693              | \$0.00      | \$1,956.00 | 15  | 10  | 160803 | 47708 | TCAUC1 | A | 8001 |
| LOT#2028 | PO  | NTW | 1999 | 98968  | 0   | EXCALIBUR MULTIRATE DAP                            | 4269691              | \$0.00      | \$1,065.00 | 15  | 10  | 160803 | 47954 | TCAUC1 | A | 8001 |
| LOT#2028 | PO  | NTW | 2000 | 101365 | 0   | ISX 5312 W/X2 V35 PORTS & 1 DS1                    | 1554084              | \$0.00      | \$1,658.00 | 15  | 10  | 187329 | 50447 | TCAUC1 | A | 8001 |
| LOT#2028 | PO  | COP | 2001 | 103102 | 0   | SCANNER, SCANJET 6350CXI FLATBED 1200 DPI          | SGOAZ2261SP          | \$0.00      | \$448.00   | 15  | 10  | 203501 | 52808 | TCAUC1 | A | 8001 |
| LOT#2028 | PO  | FAX | 2001 | 104664 | 0   | FAX, PANAFAXLASER 1 MB 33.6 MODEM, 2ND DRAWER FEED | GAG1450122           | \$0.00      | \$1,395.00 | 15  | 10  | 219862 | 55073 | TCAUC1 | A | 8013 |
| LOT#2028 | PO  | COP | 2001 | 109030 | 0   | DELL POWERSHIELD TAPE BACKUP DRIVE                 | H8QZHO1              | \$0.00      | \$4,582.00 | 15  | 10  | 213847 | 53773 | TCAUC1 | A | 8001 |
| LOT#2028 | PO  | FAX | 2004 | 123393 | 0   | PANASONIC KX-FL511 LASER PLAIN PAPER FAX/COPIER    | 4ECFD095933          | \$0.00      | \$199.95   | 15  | 10  | 288263 | 71877 | TCAUC1 | A | 8013 |
| LOT#2028 | PO  | FAX | 2007 | 128315 | 0   | FAX MACHINE, PANAFAX FAX UF7000                    | HFE44700022          | \$0.00      | \$1,061.06 | 15  | 10  | 357931 | 82109 | TCAUC1 | A | 8013 |
| 2028-A   | N/A | N/A | N/A  | N/A    | N/A | PALLET OF OLD OFFICE SUPPLIES                      | N/A                  | N/A         | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| LOT#2029 | PO  | TVC | 1997 | 90813  | 0   | ZENITH - 25" TV/VCR COMBINATION                    | 79000467             | \$0.00      | \$469.00   | 15  | 10  | 129182 | 41404 | TCAUC1 | A | 8013 |
| LOT#2029 | PO  | TVC | 1998 | 94708  | 0   | COMBINATION TV/VCR/13", MAGNAVOX                   | 71892269             | \$0.00      | \$288.00   | 15  | 10  | 137465 | 43989 | TCAUC1 | A | 8013 |
| LOT#2029 | PO  | COP | 2002 | 98059  | 0   | CISCO ROUTER 1751-V                                | JMX0631J1P4          | \$0.00      | \$1,565.61 | 15  | 10  | 236570 | 60929 | TCAUC1 | A | 8001 |
| LOT#2029 | PO  | COP | 1999 | 98790  | 0   | SCANNER, EPSON EXPRESSION 800 PRO W/ SCSI CARD     | BBJX009988           | \$0.00      | \$930.00   | 15  | 10  | 173108 | 48251 | TCAUC1 | A | 8001 |
| LOT#2029 | PO  | PRT | 2002 | 106253 | 0   | STAR PRINTER & POWER SUPPLY, #30781190             | 80101200063          | \$0.00      | \$473.50   | 15  | 10  | 221512 | 56904 | TCAUC1 | A | 8001 |
| LOT#2029 | PO  | TYP | 2002 | 109027 | 0   | STARTYPE 3 ELEC,TRONIC OFFICE TYPEWRITER           | 13006920             | \$0.00      | \$499.00   | 15  | 10  | 235901 | 59770 | TCAUC1 | A | 8001 |
| LOT#2030 | PO  | MDM | 1992 | 70271  | 0   | MODEM, DATA SWITCH                                 | 1036138              | \$0.00      | \$1,012.15 | 15  | 10  | 18041  | 7133  | TCAUC1 | A | 8001 |
| LOT#2030 | OJ  | TLE | 1989 | 77601  | 0   | MODEM, RM-9629                                     | NONE                 | \$0.00      | \$1,800.00 | 15  | 10  |        | 44714 | TCAUC1 | A | 8013 |
| LOT#2030 | PO  | NTW | 1999 | 97920  | 0   | BAYSTACK AN: 1 ETHERNET X 1 TOKEN RING X 2 SYNC (  | BTE0143001           | \$0.00      | \$1,918.00 | 15  | 10  | 164437 | 47704 | TCAUC1 | A | 8001 |
| LOT#2030 | PO  | NTW | 1999 | 97938  | 0   | BAYSTACK AN: 1 ETHERNET X 1 TOKEN RING X 2 SYNC (  | BET0143194           | \$0.00      | \$1,918.00 | 15  | 10  | 165579 | 47706 | TCAUC1 | A | 8001 |
| LOT#2030 | PO  | COP | 2002 | 98060  | 0   | CISCO ROUTER 1751-V                                | JMX0631J1P5          | \$0.00      | \$1,565.61 | 15  | 10  | 236570 | 60930 | TCAUC1 | A | 8001 |

|          |     |     |      |        |     |  |                      |        |            |     |     |        |       |        |   |      |
|----------|-----|-----|------|--------|-----|--|----------------------|--------|------------|-----|-----|--------|-------|--------|---|------|
| LOT#2030 | PO  | NTW | 2000 | 101367 | 0   | EXPRESS_HX_FRONT_ACCESS_SHELF_KIT_CONSISTING_OF:   | N/A                  | \$0.00 | \$1,697.00 | 15  | 10  | 183679 | 50455 | TCAUC1 | A | 8001 |
| LOT#2030 | PO  | NTW | 2000 | 101367 | 1   | DS1/VT_MAPPER                                      | N/A                  | \$0.00 | \$1,553.00 | 15  | 10  | 183679 | 50455 | TCAUC1 | A | 8001 |
| LOT#2030 | PO  | NTW | 2000 | 101367 | 2   | DS1/VT_MAPPER                                      | N/A                  | \$0.00 | \$1,553.00 | 15  | 10  | 183679 | 50455 | TCAUC1 | A | 8001 |
| LOT#2030 | PO  | NTW | 2000 | 101367 | 3   | OC-12_IR_OPTICAL_CIRCUIT_PACK                      | N/A                  | \$0.00 | \$4,421.00 | 15  | 10  | 183679 | 50455 | TCAUC1 | A | 8001 |
| LOT#2030 | PO  | NTW | 2000 | 101367 | 4   | OC-12_IR_OPTICAL_CIRCUIT_PACK                      | N/A                  | \$0.00 | \$4,421.00 | 15  | 10  | 183679 | 50455 | TCAUC1 | A | 8001 |
| LOT#2030 | PO  | NTW | 2000 | 101367 | 5   | VTX_12/3+  | N/A                  | \$0.00 | \$2,395.00 | 15  | 10  | 183679 | 50455 | TCAUC1 | A | 8001 |
| LOT#2030 | PO  | NTW | 2000 | 101367 | 6   | VTX_12/3+  | N/A                  | \$0.00 | \$2,395.00 | 15  | 10  | 183679 | 50455 | TCAUC1 | A | 8001 |
| LOT#2030 | PO  | NTW | 2000 | 101367 | 7   | EXPRESS_MX_REL_5.02_ENHANCED_SHELF_PROCESSOR       | N/A                  | \$0.00 | \$4,167.00 | 15  | 10  | 183679 | 50455 | TCAUC1 | A | 8001 |
| LOT#2030 | PO  | NTW | 2000 | 101367 | 8   | BATTERIES & TRANSPRTATION(NTZPX000) KT             | N/A                  | \$0.00 | \$2,016.00 | 15  | 10  | 183760 | 50455 | TCAUC1 | A | 8001 |
| LOT#2030 | PO  | NTW | 2000 | 101367 | 9   | MINI 500 POWER SYS ENGINEERING & INSTALLATION      | N/A                  | \$0.00 | \$3,103.00 | 15  | 10  | 183760 | 50455 | TCAUC1 | A | 8001 |
| LOT#2030 | PO  | COP | 2001 | 104661 | 0   | ONE TOUCH 8650/ADF FLATBED SCANNER                 | 129000086D2          | \$0.00 | \$293.71   | 15  | 10  | 218764 | 55115 | TCAUC1 | A | 8001 |
| LOT#2030 | PO  | SRV | 2004 | 124423 | 0   | POWERSVAULT 122T SERVER,2U,SDLT320 160/320GB, DELL | GPB3741              | \$0.00 | \$4,422.86 | 15  | 10  | 287026 | 72987 | TCAUC1 | A | 8001 |
| 2030-A   | N/A | N/A | N/A  | N/A    | N/A | OLD USED A/C UNIT                                  | N/A                  | N/A    | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| 2030-B   | N/A | N/A | N/A  | N/A    | N/A | PALLET OF LAW BOOKS                                | N/A                  | N/A    | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| LOT#2031 | PO  | LEF | 1997 | 89242  | 0   | METAL DETECTOR; WALK-THRU, GARRET                  | NONE                 | \$0.00 | \$2,547.79 | 15  | 10  | 114682 | 38486 | TCAUC1 | A | 8055 |
| LOT#2032 | PO  | PRT | 2006 | 11976  | 0   | DYMO LABELWRITER 400 TURBO LABEL MAKER,MFR# 69110  | 2063913              | \$0.00 | \$111.75   | 15  | 10  | 327972 | 77670 | TCAUC1 | A | 8001 |
| LOT#2032 | FA  | TV  | 1995 | 64892  | 0   | TV, SYLVANIA                                       | 75070808             | \$0.00 | \$162.00   | 15  | 10  |        | 31616 | TCAUC1 | A | 8013 |
| LOT#2032 | PO  | TLE | 1990 | 87035  | 0   | TDD DEVICE   | MP20D72463707        | \$0.00 | \$590.00   | 15  | 10  | 16927  | 25716 | TCAUC1 | A | 8013 |
| LOT#2032 | FA  | TV  | 1997 | 90359  | 0   | TV, SAMSUNG  | 3GAAA02831           | \$0.00 | \$165.00   | 15  | 10  |        | 40786 | TCAUC1 | A | 8013 |
| LOT#2032 | PO  | NTW | 1998 | 95991  | 0   | STAND ALONE CSU/DSU, RACAL EXCALIBUR               | ATJ0340              | \$0.00 | \$2,724.88 | 15  | 10  | 132470 | 44242 | TCAUC1 | A | 8001 |
| LOT#2032 | PO  | COP | 2003 | 101246 | 0   | SCANNER, HP SCANJET 3500C, DIGITAL, FLATBED        | CN29XNC0Y8           | \$0.00 | \$92.00    | 15  | 10  | 253614 | 63510 | TCAUC1 | A | 8001 |
| LOT#2032 | PO  | COP | 2003 | 120914 | 0   | SCANNER, PERFECTION 1640SU EPSON                   | 15589                | \$0.00 | \$362.00   | 15  | 10  | 265544 | 67676 | TCAUC1 | A | 8001 |
| LOT#2032 | PO  | COP | 2003 | 121244 | 0   | SCANNER, PERFECTION 1640SU, EPSON                  | CT3WA004661          | \$0.00 | \$362.00   | 15  | 10  | 269055 | 68878 | TCAUC1 | A | 8001 |
| LOT#2032 | PO  | COP | 2004 | 124538 | 0   | IONEGA EXTERNAL USB 2.0 CD-RW DRIVE                | 3HAE110052           | \$0.00 | \$89.92    | 15  | 10  | 291476 | 72785 | TCAUC1 | A | 8001 |
| LOT#2032 | PO  | LPT | 2005 | 127181 | 0   | PORT REPLICATOR, DELL                              | CN0P81294864356M0318 | \$0.00 | \$224.91   | 49  | 25  | 313283 | 76350 | TCAUC1 | A | 8001 |
| 2032-A   | N/A | N/A | N/A  | N/A    | N/A | PALLET OF OLD OFFICE SUPPLIES                      | N/A                  | N/A    | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| 2032-B   | N/A | N/A | N/A  | N/A    | N/A | PALLET OF OLD OFFICE SUPPLIES                      | N/A                  | N/A    | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| 2032-C   | N/A | N/A | N/A  | N/A    | N/A | TABLE OF USED COATS                                | N/A                  | N/A    | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| 2032-D   | N/A | N/A | N/A  | N/A    | N/A | (2) PALLETS OF OLD A/C PARTS                       | N/A                  | N/A    | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| 2032-E   | N/A | N/A | N/A  | N/A    | N/A | PALLET OF OLD PRINTER PARTS                        | N/A                  | N/A    | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| 2032-F   | N/A | N/A | N/A  | N/A    | N/A | PALLET OF OLD FOLDING TABLES                       | N/A                  | N/A    | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| 2032-G   | N/A | N/A | N/A  | N/A    | N/A | PALLET OF LAW BOOKS                                | N/A                  | N/A    | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| LOT#2033 | OJ  | TV  | 1989 | 64416  | 0   | TV, 13" COLOR                                      | 2658535              | \$0.00 | \$250.00   | 15  | 10  |        | 24475 | TCAUC1 | A | 8015 |
| LOT#2033 | PO  | COP | 1996 | 81005  | 0   | CD ROM, BACKPACK                                   | 16486856             | \$0.00 | \$245.00   | 15  | 10  | 98630  | 35997 | TCAUC1 | A | 8001 |
| LOT#2033 | PO  | FAX | 2000 | 95091  | 0   | FACSIMILE, CANON L8500, LASER                      | UYS07965             | \$0.00 | \$1,895.00 | 15  | 10  | 177895 | 48924 | TCAUC1 | A | 8013 |
| LOT#2033 | PO  | FAX | 2004 | 101280 | 0   | FAX MACHINE ,PANASONIC UF-780 PLAIN PAPER LASER    | KCP36700152          | \$0.00 | \$949.00   | 15  | 10  | 280870 | 70403 | TCAUC1 | A | 8013 |
| LOT#2033 | PO  | FAX | 2002 | 106809 | 0   | FAX MACHINE, MULTI-FUNCTION,BROTHER MODEL MFC4350  | U56575               | \$0.00 | \$461.76   | 15  | 10  | 245018 | 66293 | TCAUC1 | A | 8013 |
| LOT#2033 | PO  | FAX | 2004 | 123747 | 0   | FAX MACHINE,BROTHER INTELLIFAX 4750, #267-331      | U60283G4J721395      | \$0.00 | \$499.95   | 15  | 10  | 295566 | 72725 | TCAUC1 | A | 8013 |
| LOT#2033 | PO  | FAX | 2004 | 124341 | 0   | OKIDATA 5650 FAX MACHINE                           | AE47024034A0         | \$0.00 | \$550.00   | 15  | 10  | 296863 | 72553 | TCAUC1 | A | 8013 |
| LOT#2033 | PO  | TVC | 2005 | 124689 | 0   | DVD RECORDER/VCR COMBO, LITEON                     | 6.03503E+11          | \$0.00 | \$238.42   | 15  | 10  | 311641 | 75637 | TCAUC1 | A | 8013 |
| 2033-A   | N/A | N/A | N/A  | N/A    | N/A | PALLET OF OLD TILES & PARTS                        | N/A                  | N/A    | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| 2033-B   | N/A | N/A | N/A  | N/A    | N/A | (2) OLD CAFETERIA TABLES                           | N/A                  | N/A    | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| 2033-C   | N/A | N/A | N/A  | N/A    | N/A | PALLET OF LAW BOOKS                                | N/A                  | N/A    | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| LOT#2034 | OJ  | VCR | 1987 | 87559  | 0   | RCA, VHS VIDEO RECORDER                            | 413742               | \$0.00 | \$378.00   | 15  | 10  |        | 21207 | TCAUC1 | A | 8001 |
| LOT#2034 | PO  | TVC | 1997 | 88593  | 0   | T.V. VCR COMBO,20" MAGNAVOX                        | 55769534             | \$0.00 | \$399.00   | 15  | 10  | 112007 | 38107 | TCAUC1 | A | 8013 |
| LOT#2034 | PO  | COP | 1999 | 97262  | 0   | POWER SUPPLY, APC-UPS                              | ASO350223892         | \$0.00 | \$1,671.30 | 15  | 10  | 161733 | 48044 | TCAUC1 | A | 8001 |
| LOT#2034 | PO  | MDM | 1992 | 100898 | 0   | MODEM, CODEX                                       | 7253489AB            | \$0.00 | \$1,012.00 | 15  | 10  | 25576  | 45001 | TCAUC1 | A | 8001 |
| LOT#2034 | PO  | COP | 2004 | 125341 | 0   | APC SMART UPS XL 1500VA RM 3U                      | 5476                 | \$0.00 | \$620.00   | 15  | 10  | 279133 | 76770 | TCAUC1 | A | 8001 |
| LOT#2035 | OJ  | MDM | 1990 | 51807  | 0   | MODEM,RCL MLGO CM-LINK 716                         | 23273                | \$0.00 | \$800.00   | 15  | 10  |        | 25145 | TCAUC1 | A | 8001 |
| LOT#2035 | OJ  | COP | 1988 | 77060  | 0   | JBM MUX 16 MULTIPLEXER                             | NEED                 | \$0.00 | \$1,550.00 | 15  | 10  |        | 21233 | TCAUC1 | A | 8001 |
| LOT#2035 | PO  | COP | 1995 | 77062  | 0   | TERMINAL HUB                                       | 126                  | \$0.00 | \$1,839.81 | 15  | 10  | 71284  | 33075 | TCAUC1 | A | 8001 |
| LOT#2035 | FA  | COP | 2009 | 87688  | 0   | COMPAQ UPS, POWER SUPPLY                           | A00240831            | \$0.00 | \$0.00     | 15  | 10  |        | 92422 | TCAUC1 | A | 8001 |
| LOT#2035 | PO  | TLE | 1997 | 88925  | 0   | APC, UPS BACKUP POWER SUPPLY                       | WSS702333531         | \$0.00 | \$516.29   | 15  | 10  | 112585 | 38316 | TCAUC1 | A | 8013 |
| LOT#2035 | PO  | CAM | 2003 | 120831 | 0   | SAMSUNG SDP-900 DOCUMENT CAMERA                    | T3700428             | \$0.00 | \$2,105.26 | 15  | 10  | 261372 | 67494 | TCAUC1 | A | 8013 |
| LOT#2035 | PO  | CAM | 2004 | 124821 | 0   | SAMSUNG SDP-900DX DOCUMENT CAMERA                  | T4701219             | \$0.00 | \$2,149.00 | 15  | 10  | 289295 | 72752 | TCAUC1 | A | 8013 |
| 2035-A   | N/A | N/A | N/A  | N/A    | N/A | (1) CAFETERIA TABLE                                | N/A                  | N/A    | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| 2035-B   | N/A | N/A | N/A  | N/A    | N/A | PALLET OF SCRAP METAL PIPES                        | N/A                  | N/A    | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| 2035-C   | N/A | N/A | N/A  | N/A    | N/A | PALLET OF USED COMMODES                            | N/A                  | N/A    | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |

|          |     |     |      |        |     |   |                |        |            |     |     |        |       |        |   |      |
|----------|-----|-----|------|--------|-----|---|----------------|--------|------------|-----|-----|--------|-------|--------|---|------|
| LOT#2036 | PO  | OFE | 1994 | 71841  | 0   | SCHREDDER, PAPER / ITIMUS                         | 4310014        | \$0.00 | \$2,495.00 | 15  | 10  | 56390  | 27256 | TCAUC1 | A | 8001 |
| LOT#2036 | PO  | OGH | 2003 | 119920 | 0   | SHREDDER,POWERSHRED 320CC38325, FELLOWES          | 1717113        | \$0.00 | \$686.95   | 15  | 10  | 264676 | 67740 | TCAUC1 | A | 8015 |
| 2036-A   | N/A | N/A | N/A  | N/A    | N/A | TABLE OF USED BLUE JEANS                          | N/A            | N/A    | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| 2036-B   | N/A | N/A | N/A  | N/A    | N/A | PALLET OF OLD MODULAR                             | N/A            | N/A    | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| LOT#2037 | PO  | OFE | 2004 | 125153 | 0   | SHREDDER,SSHT, POWERSHRED                         | 155868         | \$0.00 | \$28.24    | 15  | 10  | 296547 | 73946 | TCAUC1 | A | 8001 |
| 2037-A   | N/A | N/A | N/A  | N/A    | N/A | PALLET OF OLD A/C PARTS                           | N/A            | N/A    | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| 2037-B   | N/A | N/A | N/A  | N/A    | N/A | POWER WARE BATTERY BACK-UP                        | N/A            | N/A    | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| 2037-C   | N/A | N/A | N/A  | N/A    | N/A | PALLET OF A/C COMPRESSORS & MOTORS                | N/A            | N/A    | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| 2037-D   | N/A | N/A | N/A  | N/A    | N/A | PALLET OF A/C COMPRESSORS                         | N/A            | N/A    | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| LOT#2038 | OJ  | TYP | 1986 | 52593  | 0   | SWINTEC MODEL 8012 ELECTRONIC TYPEWRITER          | 59300183       | \$0.00 | \$551.65   | 15  | 10  |        | 19315 | TCAUC1 | A | 8001 |
| LOT#2038 | PO  | TYP | 1991 | 78206  | 0   | TYPEWRITER, SWINTEC 4040                          | 14301283       | \$0.00 | \$465.00   | 15  | 10  | 13266  | 2398  | TCAUC1 | A | 8001 |
| LOT#2038 | DN  | CAM | 2003 | 117033 | 0   | DIGITAL CAMERA, SONY DCR-TRV130                   | 92641          | \$0.00 | \$0.00     | 15  | 10  |        | 67469 | TCAUC1 | A | 8013 |
| LOT#2038 | DN  | CAM | 2003 | 117034 | 0   | DIGITAL CAMERA, SONY DCR-TRV130                   | 92638          | \$0.00 | \$0.00     | 15  | 10  |        | 67470 | TCAUC1 | A | 8013 |
| LOT#2039 | PO  | MOW | 2007 | 157799 | 0   | 21" PUSH MOWER, SNAPPER                           | 2000610146     | \$0.00 | \$305.10   | 15  | 10  | 378785 | 84092 | TCAUC1 | A | 8043 |
| LOT#2040 | PO  | MOW | 2001 | 103620 | 0   | SNAPPER LAWNMOWER 6 HP, 21"                       | 11520094       | \$0.00 | \$284.00   | 15  | 10  | 208161 | 52962 | TCAUC1 | A | 8043 |
| 2040-A   | N/A | N/A | N/A  | N/A    | N/A | PALLET OF USED VACUUM CLEANERS                    | N/A            | N/A    | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| 2040-B   | N/A | N/A | N/A  | N/A    | N/A | PALLET OF OLD MOP BUCKETS                         | N/A            | N/A    | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| 2040-C   | N/A | N/A | N/A  | N/A    | N/A | PALLET OF OLD USED OFFICE SUPPLIES                | N/A            | N/A    | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| 2040-D   | N/A | N/A | N/A  | N/A    | N/A | PALLET OF OLD USED OFFICE SUPPLIES                | N/A            | N/A    | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| 2040-E   | N/A | N/A | N/A  | N/A    | N/A | FRIDGE & MICROWAVE & VACUUM                       | N/A            | N/A    | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| 2040-F   | N/A | N/A | N/A  | N/A    | N/A | PALLET OF USED PAPERBACK BOOKS                    | N/A            | N/A    | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| 2040-G   | N/A | N/A | N/A  | N/A    | N/A | STEEL PIPE FOR SCRAP                              | N/A            | N/A    | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| 2040-H   | N/A | N/A | N/A  | N/A    | N/A | OLD WEDEATER                                      | N/A            | N/A    | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| LOT#2041 | PO  | YGA | 2001 | 103633 | 0   | ECHO TRIMMER 31CC SS                              | 565613         | \$0.00 | \$320.00   | 15  | 10  | 209982 | 52977 | TCAUC1 | A | 8043 |
| 2041-A   | N/A | N/A | N/A  | N/A    | N/A | OLD REFRIGERATOR                                  | N/A            | N/A    | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| 2041-B   | N/A | N/A | N/A  | N/A    | N/A | GE REFRIGERATOR                                   | N/A            | N/A    | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| LOT#2042 | PO  | IEK | 2000 | 98247  | 0   | REFRIGERATOR, KENMORE 21 CUBIC FT #045-66-17015-7 | SJ4031656      | \$0.00 | \$752.00   | 15  | 10  | 182164 | 49431 | TCAUC1 | A | 8036 |
| 2042-A   | N/A | N/A | N/A  | N/A    | N/A | PALLET OLD USED OFFICE SUPPLIES                   | N/A            | N/A    | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| LOT#2043 | PO  | FAX | 2005 | 127288 | 0   | FAX MACHINE, CANNON                               | JLR22985       | \$0.00 | \$319.00   | 15  | 10  | 308441 | 75620 | TCAUC1 | A | 8013 |
| 2043-A   | N/A | N/A | N/A  | N/A    | N/A | PALLET OF COMPRESSORS                             | N/A            | N/A    | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| LOT#2044 | PO  | CAM | 2000 | 100427 | 0   | PATROL CAR VIDEO SYSTEMS, CAMERA                  | NEED           | \$0.00 | \$2,307.50 | 15  | 10  | 187879 | 60268 | TCAUC1 | A | 8013 |
| LOT#2044 | PO  | CAM | 2000 | 100429 | 0   | PATROL CAR VIDEO SYSTEMS, CAMERA                  | BOSB10194      | \$0.00 | \$2,307.50 | 15  | 10  | 187479 | 60072 | TCAUC1 | A | 8013 |
| LOT#2044 | PO  | CAM | 2000 | 100441 | 0   | PATROL CAR VIDEO SYSTEMS, CAMERA                  | NEED           | \$0.00 | \$2,307.50 | 37  | 28  | 187479 | 60086 | TCAUC1 | A | 8013 |
| LOT#2044 | PO  | LEF | 2002 | 104824 | 0   | PATROL CAR VIDEO SYSTEMS                          | VGH002695      | \$0.00 | \$3,582.00 | 15  | 10  | 221336 | 55934 | TCAUC1 | A | 8055 |
| LOT#2044 | PO  | LEF | 2002 | 104830 | 0   | PATROL CAR VIDEO SYSTEMS                          | VGH002700      | \$0.00 | \$3,582.00 | 15  | 10  | 221336 | 55939 | TCAUC1 | A | 8055 |
| LOT#2044 | PO  | LEF | 2002 | 105035 | 0   | PATROL CAR VIDEO SYSTEMS                          | VGH002827      | \$0.00 | \$3,582.00 | 15  | 10  | 221336 | 55708 | TCAUC1 | A | 8055 |
| LOT#2044 | PO  | LEF | 2002 | 105601 | 0   | PATROL CAR VIDEO SYSTEMS                          | VGH002878      | \$0.00 | \$3,582.00 | 15  | 10  | 221336 | 56028 | TCAUC1 | A | 8055 |
| LOT#2044 | PO  | LPT | 2003 | 111152 | 0   | DOCKING STATION FOR PANA-SONIC CF28 DSPSCF27IPS   | P28B005953     | \$0.00 | \$704.00   | 15  | 10  | 258278 | 67064 | TCAUC1 | A | 8001 |
| LOT#2044 | PO  | LPT | 2003 | 111161 | 0   | DOCKING STATION FOR PANA-SONIC CF28 DSPSCF27IPS   | P28B005963     | \$0.00 | \$704.00   | 37  | 28  | 258278 | 67073 | TCAUC1 | A | 8001 |
| LOT#2044 | PO  | CAM | 2003 | 120114 | 0   | VIDEO SYSTEM, MOBILE POLICE MV7                   | 103549         | \$0.00 | \$2,785.00 | 15  | 10  | 263803 | 67867 | TCAUC1 | A | 8013 |
| LOT#2044 | PO  | CAM | 2003 | 120126 | 0   | VIDEO SYSTEM, MOBILE POLICE MV7                   | 103561         | \$0.00 | \$2,785.00 | 15  | 10  | 263803 | 67879 | TCAUC1 | A | 8013 |
| LOT#2044 | PO  | CAM | 2003 | 120134 | 0   | VIDEO SYSTEM, MOBILE POLICE MV7                   | 103569         | \$0.00 | \$2,785.00 | 15  | 10  | 263803 | 67887 | TCAUC1 | A | 8013 |
| LOT#2045 | PO  | COP | 2006 | 13011  | 0   | SCANNER, CANON CANOSCAN 8400F COLOR IMAGE,MFR#    | UZM180111      | \$0.00 | \$133.93   | 15  | 10  | 332426 | 78107 | TCAUC1 | A | 8001 |
| LOT#2045 | PO  | COP | 2006 | 13016  | 0   | SCANNER, CANON CANOSCAN 8400F COLOR IMAGE,MFR#    | UZM180117      | \$0.00 | \$133.93   | 15  | 10  | 332426 | 78112 | TCAUC1 | A | 8001 |
| LOT#2045 | FA  | TV  | 1996 | 80782  | 0   | TV, PANASONIC                                     | AL33431467     | \$0.00 | \$450.00   | 15  | 10  |        | 35691 | TCAUC1 | A | 8013 |
| LOT#2045 | PO  | CAM | 1993 | 89466  | 0   | READER/PRINTER, MICROFILM, MINOLTA                | 107716         | \$0.00 | \$2,068.99 | 57  | 10  | 31451  | 32429 | TCAUC1 | A | 8013 |
| LOT#2046 | OJ  | TV  | 1990 | 64881  | 0   | MONITOR,13 COLOR                                  | 2002516        | \$0.00 | \$575.00   | 15  | 10  |        | 25024 | TCAUC1 | A | 8013 |
| LOT#2046 | PO  | VCR | 1994 | 65034  | 0   | RECORDER, VIDEO, VHS                              | 3.51306E+11    | \$0.00 | \$899.97   | 15  | 10  | 54957  | 27266 | TCAUC1 | A | 8013 |
| LOT#2046 | FA  | RRE | 1996 | 79436  | 0   | POWER SUPPLY, SONY                                | 10809          | \$0.00 | \$650.00   | 15  | 10  |        | 34393 | TCAUC1 | A | 8013 |
| LOT#2046 | PO  | COP | 1994 | 79936  | 0   | CD-ROM, BACKPACK                                  | 28070031       | \$0.00 | \$3,893.00 | 12  | 40  | 51287  | 27860 | TCAUC1 | A | 8001 |
| LOT#2046 | PO  | MON | 1999 | 123310 | 0   | MONITOR,  | 709048415      | \$0.00 | \$318.00   | 15  | 10  | 175779 | 48637 | TCAUC1 | A | 8001 |
| 2046-A   | N/A | N/A | N/A  | N/A    | N/A | PALLET OF USED PHONES                             | N/A            | N/A    | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| LOT#2047 | PO  | TV  | 1994 | 72609  | 0   | TV, SONY, 20"                                     | 8021073        | \$0.00 | \$292.00   | 15  | 10  | 66854  | 31036 | TCAUC1 | A | 8001 |
| LOT#2047 | OJ  | VCR | 1984 | 88561  | 0   | VCR, ZENITH                                       | 61004732       | \$0.00 | \$553.19   | 12  | 10  |        | 16080 | TCAUC1 | A | 8001 |
| LOT#2047 | PO  | TV  | 1996 | 94052  | 0   | 20" ZENITH TV WITH                                | 62242100014    | \$0.00 | \$209.00   | 15  | 10  | 90536  | 35038 | TCAUC1 | A | 8013 |
| LOT#2047 | PO  | VCR | 1991 | 94053  | 0   | VCR/SONY  | 24627          | \$0.00 | \$317.00   | 15  | 10  | 19111  | 8685  | TCAUC1 | A | 8013 |
| LOT#2047 | FA  | CLC | 2003 | 97788  | 0   | SEWING MACHINE, NEW HOME                          | 220116590      | \$0.00 | \$0.00     | 15  | 10  |        | 63537 | TCAUC1 | A | 8031 |
| LOT#2047 | PO  | CAM | 2001 | 104559 | 0   | VIDEO, VIA POLYCOM #2200-10070-001                | 82010500CF4EAF | \$0.00 | \$375.00   | 15  | 10  | 219327 | 54830 | TCAUC1 | A | 8013 |



|          |     |     |      |        |     |  |                |            |            |     |     |        |       |        |   |      |
|----------|-----|-----|------|--------|-----|--|----------------|------------|------------|-----|-----|--------|-------|--------|---|------|
| LOT#2047 | PO  | CME | 2003 | 109290 | 0   | VIEWSTATION FX, POLYCOM                            | 820336034EC6A7 | \$6,800.00 | \$0.00     | 15  | 10  | 267984 | 69169 | TCAUC1 | A | 8013 |
| LOT#2047 | PO  | CME | 2003 | 109291 | 0   | VIEWSTATION FX, POLYCOM                            | 820331034A42A7 | \$6,800.00 | \$0.00     | 15  | 10  | 267984 | 69170 | TCAUC1 | A | 8013 |
| 2047-A   | N/A | N/A | N/A  | N/A    | N/A | PALLET OF OLD VACUUMS                              | N/A            | N/A        | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| 2047-B   | N/A | N/A | N/A  | N/A    | N/A | PALLET OF OLD OBSOLETE CAR PARTS                   | N/A            | N/A        | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| 2047-C   | N/A | N/A | N/A  | N/A    | N/A | PALLET OF OLD 3 RING BINDERS W/PRINTING            | N/A            | N/A        | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| 2047-D   | N/A | N/A | N/A  | N/A    | N/A | USED METAL SHELVING                                | N/A            | N/A        | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| 2047-E   | N/A | N/A | N/A  | N/A    | N/A | PALLET OF OLD CORK BULLETIN BOARDS                 | N/A            | N/A        | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| LOT#2048 | PO  | PRT | 2008 | 13230  | 0   | DYMO LABELWRITER 400 TURBO                         | 9.31762E+11    | \$0.00     | \$118.05   | 15  | 10  | 388710 | 86116 | TCAUC1 | A | 8001 |
| LOT#2048 | PO  | EEE | 2008 | 13246  | 0   | SONY DVP-NS700H DVD PLAYER                         | 4274227        | \$0.00     | \$69.50    | 15  | 10  | 401259 | 89543 | TCAUC1 | A | 8012 |
| LOT#2048 | PO  | MDM | 1988 | 51309  | 0   | MODEM, EXCEL IDE                                   | 3000088        | \$0.00     | \$1,752.00 | 15  | 10  |        | 4638  | TCAUC1 | A | 8001 |
| LOT#2048 | PO  | MDM | 1991 | 56510  | 0   | MODEM, IDE EXCEL                                   | 3000086        | \$0.00     | \$989.00   | 15  | 10  |        | 3182  | TCAUC1 | A | 8001 |
| LOT#2048 | FA  | IEK | 2003 | 71108  | 0   | MICROWAVE OVEN, SHARP                              | 13631          | \$0.00     | \$265.00   | 15  | 10  |        | 66251 | TCAUC1 | A | 8015 |
| LOT#2048 | PO  | MDM | 1991 | 75111  | 0   | MODEM, IDE EXCEL                                   | 3000688        | \$0.00     | \$1,048.00 | 15  | 10  |        | 3192  | TCAUC1 | A | 8001 |
| LOT#2048 | PO  | MDM | 1991 | 76624  | 0   | MODEM, EXCEL IDE                                   | 3000698        | \$0.00     | \$1,245.00 | 15  | 10  |        | 4877  | TCAUC1 | A | 8001 |
| LOT#2048 | OJ  | COP | 1988 | 80791  | 0   | EXCEL IV IDE EMULATOR                              | N/A            | \$0.00     | \$1,702.00 | 15  | 10  |        | 21588 | TCAUC1 | A | 8001 |
| LOT#2048 | OJ  | COP | 1988 | 80793  | 0   | EXCEL IV IDE EMULATOR                              | N/A            | \$0.00     | \$1,702.00 | 15  | 10  |        | 21572 | TCAUC1 | A | 8001 |
| LOT#2048 | OJ  | COP | 1988 | 80794  | 0   | EXCEL IV IDE EMULATOR                              | N/A            | \$0.00     | \$1,702.00 | 15  | 10  |        | 21571 | TCAUC1 | A | 8001 |
| LOT#2048 | PO  | COP | 1994 | 84297  | 0   | EMULATOR, 301/PROTICAL/EXCEL                       | 3000844        | \$0.00     | \$1,246.00 | 15  | 10  | 67465  | 30619 | TCAUC1 | A | 8001 |
| LOT#2048 | PO  | COP | 1995 | 84881  | 0   | MULTIPLEXOR/EMULATOR IDE EXCEL                     | 3000872        | \$0.00     | \$1,246.01 | 15  | 10  | 75026  | 31560 | TCAUC1 | A | 8001 |
| LOT#2048 | PO  | TVC | 1995 | 87291  | 0   | COMBINATION VCR/13", MAGNAVOX                      | 84401855       | \$0.00     | \$340.00   | 15  | 10  | 80314  | 36269 | TCAUC1 | A | 8013 |
| LOT#2048 | PO  | COP | 1995 | 100899 | 0   | EXCEL IV-4 DEVICE PORT                             | 3000884        | \$0.00     | \$1,126.20 | 15  | 10  | 79321  | 32017 | TCAUC1 | A | 8001 |
| LOT#2048 | PO  | OFE | 2007 | 128309 | 0   | SHREDDER, ATIVA                                    | DSD160D        | \$0.00     | \$137.47   | 15  | 10  | 358458 | 81728 | TCAUC1 | A | 8001 |
| LOT#2049 | PO  | LEF | 2002 | 104786 | 0   | PATROL CAR VIDEO SYSTEMS                           | VGH002673      | \$0.00     | \$3,582.00 | 15  | 10  | 221336 | 55679 | TCAUC1 | A | 8055 |
| LOT#2049 | PO  | LEF | 2002 | 104816 | 0   | PATROL CAR VIDEO SYSTEMS                           | VGH002698      | \$0.00     | \$3,582.00 | 15  | 10  | 221336 | 55926 | TCAUC1 | A | 8055 |
| LOT#2049 | PO  | LEF | 2002 | 104820 | 0   | PATROL CAR VIDEO SYSTEMS                           | VGH002699      | \$0.00     | \$3,582.00 | 15  | 10  | 221336 | 55930 | TCAUC1 | A | 8055 |
| LOT#2049 | PO  | LEF | 2002 | 104822 | 0   | PATROL CAR VIDEO SYSTEMS                           | VGH002691      | \$0.00     | \$3,582.00 | 15  | 10  | 221336 | 55932 | TCAUC1 | A | 8055 |
| LOT#2049 | PO  | LEF | 2002 | 105001 | 0   | PATROL CAR VIDEO SYSTEMS                           | VGH002772      | \$0.00     | \$3,582.00 | 15  | 10  | 221336 | 55684 | TCAUC1 | A | 8055 |
| LOT#2049 | PO  | LEF | 2002 | 105003 | 0   | PATROL CAR VIDEO SYSTEMS                           | VGH002774      | \$0.00     | \$3,582.00 | 15  | 10  | 221336 | 55686 | TCAUC1 | A | 8055 |
| LOT#2049 | PO  | LEF | 2002 | 105011 | 0   | PATROL CAR VIDEO SYSTEMS                           | VGH002743      | \$0.00     | \$3,582.00 | 15  | 10  | 221336 | 55694 | TCAUC1 | A | 8055 |
| LOT#2049 | PO  | LEF | 2002 | 105016 | 0   | PATROL CAR VIDEO SYSTEMS                           | VGH002741      | \$0.00     | \$3,582.00 | 15  | 10  | 221336 | 55699 | TCAUC1 | A | 8055 |
| LOT#2049 | PO  | LEF | 2002 | 105033 | 0   | PATROL CAR VIDEO SYSTEMS                           | VGH002833      | \$0.00     | \$3,582.00 | 15  | 10  | 221336 | 55706 | TCAUC1 | A | 8055 |
| LOT#2049 | PO  | LEF | 2002 | 105039 | 0   | PATROL CAR VIDEO SYSTEMS                           | VGH002835      | \$0.00     | \$3,582.00 | 15  | 10  | 221336 | 55712 | TCAUC1 | A | 8055 |
| LOT#2049 | PO  | LEF | 2002 | 105045 | 0   | PATROL CAR VIDEO SYSTEMS                           | VGH002778      | \$0.00     | \$3,582.00 | 15  | 10  | 221336 | 55718 | TCAUC1 | A | 8055 |
| LOT#2049 | PO  | LEF | 2002 | 105049 | 0   | PATROL CAR VIDEO SYSTEMS                           | VGH002765      | \$0.00     | \$3,582.00 | 15  | 10  | 221336 | 55722 | TCAUC1 | A | 8055 |
| LOT#2049 | PO  | LEF | 2002 | 105333 | 0   | PATROL CAR VIDEO SYSTEMS                           | VGH000313      | \$0.00     | \$3,582.00 | 15  | 10  | 221336 | 55667 | TCAUC1 | A | 8055 |
| LOT#2049 | PO  | LEF | 2002 | 105585 | 0   | PATROL CAR VIDEO SYSTEMS                           | VGH002884      | \$0.00     | \$3,582.00 | 15  | 10  | 221336 | 56012 | TCAUC1 | A | 8055 |
| LOT#2049 | PO  | LEF | 2002 | 105586 | 0   | PATROL CAR VIDEO SYSTEMS                           | VGH002873      | \$0.00     | \$3,582.00 | 15  | 10  | 221336 | 56013 | TCAUC1 | A | 8055 |
| LOT#2049 | PO  | LEF | 2002 | 105588 | 0   | PATROL CAR VIDEO SYSTEMS                           | VGH002889      | \$0.00     | \$3,582.00 | 15  | 10  | 221336 | 56015 | TCAUC1 | A | 8055 |
| LOT#2049 | PO  | LEF | 2002 | 105591 | 0   | PATROL CAR VIDEO SYSTEMS                           | VGH002869      | \$0.00     | \$3,582.00 | 15  | 10  | 221336 | 56018 | TCAUC1 | A | 8055 |
| LOT#2049 | PO  | LEF | 2002 | 105598 | 0   | PATROL CAR VIDEO SYSTEMS                           | VGH002881      | \$0.00     | \$3,582.00 | 15  | 10  | 221336 | 56025 | TCAUC1 | A | 8055 |
| LOT#2050 | OJ  | COP | 1990 | 66056  | 0   | PROTECTOR,SURGE                                    | 611645         | \$0.00     | \$385.00   | 15  | 10  |        | 25301 | TCAUC1 | A | 8001 |
| LOT#2050 | PO  | CAM | 1997 | 84628  | 0   | PROJECTOR, 9550 ENHANCED ILLUMINATION OVERHEAD     | 415050         | \$0.00     | \$664.11   | 15  | 10  | 124854 | 40778 | TCAUC1 | A | 8013 |
| LOT#2050 | PO  | COP | 2004 | 121646 | 0   | HP SCANJET 5550C DIGITAL FLATBED SCANNER           | CN424S72VZ     | \$0.00     | \$267.00   | 15  | 10  | 280615 | 70604 | TCAUC1 | A | 8001 |
| LOT#2050 | PO  | OFE | 2004 | 123389 | 0   | SHREDDER,CROSS CUT,PS80C-36180-02 FELLOWES         | 35972          | \$0.00     | \$158.82   | 15  | 10  | 289668 | 71885 | TCAUC1 | A | 8001 |
| LOT#2051 | PO  | IEK | 1987 | 71167  | 0   | HOT DOG GRILL                                      | 25007193       | \$0.00     | \$510.00   | 14  | 1   |        | 45319 | TCAUC1 | A | 8036 |
| LOT#2051 | PO  | IEK | 1987 | 71374  | 0   | HOT DOG GRILL                                      | NONE           | \$0.00     | \$510.00   | 14  | 1   |        | 45340 | TCAUC1 | A | 8036 |
| LOT#2051 | PO  | KIE | 2005 | 127737 | 0   | GARLAND ELECTRIC COUNTERTOP PIZZA OVEN,#CPO-ED-24H | N/A            | \$0.00     | \$2,460.00 | 15  | 10  | 310892 | 77365 | TCAUC1 | A | 8032 |
| 2051-A   | N/A | N/A | N/A  | N/A    | N/A | PALLET OF OLD SHERIFFS UNIFORMS                    | N/A            | N/A        | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| 2051-B   | N/A | N/A | N/A  | N/A    | N/A | 4 FILE CABINETS                                    | N/A            | N/A        | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| 2051-C   | N/A | N/A | N/A  | N/A    | N/A | 3 WHITE BOARDS                                     | N/A            | N/A        | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| 2051-D   | N/A | N/A | N/A  | N/A    | N/A | PALLET OLD STEELCASE MODULAR                       | N/A            | N/A        | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| 2051-E   | N/A | N/A | N/A  | N/A    | N/A | OLD MINI-FRIDGE & OLD SHREDDERS                    | N/A            | N/A        | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| 2051-F   | N/A | N/A | N/A  | N/A    | N/A | HUFFY BIKE   | N/A            | N/A        | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| 2051-G   | N/A | N/A | N/A  | N/A    | N/A | MAGNA BIKE   | N/A            | N/A        | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| 2051-H   | N/A | N/A | N/A  | N/A    | N/A | COLUMBIA BIKE                                      | N/A            | N/A        | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| 2051-I   | N/A | N/A | N/A  | N/A    | N/A | MICROFILM MACHINE                                  | N/A            | N/A        | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| 2051-J   | N/A | N/A | N/A  | N/A    | N/A | PALLET OF OLD SHERIFFS UNIFORMS                    | N/A            | N/A        | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| 2051-K   | N/A | N/A | N/A  | N/A    | N/A | PALLET OF OLD DOORS                                | N/A            | N/A        | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |

|          |     |     |      |        |     |  |                      |  |            |            |     |     |        |       |        |        |      |     |
|----------|-----|-----|------|--------|-----|--|----------------------|--|------------|------------|-----|-----|--------|-------|--------|--------|------|-----|
| 2051-L   | N/A | N/A | N/A  | N/A    | N/A | 2 PALLETS OLD DAMAGED MODULAR PIECES               | N/A                  |  | N/A        | N/A        | N/A | N/A | N/A    | N/A   | N/A    | TCAUC1 | A    | N/A |
| 2051-M   | N/A | N/A | N/A  | N/A    | N/A | 2 WORK OUT BENCHES                                 | N/A                  |  | N/A        | N/A        | N/A | N/A | N/A    | N/A   | N/A    | TCAUC1 | A    | N/A |
| LOT#2052 | FA  | RRE | 1996 | 53537  | 0   | MIXER, RAYMER                                      | 8247                 |  | \$0.00     | \$450.00   | 15  | 10  |        | 34394 | TCAUC1 | A      | 8013 |     |
| LOT#2052 | PO  | RRE | 1992 | 54658  | 0   | MONITOR, 8-INCH COLOR,SONY PVM 8220 (B-STK)        | 5001740              |  | \$0.00     | \$873.61   | 15  | 10  | 18097  | 9016  | TCAUC1 | A      | 8013 |     |
| LOT#2052 | OJ  | VCR | 1989 | 61760  | 0   | VCR, RCA VHS 4-HEAD                                | 828536611            |  | \$0.00     | \$329.99   | 15  | 10  |        | 23565 | TCAUC1 | A      | 8001 |     |
| LOT#2052 | OJ  | TV  | 1989 | 61761  | 0   | TELEVISION, SONY, MODEL KV1926RA                   | 8082280              |  | \$0.00     | \$339.99   | 15  | 10  |        | 23568 | TCAUC1 | A      | 8001 |     |
| LOT#2052 | SS  | FAX | 1999 | 92823  | 0   | FAX MACHINE, HP OFFICE JET 300                     | SG83GF3059           |  | \$0.00     | \$300.00   | 15  | 10  |        | 46947 | TCAUC1 | A      | 8013 |     |
| LOT#2052 | PO  | MDM | 1999 | 98650  | 0   | MODEM,FOR ALPHA SERVER LAN ROVER                   | PTB0000263           |  | \$0.00     | \$4,496.50 | 15  | 10  | 171085 | 48101 | TCAUC1 | A      | 8001 |     |
| LOT#2052 | PO  | MDM | 1999 | 98651  | 0   | MODEM,FOR ALPHA SERVER LAN ROVER                   | PTB0000265           |  | \$0.00     | \$4,496.50 | 15  | 10  | 171085 | 48102 | TCAUC1 | A      | 8001 |     |
| LOT#2052 | OJ  | COP | 1986 | 105176 | 0   | POWERWARE POWER SUPPLY                             | TU121A0146           |  | \$0.00     | \$1,095.37 | 15  | 10  |        | 19372 | TCAUC1 | A      | 8001 |     |
| LOT#2052 | PO  | COP | 2004 | 124694 | 0   | LITE ON ALLWRITE DVD+RW 4X DUAL RECORDER #LWV-5005 | 60244201601          |  | \$0.00     | \$222.00   | 15  | 10  | 291492 | 75020 | TCAUC1 | A      | 8001 |     |
| 2052-A   | N/A | N/A | N/A  | N/A    | N/A | PALLET OF OLD USED OFFICE SUPPLIES                 | N/A                  |  | N/A        | N/A        | N/A | N/A | N/A    | N/A   | N/A    | TCAUC1 | A    | N/A |
| 2052-B   | N/A | N/A | N/A  | N/A    | N/A | PALLET OF OLD BLUE MODULAR BINS                    | N/A                  |  | N/A        | N/A        | N/A | N/A | N/A    | N/A   | N/A    | TCAUC1 | A    | N/A |
| 2052-C   | N/A | N/A | N/A  | N/A    | N/A | DISPLAY CASE FOR ANNOUNCEMENTS                     | N/A                  |  | N/A        | N/A        | N/A | N/A | N/A    | N/A   | N/A    | TCAUC1 | A    | N/A |
| 2052-D   | N/A | N/A | N/A  | N/A    | N/A | PALLET OF OLD PRINTED BINDERS                      | N/A                  |  | N/A        | N/A        | N/A | N/A | N/A    | N/A   | N/A    | TCAUC1 | A    | N/A |
| 2052-E   | N/A | N/A | N/A  | N/A    | N/A | OLD REFRIGERATOR                                   | N/A                  |  | N/A        | N/A        | N/A | N/A | N/A    | N/A   | N/A    | TCAUC1 | A    | N/A |
| 2052-F   | N/A | N/A | N/A  | N/A    | N/A | PALLET OF USED OFFICE SUPPLIES                     | N/A                  |  | N/A        | N/A        | N/A | N/A | N/A    | N/A   | N/A    | TCAUC1 | A    | N/A |
| LOT#2053 | PO  | COP | 2001 | 130440 | 0   | TAPE DRIVE, L200 1/8 8HVSABC DLT8000 AUTOLOADER    | BXB4DJ3481           |  | \$5,648.90 | \$0.00     | 15  | 10  | 217275 | 80596 | TCAUC1 | A      | 8001 |     |
| 2053-A   | N/A | N/A | N/A  | N/A    | N/A | PALLET OF OUTDATED OFFICE SUPPLIES                 | N/A                  |  | N/A        | N/A        | N/A | N/A | N/A    | N/A   | N/A    | TCAUC1 | A    | N/A |
| LOT#2054 | PO  | VCR | 1997 | 91651  | 0   | RECORDER, VIDEO, SAMSUNG                           | GRBH500255           |  | \$0.00     | \$168.00   | 15  | 10  | 130986 | 41371 | TCAUC1 | A      | 8013 |     |
| LOT#2054 | FA  | MON | 1995 | 99522  | 0   | MONITOR, PHILLIPS                                  | 9080810              |  | \$0.00     | \$160.00   | 15  | 10  |        | 50498 | TCAUC1 | A      | 8001 |     |
| LOT#2054 | PO  | COP | 2004 | 122097 | 0   | CDRW/DVD BACKPACK                                  | 24904508             |  | \$0.00     | \$143.95   | 15  | 10  | 294133 | 73378 | TCAUC1 | A      | 8001 |     |
| LOT#2054 | PO  | OFE | 2004 | 124237 | 0   | SHREDDER,PERSONAL, 700 FELLOWES                    | 46747                |  | \$0.00     | \$79.95    | 15  | 10  | 291499 | 72496 | TCAUC1 | A      | 8001 |     |
| 2054-A   | N/A | N/A | N/A  | N/A    | N/A | PALLET OF NORSTAR PHONES                           | N/A                  |  | N/A        | N/A        | N/A | N/A | N/A    | N/A   | N/A    | TCAUC1 | A    | N/A |
| 2054-B   | N/A | N/A | N/A  | N/A    | N/A | PALLET OF OLD TRUCK & CAR REPAIR MANUALS           | N/A                  |  | N/A        | N/A        | N/A | N/A | N/A    | N/A   | N/A    | TCAUC1 | A    | N/A |
| 2054-C   | N/A | N/A | N/A  | N/A    | N/A | 4 OIL RECOVERY CONTAINERS                          | N/A                  |  | N/A        | N/A        | N/A | N/A | N/A    | N/A   | N/A    | TCAUC1 | A    | N/A |
| 2054-D   | N/A | N/A | N/A  | N/A    | N/A | 4 OIL BARREL HOLDERS                               | N/A                  |  | N/A        | N/A        | N/A | N/A | N/A    | N/A   | N/A    | TCAUC1 | A    | N/A |
| LOT#2055 | PO  | STP | 1995 | 70384  | 0   | OIL FILTER CRUSHER                                 | 144                  |  | \$0.00     | \$998.76   | 15  | 10  | 74929  | 33518 | TCAUC1 | A      | 8099 |     |
| 2055-A   | N/A | N/A | N/A  | N/A    | N/A | (3) SETS OF LOCKERS                                | N/A                  |  | N/A        | N/A        | N/A | N/A | N/A    | N/A   | N/A    | TCAUC1 | A    | N/A |
| 2055-B   | N/A | N/A | N/A  | N/A    | N/A | SANYO FRIDGE                                       | N/A                  |  | N/A        | N/A        | N/A | N/A | N/A    | N/A   | N/A    | TCAUC1 | A    | N/A |
| LOT#2056 | PO  | IEK | 1986 | 90768  | 0   | REFRIGERATOR, HOT POINT                            | HL583688             |  | \$0.00     | \$869.00   | 15  | 10  |        | 7022  | TCAUC1 | A      | 8036 |     |
| 2056-A   | N/A | N/A | N/A  | N/A    | N/A | OLD FREEZER  | N/A                  |  | N/A        | N/A        | N/A | N/A | N/A    | N/A   | N/A    | TCAUC1 | A    | N/A |
| 2056-B   | N/A | N/A | N/A  | N/A    | N/A | (5) TABLES   | N/A                  |  | N/A        | N/A        | N/A | N/A | N/A    | N/A   | N/A    | TCAUC1 | A    | N/A |
| 2056-C   | N/A | N/A | N/A  | N/A    | N/A | 5 DESKS  | N/A                  |  | N/A        | N/A        | N/A | N/A | N/A    | N/A   | N/A    | TCAUC1 | A    | N/A |
| 2056-D   | N/A | N/A | N/A  | N/A    | N/A | 5 DESKS  | N/A                  |  | N/A        | N/A        | N/A | N/A | N/A    | N/A   | N/A    | TCAUC1 | A    | N/A |
| 2056-E   | N/A | N/A | N/A  | N/A    | N/A | 5 DESKS  | N/A                  |  | N/A        | N/A        | N/A | N/A | N/A    | N/A   | N/A    | TCAUC1 | A    | N/A |
| 2056-F   | N/A | N/A | N/A  | N/A    | N/A | 5 DESKS  | N/A                  |  | N/A        | N/A        | N/A | N/A | N/A    | N/A   | N/A    | TCAUC1 | A    | N/A |
| 2056-G   | N/A | N/A | N/A  | N/A    | N/A | 5 DESKS  | N/A                  |  | N/A        | N/A        | N/A | N/A | N/A    | N/A   | N/A    | TCAUC1 | A    | N/A |
| 2056-H   | N/A | N/A | N/A  | N/A    | N/A | 5 DESKS  | N/A                  |  | N/A        | N/A        | N/A | N/A | N/A    | N/A   | N/A    | TCAUC1 | A    | N/A |
| 2056-I   | N/A | N/A | N/A  | N/A    | N/A | 5 DESKS  | N/A                  |  | N/A        | N/A        | N/A | N/A | N/A    | N/A   | N/A    | TCAUC1 | A    | N/A |
| 2056-J   | N/A | N/A | N/A  | N/A    | N/A | 5 DESKS  | N/A                  |  | N/A        | N/A        | N/A | N/A | N/A    | N/A   | N/A    | TCAUC1 | A    | N/A |
| 2056-K   | N/A | N/A | N/A  | N/A    | N/A | 5 DESKS  | N/A                  |  | N/A        | N/A        | N/A | N/A | N/A    | N/A   | N/A    | TCAUC1 | A    | N/A |
| 2056-L   | N/A | N/A | N/A  | N/A    | N/A | 5 DESKS  | N/A                  |  | N/A        | N/A        | N/A | N/A | N/A    | N/A   | N/A    | TCAUC1 | A    | N/A |
| 2056-M   | N/A | N/A | N/A  | N/A    | N/A | 5 DESKS  | N/A                  |  | N/A        | N/A        | N/A | N/A | N/A    | N/A   | N/A    | TCAUC1 | A    | N/A |
| 2056-N   | N/A | N/A | N/A  | N/A    | N/A | 150 USED CHAIRS(BROKEN & STAINED)                  | N/A                  |  | N/A        | N/A        | N/A | N/A | N/A    | N/A   | N/A    | TCAUC1 | A    | N/A |
| 2056-O   | N/A | N/A | N/A  | N/A    | N/A | 5 DESKS  | N/A                  |  | N/A        | N/A        | N/A | N/A | N/A    | N/A   | N/A    | TCAUC1 | A    | N/A |
| 2056-P   | N/A | N/A | N/A  | N/A    | N/A | OLD EXAM TABLE                                     | N/A                  |  | N/A        | N/A        | N/A | N/A | N/A    | N/A   | N/A    | TCAUC1 | A    | N/A |
| 2056-Q   | N/A | N/A | N/A  | N/A    | N/A | PALLET OF OLD BAD PHONES                           | N/A                  |  | N/A        | N/A        | N/A | N/A | N/A    | N/A   | N/A    | TCAUC1 | A    | N/A |
| LOT#2057 | PO  | PRT | 2006 | 13102  | 0   | DYMO LABELWRITER 400 TURBO LABEL PRINTER           | 9.31762E+11          |  | \$0.00     | \$114.00   | 15  | 10  | 346567 | 80107 | TCAUC1 | A      | 8001 |     |
| LOT#2057 | PO  | MDM | 1997 | 90536  | 0   | MODEM, US ROBOTICS 33.6                            | 21NJ26R7JQC1         |  | \$0.00     | \$152.00   | 15  | 10  | 123878 | 41066 | TCAUC1 | A      | 8001 |     |
| LOT#2057 | PO  | COP | 1998 | 92841  | 0   | LATITUDE C-DOCK, DELL                              | 000847970166081LAGPZ |  | \$0.00     | \$1,212.75 | 15  | 10  | 135302 | 41902 | TCAUC1 | A      | 8001 |     |
| LOT#2057 | PO  | DMS | 1998 | 94646  | 0   | 22-FORERUNNER, ECG /DISPLAY (DEFBRILLATOR)         | 6300                 |  | \$0.00     | \$3,315.22 | 15  | 10  | 139591 | 44166 | TCAUC1 | A      | 8051 |     |
| LOT#2057 | PO  | DMS | 1998 | 94675  | 0   | 22-FORERUNNER, ECG /DISPLAY (DEFBRILLATOR)         | 6356                 |  | \$0.00     | \$3,315.22 | 15  | 10  | 139591 | 44175 | TCAUC1 | A      | 8051 |     |
| LOT#2057 | PO  | DMS | 1998 | 94680  | 0   | 22-FORERUNNER, ECG /DISPLAY (DEFBRILLATOR)         | 6358                 |  | \$0.00     | \$3,315.22 | 15  | 10  | 139591 | 44180 | TCAUC1 | A      | 8051 |     |
| LOT#2057 | PO  | PCM | 1998 | 95356  | 0   | PHILIPS VELO 500 HAND-HELD PC,                     | 9823013983           |  | \$0.00     | \$570.00   | 15  | 10  | 144891 | 45312 | TCAUC1 | A      | 8001 |     |
| LOT#2057 | PO  | COP | 1998 | 95582  | 0   | PHILIPS VELO 500 HAND-HELD PC,                     | 9823013839           |  | \$0.00     | \$570.00   | 15  | 10  | 144891 | 45351 | TCAUC1 | A      | 8001 |     |
| LOT#2057 | PO  | COP | 1998 | 95583  | 0   | PHILIPS VELO 500 HAND-HELD PC,                     | 9823014046           |  | \$0.00     | \$570.00   | 15  | 10  | 144891 | 45352 | TCAUC1 | A      | 8001 |     |
| LOT#2057 | PO  | DMS | 1999 | 98285  | 0   | FORERUNNER, ECG DISPLAY, DEFBRILLATOR              | 21346                |  | \$0.00     | \$2,570.00 | 15  | 10  | 169863 | 47797 | TCAUC1 | A      | 8051 |     |

|          |     |     |      |        |     |  |                      |        |            |     |     |        |       |        |   |      |
|----------|-----|-----|------|--------|-----|--|----------------------|--------|------------|-----|-----|--------|-------|--------|---|------|
| LOT#2057 | PO  | DMS | 1999 | 98297  | 0   | FORERUNNER, ECG DISPLAY, DEFIBRILLATOR             | 21335                | \$0.00 | \$2,570.00 | 15  | 10  | 169863 | 47810 | TCAUC1 | A | 8051 |
| LOT#2057 | PO  | DMS | 1999 | 98530  | 0   | SUCTION MACHINE, SSCOR                             | 7244                 | \$0.00 | \$358.00   | 15  | 10  | 172445 | 48289 | TCAUC1 | A | 8051 |
| LOT#2057 | PO  | DMS | 1999 | 98531  | 0   | SUCTION MACHINE, SSCOR                             | 7253                 | \$0.00 | \$358.00   | 15  | 10  | 172445 | 48290 | TCAUC1 | A | 8051 |
| LOT#2057 | PO  | DMS | 1999 | 98532  | 0   | SUCTION MACHINE, SSCOR                             | 7149                 | \$0.00 | \$358.00   | 15  | 10  | 172445 | 48291 | TCAUC1 | A | 8051 |
| LOT#2057 | PO  | DMS | 1999 | 98533  | 0   | SUCTION MACHINE, SSCOR                             | 7252                 | \$0.00 | \$358.00   | 15  | 10  | 172445 | 48292 | TCAUC1 | A | 8051 |
| LOT#2057 | PO  | DMS | 1999 | 98534  | 0   | SUCTION MACHINE, SSCOR                             | 7170                 | \$0.00 | \$358.00   | 15  | 10  | 172445 | 48293 | TCAUC1 | A | 8051 |
| LOT#2057 | PO  | DMS | 1999 | 98535  | 0   | SUCTION MACHINE, SSCOR                             | 7151                 | \$0.00 | \$358.00   | 15  | 10  | 172445 | 48294 | TCAUC1 | A | 8051 |
| LOT#2057 | PO  | DMS | 1999 | 98536  | 0   | SUCTION MACHINE, SSCOR                             | 7250                 | \$0.00 | \$358.00   | 15  | 10  | 172445 | 48295 | TCAUC1 | A | 8051 |
| LOT#2057 | PO  | DMS | 1999 | 98537  | 0   | SUCTION MACHINE, SSCOR                             | 6864                 | \$0.00 | \$358.00   | 15  | 10  | 172445 | 48296 | TCAUC1 | A | 8051 |
| LOT#2057 | PO  | DMS | 1999 | 98538  | 0   | SUCTION MACHINE, SSCOR                             | 6882                 | \$0.00 | \$358.00   | 15  | 10  | 172445 | 48297 | TCAUC1 | A | 8051 |
| LOT#2057 | PO  | DMS | 1999 | 98539  | 0   | SUCTION MACHINE, SSCOR                             | 7307                 | \$0.00 | \$358.00   | 15  | 10  | 172445 | 48298 | TCAUC1 | A | 8051 |
| LOT#2057 | PO  | DMS | 1999 | 98540  | 0   | SUCTION MACHINE, SSCOR                             | 7303                 | \$0.00 | \$358.00   | 15  | 10  | 172445 | 48299 | TCAUC1 | A | 8051 |
| LOT#2057 | PO  | DMS | 1999 | 98541  | 0   | SUCTION MACHINE, SSCOR                             | 7248                 | \$0.00 | \$358.00   | 15  | 10  | 172445 | 48300 | TCAUC1 | A | 8051 |
| LOT#2057 | PO  | DMS | 1999 | 98542  | 0   | SUCTION MACHINE, SSCOR                             | 7155                 | \$0.00 | \$358.00   | 15  | 10  | 172445 | 48301 | TCAUC1 | A | 8051 |
| LOT#2057 | PO  | DMS | 1999 | 98543  | 0   | SUCTION MACHINE, SSCOR                             | 7169                 | \$0.00 | \$358.00   | 15  | 10  | 172445 | 48302 | TCAUC1 | A | 8051 |
| LOT#2057 | PO  | DMS | 1999 | 98544  | 0   | SUCTION MACHINE, SSCOR                             | 6854                 | \$0.00 | \$358.00   | 15  | 10  | 172445 | 48303 | TCAUC1 | A | 8051 |
| LOT#2057 | PO  | COP | 2001 | 101166 | 0   | BACK UPS 500VA (120V)5MIN-FULL 13MIN-HALF 3-OUTLET | PB0044313324         | \$0.00 | \$119.00   | 15  | 10  | 206154 | 52649 | TCAUC1 | A | 8001 |
| LOT#2057 | PO  | COP | 2002 | 103931 | 0   | QUICK SCAN 6000 PSC QS68100                        | SS2523075            | \$0.00 | \$141.71   | 15  | 10  | 241844 | 61002 | TCAUC1 | A | 8001 |
| LOT#2057 | PO  | OGH | 2002 | 109090 | 0   | AUTOPSY SAW, SHANDON                               | 3817                 | \$0.00 | \$882.00   | 15  | 10  | 237804 | 60352 | TCAUC1 | A | 8015 |
| LOT#2057 | PO  | LPT | 2003 | 109809 | 0   | PORT REPLICATOR, DELL                              | MX02E5994101135901B3 | \$0.00 | \$210.80   | 37  | 6   | 259134 | 66521 | TCAUC1 | A | 8001 |
| LOT#2057 | PO  | COP | 2004 | 123155 | 0   | BELKIN OMNI VIEW 4 PORT KVM SWITCH                 | 3011424942           | \$0.00 | \$189.95   | 15  | 10  | 293268 | 72118 | TCAUC1 | A | 8001 |
| LOT#2057 | PO  | LAB | 2002 | 123168 | 0   | AUTOPSY SAW, THERMO SHANDON                        | 3759                 | \$0.00 | \$1,812.44 | 15  | 10  | 228815 | 71219 | TCAUC1 | A | 8053 |
| LOT#2057 | PO  | LPT | 2004 | 124515 | 0   | LATITUDE D600 PORT REPLICATOR                      | CN02U4424864348G1472 | \$0.00 | \$344.82   | 15  | 10  | 291441 | 72813 | TCAUC1 | A | 8001 |
| LOT#2057 | PO  | OFE | 2007 | 130855 | 0   | DATE & TIME STAMP MACHINE, RAPIDPRINT              | 516213               | \$0.00 | \$419.00   | 15  | 10  | 361244 | 82092 | TCAUC1 | A | 8001 |
| 2057-A   | N/A | N/A | N/A  | N/A    | N/A | AIR COMPRESSOR                                     | N/A                  | N/A    | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| LOT#2058 | FA  | VCR | 1994 | 52701  | 0   | VCR,HITACHI  | 30455289             | \$0.00 | \$180.00   | 15  | 10  |        | 30087 | TCAUC1 | A | 8013 |
| LOT#2058 | PO  | VCR | 1991 | 68604  | 0   | VCR - REALISTIC                                    | 90602872J            | \$0.00 | \$280.00   | 15  | 10  |        | 4478  | TCAUC1 | A | 8013 |
| LOT#2058 | FA  | TV  | 1995 | 71193  | 0   | TV, SONY 13"                                       | 8084675              | \$0.00 | \$254.00   | 15  | 10  |        | 31702 | TCAUC1 | A | 8013 |
| LOT#2058 | PO  | VCR | 1999 | 97413  | 0   | VCR, PANASONIC, 840-82-10040-9                     | J81C93340            | \$0.00 | \$133.00   | 15  | 10  | 159125 | 46942 | TCAUC1 | A | 8013 |
| LOT#2058 | PO  | COP | 2002 | 102627 | 0   | SCANJET 5300CXI,FLATBED 1200DPI, 36BIT COLOR       | CN14N20389           | \$0.00 | \$139.00   | 15  | 10  | 221278 | 55861 | TCAUC1 | A | 8001 |
| LOT#2058 | PO  | FAX | 2002 | 105118 | 0   | TRANSCIVER, FACSIMILIE, OKIDATA 5650               | 205A1010220          | \$0.00 | \$798.00   | 15  | 10  | 242044 | 60959 | TCAUC1 | A | 8013 |
| LOT#2058 | PO  | CAM | 2002 | 109037 | 0   | PROJECTOR,SLIDE,EKTAGRAPH1722024A KODAK            | 239110               | \$0.00 | \$502.82   | 15  | 10  | 236983 | 59777 | TCAUC1 | A | 8013 |
| LOT#2058 | PO  | PRT | 2002 | 109086 | 0   | SCANJET 5490 CXI FLATBED/USB-98/W2K/MAC            | CN2751A14W           | \$0.00 | \$355.00   | 15  | 10  | 239698 | 60382 | TCAUC1 | A | 8001 |
| LOT#2058 | PO  | OFE | 2006 | 124102 | 0   | PAPER SHREDDER, ATIVA X-CUT                        | 12005                | \$0.00 | \$176.23   | 15  | 10  | 329841 | 80628 | TCAUC1 | A | 8001 |
| LOT#2059 | PO  | COP | 2000 | 11482  | 0   | UPS APC 1400NET POWER SUPPLY                       | Q59950125785         | \$0.00 | \$641.00   | 15  | 10  | C07985 | 49415 | TCAUC1 | A | 8001 |
| LOT#2059 | FA  | OFE | 1991 | 51537  | 0   | VENDACARD  | 10668                | \$0.00 | \$1,023.00 | 15  | 10  | 10186  | 39555 | TCAUC1 | A | 8001 |
| LOT#2059 | PO  | CAM | 1991 | 83451  | 0   | VENDACARD  | 162374084            | \$0.00 | \$1,034.50 | 15  | 10  | 7686   | 39872 | TCAUC1 | A | 8001 |
| LOT#2059 | PO  | COP | 1997 | 91204  | 0   | SCANNER, TOPGUN KIT, 128K WITH LASER               | P3002666             | \$0.00 | \$1,351.00 | 15  | 10  | 121623 | 39574 | TCAUC1 | A | 8001 |
| LOT#2059 | PO  | SRV | 2002 | 105697 | 0   | HP JETDIRECT 300X EXTERNAL PRINT SERVER            | SG12343531           | \$0.00 | \$220.00   | 15  | 10  | 222017 | 56662 | TCAUC1 | A | 8001 |
| LOT#2059 | PO  | CAM | 2002 | 108966 | 0   | INFOCUS LP530DLP PROJECTOR                         | 7KN23490346          | \$0.00 | \$3,307.00 | 15  | 10  | 235528 | 60442 | TCAUC1 | A | 8013 |
| LOT#2059 | PO  | OFE | 2006 | 124100 | 0   | ATIVA X-CUT SHREDDER                               | N/A                  | \$0.00 | \$149.99   | 15  | 10  | 333599 | 78532 | TCAUC1 | A | 8001 |
| LOT#2059 | PO  | OFE | 2005 | 124703 | 0   | SHREDDER,PERSONAL, FELLOWES                        | N/A                  | \$0.00 | \$126.81   | 15  | 10  | 310356 | 75016 | TCAUC1 | A | 8001 |
| LOT#2059 | PO  | PRT | 2004 | 125098 | 0   | HP JETDIRECT PRINT SERVER, 300X                    | SG481AA169           | \$0.00 | \$216.33   | 15  | 10  | 293268 | 73196 | TCAUC1 | A | 8001 |
| LOT#2059 | PO  | OFE | 2005 | 126931 | 0   | SHREDDER,12SHT,STRIPCUT, PRIVACY GUARD             | N/A                  | \$0.00 | \$38.49    | 11  | 46  | 301554 | 74794 | TCAUC1 | A | 8001 |
| LOT#2059 | PO  | COP | 2005 | 127363 | 0   | LINKSYS ETHERFAST 10/100 5 PORT HUB                | RA1304C006478        | \$0.00 | \$39.99    | 15  | 10  | 318124 | 76034 | TCAUC1 | A | 8001 |
| LOT#2059 | PO  | OFE | 2006 | 130462 | 0   | ATIVA SHREDDER DXC240D/CROSS CUT                   | AX6072400064         | \$0.00 | \$494.45   | 15  | 10  | 345624 | 81494 | TCAUC1 | A | 8001 |
| 2059-A   | N/A | N/A | N/A  | N/A    | N/A | PALLET OF OLD A/C PARTS                            | N/A                  | N/A    | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| 2059-B   | N/A | N/A | N/A  | N/A    | N/A | (2) OLD COMMERCIAL OVERHEAD DOORS                  | N/A                  | N/A    | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| 2059-C   | N/A | N/A | N/A  | N/A    | N/A | PALLET OF USED DRINKING FOUNTAINS                  | N/A                  | N/A    | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| 2059-D   | N/A | N/A | N/A  | N/A    | N/A | LARGE WOOD WORKSTATION (2) PIECES                  | N/A                  | N/A    | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| LOT#2060 | FA  | NTW | 2006 | 80468  | 0   | CISCO PIX FIREWALL                                 | N/A                  | \$0.00 | \$0.00     | 15  | 10  |        | 83062 | TCAUC1 | A | 8001 |
| LOT#2060 | FA  | NTW | 2006 | 80469  | 0   | CISCO PIX FIREWALL                                 | 18058249             | \$0.00 | \$0.00     | 15  | 10  |        | 79374 | TCAUC1 | A | 8001 |
| LOT#2060 | PO  | NTW | 2003 | 87383  | 0   | CISCO 3725 3700 SERIES 2 SLOT DUAL FEED SHELF      | JMX0730L5BE          | \$0.00 | \$5,333.50 | 12  | 61  | 262501 | 69064 | TCAUC1 | A | 8001 |
| LOT#2060 | PO  | NTW | 2003 | 87383  | 1   | CISCO NM-1A-T3 PORT D53 NETWORK MODULE             | N/A                  | \$0.00 | \$3,765.00 | 12  | 61  | 262501 | 69064 | TCAUC1 | A | 8001 |
| LOT#2060 | PO  | NTW | 2003 | 87383  | 2   | CISCO NM-1A-T3 PORT D53 NETWORK MODULE             | N/A                  | \$0.00 | \$3,765.00 | 12  | 61  | 262501 | 69064 | TCAUC1 | A | 8001 |
| LOT#2060 | PO  | NTW | 2003 | 87383  | 3   | CISCO 3725S372CP-12208T CARD                       | N/A                  | \$0.00 | \$564.50   | 12  | 61  | 262501 | 69064 | TCAUC1 | A | 8001 |
| LOT#2060 | PO  | MDM | 1996 | 88599  | 0   | MODEM, US ROBOTICS 28.8 EXTERNAL W/CABLES          | 8.39036E+12          | \$0.00 | \$171.00   | 15  | 10  | 107755 | 37562 | TCAUC1 | A | 8001 |
| LOT#2060 | FA  | MDM | 1995 | 89474  | 0   | MODEM, US ROBOTICS 14.4                            | 2.68021E+12          | \$0.00 | \$211.00   | 15  | 10  |        | 39390 | TCAUC1 | A | 8001 |

|          |     |     |      |        |     |   |                      |             |            |     |     |        |       |        |   |      |
|----------|-----|-----|------|--------|-----|---|----------------------|-------------|------------|-----|-----|--------|-------|--------|---|------|
| LOT#2060 | PO  | COP | 1997 | 90421  | 0   | IOMEGA ZIP EXTERNAL PARRALELL PORT DRIVES         | PRDH36H46R           | \$0.00      | \$136.00   | 15  | 10  | 127840 | 40934 | TCAUC1 | A | 8001 |
| LOT#2060 | PO  | COP | 1997 | 90423  | 0   | IOMEGA ZIP EXTERNAL PARRALELL PORT DRIVES         | PRDH362C18           | \$0.00      | \$136.00   | 15  | 10  | 127840 | 40936 | TCAUC1 | A | 8001 |
| LOT#2060 | PO  | COP | 1997 | 90424  | 0   | IOMEGA ZIP EXTERNAL PARRALELL PORT DRIVES         | PRCH3540GP           | \$0.00      | \$136.00   | 15  | 10  | 127840 | 40937 | TCAUC1 | A | 8001 |
| LOT#2060 | PO  | COP | 1997 | 90443  | 0   | IOMEGA ZIP EXTERNAL PARRALELL PORT DRIVES         | PRCH35437A           | \$0.00      | \$136.00   | 15  | 10  | 127840 | 40956 | TCAUC1 | A | 8001 |
| LOT#2060 | PO  | NTW | 2002 | 98005  | 0   | CISCO 2912 SWITCH                                 | CAM0637Y0B2          | \$0.00      | \$1,816.61 | 12  | 61  | 238923 | 69319 | TCAUC1 | A | 8001 |
| LOT#2060 | PO  | COP | 2002 | 103785 | 0   | IOGEAR 4PORT MINIVIEW                             | 01230028BK1196       | \$0.00      | \$116.00   | 15  | 10  | 236599 | 60143 | TCAUC1 | A | 8001 |
| LOT#2060 | PO  | COP | 2002 | 103786 | 0   | IOGEAR 4PORT MINIVIEW                             | 01230028BK0023       | \$0.00      | \$116.00   | 15  | 10  | 236599 | 60144 | TCAUC1 | A | 8001 |
| LOT#2060 | PO  | COP | 2002 | 103787 | 0   | IOGEAR 4PORT MINIVIEW                             | 01230028BK0021       | \$0.00      | \$116.00   | 15  | 10  | 236599 | 60146 | TCAUC1 | A | 8001 |
| LOT#2060 | PO  | COP | 2002 | 103788 | 0   | IOGEAR 4PORT MINIVIEW                             | 01230028BK0024       | \$0.00      | \$116.00   | 15  | 10  | 236599 | 60147 | TCAUC1 | A | 8001 |
| LOT#2060 | PO  | COP | 2002 | 103789 | 0   | IOGEAR 4PORT MINIVIEW                             | 01230028BK0025       | \$0.00      | \$116.00   | 15  | 10  | 236599 | 60145 | TCAUC1 | A | 8001 |
| LOT#2060 | PO  | COP | 2002 | 103790 | 0   | IOGEAR 4PORT MINIVIEW                             | 01230028BK0022       | \$0.00      | \$116.00   | 15  | 10  | 236599 | 60148 | TCAUC1 | A | 8001 |
| LOT#2060 | PO  | SRV | 2005 | 105459 | 0   | FILE SERVER,POWEREDGE 2800 STANDARD               | 27FJY61              | \$6,118.96  | \$0.00     | 15  | 10  | 305220 | 74709 | TCAUC1 | A | 8001 |
| LOT#2060 | PO  | SRV | 2003 | 105547 | 0   | DELL POWEREDGE 4600                               | 6M3NM21              | \$8,399.00  | \$0.00     | 15  | 10  | 253239 | 66632 | TCAUC1 | A | 8001 |
| LOT#2060 | PO  | SRV | 2002 | 106620 | 0   | FILE SERVER,POWEREDGE 2500 #220-1492 TO INCLUDE   | H2Y4711              | \$5,377.00  | \$0.00     | 12  | 61  | 225989 | 57764 | TCAUC1 | A | 8001 |
| LOT#2060 | SS  | MDM | 2003 | 119681 | 0   | US ROBOTICS MODEM                                 | N/A                  | \$0.00      | \$0.00     | 15  | 10  |        | 67289 | TCAUC1 | A | 8001 |
| LOT#2060 | PO  | PRT | 2003 | 119691 | 0   | PRINT SERVER, HP JETDIRECT 300X                   | SG371BB754           | \$0.00      | \$218.00   | 15  | 10  | 273049 | 70406 | TCAUC1 | A | 8001 |
| LOT#2060 | PO  | PRT | 2003 | 119692 | 0   | HP JETDIRECT 300X EXTERNAL PRINT SERVER           | SG371BB74B           | \$0.00      | \$218.00   | 15  | 10  | 273049 | 69196 | TCAUC1 | A | 8001 |
| LOT#2060 | PO  | PRT | 2003 | 119705 | 0   | PRINT SERVER, HP JETDIRECT 300X                   | SG3A1A3B86           | \$0.00      | \$218.00   | 15  | 10  | 271649 | 70405 | TCAUC1 | A | 8001 |
| LOT#2060 | SS  | COP | 2003 | 119707 | 0   | CD RW, PLEXTOR PX-W4824TUSW                       | 5.048E+11            | \$0.00      | \$143.00   | 15  | 10  |        | 70375 | TCAUC1 | A | 8001 |
| LOT#2060 | PO  | COP | 2006 | 122291 | 0   | SMARTUPS 750                                      | J50550036221         | \$0.00      | \$255.00   | 15  | 10  | 333988 | 78916 | TCAUC1 | A | 8001 |
| LOT#2060 | PO  | SRV | 2004 | 122496 | 0   | FILE SERVER, POWEREDGE 2600 DELL                  | J4VG451              | \$7,668.96  | \$0.00     | 15  | 10  | 286866 | 71437 | TCAUC1 | A | 8001 |
| LOT#2060 | PO  | OGH | 2004 | 123079 | 0   | C00818 PACCREST GEL CELL CHARGER                  | 804                  | \$0.00      | \$140.00   | 15  | 10  | 288642 | 72352 | TCAUC1 | A | 8015 |
| LOT#2060 | PO  | COP | 2004 | 123284 | 0   | IOGEAR 4 PORT MINIVIEW                            | 08420097A00302Z      | \$0.00      | \$120.00   | 15  | 10  | 293432 | 72871 | TCAUC1 | A | 8001 |
| LOT#2060 | PO  | COP | 2004 | 125331 | 0   | APC SMART UPS XL 1500VA RM 3U                     | 1006                 | \$0.00      | \$620.00   | 12  | 61  | 279133 | 76775 | TCAUC1 | A | 8001 |
| LOT#2060 | PO  | COP | 2005 | 126067 | 0   | IOMEGA CD-RW DRIVE, EXTERNAL 52X32X52 HI-SPEED    | 3TBE510415           | \$0.00      | \$86.34    | 15  | 10  | 305458 | 73939 | TCAUC1 | A | 8001 |
| LOT#2060 | PO  | LPT | 2005 | 127178 | 0   | PORT REPLICATOR, DELL                             | CN0P81294864356M0112 | \$0.00      | \$224.91   | 15  | 10  | 313283 | 76347 | TCAUC1 | A | 8001 |
| LOT#2060 | PO  | SRV | 2005 | 127487 | 0   | FILE SERVER,POWEREDGE 2800 STANDARD               | 9J10W71              | \$6,118.96  | \$0.00     | 15  | 10  | 313642 | 76065 | TCAUC1 | A | 8001 |
| LOT#2061 | PO  | COS | 2003 | N/A    | 0   | PHASE 2 SOFTWARE COSTS                            | N/A                  | \$19,764.00 | \$0.00     | 12  | 60  | 267050 | 71451 | TCAUC1 | A | 8002 |
| LOT#2061 | PO  | NTW | 1994 | 95145  | 0   | MICRO HUB LE                                      | 001AX                | \$0.00      | \$775.00   | 15  | 10  | 63021  | 31024 | TCAUC1 | A | 8001 |
| LOT#2061 | PO  | SRV | 1999 | 98951  | 0   | NETFINITY 5500 PIII TOWER, IBM                    | 23M4678              | \$0.00      | \$4,586.00 | 15  | 10  | 173710 | 48650 | TCAUC1 | A | 8001 |
| LOT#2061 | PO  | SRV | 2001 | 98951  | 1   | 256 MB MODULE FOR IBM NETFINITY, #01K8043-GR      | N/A                  | \$0.00      | \$517.00   | 15  | 10  | 204483 | 48650 | TCAUC1 | A | 8001 |
| LOT#2061 | PO  | SRV | 2000 | 99117  | 0   | FILE SERVER, IBM NETFINITY 5000 PENTIUM III       | 23Z4141              | \$10,497.50 | \$0.00     | 15  | 10  | 180884 | 49521 | TCAUC1 | A | 8001 |
| LOT#2061 | PO  | SRV | 2000 | 102481 | 0   | DELL POWEREDGE 2400 BASE SERVER SYSTEM            | 9MQJ101              | \$6,246.03  | \$0.00     | 15  | 10  | 192019 | 52499 | TCAUC1 | A | 8001 |
| LOT#2061 | PO  | SRV | 2001 | 104422 | 0   | DELL POWEREDGE 4400                               | 2S25T01              | \$7,436.10  | \$0.00     | 15  | 10  | 213291 | 54616 | TCAUC1 | A | 8001 |
| LOT#2061 | PO  | SRV | 2002 | 105432 | 0   | FILE SERVER,POWEREDGE 4400 #220-0998 TO INCLUDE   | 4YCC711              | \$8,971.00  | \$0.00     | 15  | 10  | 225989 | 57781 | TCAUC1 | A | 8001 |
| LOT#2061 | PO  | SRV | 2004 | 105474 | 0   | FILE SERVER,POWEREDGE 4600 STANDARD               | 8K16Y51              | \$6,118.96  | \$0.00     | 15  | 10  | 291440 | 74755 | TCAUC1 | A | 8001 |
| LOT#2061 | PO  | SRV | 2003 | 122380 | 0   | UNISYS EF3040 MAPPER SERVER PHASE 2 HARDWARE COST | 95MDM31              | \$15,261.00 | \$0.00     | 15  | 10  | 267050 | 71450 | TCAUC1 | A | 8001 |
| LOT#2061 | PO  | SRV | 2004 | 124296 | 0   | FILE SERVER, POWER EDGE 2650, INTEL XEON SERVER   | 6FHWK51              | \$0.00      | \$4,485.41 | 15  | 10  | 290542 | 72132 | TCAUC1 | A | 8001 |
| LOT#2061 | FA  | PCM | 2006 | 152055 | 0   | UNITED MICRO CPU                                  | N/A                  | \$0.00      | \$0.00     | 15  | 10  |        | 78704 | TCAUC1 | A | 8001 |
| LOT#2062 | PO  | PRT | 1991 | 78294  | 0   | PRINTER, TECHTRONICS                              | JP3450A              | \$0.00      | \$189.00   | 15  | 10  | 7824   | 268   | TCAUC1 | A | 8001 |
| LOT#2062 | PO  | PCM | 2000 | 99493  | 0   | CPU, HP VECTRA PAYMENT PROCESSING SYSTEM          | TW92730040           | \$35,426.69 | \$0.00     | 15  | 10  | 155054 | 49035 | TCAUC1 | A | 8001 |
| LOT#2062 | PO  | SRV | 2000 | 101345 | 0   | FILE SERVER, IBM NETFINITY                        | 23H0651              | \$0.00      | \$4,141.20 | 15  | 10  | 194379 | 50475 | TCAUC1 | A | 8001 |
| LOT#2062 | PO  | SRV | 2000 | 102572 | 0   | FILE SERVER, IBM NETFINITY 5100 PENTIUM           | 23CVZ06              | \$10,164.62 | \$0.00     | 15  | 10  | 193787 | 53040 | TCAUC1 | A | 8001 |
| LOT#2062 | PO  | SRV | 2000 | 104953 | 0   | BASE UNIT: DELL POWEREDGE 4400 BASE,              | 3DFN501              | \$11,294.00 | \$0.00     | 15  | 10  | 195894 | 55538 | TCAUC1 | A | 8001 |
| LOT#2062 | PO  | SRV | 2002 | 105431 | 0   | FILE SERVER,POWEREDGE 4400 #220-0998 TO INCLUDE   | 86C4711              | \$8,971.00  | \$0.00     | 15  | 10  | 225989 | 57783 | TCAUC1 | A | 8001 |
| LOT#2062 | PO  | SRV | 2004 | 105465 | 0   | DELL POWEREDGE 2600 Q119232365                    | 1CJXG41              | \$6,473.66  | \$0.00     | 15  | 10  | 278952 | 70526 | TCAUC1 | A | 8001 |
| LOT#2062 | PO  | SRV | 2004 | 105485 | 0   | FILE SERVER, POWEREDGE 4600 STANDARD-BACKUP MDL   | 15G0651              | \$7,668.96  | \$0.00     | 15  | 10  | 291440 | 74748 | TCAUC1 | A | 8001 |
| LOT#2062 | PO  | FAX | 2004 | 120879 | 0   | FAX MACHINE, OKI DATA 5650                        | 311A1022550          | \$0.00      | \$550.00   | 15  | 10  | 276461 | 69597 | TCAUC1 | A | 8013 |
| LOT#2062 | PO  | FAX | 2004 | 121855 | 0   | BROTHER INTELLIFAX-I270E PLAIN PAPER FAX MACHINE  | U60302C4K522314      | \$0.00      | \$121.15   | 9   | 0   | 283404 | 71143 | TCAUC1 | A | 8013 |
| LOT#2062 | PO  | FAX | 2005 | 124778 | 0   | FAX MACHINE, OKI DATA 5650 600-21-70150-7         | AE49039157A0         | \$0.00      | \$550.00   | 15  | 10  | 307659 | 75049 | TCAUC1 | A | 8013 |
| LOT#2062 | PO  | SRV | 2004 | 125132 | 0   | IBM SERVER  | KLXHT8Z              | \$0.00      | \$0.00     | 14  | 5   | 263013 | 79119 | TCAUC1 | A | 8001 |
| LOT#2062 | PO  | OFE | 2005 | 125219 | 0   | SHREDDER,PERSONAL,FELLOWES                        | 19716                | \$0.00      | \$126.81   | 15  | 10  | 305883 | 75088 | TCAUC1 | A | 8001 |
| LOT#2062 | PO  | OFE | 2005 | 126981 | 0   | SHREDDER,120C-2 CNFMTI, FELLOWES                  | N/A                  | \$0.00      | \$499.99   | 15  | 10  | 305883 | 75089 | TCAUC1 | A | 8001 |
| 2062-A   | N/A | N/A | N/A  | N/A    | N/A | PALLET OF OBSOLETE TRUCK & CAR PARTS              | N/A                  | N/A         | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| 2062-B   | N/A | N/A | N/A  | N/A    | N/A | PALLET OF USED LAPTOP BAGS                        | N/A                  | N/A         | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| 2062-C   | N/A | N/A | N/A  | N/A    | N/A | PALLET OF OLD THERMOSTATS & MISC PARTS            | N/A                  | N/A         | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| 2062-D   | N/A | N/A | N/A  | N/A    | N/A | PALLET OF OBSOLETE TRUCK & CAR PARTS              | N/A                  | N/A         | N/A        | N/A | N/A | N/A    | N/A   | TCAUC1 | A | N/A  |
| LOT#2063 | PO  | LAB | 1995 | 79476  | 0   | TISSUE PROCESSOR SYSTEM 7390002 HYPERCENTER XP    | 8PC589064            | \$25,235.14 | \$0.00     | 15  | 10  | 84968  | 34250 | TCAUC1 | A | 8053 |





**TRAVIS COUNTY COMMISSIONERS' COURT AGENDA REQUEST**

Voting Session: November 3, 2009  
(Date)

Work Session  
(Date)

I. A. Request made by: Joseph P. Gieselman, Executive Manager Phone # 854.9434  
Signature of Executive Manager

B. Requested Text:

**Approve license agreement with Predator Planet Films, Inc. to authorize the use of Hamilton Pool Preserve for the purpose of filming "Predators".**

C. Approved by: \_\_\_\_\_  
Karen Huber, Precinct 3 Commissioner

- 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 this Agenda Request and backup to them:

Charles Bergh, TNR Parks 854.9408  
 Robert Armistead, TNR Parks 854.9831  
 Dan Perry, TNR Parks 263.9114  
 Dan Chapman, TNR Parks 263.9114  
 Michael Brewster, TNR Parks 263.9114

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 the backup memorandum and exhibits should be submitted to the County Judges Office no later than 5:00 PM on Monday for the following weeks 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) 854-9383  
FAX (512) 708-4648

October 13, 2009

### MEMORANDUM

To: Members of the Commissioners' Court

From: Joseph P. Gieselman, Executive Manager

Subject: License agreement with Predator Planet Films, Inc. to authorize the use of Hamilton Pool Preserve for the purpose of filming "Predators".

#### **Proposed Motion:**

Approve license agreement with Predator Planet Films, Inc. to authorize the use of Hamilton Pool Preserve for the purpose of filming "Predators".

#### **Summary and Staff Recommendation:**

Predator Planet Films, Inc. is requesting the use Hamilton Pool Preserve, on October 15<sup>th</sup>, 16<sup>th</sup> and 17<sup>th</sup> to film scenes for the movie "Predators". The film company is requesting the preserve be closed to the public for three days of setup, filming and teardown, on Sunday, Monday and Tuesday. On the last day of teardown, Tuesday, November 17<sup>th</sup>, the film company plans to finalize its work and remove all their equipment. Predator Planet Films, Inc. has agreed to pay Travis County \$4,000.00 as consideration for granting a license to use Hamilton Pool Preserve. Records of previous years' visitation levels suggest reduced public use of Hamilton Pool during November, which shouldn't significantly inconvenience public access when the preserve is closed to the general public. However, displaced preserve users who try to visit Hamilton Pool during the three days that the preserve is closed to the general public will be encouraged by park staff to visit nearby Reimers Ranch Park. Staff recommends approval of licensing agreement.

#### **Budgetary Impact:**

Predator Planet Films, Inc. has agreed to pay Travis County \$4,000.00 as consideration for granting a license to use Hamilton Pool Preserve. In addition, all vehicles brought into the preserve for purposes associated with the licensing activities will be charged daily park entry fees.

#### **Issues and Opportunities:**

Closing Hamilton Pool Preserve during the three days of setup, filming and teardown will reduce conflicts between film production staff and the general public. Records of previous years' visitation levels suggest reduced public use of Hamilton Pool during November, which

shouldn't significantly inconvenience public access during the two days that the preserve is closed to the public. Displaced preserve users can recreate at nearby Reimers Ranch Park.

**Background:**

Travis County has granted licensing agreements for filming inside county parks in the past, including at Hamilton Pool Preserve. It's not that unusual for a film company to request the closure of a county park/preserve to the general public during film production. Fortunately, visitation levels are low during the month of November, and displaced users can utilize nearby Reimers Ranch Park for the recreational needs. The film company's request to close Hamilton Pool Preserve to the general public is not precedent setting; the county has closed Hamilton Pool for previous film productions (Example: Hot Spot, with Don Johnson and The Shroud in 2007).

**Required Authorizations:**

None

**Exhibits:**

Licensing agreement

CCB:JPG:dap

CC: Tenley Aldredge, CA  
Charles Bergh, TNR Parks  
Robert Armistead, TNR Parks  
Dan Chapman, TNR Parks  
Daniel Perry, TNR Parks  
Michael Brewster, TNR Parks



## LICENSE AGREEMENT

STATE OF TEXAS           §  
  §  
COUNTY OF TRAVIS§

This License Agreement (this "Agreement") is made and entered into by and between Travis County, Texas, a political subdivision of the State of Texas ("County") and Predator Planet Films, Inc. ("Licensee"), a film production company authorized to do and doing business in the State of Texas.

### WITNESSETH

THAT WHEREAS, Licensee desires to use certain property located in the Travis County Hamilton Pool Preserve (the "County Preserve") for the purpose of filming a feature film, and County desires to allow Licensee use of the County Park for such purpose; and

WHEREAS, Licensee fully understands the fragile nature of the habitat of the County Park and intends to fully cooperate and take whatever steps are necessary to minimize all impacts upon the various habitats during Licensee's use of the County Preserve and to restore the County Preserve to its original condition after Licensee has completed filming.

NOW, THEREFORE, County and Licensee, in consideration of the mutual promises herein expressed and the compensation herein agreed to be paid, covenant and agree to and with each other as follows:

#### I. GRANT OF LICENSE

1.1 County hereby grants a license to Licensee, its employees, agents, independent producers, contractors, and suppliers, to enter, use, and by means of film, video, tape, or any other method, photograph selected and approved areas within the County Preserve in connection with the production of a feature film (the "License"), a short synopsis of which is attached hereto as **Exhibit A** and made a part hereof.

1.2 Such production, and all exhibition, distribution, advertising and exploitation products or services created or produced in connection therewith, shall be the sole property of Licensee, without exception and in perpetuity, and may be exploited in all media and markets and in all forms, whether known, unknown, or hereafter created. The License includes the right to bring onto the

County Park and to utilize thereon personnel, personal property, materials and equipment, including but not limited to props and temporary sets during the term of the License.

1.3 Licensee agrees to make no structural changes to the County Preserve. However, the License allows for superficial preparation to be made to the County Preserve to facilitate Licensee's storyline and production needs as well as the right to use special effects (if approved by staff of the Parks Division, as defined below, in advance) in furtherance of the storyline. Licensee agrees to leave the County Preserve in the same and as good a condition as when it was received, normal wear and tear excepted as determined by existing County parks policy.

1.4 Licensee acknowledges and agrees that permission to use the County Preserve for the purposes described herein may be immediately revoked if the film production described herein contains any content that, in the opinion of the Travis County Commissioners Court, the Executive Manager of the Travis County Transportation and Natural Resources Department ("TNR"), or their designees, is obscene, offensive, defamatory, harassing, malicious or that would reflect adversely on the reputation and dignity of Travis County.

1.5 Licensee acknowledges and agrees that Licensee shall be solely responsible at all times for the actions and the safety of those persons utilizing the County Preserve under this Agreement, including, without limitation, protecting such persons from injury or death and protecting County's property and the property of such persons from loss or damage.

1.6 Licensee agrees to use only designated parking areas, as determined by the Travis County Parks Division of the Transportation and Natural Resources Department ("the Parks Division") representative, to transport and park all vehicles and equipment brought into or onto the County Preserve by Licensee and its employees, agents, independent contractors and suppliers.

1.7 Licensee agrees that the use of a park facility for storage of equipment or supplies must be authorized in advance by designated representatives of the Parks Division. County is not and shall not be held responsible for lost, stolen or damaged property kept or stored on County property.

1.8 Licensee agrees to include "Travis Count Parks" in the list of credits at the conclusion of the film.

1.9 At no time will Licensee be permitted to bring onto or into the County Preserve a number of vehicles that exceeds the capacity of the County

Preserve parking lot, as determined by the Parks Division staff in its sole discretion.

1.10 On the third day of the License Term, as such term is defined below, Licensee agrees to take all reasonable measures to minimize noise and any other type of interference with or disruption of normal County Preserve business, including the use and enjoyment of the County Preserve by regular County Preserve visitors.

## II. TERM OF LICENSE

2.1 The License is granted for three full days, beginning on Sunday, November 15, 2009, continuing on Monday, November 16, 2009 and terminating on Tuesday, November 17, 2009, and between the hours of 5:00 a.m. and 10:00 p.m. (the "License Term"). The County Preserve shall be closed to the public for the duration of the License Term. Licensee acknowledges and agrees that such dates and times are subject to postponement and/or rescheduling due to any cause or reason beyond the control of Licensee or as determined to be necessary by County.

## III. PAYMENT TO COUNTY

3.1 In consideration of the License granted hereunder, Licensee shall pay County a fee in the amount of FOUR THOUSAND AND NO/100 (\$4,000.00), to be paid to: Division of Parks, Travis County Transportation and Natural Resources Department. Licensee shall pay County the sums set forth in this section no later than ten (10) days prior to commencement of the licensed activities. In addition, Licensee shall provide, at its own expense, all utilities such as electricity, water, garbage removal and wastewater during Licensee's use of the County Preserve.

3.2 During the first two days of the License Term, Licensee shall provide, at its own additional expense, security through employment of Travis County Park Rangers as reasonably necessary to ensure the safety and integrity of the persons and property brought onto the County Preserve for the purposes authorized under this Agreement. In addition, during the License Term, Licensee shall provide, at its own additional expense, security and emergency medical personnel through employment of Travis County Park Rangers and EMS System-cleared medics as reasonably necessary (to be solely determined by the Parks Division) to ensure the safety and integrity of the persons and property brought onto the County Park for the purposes authorized under this Agreement.

3.3 All vehicles brought into the County Preserve for purposes authorized under this Agreement, and all persons entering the County Preserve for the purpose of conducting the licensed activities, will be charged, and

Licensee will pay, prior to County Preserve entry, all normal and customary fees charged to the public.

3.4 With respect to any additional expenses incurred by County above the expenses set forth herein, County shall invoice Licensee for the actual costs so incurred, and Licensee shall remit payment to County for the invoice amounts within thirty (30) days of receipt of invoice(s).

#### IV. PERMITS

4.1 Licensee shall be solely responsible for the costs and the securing of any permits required by the City of Austin, the Lower Colorado River Authority, or other governmental entities.

#### V. CONTROL OF TRAVIS COUNTY

5.1 Licensee and its agents shall at all times obey the direction and commands of the Travis County Sheriff and/or the Executive Manager of the Travis County Transportation and Natural Resources Department, or their designees (including the Director of the Parks Division and any and all Travis County Park Rangers), while in the County Preserve.

5.2 Licensee agrees to attend a pre-site meeting with TNR representatives prior to commencement of filming. Licensee shall be responsible for contacting Daniel Perry, or other authorized Parks Division representative, in order to arrange a time and location for such pre-site meeting that is mutually agreeable to the parties.

5.3 Licensee and its agents shall at all times follow the Travis County Parks Rules, which TNR staff shall provide to Licensee prior to commencement of the activities licensed hereunder.

5.4 Licensee and its agents acknowledge and agree that disorderly conduct or assault, as defined by the Texas Penal Code, will not be tolerated. Such actions include, but are not limited to, abusive, indecent, profane or vulgar language that might cause a breach of the peace, or threatening or causing physical contact with someone else who might consider the contact offensive.

5.5 Any disregard of the directions, restrictions, rules or regulations referenced in this section shall be grounds for immediate revocation of the License by the Travis County Sheriff, the Executive Manager of the Travis County Transportation and Natural Resources Department, and/or the Director of the Parks Division, or their designated representatives, and such action is expressly authorized herein by the Travis County Commissioners Court.

## VI. USE AND REPAIRS

6.1 Licensee shall not use the County Preserve for any purpose other than that set forth herein. Licensee shall repair or replace any damage to the County Preserve caused by Licensee.

## VII. INDEMNIFICATION

**7.1 LICENSEE AGREES TO AND SHALL INDEMNIFY AND HOLD HARMLESS COUNTY, ITS OFFICERS, AGENTS AND EMPLOYEES FROM AND AGAINST ANY AND ALL CLAIMS, LOSSES, DAMAGES, NEGLIGENCE, CAUSES OF ACTION, SUITS, AND LIABILITY OF ANY KIND, INCLUDING ALL EXPENSES OF LITIGATION, COURT COSTS, AND ATTORNEYS' FEES, FOR INJURY TO OR INJURY TO OR DEATH OF ANY PERSON, FOR ANY ACT OR OMISSION BY LICENSEE, OR FOR DAMAGE TO ANY PROPERTY, ARISING OUT OF OR IN CONNECTION WITH THIS AGREEMENT OR LICENSEE'S USE OF THE COUNTY PRESERVE.**

7.2 Without in any way limiting the liability of Licensee or its obligations under this Agreement, Licensee agrees to maintain during the term of the License Commercial General Liability Insurance with a combined minimum Bodily Injury and Property Damage limits of \$600,000 per occurrence and \$1,000,000 in the aggregate, with Travis County named as an additional insured. Licensee has provided County with a certificate from its carrier evidencing such insurance, which certificate is attached hereto as **Exhibit C** and made a part hereof.

## VIII. SAFETY

8.1 County reserves the right to prohibit persons from entering the County Preserve at any time safety may be a concern.

## IX. AMENDMENTS

9.1 This Agreement may be amended only by written instrument signed by both County and Licensee. IT IS ACKNOWLEDGED BY LICENSEE THAT NO OFFICER, AGENT, EMPLOYEE OR REPRESENTATIVE OF TRAVIS COUNTY HAS ANY AUTHORITY TO CHANGE OR AMEND THE TERMS OF THIS AGREEMENT OR ANY ATTACHMENTS TO IT OR TO WAIVE ANY BREACH OF THIS AGREEMENT UNLESS EXPRESSLY GRANTED THAT SPECIFIC AUTHORITY BY THE COMMISSIONERS COURT OF TRAVIS COUNTY.

## X. NON-ASSIGNMENT OF RIGHTS

10.1 Licensee may not assign this Agreement or any portion or right thereof without the prior written consent of County; provided, however, Licensee shall have the right to grant, assign and transfer all or any part of its right, title and interest in the film production, in whole or in part, including all copyrights, rights of publicity, trademarks and all other legal interests and rights.

## XI. NOTICES

11.1 Any notice to be given hereunder by either party to the other shall be in writing and may be effected by personal delivery, in writing, or registered or certified mail, return receipt requested. Notices shall be sufficient if made or addressed as follows:

Predator Planet Films Inc.-Title "Predators"

Assistant Manager  
John P. Crowley  
512-426-2086  
jpcrowley2001@yahoo.com

Assistant Manager  
Steve White  
512-789-4055  
stevetxcz@aol.com

If to Licensee: Logan Cooper  
Location Manager  
Predator Planet Films, Inc.  
4900 Old Manor Road  
Austin, Texas 78723  
(512) 983-1975  
[popeurban3@gmail.com](mailto:popeurban3@gmail.com)

If to County: Honorable Samuel T. Biscoe (or successor in office)  
Travis County Judge  
P.O. Box 1748  
Austin, Texas 78767

And: Joe Gieselman (or successor)  
Executive Manager  
Travis County Transportation and

Natural Resources Department  
P.O. Box 1748  
Austin, Texas 78767

## XII. VENUE AND CHOICE OF LAW

12.1 THE OBLIGATIONS AND UNDERTAKINGS OF EACH OF THE PARTIES TO THIS LICENSE SHALL BE PERFORMABLE IN TRAVIS COUNTY, TEXAS, AND THIS LICENSE SHALL BE GOVERNED BY AND CONSTRUED IN ACCORDANCE WITH THE LAWS OF THE STATE OF TEXAS.

## XIII. MEDIATION

13.1 When mediation is acceptable to both parties in resolving a dispute arising under this Lease, the parties agree to use a mutually agreed upon mediator, or someone appointed by the Court having jurisdiction, for mediation as described in Section 154.023 of the Texas Civil Practice and Remedies Code. Unless both parties are satisfied with the result of the mediation, the mediation will not constitute a final and binding resolution of the dispute. All communications within the scope of the mediation shall remain confidential as described in Section 154.073 of the Texas Civil Practice and Remedies Code, unless both parties agree, in writing, to waive the confidentiality.

## XIV. NON-WAIVER AND RESERVATION OF RIGHTS

14.1 No act or omission by County may constitute or be construed as a waiver of any breach or default of Licensee that then exists or may subsequently exist. The failure of County to exercise any right or privilege granted in this Agreement shall not be construed as a waiver of that right or privilege.

14.2 All rights of County under this Agreement are specifically reserved and any act or omission shall not impair or prejudice any remedy or right of County hereunder. Any right or remedy stated in this Agreement shall not preclude the exercise of any other right or remedy under this Agreement, the law or at equity, nor shall any action taken in the exercise of any right or remedy be deemed a waiver of any other rights or remedies.

## XV. ENTIRETY OF AGREEMENT

15.1 This Agreement represents the sole, entire and integrated Agreement between County and Licensee with respect to the subject matter herein and supersedes all prior negotiations, representations or agreements either oral or written.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date(s) set forth below.

TRAVIS COUNTY:

By: \_\_\_\_\_

Samuel T. Biscoe  
Travis County Judge

Date: \_\_\_\_\_

LICENSEE: PREDATOR PLANET FILMS, INC.

By: \_\_\_\_\_

Logan Cooper  
Location Manager

Date: \_\_\_\_\_



**EXHIBIT A**

**Synopsis of Film**

**Need film synopsis please!!!!**

**EXHIBIT B**  
**INSURANCE CERTIFICATE OF LICENSEE**  
**(attached)**

# 6

Travis County Commissioners Court Agenda Request

Voting Session 11/03/09  
(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:

Consider and take appropriate action on:

- A. **Wandering Creek, Phase II - Preliminary Plan in Precinct 4 (508 Lots – 187.35 Acres – FM 812 – No fiscal is required with this Preliminary Plan – Water and Wastewater provided by the City of Austin – City of Austin 2 and 5 mile ETJ).**
- B. **Approve a Phasing Agreement for Wandering Creek, Phase II, Preliminary Plan.**

C. Approved by:

\_\_\_\_\_  
Commissioner Margaret Gómez, Precinct 4

- 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:

|                              |                                |
|------------------------------|--------------------------------|
| <u>Joe Arriaga: 854-7562</u> | <u>Chris Gilmore: 854-9455</u> |
| <u>Anna Bowlin: 854-7561</u> | <u>Dennis Wilson: 854-4217</u> |

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**

October 16, 2009

TO: Members of the Commissioners' Court

THROUGH: *Carol B. Gieselman*  
Joseph P. Gieselman, Executive Manager

FROM: *AB* Anna Bowlin, Division Director, Development Services Division

SUBJECT: Wandering Creek, Phase II - Preliminary Plan, Precinct 4

**PROPOSED MOTION:**

Consider and take appropriate action on:

- A. Wandering Creek, Phase II - Preliminary Plan in Precinct 4 (508 Lots – 187.35 Acres) – F. M. 812 – No fiscal is required with this Preliminary Plan – Water and Wastewater provided by the City of Austin – City of Austin 2 and 5 mile ETJ.**
- B. Approve a Phasing Agreement for Wandering Creek, Phase II, Preliminary Plan.**

**SUMMARY AND STAFF RECOMMENDATION:**

The Wandering Creek Preliminary Plan subdivision consists of 508 total lots (475 residential lots, includes 139 standard lots and 336 small lots, 3 commercial lots, 1 amenity lot, 3 mail box lots, 24 open space, drainage and landscape lots, 1 public library lot and 1 ESD #11 lot). Fiscal is not required with this preliminary plan. There are 21,100 linear feet of public streets proposed with this plan. Parkland dedication is not required at the preliminary plan stage and but will be satisfied prior to final plat approval.

The proposed development will extend a CAMPO 2030 arterial indented as Wandering Creek Drive which traverses a large portion of the property. The developer will be constructing this arterial as per the phasing agreement (attached).

As this preliminary plan meets all Single Office/Travis County standards and has been approved by City of Austin, TNR staff recommends approval of preliminary plan and phasing agreement.

**PHASING AGREEMENT (attached)**

The developer has entered into a Phasing Agreement with Travis County and will be required to the following:

1. Prior to the County accepting for maintenance any streets, drainage, or other improvements in Wandering Creek Phase II subdivision, the Developer must construct and the County must accept for maintenance the proposed streets and other infrastructure in each of the Wandering Creek Phase II Sections.
2. The Developer must post and maintain fiscal security in a form and amount acceptable to the County for 10% of the cost to construct the streets, drainage, and other improvements identified in the final plat for Wandering Creek Phase II Subdivision until such improvements have been completed, have performed satisfactorily for one year, and have been accepted by the County.
3. Once the total number of platted lots in any combination of platted phase reaches a cumulative total of 350 lots, a roadway connection will be required providing connectivity between the northern property line of Wandering Creek Phase II and FM 812.
4. Prior to the approval of any plat that increases the lot count beyond 350 lots, the developer will provide construction plans and post fiscal for a road that will provide the connectivity necessary for public safety.
5. The Owner shall post fiscal security in a form and amount satisfactory to TxDOT for: (1) One Hundred percent (100%) of the cost of construction of:
  - a. Construct a left turn lane for eastbound traffic on FM 812.
  - b. Construct a right turn lane for westbound traffic on FM 812.
  - c. Construct Wandering Creek Drive to provide one left turn lane and one right turn lane onto FM 812.
6. The Owner's pro rata share (as defined below) of the costs for installation of a traffic signal at this intersection (said two improvements hereinafter sometimes called "infrastructure improvements"). The amount of fiscal security for the traffic signal shall be based on the Owner's site traffic as a percentage of total traffic. The fiscal security for the turn lanes shall be posted when the final plat for Wandering Creek Drive is included in the construction plans for that section.
7. The fiscal security for the traffic signal shall be posted when the County determines that the warrants are met in the field for installation of a signal. The County, or such other governmental entity with jurisdiction shall be responsible for construction / installation of the traffic signal when warrants for such signal are met.
8. If the City of Austin enters into an arrangement satisfactory to the County to allow the County to draw as necessary on any fiscal security the Developer has posted with the City of Austin in connection with development of the Property, such fiscal security shall be credited against any fiscal security the County requires of the Developer under this Agreement.

### **Transportation**

As part of the review of this preliminary plan application, the applicant completed a Traffic Impact Analysis (TIA) to assess any traffic impacts to surrounding roadways. As a result of the traffic impacts, the applicant has entered into an agreement with Travis County. For specific developer obligations, see section on phasing agreement/attached document.

### **FEMA/CLOMR**

The applicant is proposing to modify the current Federal Emergency Management Agency (FEMA) floodplain along Dry Creek. As part of the preliminary plan application review process to the Single Office; the applicant has submitted a complete application for a Conditional Letter of Map Revision (CLOMR) to FEMA for their technical review for this preliminary plan. The purpose of a CLOMR application is to receive FEMA's input on the proposed development's impact on the floodplain prior to approval of any final plats. The CLOMR application was submitted and deemed complete by FEMA.

### **Environmental**

The applicant submitted an environmental assessment for the entire Wandering Creek development and the City of Austin staff has reviewed the assessment for technical compliance. In the environmental assessment, a wetland feature or critical environmental features (CEFs) was identified on the development and developer is required to protect this feature. The code requires features to be located on individual lots and cannot be part of a single family lot so the applicant has provided a separate lot for the CEF and identified as Lot 28, Block L on the plan.

### **Water/Wastewater**

The applicant submitted a Service Extension Request (SER) with the City of Austin for cost reimbursement for water and wastewater services for the proposed development.

#### ***ISSUES AND OPPORTUNITIES:***

Staff has received no calls or inquiries regarding this preliminary plan. One person has expressed opposition to the plan as she did previously with the first phase (see attached letter). This person has not contacted staff directly.

#### ***BUDGETARY AND FISCAL IMPACT:***

None.

#### ***REQUIRED AUTHORIZATIONS:***

None.

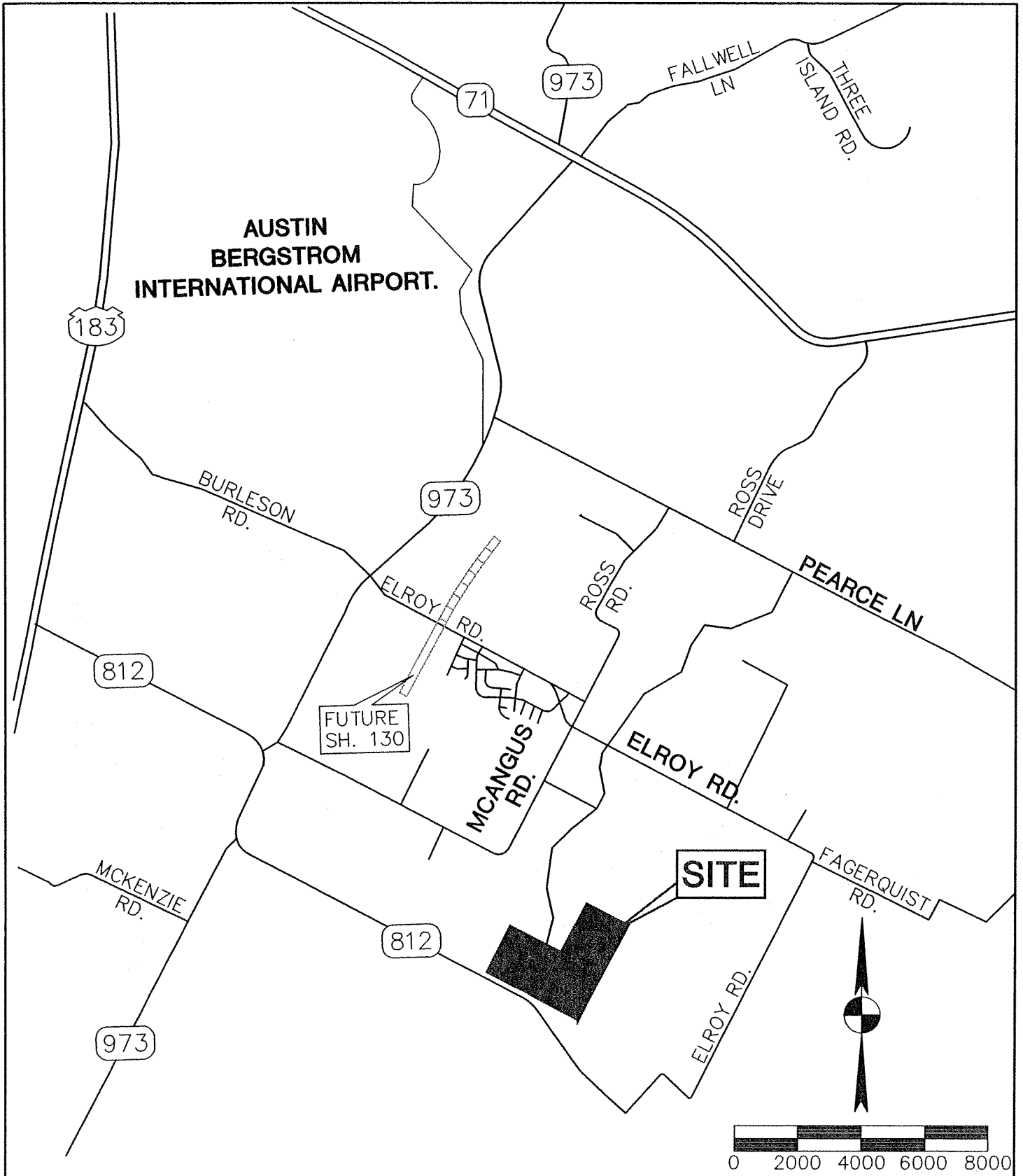
#### ***EXHIBITS:***

Location map  
Precinct map  
Proposed plan  
Phasing Agreement



Precinct 4





|  |  |                     |                              |                             |
|--|--|---------------------|------------------------------|-----------------------------|
| <p><b>G</b>RANITE<br/><b>D</b>EVELOPMENT<br/><b>S</b>ERVICES</p> | <p>WANDERING CREEK<br/>INVESTMENTS LP.<br/><br/>WANDERING CREEK PHASE II</p> | <p>VICINITY MAP</p> |                              |                             |
| <p>Date: 08/31/2008</p>  | <p>Scale: 1"=4000'</p>   | <p>Drawn by: JR</p> | <p>File Name: VICMAP.DWG</p> | <p>Project No.: 0003-02</p> |



**WANDERING CREEK PHASE II SUBDIVISION**

**PHASING AGREEMENT**

STATE OF TEXAS           §

COUNTY OF TRAVIS       §

THIS AGREEMENT is made and entered into by and between VCTMJ, L.P., (the “Developer”), and Travis County, Texas (the “County”), hereinafter collectively referred to as the “Parties”.

WHEREAS, the Developer is in the process of subdividing that certain tract of land (the “Property”) described in Exhibit “A”, which is attached hereto and made a part hereof, which Developer has designated as WANDERING CREEK PHASE II Subdivision.

WHEREAS, the Developer desires to develop the Property in phases; and

WHEREAS, the Developer has currently submitted a Preliminary Plan for the entire project.

WHEREAS, it is contemplated that the Developer will subsequently submit for County approval final plats and construction plans for the streets, drainage, and other improvements for the duration of the Wandering Creek Phase II subdivision.

WHEREAS, the Parties desire to establish a process to coordinate the phased development and orderly extension of new streets in Wandering Creek Phase II subdivision.

NOW, THEREFORE, in consideration of these premises and the promises contained herein, the Parties agree as follows:

1. DEVELOPER OBLIGATIONS

- a. Prior to the County accepting for maintenance any streets, drainage, or other improvements in Wandering Creek Phase II subdivision, the Developer must construct and the County must accept for maintenance the proposed streets and other infrastructure in each of the Wandering Creek Phase II Sections.
  
- b. The Developer must post and maintain fiscal security in a form and amount acceptable to the County for 10% of the cost to construct the streets, drainage, and other improvements identified in the final plat for Wandering Creek Phase II Subdivision until such improvements have been completed, have performed satisfactorily for one year, and have been accepted by the County.

c. Once the total number of platted lots in any combination of platted phase reaches a cumulative total of 350 lots, a roadway connection will be required providing connectivity between the northern property line of Wandering Creek Phase II and FM 812.

d. Prior to the approval of any plat that increases the lot count beyond 350 lots, the developer will provide construction plans and post fiscal for a road that will provide the connectivity necessary for public safety.

e. The Owner shall post fiscal security in a form and amount satisfactory to TxDOT for: (1) One Hundred percent (100%) of the cost of construction of:

- Construct a left turn lane for eastbound traffic on FM 812.
- Construct a right turn lane for westbound traffic on FM 812.
- Construct Wandering Creek Drive to provide one left turn lane and one right turn lane onto FM 812.

f. The Owner's pro rata share (as defined below) of the costs for installation of a traffic signal at this intersection (said two improvements hereinafter sometimes called "infrastructure improvements"). The amount of fiscal security for the traffic signal shall be based on the Owner's site traffic as a percentage of total traffic. The fiscal security for the turn lanes shall be posted when the final plat for Wandering Creek Drive is included in the construction plans for that section. The fiscal security for the traffic signal shall be posted when the County determines that the warrants are met in the field for installation of a signal. The County, or such other governmental entity with jurisdiction shall be responsible for construction / installation of the traffic signal when warrants for such signal are met.

g. If the City of Austin enters into an arrangement satisfactory to the County to allow the County to draw as necessary on any fiscal security the Developer has posted with the City of Austin in connection with development of the Property, such fiscal security shall be credited against any fiscal security the County requires of the Developer under this Agreement.

## 2. COUNTY OBLIGATIONS

The County will:

- a. upon the execution of this Agreement, approve the Preliminary Plan for Wandering Creek Phase II Subdivision; and
- b. subject to compliance with applicable standards and the performance by the Developer of its obligations under this Agreement, approve acceptable subsequent final plats and subdivision construction plans for future sections of Wandering Creek Phase II Subdivision.

### 3. CONSTRUCTION SECURITY POSTING

The Developer shall post the required fiscal security with the City of Austin simultaneously with final plat approval of each said phases. The Developer may post an equal amount with Travis County as a substitute if allowable by the City, and if the City will release the amount posted with it upon the substitute posting being received by the County.

### 4. ACCEPTANCE BY COUNTY

The Developer acknowledges that the public roadways and other improvements within the Wandering Creek Phase II Subdivision cannot be accepted by the County for maintenance until they connect to other infrastructure that has already been accepted by the County. The Developer agrees to leave its 10% fiscal security posted with the City of Austin or with Travis County until the improvements have been accepted for maintenance by the County or, in the event of annexation, by the City of Austin.

### 5. RELEASE AND INDEMNITY

The Developer agrees that the County and its officers, agents and employees shall not be liable or responsible for, and shall be held harmless by the Developer from, any claims, losses, damages, causes of action, suits, attorney fees, liability for injury to or death of any person or damage to any property arising out of or in connection with any actions or omissions by the Developer under the terms of this Agreement, whether or wholly or partially the fault of the Developer.

### 6. MISCELLANEOUS

- a. Beneficiaries: This Agreement will bind and inure to the benefit of the parties hereto and their successors and assigns.
- b. Restrictive Covenant: This Agreement touches and concerns real property located in Travis County, Texas, and, if recorded, will constitute a covenant running with the land.
- c. Amendment to Agreement: Any revisions, modification or amendment of this Agreement will be effective only when reduced to writing and signed by both parties hereto. NO OFFICIAL, AGENT OR EMPLOYEE OF THE COUNTY HAS ANY AUTHORITY, EITHER EXPRESSED OR IMPLIED TO AMEND OR MODIFY THIS AGREEMENT EXCEPT PURSUANT TO SUCH EXPRESS AUTHORITY AS MAY BE DELEGATED BY THE COMMISSIONER'S COURT.
- d. Assignment by the Developer: The rights, duties and responsibilities of the Developer may be assigned only with the consent of the County which consent will not be unreasonably withheld or unduly delayed by the County.
- e. Entire Agreement: This is the entire agreement between the parties with respect to the subject matter hereof. As of this date, there are no other agreements or representations, oral or written, between the parties in conflict with this Agreement.

- f. Notice: Any notices to be given by one party to another by this Agreement will be given in writing addressed to the party at the address set forth below for such party. (I) by delivering same in person, (ii) by depositing the same in the United States Mail, certified or registered, return receipt requested, postage pre-paid, addressed to the party to be notified, or (iii) by depositing the same with FedEx or other nationally recognized courier service guaranteeing “next-day delivery” addressed to the party to be notified, or (iv) by sending same by telefax with confirming copies sent by mail. Notice deposited in the United States mail in the manner hereinabove described will be deemed effective from and after the earlier of the date of actual receipt or three days after the date of such deposit. Notice given in any other manner shall be effective only if and when received by the party to be notified. For purposes of notice, the addresses shall, until changed as provided below, be as follows:

|                        |  |
|------------------------|--|
| Developer:             | VCTMJ, L.P.<br>c/o Michael T. Hatch<br>3705 Medical Parkway, Ste 565<br>Austin, Texas 78705-1029                           |
| Travis County:         | Joseph P. Gieselman (or successor)<br>Executive Manager, TNR<br>P.O. Box 1748<br>Austin, Texas 78767                       |
| With required copy to: | David Escamilla (or successor)<br>Travis County Attorney<br>P.O. Box 1748<br>Austin, Texas 78767<br>Attn: File No. 163.000 |

The parties shall have the right from time-to-time to change their respective addresses by written notice to the other party.

- g. Applicable Law and Venue: The construction and validity of this Agreement shall be governed by the laws of the State of Texas. This Agreement is wholly performable in Travis County, Texas and concerns real property located in Travis County.
- h. Incorporation of Exhibits and Other Documents by Reference: All exhibits and other documents attached to or referred to this Agreement are incorporated herein by reference for the purpose set forth in this Agreement.
- i. Severability: The provisions of this Agreement are severable, and if any words, phrases, clause, sentence, paragraph or other part of this Agreement, or the application thereof to any person or circumstances should ever be held by any court of competent jurisdiction to be invalid or unconstitutional for any reason, the remainder of this

Agreement and the application of such work, clause, sentence, paragraph or part of this Agreement to other persons or circumstances shall be construed as if such invalid or unconstitutional portion had never been contained herein.

- j. Number and gender and “Developer” entity status: Any number or gender used in this Agreement shall be construed to include any other number or gender as necessary to provide for the intention of the Parties and a reasonable interpretation of this Agreement. In addition, it is recognized that the term “Developer” is a nominal title and is not intended to confer rights on any party, who does not have such rights, but is instead intended to effect the joiner of all interested parties to the extent of any interest that they hold in the land which is the subject of this Agreement and any development of such land.
- k. When mediation is acceptable to both parties in resolving a dispute arising under this Agreement, the parties agree to use the Dispute Resolution Center of Austin, Texas, as the provided of mediators for mediation as described in Section 154.023 of the Texas Civil Practice and Remedies Code. Unless both parties are satisfied with the result of the mediation, the mediation will not constitute a final and binding resolution of the dispute. All communications within the scope of the mediation shall remain confidential as described in Section 154.073 of the Texas Civil Practice and Remedies Code, unless both parties agree, in writing, to waive the confidentiality.

EXECUTED to be effective as of the later date set forth below.

VCTMJ, L.P.

By: \_\_\_\_\_  
Mr. Michael T. Hatch

Date: \_\_\_\_\_

Travis County, Texas

By: \_\_\_\_\_

Date: \_\_\_\_\_

State of Texas

County of Travis

This instrument was acknowledged before me on the \_\_\_\_\_ of \_\_\_\_\_, 2009,  
by \_\_\_\_\_.

\_\_\_\_\_  
Notary Public, State of Texas

State of Texas

County of Travis

This instrument was acknowledged before me on the \_\_\_\_\_ of \_\_\_\_\_, 2009,  
by Samuel T. Biscoe, Travis County Judge.

\_\_\_\_\_  
Notary Public, State of Texas



# Exhibit “A”

### PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

Commission is required to approve the subdivision by State law if no variances are required, and if it meets all requirements. A board or commission's decision on a subdivision may only be appealed if it involves an environmental variance. A variance may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (it may be delivered to the contact person listed on a notice); or
- appearing and speaking for the record at the public hearing;

and:

- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 14 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: [www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development).

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: C8J-2008-0208

Contact: Joe Arriaga, 512-854-7562 or Cindy Casillas, 512-974-3437

Public Hearing: Oct. 6, 2009, Zoning and Platting Commission,

Cathy Olive

Your Name (please print)

8315 Elroy Rd

Your address(es) affected by this application

Cathy Olive

Signature

9/29/09

Date

|                                     |               |
|-------------------------------------|---------------|
| <input type="checkbox"/>            | I am in favor |
| <input checked="" type="checkbox"/> | I object      |

Daytime Telephone: 512-247-2455

Comments: After talking with everyone in our Elroy neighborhood, we are ~~in~~ AGAINST more traffic in FDT #12. Come more houses built in the Day Creek Flood Zone

If you use this form to comment, it may be returned to:  
 City of Austin – Planning & Development Review Dept./4<sup>th</sup> Floor  
 Joe Arriaga-Travis County  
 P. O. Box 1088  
 Austin, TX 78767-8810

# 7

Travis County Commissioners Court Agenda Request

Voting Session 11/03/09  
(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

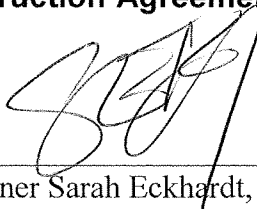
B. Requested Text:

**Consider and take appropriate action on:**

**A. Avalon Phase 7A Final Plat in Precinct Two (Long Form Plat – 25 Total Lots: 23 Single Family Lots, One Drainage Easement/Open Space Lot, and One Private Park Lot – 16.41 acres – Crispin Hall Lane – Appropriate Fiscal has been posted with Travis County – Sewage service to be provided by City of Pflugerville – City of Pflugerville ETJ).**

**B. Approve a Travis County Construction Agreement for Avalon Phase 7A Final Plat**

C. Approved by:

  
\_\_\_\_\_  
Commissioner Sarah Eckhardt, Precinct Two

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:

 Michael Hettenhausen: 854-7563 Dennis Wilson: 854-4217  
Anna Bowlin: 854-7561

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)

RECEIVED  
COUNTY JUDGE'S OFFICE  
09 OCT 27 PM 3:23

\_\_\_\_ 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

**BACK UP MEMORANDUM**

October 15, 2009

TO: Members of the Commissioners' Court

THROUGH: Joseph P. Gieselman, Executive Manager

FROM:  Anna Bowlin, Director, Development Services

SUBJECT: Avalon Phase 7A Final Plat, Precinct Two

***PROPOSED MOTION:***

**Consider and take appropriate action on:**

- A. Avalon Phase 7A Final Plat in Precinct Two (Long Form Plat – 25 Total Lots: 23 Single Family Lots, One Drainage Easement/Open Space Lot, and One Private Park Lot – 16.41 acres – Crispin Hall Lane – Appropriate Fiscal has been posted with Travis County – Sewage service to be provided by City of Pflugerville – City of Pflugerville ETJ).**
  
- B. Approve a Travis County Construction Agreement for Avalon Phase 7A Final Plat**

***SUMMARY AND STAFF RECOMMENDATION:***

This subdivision consists of 25 total lots (23 single-family lots, one drainage easement/open space lot, and one private park lot) on 16.41 acres. There are 1,618 linear feet of public streets proposed with this final plat. This final plat application was previously approved for alternate fiscal on December 16, 2008; since then required infrastructure improvements have been completed. Parkland will be dedicated per the requirements of the Comprehensive Agreement between KM Kelly Lane, Ltd and the City of Pflugerville.

As this plat application meets all Travis County standards and has been approved by the City of Pflugerville, TNR staff recommends approval of the plat.

**ISSUES:**

This subdivision is part of a series of final plats that have been previously approved by Commissioners' Court in this area. At this time, staff has not received any inquiries from adjacent property owners. Should the case manager receive any inquiries prior to Court, an addendum to this memorandum will be presented to the Court.

**BUDGETARY AND FISCAL IMPACT:**

None.

**REQUIRED AUTHORIZATIONS:**

None.

**EXHIBITS:**

Location map

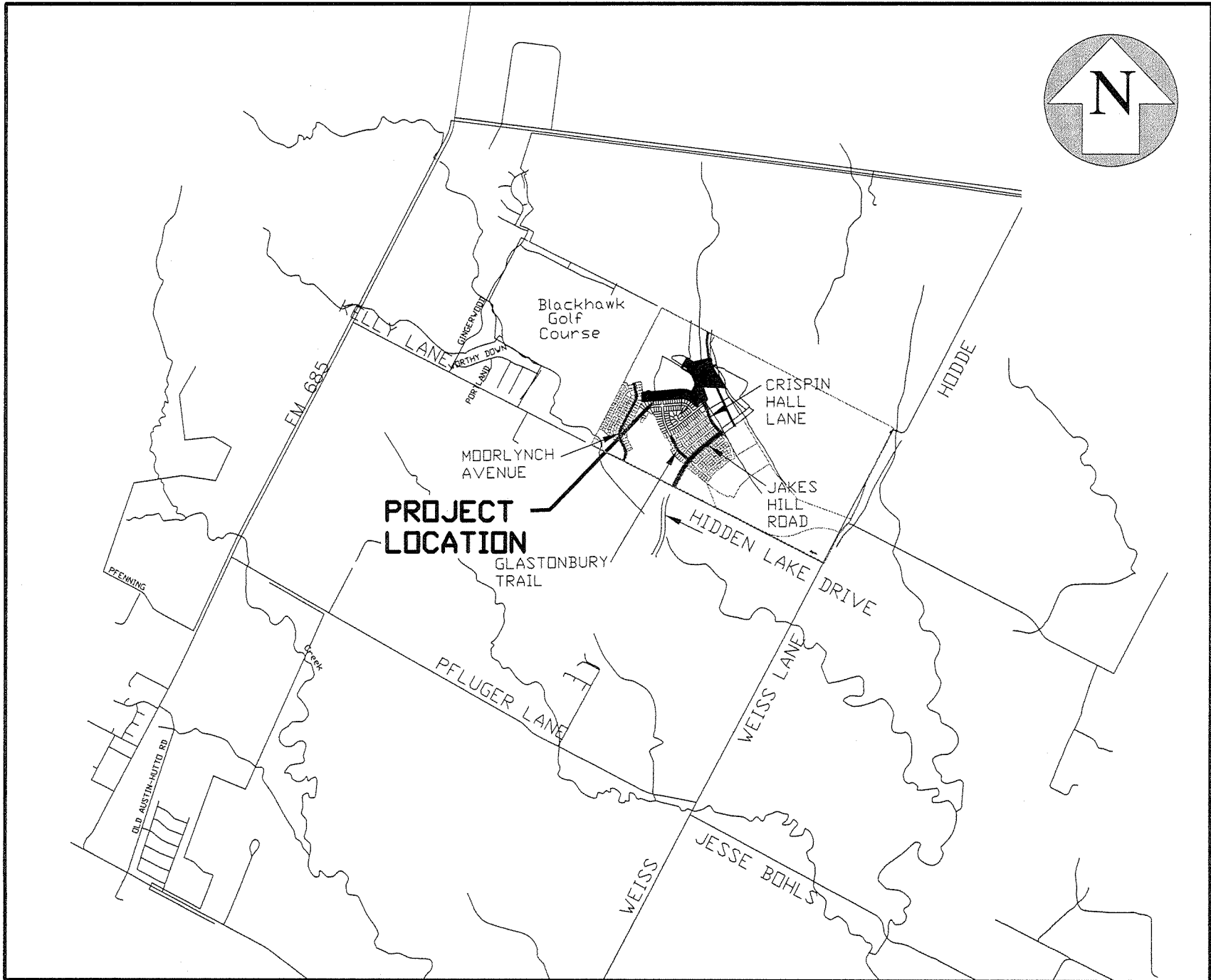
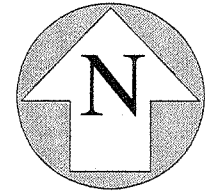
Precinct map

Original Construction Agreements

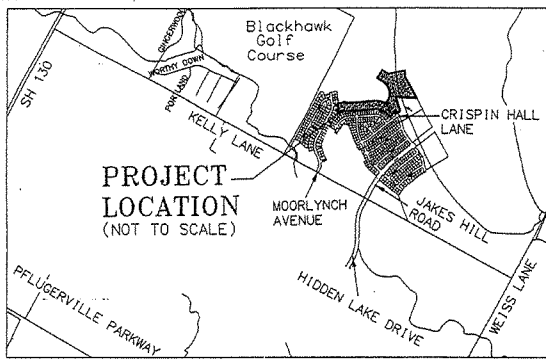
Proposed final plat

AMB: mph

1105



VICINITY MAP  
N.T.S.



- LEGEND**
- IRON ROD FOUND
  - IRON ROD SET W/CAP MARKED "PATE ENG"
  - ⊙ IRON PIPE FOUND
  - ⊠ CONCRETE MONUMENT SET
  - ⊕ BENCHMARK
  - PLAT BOUNDARY
  - LOT LINES
  - - - EXISTING EASEMENT
  - - - PROPOSED EASEMENT
  - - - ADJOINING PROPERTY LINES
  - - - SIDEWALK
  - R.P.R.T.C.T. REAL PROPERTY RECORDS TRAVIS COUNTY TEXAS
  - D.R.T.C.T. DEED RECORDS TRAVIS COUNTY TEXAS
  - O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS TRAVIS COUNTY TEXAS
  - P.R.T.C.T. PLAT RECORDS OF TRAVIS COUNTY TEXAS
  - P.U.E. PUBLIC UTILITY EASEMENT
  - B.L. BUILDING LINE
  - R.O.W. RIGHT-OF-WAY
  - Ⓢ BLOCK DESIGNATION

OWNER/SUBDIVIDER: KM AVALON LTD.  
BLAKE J. MAGEE, PRESIDENT  
1011 N. LAMAR BLVD.  
AUSTIN, TEXAS 78703

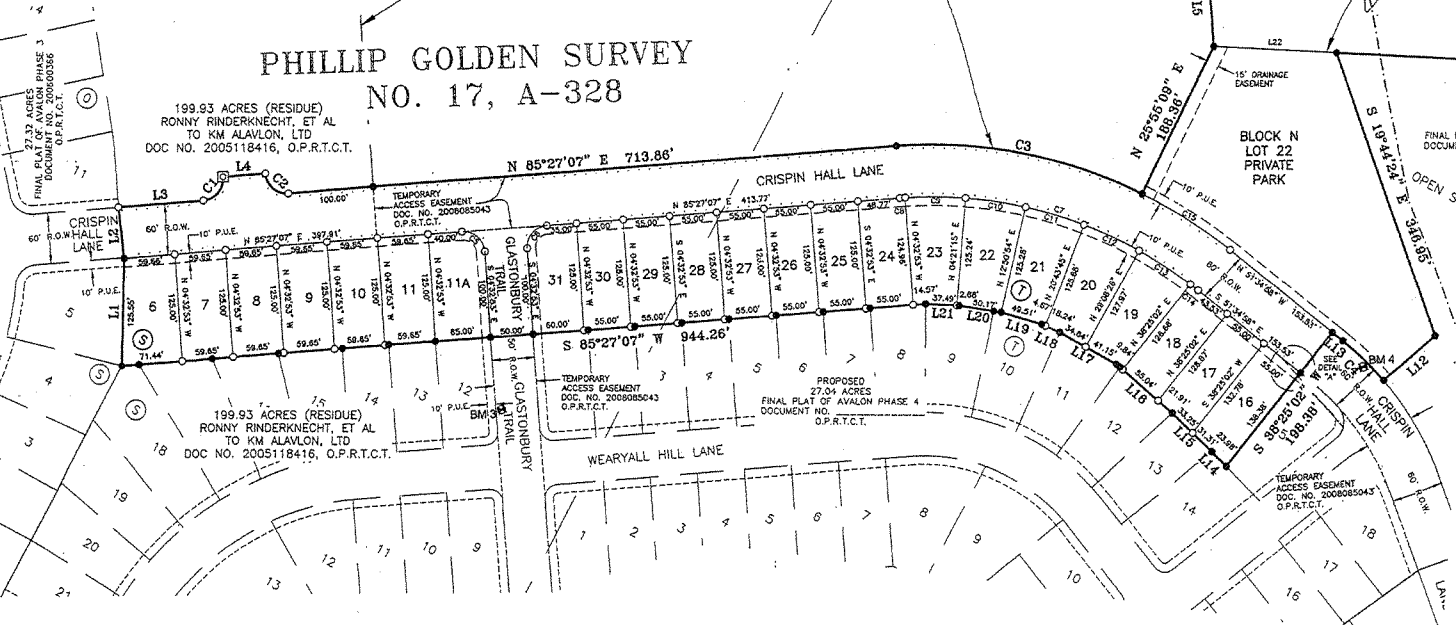
SURVEYOR: PATE SURVEYORS  
NEIL HINES, R.P.L.S.  
7801 N. CAPITAL OF TEXAS HIGHWAY  
SUITE 350  
AUSTIN, TEXAS 78731  
TELEPHONE: (512) 340-0600  
FAX: (512) 340-0604

ENGINEER: PATE ENGINEERS, INC.  
7801 N. CAPITAL OF TEXAS HIGHWAY,  
SUITE 350  
AUSTIN, TEXAS 78731  
TELEPHONE: (512) 340-0600  
FAX: (512) 340-0604

13.451 ACRES  
KM AVALON, LTD.  
TO  
BOARD OF TRUSTEES OF  
THE PFLUGERVILLE INDEPENDENT  
SCHOOL DISTRICT  
DOC NO. 2008085044, O.P.R.T.C.T.

**PHILLIP GOLDEN SURVEY  
NO. 17, A-328**

199.93 ACRES (RESIDUE)  
RONNY RINDERKNECHT, ET AL  
TO KM AVALON, LTD  
DOC NO. 2005118416, O.P.R.T.C.T.



**EDWARD FLINT SURVEY  
NO. 11, A-277**

199.93 ACRES (RESIDUE)  
RONNY RINDERKNECHT, ET AL  
TO KM AVALON, LTD  
DOC NO. 2005118416, O.P.R.T.C.T.

BLOCK N  
LOT 23  
OPEN SPACE/DRNG. ESMT

BLOCK N  
LOT 22  
PRIVATE  
PARK

BLOCK N  
LOT 24  
OPEN SPACE/DRNG. ESMT

REVISIONS:

| NO. | DATE | DESCRIPTION | BY |
|-----|------|-------------|----|
|     |      |             |    |
|     |      |             |    |
|     |      |             |    |

**FINAL PLAT  
AVALON, PHASE 7A**  
A 16.41 ACRE SUBDIVISION  
OUT OF THE  
PHILLIP GOLDEN SURVEY NO. 17, ABSTRACT NO. 328  
EDWARD FLINT SURVEY NO. 11, ABSTRACT NO. 277  
TRAVIS COUNTY, TEXAS  
CONTAINING  
25 LOTS, 3 BLOCKS  
JOB NO. 1655-004-01-A520

**PATE SURVEYORS**

HOUSTON • AUSTIN • ARLINGTON • SAN ANTONIO  
7801 NORTH CAPITAL OF TEXAS HIGHWAY  
SUITE 350  
AUSTIN, TEXAS 78731  
PH: (512) 340-0600  
FAX: (512) 340-0604  
WWW.PATEENG.COM

X:\WORK\66054\1655-016-01 - Avalon Plat\Task A520 - PLAT CALCULATION AND PREPARATION\Project\Work in Progress\Phase 7\AVALON 7A\_070909.dwg 01\_03\_2009-10:30am cdb413

**BENCHMARK INFORMATION**  
BENCHMARK #3: 665.74'  
BENCHMARK #4: 650.83'



**OWNERS CERTIFICATION**

THE STATE OF TEXAS }  
 COUNTY OF TRAVIS } KNOW ALL MEN BY THESE PRESENTS  
 That KM Avalon Ltd, Blake J. Magee, President, being the owner of a tract of land out of the Phillip Golden Survey, Abstract-328, and out of the Edward Flint Survey, Abstract-577, described as 166.53 acres in a Special Warranty Deed granted to KM Avalon, Ltd., dated June 30, 2005 and recorded under Document No. 2005116418, in the Official Public Records of Travis County, Texas, does hereby subdivide in accordance with chapters 212 and 232 of the Texas Local Government Code, 16.41 acres to be known as Avalon Phase 7A in accordance with the map or plat attached hereto, and does hereby dedicate to the public the use of all streets and easements shown herein, subject to any easements or restrictions heretofore granted and not released.

WITNESS MY HAND, this the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_, A.D.

Blake J. Magee, President  
 KM Avalon Ltd.,  
 10111 N. Lamar Blvd.  
 Austin, Texas 78703

THE STATE OF TEXAS }  
 COUNTY OF TRAVIS } KNOW ALL MEN BY THESE PRESENTS

Before me, the undersigned authority, on this day personally appeared Blake J. Magee of KM Avalon Ltd.  
 Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_, A.D.

Notary Public, State of Texas

**ENGINEERS CERTIFICATION**

The 100-year flood plain is contained within the drainage easement as shown hereon. A portion of this tract is within the designated flood hazard area as shown on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) #48453C0280 H, Travis County, Texas, dated September 26, 2008.  
 Minimum finished floor elevation for all affected structures shall be one (1) foot above the elevation of the 100-year flood plain shown hereon.

Michael Fisher \_\_\_\_\_ Date \_\_\_\_\_  
 Registered Professional Engineer No. 87704  
 Fote Engineers, Inc.  
 7801 North Capital of Texas Highway  
 Suite 350  
 Austin, Texas 78731  
 Phone: (512) 340-0600 Fax: (512) 340-0604

**SURVEYORS CERTIFICATION**

That I, Neil Hines, do hereby certify that I prepared this plat from an actual and accurate on-the-ground survey of the land, and that all corner monuments shown thereon were properly placed under my personal supervision, in accordance with the Subdivision Code of the City of Pflugerville, Texas and that all known easements within the boundary of the plot are shown hereon.

Neil Hines \_\_\_\_\_ Date \_\_\_\_\_  
 R.P.L.S. No. 5642  
 Pate Surveyors, Inc.  
 7801 North Capital of Texas Highway  
 Suite 350  
 Austin, Texas 78731  
 Phone: (512) 340-0600 Fax: (512) 340-0604

THE STATE OF TEXAS }  
 COUNTY OF TRAVIS }

I, Dana Debeauvoir, Clerk of Travis County, Texas do hereby certify that the foregoing instrument of writing and its certificate of authentication was filed for record in my office on the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_, A.D., at \_\_\_\_\_ o'clock \_\_\_\_\_ M., duly recorded on the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_, A.D. at \_\_\_\_\_ o'clock \_\_\_\_\_ M., of said County and State in Document Number \_\_\_\_\_ Official Public Records of Travis County.

Witness my hand and seal of office of the County Clerk, the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_, A.D.

Dana Debeauvoir, County Clerk  
 Travis County, Texas.

Deputy

**COMMISSIONERS' COURT RESOLUTION**

In approving this plat, the Commissioners Court of Travis County, Texas, assumes no obligation to build the streets, roads, and other public thoroughfares shown on this plat or any bridges or culverts in connection therewith, the building of all streets, roads, and other public thoroughfares shown on this plat, and all bridges and culverts necessary to be constructed or placed in such streets, roads, or other public thoroughfares or in connection therewith, is the responsibility of the owner and/or developer of the tract of land covered by this plat in accordance with plans and specifications prescribed by the Commissioners Court of Travis County, Texas.

The Owner(s) of the Subdivision shall construct the Subdivision's street and drainage improvements (the "Improvements") to County Standards in order for the County to accept the public Improvements for maintenance or to release fiscal security posted to secure private improvements. To secure this obligation, the Owner(s) must post fiscal security with the County in the amount of the estimated cost of improvements. The Owner(s) obligation to construct the Improvements to County Standards and to post the fiscal security to secure such construction is a continuing obligation binding on the Owners and their successors and assigns until the public improvements have been accepted for maintenance by the County, or the private improvements have been constructed and are performing to County Standards.

The authorization of this plat by the Commissioners Court for filing or the subsequent acceptance for maintenance by Travis County, Texas, of roads and streets in the subdivision does not obligate the County to install street name signs or erect traffic control signs, such as speed limit, stop signs, and yield signs, which is considered to be a part of the developer's construction.

THE STATE OF TEXAS }  
 COUNTY OF TRAVIS }

I, Dana Debeauvoir, Clerk of the County Court, of Travis County, Texas do hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_, A.D., the Commissioner's Court of Travis County, Texas passed an order authorizing the filing for record of this plat and that said order was duly entered in the minutes of said Court.

Witness my hand and seal of office of the County Court of said County, the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_, A.D.

Dana Debeauvoir, County Clerk  
 Travis County, Texas.

Deputy

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_, by the Planning and Zoning Commission of the City of Pflugerville, Texas, on behalf of the City.

By: \_\_\_\_\_  
 Notary, Chairman  
 This plat reflects the approval granted by the Planning and Zoning Commission on the date indicated above.

This plat falls within the extra-territorial jurisdiction of the City of Pflugerville on this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_.

By: \_\_\_\_\_  
 Trey Fletcher, Planning Director

ATTEST:

Karen Thompson, City Secretary

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_, by the City Council of the City of Pflugerville, Texas, on behalf of the City.

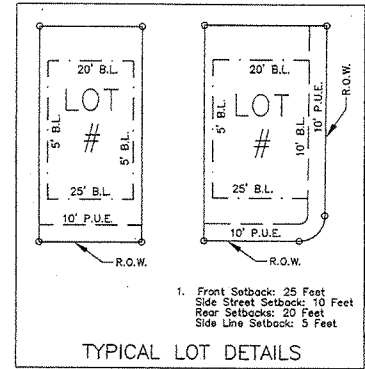
By: \_\_\_\_\_  
 Jeff Coleman, Mayor

ATTEST:

Karen Thompson, City Secretary

**GENERAL NOTES**

- No objects, including but not limited to, buildings, fences, or landscaping, shall be allowed in a drainage easement except as approved by Travis County and the City of Pflugerville.
- All drainage easements on private property shall be maintained by the owner and/or his/her assigns.
- Properly owner and/or his/her assigns shall provide for access to the drainage easement as may be necessary and shall not prohibit access by Travis County, Kelly Lane WCD No. 1 and the City of Pflugerville for inspection or maintenance of said easement.
- Public sidewalks are required along both sides of all streets [Glastonbury Trail and Crispin Hall Lane]. All sidewalks to be four (4) feet wide.
- Single Family Sideyard setback shall be 5' as stated in the Comprehensive Development Agreement between KM Kelly Lane and the City of Pflugerville.
- No single family lot shall be less than 6,000 square feet in area as stated in the Comprehensive Development Agreement between KM Kelly Lane and the City of Pflugerville.
- Water service will be provided by the Manville Water Supply Corporation (Wholesale) and the City of Pflugerville (retail).
- Wastewater service will be provided by the City of Pflugerville.
- Parkland will be dedicated per the requirements of the Comprehensive Agreement between KM Kelly Lane Ltd and the City of Pflugerville.
- Flood insurance is mandatory for buildings in FEMA-identified high-risk flood areas, which are designated Flood Areas (FHAs). This requirement applies to buildings located in FHAs on FEMA's flood maps including loans for manufactured (mobile) homes and commercial buildings. Whenever federally backed lenders make, increase, extend, or renew a mortgage home, home equity, home improvement, commercial, or farm credit loan in a FHA, the lender must require flood insurance.
- There shall be no occupancy of any lot until connection is made to an approved public sewer system or approved private individual sewage disposal system.
- There shall be no occupancy of any lot until water satisfactory for human consumption is available from a source in adequate and sufficient supply for the proposed development.
- Lot 23, Block N and Lot 22, Block N are restricted to non-residential use and will be dedicated to the KELLY LANE WCD No. 1 or the Avalon Homeowners Association for ownership and maintenance per the Avalon Master Covenant as Recorded in Document No. 200604285, Official Public Records of Travis County, Texas. The drainage easement thereon is dedicated to KELLY LANE WCD No. 1.
- BENCHMARKS:**  
 Elevations for this project are based on NAVD-88  
 Benchmark #3: Brass disc set at storm inlet at northwest corner of Wearyall Hill Lane and Glastonbury Trail on north side of Glastonbury Trail.  
 Elevation: 665.74'  
 NAD 83 TEXAS STATE PLANE COORDINATE SYSTEM CENTRAL ZONE (SURFACE VALUES)  
 SCALE FACTOR: 1.0001010876  
 Northing: 10,144,921.00  
 Easting: 3,167,672.60  
 Benchmark #4: Brass disc set at storm inlet at north side of Crispin Hall Lane ±75' north of Bridge Path.  
 Elevation: 650.83'  
 NAD 83 TEXAS STATE PLANE COORDINATE SYSTEM CENTRAL ZONE (SURFACE VALUES)  
 SCALE FACTOR: 1.0001010876  
 Northing: 10,144,873.35  
 Easting: 3,168,680.78
- All bearings based on the Texas State Plane Coordinate System Central Zone.
- Within a sight line easement, any obstruction of sight line by vegetation, fencing, earth work, buildings, signs or any other object which is determined to cause a traffic hazard is prohibited and may be removed by order of the Travis County Commissioner's Court at the owner's expense. The property owner is to maintain an unobstructed view corridor within the bounds of such easement at all times.
- A Travis County development permit is required prior to site development.



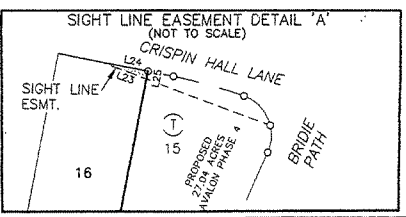
1. Front Setback: 25 Feet  
 Side Street Setback: 10 Feet  
 Rear Setbacks: 20 Feet  
 Side Line Setback: 5 Feet

| LINE | BEARING       | DISTANCE |
|------|---------------|----------|
| L1   | N 00°50'21" E | 125.65'  |
| L2   | N 05°38'26" W | 60.04'   |
| L3   | N 85°27'07" E | 100.00'  |
| L4   | N 85°27'07" E | 50.0004' |
| L5   | N 03°46'53" W | 88.33'   |
| L6   | N 16°46'51" W | 88.29'   |
| L7   | N 29°46'49" W | 88.30'   |
| L8   | N 42°46'51" W | 88.30'   |
| L9   | N 55°03'55" W | 61.48'   |
| L10  | S 50°55'20" E | 71.18'   |
| L11  | S 59°06'34" E | 101.25'  |
| L12  | S 49°00'56" W | 79.30'   |
| L13  | N 51°34'58" W | 15.67'   |
| L14  | N 43°07'52" W | 23.98'   |
| L15  | N 46°15'20" W | 64.56'   |
| L16  | N 49°26'02" W | 86.78'   |
| L17  | N 60°58'28" W | 75.29'   |
| L18  | N 68°08'17" W | 22.91'   |
| L19  | N 73°07'56" W | 45.81'   |
| L20  | N 81°15'43" W | 50.17'   |
| L21  | N 87°15'43" W | 40.17'   |
| L22  | N 87°15'45" W | 144.35'  |
| L23  | N 42°15'46" W | 29.15'   |
| L24  | S 51°34'58" E | 28.77'   |
| L25  | S 38°25'02" W | 4.71'    |

| TYPE OF LOT       | NUMBER OF LOTS | ACREAGE      |
|-------------------|----------------|--------------|
| RIGHT-OF-WAY      | N/A            | 2.20         |
| SINGLE FAMILY     | 23             | 3.90         |
| PUBLIC ACCESS     | N/A            |              |
| DRAINAGE LOTS     | 1              | 8.71         |
| PRIVATE PARK LOTS | 1              | 1.80         |
| <b>TOTAL</b>      | <b>25</b>      | <b>16.61</b> |

| STREET NAME       | LINEAR FOOTAGE | R.O.W. WIDTH |
|-------------------|----------------|--------------|
| GLASTONBURY TRAIL | 155.00         | 50'          |
| CRISPIN HALL LANE | 1463.74        | 60'          |
| <b>TOTAL</b>      | <b>1618.74</b> |              |



| CURVE | DELTA ANGLE | RADIUS  | ARC LENGTH | CHORD BEARING | CHORD LENGTH | RADIAL BEARING |
|-------|-------------|---------|------------|---------------|--------------|----------------|
| C1    | 92°00'00"   | 25.00'  | 39.27'     | N 40°27'07" E | 35.16'       |                |
| C2    | 90°00'00"   | 25.00'  | 39.27'     | S 49°32'53" E | 35.16'       | N 85°27'07" E  |
| C3    | 30°27'55"   | 960.00' | 287.78'    | S 79°18'55" E | 294.27'      |                |
| C4    | 10°35'51"   | 360.00' | 66.59'     | N 46°17'02" W | 66.49'       | S 49°00'53" W  |
| C5    | 90°00'00"   | 25.00'  | 39.27'     | S 49°32'53" E | 35.16'       |                |
| C6    | 92°00'00"   | 25.00'  | 39.27'     | N 40°27'07" E | 35.16'       |                |
| C7    | 42°57'55"   | 500.00' | 374.84'    | S 73°03'55" E | 366.22'      |                |
| C8    | 00°42'52"   | 500.00' | 6.23'      | N 89°48'33" E | 6.23'        |                |
| C9    | 08°11'15"   | 500.00' | 71.45'     | S 89°44'23" E | 71.39'       |                |
| C10   | 08°11'15"   | 500.00' | 71.45'     | S 81°33'08" E | 71.39'       |                |
| C11   | 08°11'15"   | 500.00' | 71.45'     | S 73°21'53" E | 71.39'       |                |
| C12   | 08°11'15"   | 500.00' | 71.45'     | S 65°10'37" E | 71.39'       |                |
| C13   | 08°11'10"   | 500.00' | 71.44'     | S 56°58'25" E | 71.38'       |                |
| C14   | 01°18'52"   | 500.00' | 11.47'     | S 52°14'24" E | 11.47'       |                |
| C15   | 12°30'00"   | 960.00' | 122.17'    | S 57°49'58" E | 121.93'      |                |

**FINAL PLAT**  
**AVALON, PHASE 7A**  
 A 16.41 ACRE SUBDIVISION  
 OUT OF THE  
 PHILLIP GOLDEN SURVEY NO. 17, ABSTRACT NO. 328  
 EDWARD FLINT SURVEY NO. 11, ABSTRACT NO. 277  
 TRAVIS COUNTY, TEXAS  
 CONTAINING  
 25 LOTS, 3 BLOCKS  
 JOB No. 1655-004-01-A520

**PATE SURVEYORS**

HOUSTON • AUSTIN • ARLINGTON • SAN ANTONIO

7801 NORTH CAPITAL OF TEXAS HIGHWAY  
 SUITE 350  
 AUSTIN, TEXAS 78731

PH: (512) 340-0600  
 FAX: (512) 340-0604  
 WWW.PATEENG.COM

SHEET  
 2 OF 2

§ EXHIBIT 82.401 (E) SUBDIVISION CONSTRUCTION AGREEMENT

STATE OF TEXAS COUNTY OF TRAVIS

This Agreement is made and entered into by and between KM AVALON, LTD, (the "Subdivider") and Travis County, Texas, (the "County"), hereinafter collectively referred to as the "Parties".

WHEREAS, the Subdivider owns the tract of real property described in Exhibit "A", which is attached hereto and made a part hereof, (the "Property"); and

WHEREAS, the Subdivider desires to subdivide the Property, pursuant to the proposed final plat of "AVALON PHASE 7A" (the "Subdivision"); and

WHEREAS, the County desires to set forth the Subdivider's responsibility for the construction of the Subdivision's roads and drainage facilities (the "Improvements"); and

WHEREAS, the Subdivider desires to set forth the County's responsibility to accept the constructed Improvements for maintenance;

NOW, THEREFORE, the Parties agree as follows:

I. Subdivider's Obligations

A. Improvements. The Subdivider shall construct the Improvements required to comply with the County's Standards for the Construction of Streets and Drainage in Subdivisions (the "Standards"). The Improvements will conform to the construction plans, permits, and specifications approved by the County prior to commencement of construction.

B. Security. To secure the Subdivider's obligations, the Subdivider will provide a financial guarantee of performance in the amount of the estimated cost of constructing the Improvements (the "Security"), which has been determined by a professional engineer and approved by the County's Transportation and Natural Resources Department ("TNR"). The Security must be in a form approved for use in the Standards or otherwise approved by the County Attorney's Office.

C. Alternative Fiscal. Notwithstanding any other provisions of this Agreement, the Subdivider may request the Commissioners Court to hold the administratively approved plat in abeyance until all streets, alleys, sidewalks, and drainage improvements in the Subdivision. The Subdivider must post fiscal security to secure restoration of disturbed areas should construction not be completed. Upon satisfactory completion, the submitted plat shall be forwarded to the Commissioners Court for approval and recording, provided adequate fiscal security has been posted to secure the one year Construction Performance Period described below.

D. Completion. The Improvements must be constructed no later than three (3) years after the effective date of this Agreement. This period may be extended by the delivery to the

County at least forty five (45) days prior to the expiration of the Security of an extension of the Security in a form approved by the County. Upon completion of the Improvements, the Subdivider will provide the County with a complete set of construction plans for the Improvements, certified "as built" by the engineer responsible for preparing the approved construction plans and specifications.

E. Warranty. The Subdivider warrants the public Improvements will be free from defects for a period of one (1) year from the date the County accepts the construction of the public Improvements (the "Performance Period"). The Subdivider shall correct and repair any defects in materials or workmanship, including design inadequacies and damage to or deterioration of the public Improvements, that occur before and during this Performance Period due to any cause. As a condition of the County's acceptance of dedication of any of the public Improvements, the Subdivider must post fiscal security in the form of cash, a performance bond, or other approved form and in the amount of ten percent (10%) of the cost of constructing the public Improvements, to secure the warranty established by this Agreement. It is expressly acknowledged that the public Improvements must meet County Standards at the end of the one year Construction Performance Period in order for the County to release the construction performance fiscal security.

F. Increase in Security. If the County determines the cost of constructing the Improvements exceeds the posted Security, within thirty (30) days after notice and demand, the Subdivider shall provide additional Security in an amount equal to the additional estimated cost.

G. Reduction in Security. During the construction of the Improvements, the Security may be reduced in accordance with the percentage of completion of the construction. The Executive Manager of TNR will execute Statements of Partial Reductions in the Amount of Security, when provided with the following documentation:

- 1) a professional engineer's certification of quantities of work completed;
- 2) a contractor's invoice for work completed; and
- 3) a TNR inspection report, indicating the completion of the portion of the work represented by the contractor's invoice.

After the approval and acceptance of the construction of the Improvements, the Security for the public Improvements may be reduced by ninety percent (90%) of the cost of the approved construction and held for the one-year Performance Period. After the approval of the construction of the private Improvements, the Security posted for the private Improvements will be fully released. In addition, the County agrees to release or reduce, as appropriate, the Security provided by the Subdivider, if the County accepts a substitute Security for all or any portion of the Improvements.

H. Covenant, Restriction, and Condition. In the event that the Improvements are not constructed to County Standards and the required Security has expired, the Subdivider shall not sell, transfer, or convey any of the lots in the Subdivision until sufficient Security has been posted with the County for the completion of the construction.

## II. County's Obligations

A. Inspection and Approval. The County will inspect the Improvements during and at the completion of construction. If the Improvements are completed in accordance with the Standards, the County will approve the Improvements and accept the public Improvements.

B. Notice of Defect. The County will notify the Subdivider, if an inspection reveals that any portion of the Improvements is not constructed in accordance with the Standards or is otherwise defective. However, the County is not responsible for the construction of the Improvements, the quality of the material, or the construction methods utilized. In addition, the County is not responsible for making continuous on-site inspections of the construction work and the County has no privity with or responsibility for the construction contractor or any subcontractors. The Subdivider will have thirty (30) days from such notice to cure the defect. It is an event of default under this Agreement, if the defect is not cured prior to the expiration of the time to cure.

C. Performance Period Security Release. Upon the expiration of the one-year Performance Period with no damages or defects which the Executive Manager notifies the Subdivider must be corrected, the Executive Manager will release the Performance Period Security.

D. Conditions to Draw on Security. The County may draw upon any Security posted under this Agreement upon the occurrence of one or more of the following events:

- a. The failure of the Subdivider to construct the Improvements to the applicable County Standards;
- b. The Subdivider's failure to renew or replace the Security at least forty-five (45) days prior to its expiration;
- c. The acquisition of the Property or a portion of the Property by the issuer of the Security or other creditor through foreclosure or an assignment or conveyance in lieu of foreclosure;
- d. The arrangement by the Commissioners Court for the completion of one or more of the Improvements; or
- e. The determination by the Commissioners Court that the completion of one or more of the public Improvements is in the public Interest.

E. Notice of Intent to Draw. The County shall provide ten (10) days written notice of the occurrence of such an event to the Subdivider with a copy provided to any fiscal surety, lender, or escrow agent. The notice will include a statement that the County intends to provide for the performance of some or all of Subdivider's obligations hereunder for the construction of the Improvements, if the failure is not cured. The County shall be entitled to draw the amount it considers necessary to perform the Subdivider's obligations under this Agreement up to the total amount allocated for the Improvements. In lieu of a drawing

based on an event described in subparagraphs (b) or (c), above, the County may accept a substitute Security.

F. Use of Proceeds.

- 1) The County must utilize the proceeds of any posted security solely for the purpose of completing the Improvements to the County's Standards or to correct defects in or failures of the Improvements.
- 2) The County may in its sole discretion complete some or all of the unfinished Improvements at the time of default, regardless of the extent to which development has taken place in the Subdivision or whether development ever commenced, without incurring any obligation to complete any of the unfinished Improvements. If the County uses the proceeds to complete, repair, or reconstruct the Improvements, it will do so as a public trustee of the development process in order to protect purchasers and taxpayers from the adverse consequences of a subdivider default or to protect the public interest by completing the Improvements.
- 3) The County is not a private subdivision developer and its draft on the Security and utilization of the proceeds to complete, repair, or reconstruct the Improvements is not an acceptance of the dedication of the Improvements. The acceptance of the Improvements is specifically contingent upon the delivery to the County of Improvements, which have been constructed to County Standards or the express order of acceptance by the County's Commissioners Court.
- 4) The Subdivider has no claim or rights under this Agreement to funds drawn under the Security or any accrued interest earned on the funds to the extent the same are used by the County hereunder.
- 5) All funds obtained by the County pursuant to one or more draws under the Security shall be maintained by the County in an interest bearing account or accounts until such funds, together with accrued interest thereon (the "Escrowed Funds"), are disbursed by the County.
- 6) The County shall disperse all or portions of the Escrowed Funds as Improvements are completed by the County, or in accordance with the terms of a written construction contract between the County and a third party for the construction of the Improvements.
- 7) Escrowed Funds not used or held by the County for the purpose of completing an Improvement or correcting defects in or failures of an Improvement, together with any interest accrued thereon, shall be paid by the County to the Issuer of the Security or, if the Security was originally in the form of cash, to the Subdivider, no later than sixty (60) days following the County's acceptance of the Improvement or its decision not to complete the Improvements using Escrowed Funds, whichever date is earlier.

G. Releases. The Executive Manager will, subject to the performance of the Subdivider of its obligations under this agreement and the Travis County Standards for Construction of

Streets & Drainage in Subdivisions, execute such releases of this Agreement as are necessary and reasonable upon the request of the Subdivider or a purchaser of a portion of the Property.

### III. MISCELLANEOUS

A. Covenants, Restrictions, and Conditions. These Covenants, Restrictions, and Conditions will operate as covenants running with the land and will be binding upon the Subdivider and the Subdivider's legal representatives, successors and assigns.

B. Measure of Damages. The measure of damages for breach of this Agreement by the Subdivider is the actual cost of completing the Improvements in conformance with the County's Standards, including without limitation its associated administrative expenses.

C. Remedies. The remedies available to the County and the Subdivider under this Agreement and the laws of Texas are cumulative in nature.

D. Third Party Rights. No non-party shall have any right of action under this Agreement, nor shall any such non-party, including without limitation a trustee in bankruptcy, have any interest in or claim to funds drawn on the posted Security and held in escrow by the County in accordance with this Agreement.

E. Indemnification. The Subdivider shall indemnify and hold the County harmless from and against all claims, demands, costs, and liability of every kind and nature, including reasonable attorney's fees, for the defense of such claims and demands, arising from any breach on the part of Subdivider of any provision in this Agreement, or from any act or negligence of Subdivider or Subdivider's agents, contractors, employees, tenants, or licensees in the construction of the Improvements. The Subdivider further agrees to aid and defend the County, if the County is named as a defendant in an action arising from any breach on the part of Subdivider of any provision in this Agreement or from any act or negligence of Subdivider or Subdivider's agents, contractors, employees, tenants, or licensees in the construction of the Improvements.

F. No Waiver. The waiver of any provision of this Agreement will not constitute a waiver of any other provision, nor will it constitute a continuing waiver unless expressly provided for by a written amendment to this Agreement. The County's failure to enforce any provision will not constitute a waiver or estoppel of the right to do so.

G. Attorney's Fees. The prevailing party in any litigation hereunder is entitled to recover its costs, including reasonable attorney's fees, court costs, and expert witness fees, from the other party. If the court awards relief to both parties, each will bear its own costs.

H. Successors and Assigns. This Agreement is binding on the Subdivider and the heirs, successors, and assigns of the Subdivider and on any person acquiring an ownership interest in the Property through the Subdivider. The Subdivider's obligations under this Agreement may not be assigned without the written approval of the County; provided the County's approval shall not be unreasonably withheld if the Subdivider's assignee expressly

assumes all obligations of the Subdivider under this Agreement. An assignment shall not be construed as releasing the Subdivider from Subdivider's obligations under this Agreement and Subdivider's obligations hereunder shall continue notwithstanding any assignment approved pursuant to this Paragraph unless and until the County executes and delivers to the Subdivider a written release. The County agrees to release the Subdivider, if the Subdivider's assignee expressly assumes the Subdivider's obligations under this Agreement and has posted the Security required by this Agreement. The County in its sole discretion may assign some or all of its rights under this Agreement and any such assignment shall be effective upon notice to the Subdivider.

I. Expiration. This Agreement will terminate upon the vacation of the Subdivision by the Subdivider or the completion of the Subdivider's obligations under this Agreement, whichever occurs first.

J. Notice. Any notice under this Agreement must be in writing and will be effective when personally delivered or three (3) days after deposit in the U.S. Mail, postage prepaid, certified with return receipt requested, and addressed as follows:

Subdivider: KM AVALON LTD.  
1011 North Lamar Boulevard  
Austin, Texas 78703

County: Transportation & Natural Resources Department  
P.O. Box 1748 Austin, Texas 78767  
Attn: Executive Manager

Copy to: Travis County Attorney's Office  
P.O. Box 1748  
Austin, Texas 78767

The parties may change their respective addresses for notice to any other location in the United States in accordance with the provisions of this Paragraph.

K. Severability. If any provision of this Agreement is held by a court to be illegal, invalid, or otherwise unenforceable, such illegality, invalidity, or unenforceability shall not affect the validity of any other provision and the rights of the parties will be construed as if such provision was never part of this Agreement.

L. Jurisdiction and Venue. This Agreement concerns real property located in Travis County, Texas, and shall be governed and construed under Texas law. Venue for any action arising under this Agreement shall be exclusively in Travis County, Texas.

M. Captions Immaterial. The captions or headings of the paragraphs of this Agreement are for convenience only and shall not be considered in construing this Agreement.

N. Entire Agreement. This Agreement contains the entire agreement between the parties with respect to the subject matter hereof. Any oral representations or modifications

concerning this Agreement shall be of no force or effect, except a subsequent written modification executed by both parties. NO OFFICIAL, EMPLOYEE, OR AGENT OF THE COUNTY HAS ANY AUTHORITY, EITHER EXPRESS OR IMPLIED, TO AMEND, MODIFY, OR OTHERWISE CHANGE THIS AGREEMENT, EXCEPT PURSUANT TO SUCH EXPRESS AUTHORITY AS MAY BE GRANTED BY THE COMMISSIONERS COURT.

This Agreement is executed as of the dates set forth below and is effective upon approval by the County of the final plat for the Subdivision or upon approval of Alternative Fiscal in accordance with County regulations.

TRAVIS COUNTY, TEXAS

SUBDIVIDER:

\_\_\_\_\_  
County Judge  
Date: \_\_\_\_\_

\_\_\_\_\_  
KM AVALON, LTD.

  
By: Blake Magee

Name: Blake Magee  
Title: President  
Authorized Representative  
Date: 9/2/08

ACKNOWLEDGEMENT

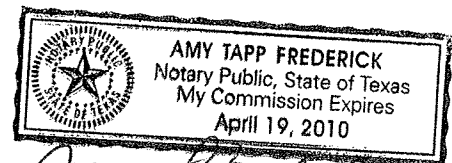
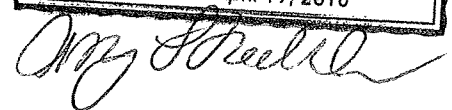
STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on the <sup>2nd</sup> day of September, 2008, by Blake Magee, in the capacity stated herein.

Signature of Notary

After Recording Return to:  
Executive Manager,  
Transportation and Natural Resources  
P.O. Box 1748  
Austin, Texas 78701



§ EXHIBIT A: METES AND BOUNDS DESCRIPTION OF PROPERTY

**AVALON, PHASE 7A  
METES AND BOUNDS DESCRIPTION OF A  
16.41 ACRE TRACT IN THE PHILIP GOLDEN SURVEY NO. 17, A-328  
AND THE EDWARD FLINT SURVEY NO. 11, A-277  
TRAVIS COUNTY, TEXAS**

All that certain 16.41 acres of land out of the 199.93 acre tract as described in the deed from Ronny Rinderknecht, et al to KM Avalon, LTD. recorded under Document No. 2005118416, in the Official Public Records of Travis County, Texas, in the Philip Golden Survey No. 17, A-328, 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 for the common easterly corner of Lot 4, Block S, and Lot 5, Block S, of the Final Plat of Avalon Phase 3, according to the plat thereof recorded under Document No. 200600366, in the Official Public Records of Travis County, Texas;

**THENCE** with the east line of said Avalon Phase 3, the following two (2) courses and distances;

1. North 00°50'21" East, a distance of 125.55' to a ½" iron rod found for the northeasterly corner of said Lot 5, Block S, common to a point in the south line of Crispin Hall Lane (60' R.O.W.);
2. North 06°38'26" West, a distance of 60.04' to a point for the southeast corner of Lot 11, Block O, of the said Avalon Phase 3 plat, common to a point in the north line of said Crispin Hall Lane;

**THENCE** crossing the said 199.93 acre tract, the following five (6) courses and distances;

1. North 85°27'07" East, a distance of 100.00' to a ½" iron rod set for the Point of Curvature of a curve to the left, having a delta angle of 90°00'00" and a radius of 25.00';
2. Along said curve to the left in a northeasterly direction, a chord bearing of North 40°27'07" East, a chord distance of 35.36', and an arc distance of 39.27', to a ½" iron rod set for the end of curve;
3. North 85°27'07" East, a distance of 50.00' to a ½" iron rod set for a point on a non-tangent curve to the left, having a delta angle of 90°00'00", a radius of 25.00', and from which point the radius bears North 85°27'07" East;

PAGE 2 AVALON PHASE, 7A

4. Along said curve to the left in a southeasterly direction, a chord bearing of South 49°32'53" East, a chord distance of 35.36', and an arc distance of 39.27', to a ½" iron rod set for the end of curve;
5. North 85°27'07" East, passing at 100.00', a ½" iron rod found for the Southwest corner of a 13.451 acre tract of land described in the deed from KM Avalon Ltd., to Board of Trustees of the Pflugerville Independent School District recorded under Document No. 2008085044 in the Official Public Records of Travis County, Texas, and continuing for a total distance of 713.86' to a ½" iron rod found for the Point of Curvature of a curve to the right, having a delta angle of 30°27'55", and a radius of 560.00';
6. Along said curve to the right in a southeasterly direction, a chord bearing of South 79°18'55" East, a chord distance of 294.27', and an arc distance of 297.76', to a ½" iron rod found for the end of curve, common to the southeasterly corner of said 13.451 acre tract;

**THENCE** continuing along northeasterly line of said 13.451 acre tract, the following seven (7) courses and distances;

1. North 25°55'09" East, a distance of 188.36' to a ½" iron rod found for a corner of said 13.451 acre tract, common to an angle corner of the herein described tract;
2. North 03°46'53" West, a distance of 88.33' to a ½" iron rod found for a corner of said 13.451 acre tract, common to an angle corner of the herein described tract;
3. North 16°46'51" West, a distance of 88.29' to a ½" iron rod found for a corner of said 13.451 acre tract, common to an angle corner of the herein described tract;
4. North 29°46'49" West, a distance of 88.30' to a ½" iron rod found for a corner of said 13.451 acre tract, common to an angle corner of the herein described tract;
5. North 42°46'51" West, a distance of 88.30' to a ½" iron rod found for a corner of said 13.451 acre tract, common to an angle corner of the herein described tract;
6. North 55°05'15" West, a distance of 81.48' to a ½" iron rod found for a corner of said 13.451 acre tract, common to an angle corner of the herein described tract;
7. North 59°08'34" West, a distance of 150.07' to a ½" iron rod set for a corner of the herein described tract;

PAGE 3 AVALON PHASE, 7A

**THENCE** crossing the said 199.93 acre tract, the following twenty-one (21) courses and distances;

1. North  $30^{\circ}51'26''$  East, a distance of 243.98' to a  $\frac{1}{2}$ " iron rod set for an angle corner of the herein described tract;
2. South  $50^{\circ}55'20''$  East, a distance of 71.19' to a  $\frac{1}{2}$ " iron rod set for an angle corner of the herein described tract;
3. South  $59^{\circ}08'34''$  East, a distance of 101.25' to a  $\frac{1}{2}$ " iron rod set for an angle corner of the herein described tract;
4. North  $77^{\circ}46'18''$  East, a distance of 429.03' to a  $\frac{1}{2}$ " iron rod set for an angle corner of the herein described tract;
5. South  $02^{\circ}40'25''$  East, a distance of 172.52' to a  $\frac{1}{2}$ " iron rod set for an angle corner of the herein described tract;
6. South  $30^{\circ}59'37''$  East, a distance of 583.84' to a  $\frac{1}{2}$ " iron rod set for an angle corner of the herein described tract;
7. North  $87^{\circ}16'45''$  West, a distance of 520.92' to a  $\frac{1}{2}$ " iron rod set for an angle corner of the herein described tract;
8. South  $19^{\circ}44'24''$  East, a distance of 346.95' to a  $\frac{1}{2}$ " iron rod set for an angle corner of the herein described tract;
9. South  $49^{\circ}00'56''$  West, a distance of 79.30' to a  $\frac{1}{2}$ " iron rod set for a point on a non-tangent curve to the left, having a delta angle of  $10^{\circ}35'51''$ , a radius of 360.00', and from which point the radius bears South  $49^{\circ}00'53''$  West;
10. Along said curve to the left in a northwesterly direction, a chord bearing of North  $46^{\circ}17'02''$  West, a chord distance of 66.49', and an arc distance of 66.59', to a  $\frac{1}{2}$ " iron rod set for the end of curve;
11. North  $51^{\circ}34'58''$  West, a distance of 15.67' to a  $\frac{1}{2}$ " iron rod set for an angle corner of the herein described tract;
12. South  $38^{\circ}25'02''$  West, a distance of 198.38' to a  $\frac{1}{2}$ " iron rod set for an angle corner of the herein described tract;
13. North  $45^{\circ}07'32''$  West, a distance of 23.98' to a  $\frac{1}{2}$ " iron rod set for an angle corner of the herein described tract;

PAGE 4 AVALON PHASE, 7A

14. North 46°15'20" West, a distance of 64.56' to a ½" iron rod set for an angle corner of the herein described tract;
15. North 49°26'02" West, a distance of 86.78' to a ½" iron rod set for an angle corner of the herein described tract;
16. North 60°58'28" West, a distance of 75.79' to a ½" iron rod set for an angle corner of the herein described tract;
17. North 66°06'11" West, a distance of 22.91' to a ½" iron rod set for an angle corner of the herein described tract;
18. North 73°37'56" West, a distance of 49.51' to a ½" iron rod set for an angle corner of the herein described tract;
19. North 81°15'43" West, a distance of 50.17' to a ½" iron rod set for an angle corner of the herein described tract;
20. North 87°15'43" West, a distance of 40.17' to a ½" iron rod set for an angle corner of the herein described tract;
21. South 85°27'07" West, a distance of 944.26' to the **POINT OF BEGINNING** and containing 16.41 acres of land.

Prepared by:  
PATE SURVEYORS  
a division of  
Pate Engineers, Inc.  
Job No. 1655-004-01-A520

Preliminary, This document  
Shall not be recorded for any purpose

---

Neil Hines, R.P.L.S.                      Date  
Texas Registration No. 5642

THIS LEGAL DESCRIPTION IS ISSUED IN CONJUNCTION WITH THE  
SUBDIVISION PLAT FOR AVALON, PHASE 7A.

# 8

TRAVIS COUNTY COMMISSIONERS' COURT AGENDA REQUEST

Voting Session: November 3, 2009

Work Session: \_\_\_\_\_

I. A. Request made by: Joseph P. Gieselman, TNR Phone # 854-9383

B. Requested Text:  
Discuss and take appropriate action on proposed motion to approve License Agreement with ATT-Brain and Spine Cycling to hold a bike race at Richard Moya Park.

C. Approved by: \_\_\_\_\_  
Margaret Gomez, Precinct 4 Commissioner

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

- John Hille, County Attorney 854-9415
- Tenley Aldridge, County Attorney 854-9415
- Charles Bergh, Division Director, Parks 854-9408
- Robert Armistead, Parks Division Manager 854-9831
- Kurt Nielsen, District Manager, Parks 854-7218
- James Taylor, Park Supervisor 276-9770

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 item budget
- \_\_\_\_\_ Grant

Human Resources Department (854-9165)

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

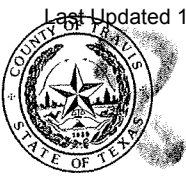
Purchasing Office (854-9700)

- \_\_\_\_\_ Bid, Purchase Contract, Request for Proposal, Procurement

County Attorney's Office (854-9415)

- X 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.



**TRANSPORTATION AND NATURAL RESOURCES**  
JOSEPH P. GIESELMAN, EXECUTIVE MANAGER

---

205 W. 9<sup>th</sup> Street, Suite 220  
PO Box 1748  
Austin, Texas 78767  
(512) 854-9437  
FAX (512) 854-6474

October 26, 2009

**MEMORANDUM**

**TO:** Members of the Commissioners' Court  
**FROM:** Joseph P. Gieselman, Executive Manager, TNR  
**SUBJECT:** Cyclocross Bike Race at Richard Moya Park

A handwritten signature in black ink, appearing to be "JPG", is written over the "FROM:" and "SUBJECT:" lines of the memorandum.

**Proposed Motion:**

Discuss and take appropriate action regarding proposed motion to approve License Agreement for ATT-Brain and Spine Cycling to hold a bike race at Richard Moya Park.

**Summary and Recommendation:**

Mr. Soetaert has requested use of our park to conduct a Cyclocross bike race on November 14, 2009 at Richard Moya Park.

Cyclocross is the fastest growing bicycling discipline in Texas. Competitors ride heavy-duty road bikes on short courses that consist of grass, dirt and pavement. A unique feature of cyclocross is requiring competitors to hop off their bike and carry it over obstacles, deep sand, or steep inclines. Race courses are usually one to two miles in length, and racers do laps for 20 to 70 minutes.

The United States Cycling Federation sanctions the Richard Moya Race. There will be certified referees and the event will have liability insurance. The race has been held at various locations over the past ten years. They have always experienced a safe and fun family event without any serious injuries.

**Budgetary and Fiscal Impact:**

There would be no budgetary or fiscal impact associated with this request. Race coordinators will pay normal park fees to rent three of the park pavilions to assure there are no conflicts with other user groups.

**Background:**

We hope to promote this form of bicycling event in our county parks on a regular basis. If successful, we anticipate that this bike race could become an annual event during this time of year when normal park visitation is slower.

**Required Authorization:**

Travis County Commissioners' Court

**Attachments:**

License Agreement

Liability Insurance

JPG:kn

4504 Cyclocross Bike Races

cc: Tenley Aldredge, County Attorney  
Charles Bergh, Division Director, Parks  
Robert Armistead, Division Manager, Parks  
Kurt Nielsen, District Park Manager  
Dan Chapman, Chief Park Ranger  
Jorge Contreras, Park Supervisor



## LICENSE AGREEMENT

STATE OF TEXAS           §  
  §  
COUNTY OF TRAVIS§

This License Agreement (this "Agreement") is made and entered into by and between Travis County, Texas, a political subdivision of the State of Texas ("County") and Team ATT-Brain and Spine Cycling, an organization operating in the State of Texas ("Licensee").

### WITNESSETH

THAT WHEREAS, Licensee desires to use certain property located in that Travis County park known as Travis County Richard Moya Park (the "County Park") for the purpose of holding Licensee's annual bicycle race known as the "Cyclocross Scuffle" (the "Event"), and County desires to allow Licensee use of the County Park for such purpose; and

WHEREAS, Licensee fully understands the fragile nature of the habitat of the County Park and intends to fully cooperate and take whatever steps are necessary to minimize all impacts upon the various habitats during Licensee's use of the County Park and to restore the County Park to their original condition after Licensee has completed the Event.

NOW, THEREFORE, County and Licensee, in consideration of the mutual promises herein expressed and the compensation herein agreed to be paid, covenant and agree to and with each other as follows:

#### I. GRANT OF LICENSE

1.1 County hereby grants a license to Licensee and its employees, agents, sponsors, contractors and suppliers, and to Event participants, to enter and use approved areas within the County Park in connection with the Event (the "License"). Approved areas include those roadways, trails, and park areas, together with their associated rights-of-way, shown on **Exhibit A**, attached hereto and made a part hereof for all purposes. The County Park will remain open to the public during the Event. The License includes the following rights and privileges: (a) the right to hold a bicycle race that will last approximately 9 hours, commencing at approximately 7:00 a.m. and concluding at approximately 2:00 p.m. on Saturday November 14, 2009 at a location to be approved in

advance by the Travis County Parks Division of the Transportation and Natural Resources Department ("the Parks Division"); (b) the right to pass out fliers to Event attendees and participants (and to other interested County Park visitors) describing the Event and emphasizing the need to comply with County Park rules and regulations; and (c) the right to place a sufficient (as determined by the Parks Division) number of port-a-potties (portable restrooms) into the County Park so as to satisfy the restroom needs of anticipated Events participants, sponsors and attendees/spectators.

Licensee shall do the following in connection with the Event:

- (a) Ensure reasonably smooth traffic flow into and out of the County Park;
- (b) Remove all trash, course markings, and equipment from the County Park following Event conclusion and prior to Licensee's departure from the County Park.

1.2 All publicity, promotion and distribution rights arising out of or in connection with the Event, including all exhibition, advertising and exploitation products or services created or produced in connection therewith, shall be the sole property of Licensee or its independent contractors, without exception and in perpetuity, and may be exploited in all media and markets and in all forms, whether known, unknown, or hereafter created. The License includes the right to bring onto the County Park and to utilize thereon personnel, personal property, materials and equipment during the term of the License.

1.3 Licensee agrees to make no structural changes to the County Park. However, the License allows for superficial preparation to be made to the County Park to facilitate Licensee's Event needs, including the right to place temporary signage throughout the licensed areas of the County Park; provided, however, the location and appearance of such signage shall be subject to the pre-approval of the Parks Division, as defined below. Licensee agrees to leave the County Park in the same and as good a condition as when it was received (including removal of all trash, course markings, and equipment following Event conclusion), normal wear and tear excepted as determined by existing County parks policy.

1.4 Licensee acknowledges and agrees that Licensee shall be solely responsible at all times for the actions and the safety of those persons utilizing the County Park under this Agreement, including, without limitation, protecting such persons from injury or death and protecting County's property and the property of such persons from loss or damage.

1.5 Licensee agrees to use only designated parking areas, as determined by the Travis County Parks Division of the Transportation and Natural Resources Department ("the Parks Division") representative, to transport

and park all vehicles and equipment brought into or onto the County Park by Licensee and its employees, agents, independent contractors and suppliers. At no time will Licensee be permitted to bring onto or into the County Park a number of vehicles that exceeds the capacity of the County Park parking lot, as determined by the Parks Division staff in its sole discretion.

1.6 During the License Term, as such term is defined below, Licensee agrees to take all reasonable measures to minimize noise and any other type of interference with or disruption of normal County Park business, including the use and enjoyment of the County Park by regular County Park visitors.

## II. TERM OF LICENSE

2.1 The License is granted for one day, from approximately 7:00 a.m. to approximately 2:00 p.m., on Saturday, November 14, 2009 (the "License Term"). Licensee acknowledges and agrees that such date and time are subject to postponement and/or rescheduling due to any cause or reason beyond the control of Licensee or as determined to be necessary by County.

## III. PAYMENT TO COUNTY

3.1 In consideration of the License granted hereunder, Licensee shall provide, at its own expense, all utilities such as electricity, water, garbage removal and wastewater during Licensee's use of the County Park. In addition, all vehicles brought into the County Park for purposes authorized under this Agreement, and all persons entering the County Park for the purpose of participating in, sponsoring, conducting or viewing the licensed activities, will be charged, and Licensee will pay, prior to County Park entry, all normal and customary fees charged to the public.

3.2 During the License Terms, Licensee shall provide, at its own additional expense, security through employment of Travis County Park Rangers as reasonably necessary (to be solely determined by the Division of Parks) to ensure the safety and integrity of the persons and property brought onto the County Park for the purposes authorized under this Agreement. In addition, during the License Term, Licensee shall provide, at its own additional expense, security and emergency medical personnel through employment of Travis County Park Rangers and EMS System-cleared medics as reasonably necessary (to be solely determined by the Parks Division) to ensure the safety and integrity of the persons and property brought onto the County Park for the purposes authorized under this Agreement.

3.3 With respect to any additional expenses incurred by County above the expenses set forth herein, County shall invoice Licensee for the actual costs so incurred, and Licensee shall remit payment to County for the invoice amounts within thirty (30) days of receipt of invoice(s).

#### IV. PERMITS

4.1 Licensee shall be solely responsible for the costs and the securing of any permits required by the City of Austin, the Lower Colorado River Authority, or other governmental entities.

#### V. CONTROL OF TRAVIS COUNTY

5.1 Licensee and its agents shall at all times obey the direction and commands of the Executive Manager of the Travis County Transportation and Natural Resources Department, or his designees (including the Director of the Parks Division and any and all Travis County Park Rangers), while in the County Park.

5.2 Licensee agrees to attend a pre-site meeting with TNR representatives if in their sole discretion, determine that such a meeting is necessary prior to commencement of the Events.

5.3 Licensee and its agents shall at all times follow the Travis County Parks Rules, which TNR staff shall provide to Licensee prior to commencement of the activities licensed hereunder.

5.4 Licensee and its agents acknowledge and agree that disorderly conduct or assault, as defined by the Texas Penal Code, will not be tolerated. Such actions include, but are not limited to, abusive, indecent, profane or vulgar language that might cause a breach of the peace, or threatening or causing physical contact with someone else who might consider the contact offensive.

5.5 Any disregard of the directions, restrictions, rules or regulations referenced in this section shall be grounds for immediate revocation of the License by the Executive Manager of the Travis County Transportation and Natural Resources Department, the Director of the Parks Division, or their designated representatives, and such action is expressly authorized herein by the Travis County Commissioners Court.

#### VI. USE AND REPAIRS

6.1 Licensee shall not use the County Parks for any purpose other than that set forth herein. Licensee shall repair or replace any damage to the County Park caused by Licensee.

## VII. INDEMNIFICATION

7.1 **LICENSEE AGREES TO AND SHALL INDEMNIFY AND HOLD HARMLESS COUNTY, ITS OFFICERS, AGENTS AND EMPLOYEES FROM AND AGAINST ANY AND ALL CLAIMS, LOSSES, DAMAGES, NEGLIGENCE, CAUSES OF ACTION, SUITS, AND LIABILITY OF ANY KIND, INCLUDING ALL EXPENSES OF LITIGATION, COURT COSTS, AND ATTORNEYS' FEES, FOR INJURY TO OR INJURY TO OR DEATH OF ANY PERSON, FOR ANY ACT OR OMISSION BY LICENSEE, OR FOR DAMAGE TO ANY PROPERTY, ARISING OUT OF OR IN CONNECTION WITH THIS AGREEMENT OR LICENSEE'S USE OF THE COUNTY PARK.**

7.2 Without in any way limiting the liability of Licensee or its obligations under this Agreement, Licensee agrees to maintain during the term of the License Commercial General Liability Insurance with a combined minimum Bodily Injury and Property Damage limits of \$600,000 per occurrence and \$1,000,000 in the aggregate, with Travis County named as an additional insured. Licensee has provided County with a certificate from its carrier evidencing such insurance, which certificate is attached hereto as **Exhibit C** and made a part hereof.

## VIII. SAFETY

8.1 County reserves the right to prohibit persons from entering the County Park at any time safety may be a concern.

## IX. AMENDMENTS

9.1 This Agreement may be amended only by written instrument signed by both County and Licensee. IT IS ACKNOWLEDGED BY LICENSEE THAT NO OFFICER, AGENT, EMPLOYEE OR REPRESENTATIVE OF TRAVIS COUNTY HAS ANY AUTHORITY TO CHANGE OR AMEND THE TERMS OF THIS AGREEMENT OR ANY ATTACHMENTS TO IT OR TO WAIVE ANY BREACH OF THIS AGREEMENT UNLESS EXPRESSLY GRANTED THAT SPECIFIC AUTHORITY BY THE COMMISSIONERS COURT OF TRAVIS COUNTY.

## X. NON-ASSIGNMENT OF RIGHTS

10.1 Licensee may not assign this Agreement or any portion or right thereof without the prior written consent of County; provided, however, Licensee shall have the right to grant, assign and transfer all or any part of its right, title

and interest in or to rights arising out of or in connection with the Events publicity, promotion or distribution, in whole or in part, including all copyrights, rights of publicity, trademarks and all other legal interests and rights.

#### XI. NOTICES

11.1 Any notice to be given hereunder by either party to the other shall be in writing and may be effected by personal delivery, in writing, or registered or certified mail, return receipt requested. Notices shall be sufficient if made or addressed as follows:

If to Licensee: Marty Soetaert  
Event Promoter  
Team ATT-Brain and Spine Cycling  
512-963-1173

If to County: Honorable Samuel T. Biscoe (or successor in office)  
Travis County Judge  
P.O. Box 1748  
Austin, Texas 78767

And: Joe Gieselman (or successor)  
Executive Manager  
Travis County Transportation and  
Natural Resources Department  
P.O. Box 1748  
Austin, Texas 78767

#### XII. VENUE AND CHOICE OF LAW

12.1 THE OBLIGATIONS AND UNDERTAKINGS OF EACH OF THE PARTIES TO THIS AGREEMENT SHALL BE PERFORMABLE IN TRAVIS COUNTY, TEXAS, AND THIS LICENSE SHALL BE GOVERNED BY AND CONSTRUED IN ACCORDANCE WITH THE LAWS OF THE STATE OF TEXAS.

#### XIII. MEDIATION

13.1 When mediation is acceptable to both parties in resolving a dispute arising under this Agreement, the parties agree to use a mutually agreed upon mediator, or someone appointed by the Court having jurisdiction, for mediation as described in Section 154.023 of the Texas Civil Practice and Remedies Code.

Unless both parties are satisfied with the result of the mediation, the mediation will not constitute a final and binding resolution of the dispute. All communications within the scope of the mediation shall remain confidential as described in Section 154.073 of the Texas Civil Practice and Remedies Code, unless both parties agree, in writing, to waive the confidentiality.

XIV. NON-WAIVER AND RESERVATION OF RIGHTS

14.1 No act or omission by County Party may constitute or be construed as a waiver of any breach or default of Licensee that then exists or may subsequently exist. The failure of County to exercise any right or privilege granted in this Agreement shall not be construed as a waiver of that right or privilege.

14.2 All rights of County under this Agreement are specifically reserved and any act or omission shall not impair or prejudice any remedy or right of County hereunder. Any right or remedy stated in this Agreement shall not preclude the exercise of any other right or remedy under this Agreement, the law or at equity, nor shall any action taken in the exercise of any right or remedy be deemed a waiver of any other rights or remedies.

XV. ENTIRETY OF AGREEMENT

15.1 This Agreement represents the sole, entire and integrated Agreement between County and Licensee with respect to the subject matter herein and supersedes all prior negotiations, representations or agreements either oral or written.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date(s) set forth below.

TRAVIS COUNTY:

By: \_\_\_\_\_

Samuel T. Biscoe  
Travis County Judge

Date: \_\_\_\_\_

LICENSEE:

A handwritten signature in cursive script, appearing to read "Marty Soetaert".

By: \_\_\_\_\_

Marty Soetaert

Title: Event Promoter, Team ATT-Brain and Spine Cycling

Date: 10-12-09 \_\_\_\_\_



**EXHIBIT A**

**Licensed Areas in Richard Moya Park**

**EXHIBIT B**  
**INSURANCE CERTIFICATE OF LICENSEE**  
**(to be attached)**

**ACORD™ CERTIFICATE OF LIABILITY INSURANCE** DATE (MM/DD/YY)  
10/21/2009

|  |                 |   |
|--|-----------------|---|
| PRODUCER<br><br><b>PHILADELPHIA INSURANCE COMPANIES</b><br>3939 BELT LINE ROAD SUITE 650<br>ADDISON, TEXAS 75001 | Serial # 115152 | 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. |
|  |                 | <b>INSURERS AFFORDING COVERAGE</b>  |

|  |   |
|--|---|
| INSURED<br><br><b>USA CYCLING, INC # 2888</b><br>TEAM AT&T-BRAIN AND SPINE CYCLING<br>2502 WESTOVER ROAD<br>AUSTIN, TX 78703 | INSURER A: PHILADELPHIA INSURANCE COMPANIES<br>INSURER B:<br>INSURER C:<br>INSURER D:<br>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 POLICES 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/YY) | POLICY EXPIRATION DATE (MM/DD/YY) | LIMITS  |
|----------|-------------|---|---------------|----------------------------------|-----------------------------------|---|
| A        |             | GENERAL LIABILITY<br><input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY<br><input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR   | PHPK369255    | 12/31/08                         | 12/31/09                          | EACH OCCURRENCE \$ 1,000,000  |
|          |             |   |               |                                  |                                   | DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000  |
|          |             |   |               |                                  |                                   | MED EXP (Any one person) \$   |
|          |             |   |               |                                  |                                   | PERSONAL & ADV INJURY \$ 1,000,000  |
|          |             | GENL AGGREGATE LIMIT APPLIES PER:   |               |                                  |                                   | GENERAL AGGREGATE \$ 3,000,000  |
|          |             | <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC  |               |                                  |                                   | PRODUCTS - COMP/DP AGG \$ 1,000,000   |
|          |             | AUTOMOBILE LIABILITY<br><input type="checkbox"/> ANY AUTO<br><input type="checkbox"/> ALL OWNED AUTOS<br><input type="checkbox"/> SCHEDULED AUTOS<br><input type="checkbox"/> HIRED AUTOS<br><input type="checkbox"/> NON-OWNED AUTOS |               |                                  |                                   | COMBINED SINGLE LIMIT (Ea accident) \$<br>BODILY INJURY (Per person) \$<br>BODILY INJURY (Per accident) \$<br>PROPERTY DAMAGE (Per accident) \$                     |
|          |             | GARAGE LIABILITY<br><input type="checkbox"/> ANY AUTO   |               |                                  |                                   | AUTO ONLY - EA ACCIDENT \$<br>OTHER THAN AUTO ONLY: EA ACC \$<br>AGG \$   |
|          |             | EXCESS/UMBRELLA LIABILITY<br><input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE<br>DEDUCTIBLE<br>RETENTION \$  |               |                                  |                                   | EACH OCCURRENCE \$<br>AGGREGATE \$<br>\$<br>\$<br>\$  |
|          |             | WORKER'S COMPENSATION AND EMPLOYERS' LIABILITY<br>ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED?<br>If yes, describe under SPECIAL PROVISIONS below  |               |                                  |                                   | <input type="checkbox"/> WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER<br>EL EACH ACCIDENT \$<br>EL DISEASE - EA EMPLOYEE \$<br>EL DISEASE - POLICY LIMIT \$ |
|          |             | OTHER   |               |                                  |                                   |   |

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS

PROOF OF INSURANCE FOR THE SPONSORING CLUB TO EVENT ID # 2009-2888 TEAM AT&T-BRAIN AND SPINE CYCLING PRESENTS CYCLOCROSS SCUFFLE IN AUSTIN, TX ON 11-14-09, BUT ONLY WITH RESPECTS TO THE LIABILITY ARISING OUT OF THE NAMED INSURED'S OPERATIONS.

|   |  |
|---|--|
| <b>CERTIFICATE HOLDER</b><br><br>PROOF OF INSURANCE | <b>CANCELLATION</b><br>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.<br>AUTHORIZED REPRESENTATIVE |
|---|--|

| <b>ACORD™ CERTIFICATE OF LIABILITY INSURANCE</b>   |            |   |                 |  |   | DATE (MM/DD/YY)<br>10/22/2009             |              |
|--|------------|---|-----------------|--|---|---|--------------|
| PRODUCER<br>PHILADELPHIA INSURANCE COMPANIES<br>3939 BELT LINE ROAD SUITE 650<br>ADDISON, TEXAS 75001  |            |   | Serial # 115179 |  | 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<br>USA CYCLING, INC # 2888<br>TEAM AT&T-BRAIN AND SPINE CYCLING<br>2502 WESTOVER ROAD<br>AUSTIN, TX 78703  |            |   |                 |  |   |   |              |
|  |            |   |                 |  | INSURER A: PHILADELPHIA INSURANCE COMPANIES   |   |              |
|  |            |   |                 |  | INSURER B:  |   |              |
|  |            |   |                 |  | INSURER C:  |   |              |
|  |            |   |                 |  | INSURER D:  |   |              |
| INSURER E:   |            |   |                 |  |   |   |              |
| <b>COVERAGES</b>   |            |   |                 |  |   |   |              |
| 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 POLICES 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 NSRD | TYPE OF INSURANCE   | POLICY NUMBER   | POLICY EFFECTIVE DATE (MM/DD/YY)   | POLICY EXPIRATION DATE (MM/DD/YY)   | LIMITS                                    |              |
| A  |            | <b>GENERAL LIABILITY</b>  | PHPK369255      | 12/31/08   | 12/31/09  | EACH OCCURRENCE                           | \$ 1,000,000 |
|  |            | <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY  |                 |  |   | DAMAGE TO RENTED PREMISES (Ea occurrence) | \$ 100,000   |
|  |            | <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR                            |                 |  |   | MED EXP (Any one person)                  | \$           |
|  |            | GEN'L AGGREGATE LIMIT APPLIES PER:  |                 |  |   | PERSONAL & ADV INJURY                     | \$ 1,000,000 |
|  |            | <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC            |                 |  |   | GENERAL AGGREGATE                         | \$ 3,000,000 |
|  |            | <b>AUTOMOBILE LIABILITY</b>   |                 |  |   | PRODUCTS - COMP/OP AGG                    | \$ 1,000,000 |
|  |            | <input type="checkbox"/> ANY AUTO   |                 |  |   | COMBINED SINGLE LIMIT (Ea accident)       | \$           |
|  |            | <input type="checkbox"/> ALL OWNED AUTOS  |                 |  |   | BODILY INJURY (Per person)                | \$           |
|  |            | <input type="checkbox"/> SCHEDULED AUTOS  |                 |  |   | BODILY INJURY (Per accident)              | \$           |
|  |            | <input type="checkbox"/> HIRED AUTOS  |                 |  |   | PROPERTY DAMAGE (Per accident)            | \$           |
|  |            | <input type="checkbox"/> NON-OWNED AUTOS  |                 |  |   | AUTO ONLY - EA ACCIDENT                   | \$           |
|  |            | <b>GARAGE LIABILITY</b>   |                 |  |   | OTHER THAN AUTO ONLY: EA ACC              | \$           |
|  |            | <input type="checkbox"/> ANY AUTO   |                 |  |   | AGG                                       | \$           |
|  |            | <b>EXCESS/UMBRELLA LIABILITY</b>  |                 |  |   | EACH OCCURRENCE                           | \$           |
|  |            | <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE                                       |                 |  |   | AGGREGATE                                 | \$           |
|  |            | <input type="checkbox"/> DEDUCTIBLE   |                 |  |   |   | \$           |
|  |            | <input type="checkbox"/> RETENTION \$   |                 |  |   |   | \$           |
|  |            | <b>WORKER'S COMPENSATION AND EMPLOYERS' LIABILITY</b>   |                 |  |   | WC STATU-TORY LIMITS                      | OTH-ER       |
|  |            | ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below |                 |  |   | EL EACH ACCIDENT                          | \$           |
|  |            | <b>OTHER</b>  |                 |  |   | EL DISEASE - EA EMPLOYEE                  | \$           |
|  |            |   |                 |  |   | EL DISEASE - POLICY LIMIT                 | \$           |
| <b>DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS</b>   |            |   |                 |  |   |   |              |
| CERTIFICATE HOLDER IS AN ADDITIONAL INSURED WITH RESPECTS TO EVENT ID # 2009-2888 TEAM AT&T-BRAIN AND SPINE CYCLING PRESENTS CYCLOCROSS SCUFFLE IN AUSTIN, TX ON 11-14-09, BUT ONLY WITH RESPECTS TO THE LIABILITY ARISING OUT OF THE NAMED INSURED'S OPERATIONS.  |            |   |                 |  |   |   |              |
| <b>CERTIFICATE HOLDER</b>  |            |   |                 | <b>CANCELLATION</b>  |   |   |              |
| TRAVIS COUNTY PARKS DEPARTMENT<br>1010 LAVACA<br>AUSTIN, TX 78701  |            |   |                 | 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. |   |   |              |
|  |            |   |                 | AUTHORIZED REPRESENTATIVE  |   |   |              |

**ACORD™ CERTIFICATE OF LIABILITY INSURANCE** DATE (MM/DD/YY)  
10/22/2009

|  |                 |   |
|--|-----------------|---|
| PRODUCER<br><b>PHILADELPHIA INSURANCE COMPANIES</b><br>3939 BELT LINE ROAD SUITE 650<br>ADDISON, TEXAS 75001 | Serial # 115180 | 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. |
|  |                 | <b>INSURERS AFFORDING COVERAGE</b>  |

|  |  |
|--|--|
| INSURED<br><b>USA CYCLING, INC # 2888</b><br>TEAM AT&T-BRAIN AND SPINE CYCLING<br>2502 WESTOVER ROAD<br>AUSTIN, TX 78703 | NAIC#<br>INSURER A: PHILADELPHIA INSURANCE COMPANIES<br>INSURER B:<br>INSURER C:<br>INSURER D:<br>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 POLICES 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/YY) | POLICY EXPIRATION DATE (MM/DD/YY) | LIMITS   |
|----------|-------------|---|---------------|----------------------------------|-----------------------------------|--|
| A        |             | GENERAL LIABILITY<br><input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY<br><input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR   | PHPK369255    | 12/31/08                         | 12/31/09                          | EACH OCCURRENCE \$ 1,000,000   |
|          |             | GEN'L AGGREGATE LIMIT APPLIES PER:<br><input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC  |               |                                  |                                   | DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000<br>MED EXP (Any one person) \$<br>PERSONAL & ADV INJURY \$ 1,000,000<br>GENERAL AGGREGATE \$ 3,000,000<br>PRODUCTS - COMP/OP AGG \$ 1,000,000 |
|          |             | AUTOMOBILE LIABILITY<br><input type="checkbox"/> ANY AUTO<br><input type="checkbox"/> ALL OWNED AUTOS<br><input type="checkbox"/> SCHEDULED AUTOS<br><input type="checkbox"/> HIRED AUTOS<br><input type="checkbox"/> NON-OWNED AUTOS |               |                                  |                                   | COMBINED SINGLE LIMIT (Ea accident) \$<br>BODILY INJURY (Per person) \$<br>BODILY INJURY (Per accident) \$<br>PROPERTY DAMAGE (Per accident) \$  |
|          |             | GARAGE LIABILITY<br><input type="checkbox"/> ANY AUTO   |               |                                  |                                   | AUTO ONLY - EA ACCIDENT \$<br>OTHER THAN AUTO ONLY: EA ACC \$<br>AGG \$  |
|          |             | EXCESS/UMBRELLA LIABILITY<br><input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE<br>DEDUCTIBLE<br>RETENTION \$  |               |                                  |                                   | EACH OCCURRENCE \$<br>AGGREGATE \$<br>\$<br>\$<br>\$   |
|          |             | WORKER'S COMPENSATION AND EMPLOYERS' LIABILITY<br>ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED?<br>If yes, describe under SPECIAL PROVISIONS below  |               |                                  |                                   | <input type="checkbox"/> W/C STATUTORY LIMITS <input type="checkbox"/> OTHER<br>EL EACH ACCIDENT \$<br>EL DISEASE - EA EMPLOYEE \$<br>EL DISEASE - POLICY LIMIT \$                                 |
|          |             | OTHER   |               |                                  |                                   |  |

**DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS**  
 CERTIFICATE HOLDER IS AN ADDITIONAL INSURED WITH RESPECTS TO EVENT ID # 2009-2888 TEAM AT&T-BRAIN AND SPINE CYCLING PRESENTS CYCLOCROSS SCUFFLE IN AUSTIN, TX ON 11-14-09, BUT ONLY WITH RESPECTS TO THE LIABILITY ARISING OUT OF THE NAMED INSURED'S OPERATIONS.

|   |  |
|---|--|
| <b>CERTIFICATE HOLDER</b><br><br>ATT<br>WHITTACRE TOWER, 175 E HOUSTON<br>SAN ANTONIO, TX 78205 | <b>CANCELLATION</b><br>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.<br>AUTHORIZED REPRESENTATIVE |
|---|--|

# ACORD™ CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YY)  
10/22/2009

PRODUCER  
**PHILADELPHIA INSURANCE COMPANIES**  
 3939 BELT LINE ROAD SUITE 650  
 ADDISON, TEXAS 75001

Serial # 115181

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  
**USA CYCLING, INC # 2888**  
 TEAM AT&T-BRAIN AND SPINE CYCLING  
 2502 WESTOVER ROAD  
 AUSTIN, TX 78703

**INSURERS AFFORDING COVERAGE**

NAIC#

INSURER A: PHILADELPHIA INSURANCE COMPANIES  
 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 POLICES 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 NSRD | TYPE OF INSURANCE  | POLICY NUMBER | POLICY EFFECTIVE DATE (MM/DD/YY) | POLICY EXPIRATION DATE (MM/DD/YY) | LIMITS  |
|----------|------------|--|---------------|----------------------------------|-----------------------------------|---|
| A        |            | <b>GENERAL LIABILITY</b><br><input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY<br><input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR   | PHPK369255    | 12/31/08                         | 12/31/09                          | EACH OCCURRENCE \$ 1,000,000  |
|          |            | GEN'L AGGREGATE LIMIT APPLIES PER:<br><input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC   |               |                                  |                                   | DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000                          |
|          |            |  |               |                                  |                                   | MED EXP (Any one person) \$   |
|          |            |  |               |                                  |                                   | PERSONAL & ADV INJURY \$ 1,000,000  |
|          |            |  |               |                                  |                                   | GENERAL AGGREGATE \$ 3,000,000  |
|          |            |  |               |                                  |                                   | PRODUCTS - COM/POP AGG \$ 1,000,000   |
|          |            | <b>AUTOMOBILE LIABILITY</b><br><input type="checkbox"/> ANY AUTO<br><input type="checkbox"/> ALL OWNED AUTOS<br><input type="checkbox"/> SCHEDULED AUTOS<br><input type="checkbox"/> HIRED AUTOS<br><input type="checkbox"/> NON-OWNED AUTOS |               |                                  |                                   | COMBINED SINGLE LIMIT (Ea accident) \$  |
|          |            |  |               |                                  |                                   | BODILY INJURY (Per person) \$   |
|          |            |  |               |                                  |                                   | BODILY INJURY (Per accident) \$   |
|          |            |  |               |                                  |                                   | PROPERTY DAMAGE (Per accident) \$   |
|          |            | <b>GARAGE LIABILITY</b><br><input type="checkbox"/> ANY AUTO   |               |                                  |                                   | AUTO ONLY - EA ACCIDENT \$  |
|          |            |  |               |                                  |                                   | OTHER THAN EA ACC \$  |
|          |            |  |               |                                  |                                   | AUTO ONLY: AGG \$   |
|          |            | <b>EXCESS/UMBRELLA LIABILITY</b><br><input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE<br><input type="checkbox"/> DEDUCTIBLE<br><input type="checkbox"/> RETENTION \$  |               |                                  |                                   | EACH OCCURRENCE \$  |
|          |            |  |               |                                  |                                   | AGGREGATE \$  |
|          |            |  |               |                                  |                                   | \$  |
|          |            |  |               |                                  |                                   | \$  |
|          |            |  |               |                                  |                                   | \$  |
|          |            | <b>WORKER'S COMPENSATION AND EMPLOYERS' LIABILITY</b><br>ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED?<br>If yes, describe under SPECIAL PROVISIONS below  |               |                                  |                                   | WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER <input type="checkbox"/> |
|          |            |  |               |                                  |                                   | EL EACH ACCIDENT \$   |
|          |            |  |               |                                  |                                   | EL DISEASE - EA EMPLOYEE \$   |
|          |            |  |               |                                  |                                   | EL DISEASE - POLICY LIMIT \$  |
|          |            | <b>OTHER</b>   |               |                                  |                                   |   |

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS  
 CERTIFICATE HOLDER IS AN ADDITIONAL INSURED WITH RESPECTS TO EVENT ID # 2009-2888 TEAM AT&T-BRAIN AND SPINE CYCLING PRESENTS CYCLOCROSS SCUFFLE IN AUSTIN, TX ON 11-14-09, BUT ONLY WITH RESPECTS TO THE LIABILITY ARISING OUT OF THE NAMED INSURED'S OPERATIONS.

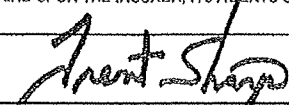
**CERTIFICATE HOLDER**

**CANCELLATION**

BRAIN & SPINE CENTER AT SETON  
 1201 WEST 38TH STREET  
 AUSTIN, TX 78705

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 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.

AUTHORIZED REPRESENTATIVE



# 9

Travis County Commissioners Court Agenda Request

Voting Session 11/3  
10/20/09  
(Date)

Work Session \_\_\_\_\_  
(Date)

- I. A. Request made by: Joseph P. Gieselman Phone # 854-9383  
Signature of Executive Manager
- B. Requested Text:

Consider and take appropriate action on:

- A. **Sun Chase Phase 1, Preliminary Plan in Precinct 4 (788 Lots – 456.91 Acres – Pearce Lane – No fiscal is required with this Preliminary Plan – Water and Wastewater provided by the City of Austin – City of Austin 2 mile ETJ).**
- B. **Sun Chase South, Preliminary Plan in Precinct 4: (499 Lots – 113.98 acres – Pearce Lane – No fiscal is required with this Preliminary Plan – Water and Wastewater provided by the City of Austin – City of Austin 2 mile ETJ).**
- C. **Approve a Phasing Agreement for the Sun Chase South and Sun Chase Phase I, Preliminary Plans.**

C. Approved by: Margaret J. Gomez  
Commissioner Margaret Gómez, Precinct 4

- 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:

|                               |                                |
|-------------------------------|--------------------------------|
| <u>Joe Arriaga: 854-7562</u>  | <u>Chris Gilmore: 854-9455</u> |
| <u>Anna Bowlin: 854-7561</u>  | <u>Dennis Wilson: 854-4217</u> |
| <u>Sarah Sumner: 854-7687</u> |                                |

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**

October 9, 2009

TO: Members of the Commissioners' Court  
THROUGH: Joseph P. Gieselman, Executive Manager  
FROM: Anna Bowlin, Division Director, Development Services Division  
SUBJECT: Sun Chase, Phase 1 and Sun Chase South - Preliminary Plans, Precinct 4

**PROPOSED MOTION:**

Consider and take appropriate action on:

- A. Sun Chase Phase 1, Preliminary Plan in Precinct 4 (788 Lots – 456.91 Acres – Pearce Lane – No fiscal is required with this Preliminary Plan – Water and Wastewater provided by the City of Austin – City of Austin 2 mile ETJ).**
- B. Sun Chase South, Preliminary Plan in Precinct 4: (499 Lots – 113.98 acres – Pearce Lane – No fiscal is required with this Preliminary Plan – Water and Wastewater provided by the City of Austin – City of Austin 2 mile ETJ).**
- C. Approve a Phasing Agreement for the Sun Chase South and Sun Chase Phase I, Preliminary Plans.**

**SUMMARY AND STAFF RECOMMENDATION:**

The Sun Chase Phase 1 Preliminary Plan subdivision consists of 788 total lots (727 residential lots, includes 674 standard lots and 53 small lots, 3 commercial lots, 1 school lot, 2 multi-family lots, 1 cemetery lot, 51 open space/detention facility, landscape, sidewalk, water quality, CEF lots and 1 amenity center lot). Fiscal is not required with this preliminary plan. There are 37,911 linear feet of public streets proposed with this plan. Parkland dedication is not required at the preliminary plan stage and but will be satisfied prior to final plat approval.

The Sun Chase South Preliminary Plan subdivision consists of 499 total lots (470 single family lots: 31 small lots, 439 standard lots; 18 landscape lots; 5 open space, drainage, and water quality lots; 3 amenity/other lots, 1 commercial lot and 2 multi-family lots). There are 22,831 linear feet of public streets proposed with this plan. Fiscal is not required with this preliminary plan. Parkland dedication is not required at the preliminary plan stage and but will be satisfied prior to final plat approval.

The proposed Sun Chase Development will extend a CAMPO 2030 arterial called Sun Chase Parkway (referred to as Arterial C/Four Daughters Road in the 2030 CAMPO Plan) that the developer will be constructing per the phasing agreement (attached).

As these preliminary plans meet all Single Office/Travis County standards and have been approved by City of Austin, TNR staff recommends approval of both preliminary plans and phasing agreement.

### **Variance(s)**

The applicant requested a variance Title 30-2-151 for Sun Chase Phase I which requires streets of a new subdivision shall be align with existing streets on adjoining property (Navarro Creek Road) from the Travis County Commission Court.

The Staff recommended this variance because Navarro Creek Road is located just to the north of Dry Creek and is within 100-year floodplain. Connecting and extending this road from proposed development is not a viable option because it is not economically feasible; it would require numerous environmental variances, a CLOMR Revision from FEMA and would be too expense to build a bridge across the creek. The applicant is not proposing any development except for a water quality pond in this 43 acre tract. On June 21, 2009, the Commissioner's Court approved this variance.

### **PHASING AGREEMENT(attached)**

The developer has entered into a Phasing Agreement with Travis County and will be required to the following:

- 1) Extend a four lane minor arterial named Sun Chase Parkway (referred to as Arterial C/Four Daughters Road in the 2030 CAMPO Plan) through the Property as shown on the Preliminary Plans of Sun Chase South Sun Chase Phase 1 to accommodate the traffic that will be generated by development in the area, including the development of the Property (the "Sun Chase Parkway Extension");
- 2) improve the existing two lane minor arterials, Pearce Lane and Wolf Lane, to four lane major arterials divided (the "Pearce Lane and Wolf Lane Boundary Street Improvements");
- 2) The Developer may submit final subdivision plats for portions of the Property in phases (each a "Phase"). The Developer will be responsible for the construction of only one-half (1/2) of the Sun Chase Parkway Extension which will be constructed in phases as provided in this Agreement. The Developer is responsible for the construction of the two outer lanes including curb, gutter, storm water drainage system and only the sidewalks required on the west side of Sun Chase Parkway. The Developer will not be required to construct the east sidewalks and any portion of the Pearce Lane and Wolf Lane Boundary Street Improvements other than the Intersection Improvements.

At intersections of internal roadways with Pearce Lane and Wolf Lane, the

- 3) Developer will be responsible for intersection improvements which include a dedicated left turn lane, right turn deceleration lane; right turn acceleration lane and roadway widening as needed to accommodate this construction. In the event that the Sun Chase Parkway intersection with Pearce Lane is constructed subsequent to Pearce Lane being upgraded from a two lane arterial, dual left turn lanes will be included at both approaches on Pearce Lane.
- 4) The Developer will dedicate, at no cost to the County, (i) the full right-of-way required for the Sun Chase Parkway Extension, not to exceed 86 feet in width, at the location and as shown on the Preliminary Plans, and (ii) one-half (1/2) of the required right-of-way for the Pearce Lane and Wolf Lane Boundary Street Improvements, not to exceed 114 feet in width, for that portion of the Pearce Lane and Wolf Lane Boundary Street Improvements that abut the Property, at the locations and as generally shown on the Preliminary Plans. The portions of the rights-of-way for the Sun Chase Parkway Extension and the Pearce Lane and Wolf Lane Boundary Street Improvements included within the final subdivision plat for each Phase of the Property will be required to be dedicated by plat as a condition to the approval of the final subdivision plat of that Phase. Each dedication will be subject to the Developer's right to install utilities within the dedicated right of way, which right is expressly reserved by the Developer.
- 5) The Developer will be required to post fiscal security, in accordance with Section 30-1-132 of Chapter 30, for that portion of the cost of constructing any portion of the one-half (1/2) of the Sun Chase Parkway Extension and any Intersection Improvements located within the portion of the Property included in each Phase ("Fiscal Security") as a condition of and prior to recordation of the final plat for that Phase.
- 6) If a recorded final plat for any Phase is vacated or cancelled such that the land within that Phase is returned to an unplatted condition, the County will return the Fiscal Security posted with such vacated or cancelled plat(s) to the Developer.
- 7) In consideration for the Developer's agreement to construct one-half (1/2) of the Sun Chase Parkway Extension and the Intersection Improvements and to dedicate right-of-way for the Sun Chase Parkway Extension and the Pearce Lane and Wolf Lane Boundary Improvements, the County agrees that the Developer will not be obligated to make any other improvements to or upgrades of the Sun Chase Parkway Extension, Pearce Lane or Wolf Lane.
- 8) The Travis County Fire Marshal's Office has approved Sections 1 and 2 of Sun Chase South with a single access drive.

At the time of future development of Sun Chase South which increases the traffic generated beyond that generated by the development of Sections 1 and 2, the Developer agrees to provide a second access drive or an approved emergency drive.

- 9) Subject to the Developer's compliance with this Agreement, Chapter 30 and other applicable subdivision requirements, the County agrees to approve final subdivision plats of Phases of the Property which are submitted by Developer and are consistent with this Agreement.

This agreement covers the land for both proposed preliminary plans.

### **Transportation**

As part of the review of the preliminary plan applications, the applicant completed a Traffic Impact Analysis (TIA) to assess any traffic impacts to surrounding roadways. As a result of the traffic impacts, the applicant has entered into an agreement with Travis County, for specific developer obligations, see section on phasing agreement.

### **FEMA/CLOMR**

The applicant is proposing to modify the current Federal Emergency Management Agency (FEMA) floodplain along Dry Creek on both side of Pearce Lane. As part of the preliminary plan application review process to the Single Office; the applicant has submitted a complete application for a Conditional Letter of Map Revision (CLOMR) to FEMA for their technical review for both preliminary plans. The purpose of a CLOMR application is to receive FEMA's input on the proposed development's impact on the floodplain prior to approval of any final plats. The CLOMR application was submitted and deemed complete by FEMA for both preliminary plans.

### **Environmental**

The applicant submitted an environmental assessment for the entire Sun Chase development and the City of Austin staff has reviewed the assessment for technical compliance. In the environmental assessment, several wetland features or critical environmental features (CEFs) were identified on the development and developer was required to protect these features. The code requires the features to be located on individual lots and can be part of a single family lot and the applicant has provided a separate on Phase 1. On Phase 1, the CEF has been identified as one large critical environmental feature lot (lot 232) for the wetlands consisting of 3.50 acres.

**Water/Wastewater**

The applicant submitted a Service Extension Request (SER) with the City of Austin for cost reimbursement for water and wastewater services for the proposed development. The City of Austin City Council approved the water and wastewater SERs on March 27 and April 2, 2009 respectively.

***ISSUES AND OPPORTUNITIES:***

Staff has received a few calls and inquiries regarding this preliminary plan. No one has expressed opposition and no one attended the ZAP meeting to speak on this item.

***BUDGETARY AND FISCAL IMPACT:***

None.

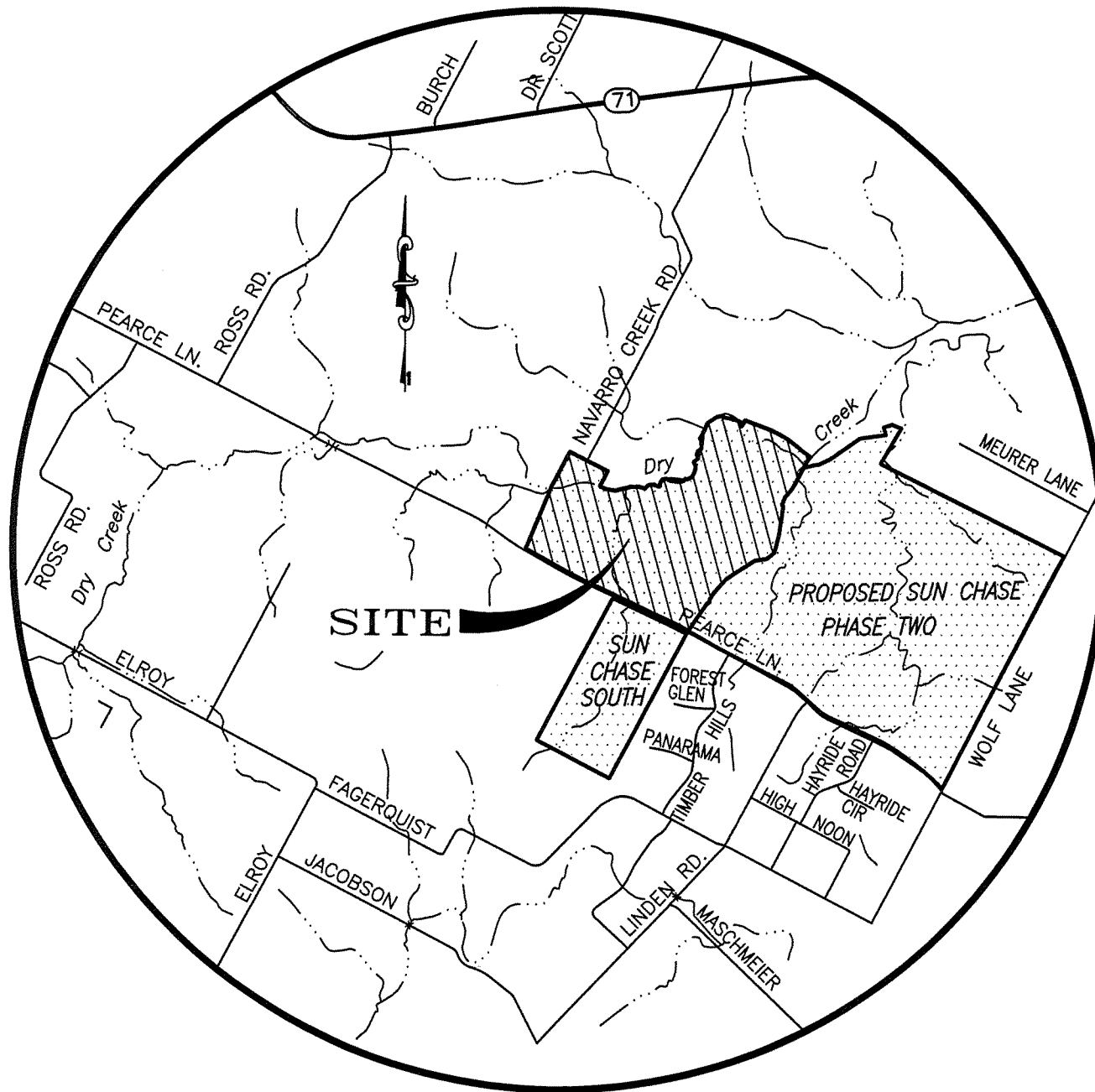
***REQUIRED AUTHORIZATIONS:***

None.

***EXHIBITS:***

Location map  
Precinct map  
Proposed plans  
Phasing Agreement

AMB: jla  
1009



# LOCATION MAP

SCALE: 1" = 4000'

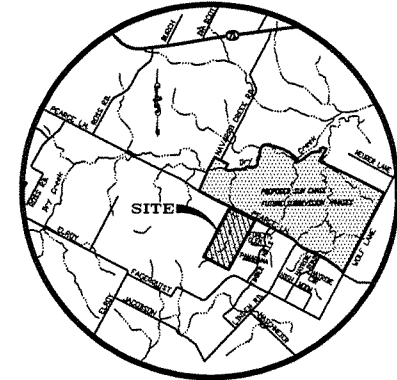
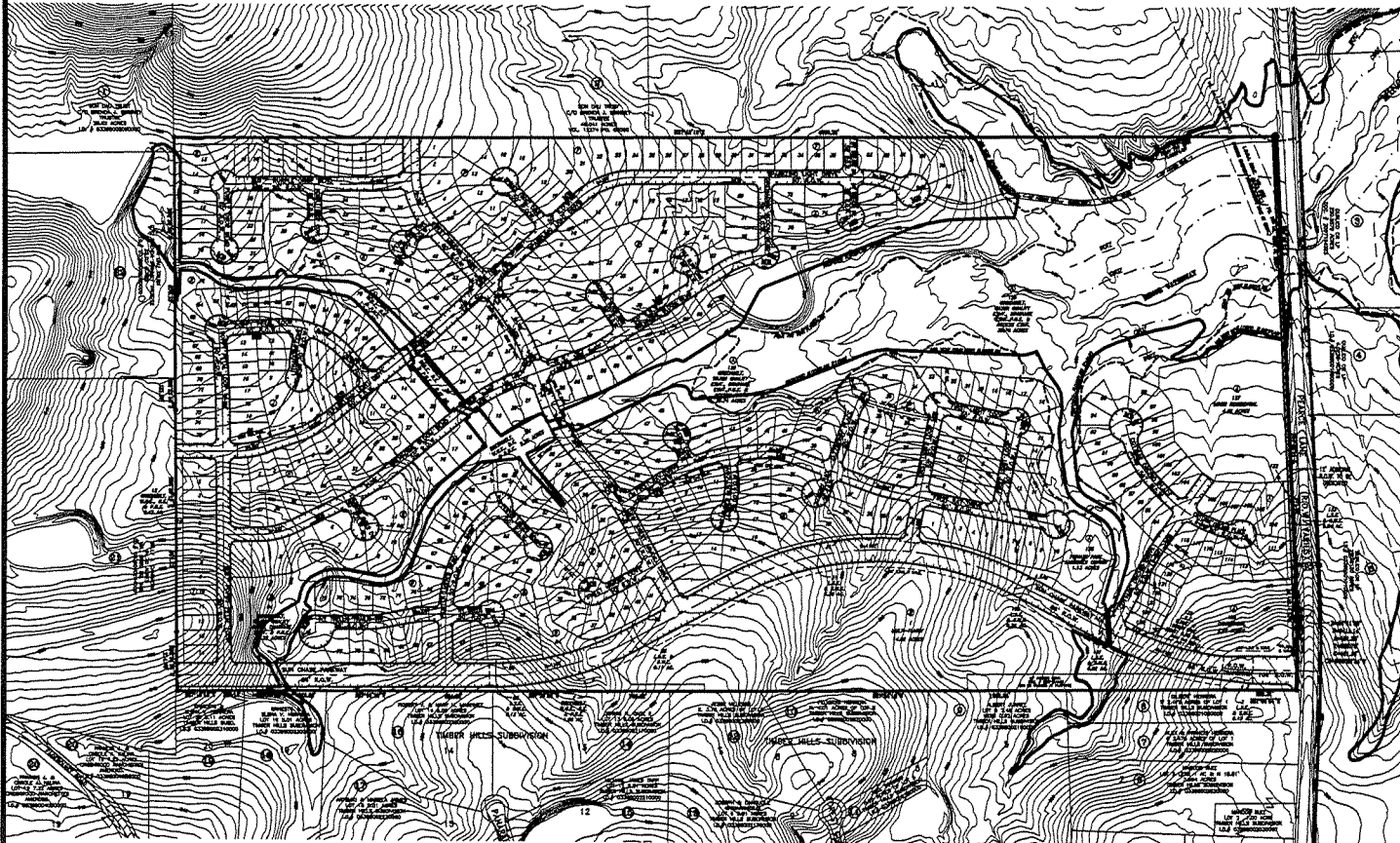


# SUN CHASE SOUTH

A SMALL LOT SUBDIVISION



SCALE: 1" = 200'



LOCATION MAP

SCALE: 1" = 4000'

- LEGEND**
- LSE LANDSCAPE EASEMENT
  - W/E WETLAND EASEMENT
  - P/E PUBLIC UTILITY EASEMENT
  - W.Q.E. WATER QUALITY EASEMENT
  - S.W.E. SIDEWALK EASEMENT
  - D.E. DRAINAGE EASEMENT
  - 17 LOT NUMBER
  - ② BLOCK NUMBER
  - EASEMENT LINE
  - SIDEWALK LOCATION
  - CRITICAL WATER QUALITY ZONE
  - WATER QUALITY TRANSITION ZONE
  - FEMA 100 YEAR FLOODPLAIN
  - DEVELOPED 100 YEAR FLOODPLAIN
  - MB CLUSTER MAIL BOX LOCATION
  - ③ ADJACENT PROPERTY OWNER INFORMATION (SEE SHEET 2)

DATE: SEPTEMBER 9, 2008  
 TOTAL ACREAGE: 187.72 ACRES  
 SURVEY: JOSÉ ANTONIO NAVARRO GRANT  
 ABSTRACT NO. 18

OWNER: OUALICO CR. LP  
 ATTN: YERA D. MASSARO  
 7940 SHOAL CREEK BLVD., SUITE 201  
 AUSTIN, TEXAS 78757  
 PHONE: (512) 371-6937  
 FAX: (512) 371-5728

OWNER: FOUR SPECIAL DAUGHTERS, LP,  
 3617 WINDSOR ROAD  
 AUSTIN, TEXAS 78703

ENGINEER AND SURVEYOR:  
 CARLSON, BRIGANCE & DORRING, INC.  
 5501 WEST WILLIAM CANNON DR.  
 AUSTIN, TEXAS 78748  
 PHONE: (512) 286-5160  
 FAX: (512) 286-5165

**FLOOD PLAIN NOTE**

THE 100 YEAR FLOODPLAIN IS CONTAINED WITHIN THE DRAINAGE EASEMENT AS SHOWN HEREON. A PORTION OF THIS TRACT IS WITHIN THE RECORDED FLOOD HAZARD AREA AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) NUMBER 4848300404, TRAVIS COUNTY, TEXAS, DATED SEPTEMBER 28, 2008, COMMUNITY NUMBER 481026.

**ENGINEER'S CERTIFICATION**

THIS IS TO CERTIFY THAT I AM CERTIFIED TO PRACTICE THE PROFESSION OF ENGINEERING IN THE STATE OF TEXAS; THAT I PREPARED THE PLANS SUBMITTED HEREON; AND THAT ALL INFORMATION SHOWN HEREON IS ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AS RELATED TO THE ENGINEERING PORTIONS THEREOF; AND THAT SAID PLANS COMPLY WITH THE CITY OF AUSTIN CODES AND ORDINANCES AND TRAVIS COUNTY.

WITNESS MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2008.

BRETT R. PASQUARELLA P.E. NO. 84769



**ESTIMATED LOTS/USE**  
 COMMERCIAL - 60,000 SF  
 MULTI-FAMILY - 358 UNITS  
 MIXED RESIDENTIAL - 45 UNITS

|  | ACREAGE      |
|--|--------------|
| TOTAL NUMBER OF SINGLE FAMILY LOTS: 470  | 113.88 ACRES |
| TOTAL NUMBER OF MIXED RESIDENTIAL LOTS: 1  | 4.48 ACRES   |
| TOTAL NUMBER OF PRIVATE PARK/MARKET CENTER LOTS: 1   | 1.13 ACRES   |
| TOTAL NUMBER OF MULTI FAMILY LOTS: 1   | 14.82 ACRES  |
| TOTAL NUMBER OF COMMERCIAL LOTS: 1   | 2.82 ACRES   |
| TOTAL NUMBER OF LANDSCAPE EASEMENT & SIDEWALK EASEMENT LOTS: 18                                      | 1.13 ACRES   |
| TOTAL NUMBER OF GREENBELT, DRAINAGE EASEMENT, WATER QUALITY ESMT., & PUBLIC UTILITY EASEMENT LOTS: 5 | 10.37 ACRES  |
| TOTAL NUMBER OF DRAINAGE EASEMENT, WATER QUALITY ESMT., P.U.E. & ACCESS ESMT. LOTS: 1                | 38.74 ACRES  |
| TOTAL NUMBER OF LOTS: 499  | 187.72 ACRES |
| TOTAL ACREAGE:   | 187.72 ACRES |

LINEAR FOOTAGE OF STREETS: 22,831 LF  
 TOTAL NUMBER OF BLOCKS: 11

Carlson, Brigance & Dorring, Inc.  
 5501 West William Cannon Dr.  
 Austin, Texas 78748  
 Phone: (512) 286-5160  
 Fax: (512) 286-5165



PRELIMINARY PLAN 200 SCALE  
 DATE: AUGUST 2008

SUN CHASE SOUTH  
 PRELIMINARY PLAN - A SMALL LOT SUBDIVISION

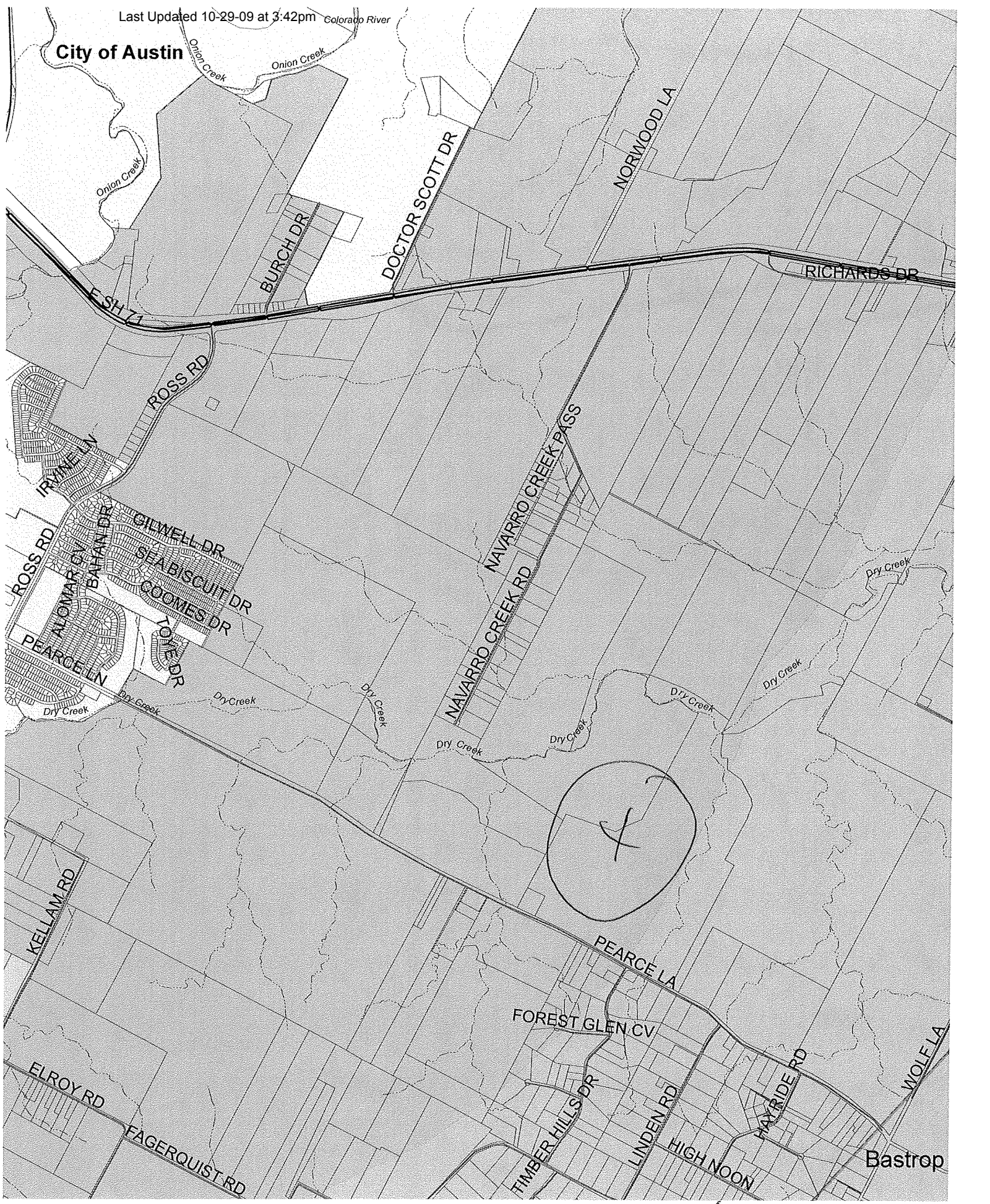
LOT NAME  
 REG. PLOT

JOSÉ NAVARRO  
 41920

COA CASE# C8J-2008-0176



City of Austin



Precinct 4

**SUN CHASE  
PHASING AGREEMENT**

STATE OF TEXAS           §  
  §  
COUNTY OF TRAVIS       §

THIS SUN CHASE PHASING AGREEMENT (this “Agreement”) is made and entered into by and between Qualico CR, LP (the “Developer”) and Travis County, Texas (the “County”), hereinafter collectively referred to as the “Parties”, for the purposes and consideration stated herein.

**Recitals**

WHEREAS, the Developer has submitted to the County and the City of Austin (the “City”) an application for approval of three preliminary subdivision plans for the subdivisions known as Sun Chase South (C8J-2008-0176) (“Sun Chase South”), Sun Chase Phase 1 (C8J-2008-0212) (“Sun Chase Phase 1”) and Sun Chase Phase 2 (C8J-2008-0239) (“Sun Chase Phase 2”) collectively, the “Preliminary Plans” for the development and subdivision in phases of an approximately 1,604 acre tract, which is described in **Exhibit “A”**, attached hereto and made a part hereof (the “Property”);

WHEREAS, subject to the terms of this Agreement, the Preliminary Plans meet all County, City and State of Texas subdivision requirements;

WHEREAS, development of the Property will impact traffic on the public roadway network adjacent to the Property;

WHEREAS, the Capitol Area Metropolitan Planning Organization’s CAMPO 2030 Plan contemplates that it will be necessary to:

1. extend a four lane minor arterial named Sun Chase Parkway (referred to as Arterial C/Four Daughters Road in the 2030 CAMPO Plan) through the Property as shown on the Preliminary Plans of Sun Chase South and Sun Chase Phase 1 to accommodate the traffic that will be generated by development in the area, including the development of the Property (the “Sun Chase Parkway Extension”); and
2. improve the existing two lane minor arterials, Pearce Lane and Wolf Lane, to four lane major arterials divided (the “Pearce Lane and Wolf Lane Boundary Street Improvements”);

WHEREAS, the County's and City's Austin/Travis County Subdivision Regulations ("Chapter 30") provide that an owner subdividing property may be required to dedicate right-of-way for and construct arterial roads in the CAMPO 2030 Plan;

WHEREAS, the Developer is only required to make such right-of-way dedications and construct such roadways to the extent that same are roughly proportional to the impact on the public roadways generated by the proposed development shown in the Preliminary Plans;

WHEREAS, the Developer and the County desire to provide for the orderly development of the Property, including the alignment and construction of the Sun Chase Parkway Extension, and the Pearce Lane and Wolf Lane Boundary Street Improvements which will provide safe and efficient access both to and through the Property; and

WHEREAS, the Developer and the County desire to establish a process to coordinate the extension of Sun Chase Parkway and the boundary street improvements for Pearce Lane and Wolf Lane with the phased development of the Property and to set forth their agreements on (i) the timing of the Sun Chase Parkway Extension, (ii) the timing of improvements to the intersections of new subdivision roadways within the Property to the Pearce Lane and Wolf Lane Boundary Street Improvements as shown on the Preliminary Plans that are necessary for safe movement of traffic between Pearce Lane and Wolf Lane and the Property, as reasonably determined by the County in accordance with County regulations (the "Intersection Improvements"), and (iii) the timing for the construction of an emergency access road for Sun Chase South;

### **Agreement**

NOW, THEREFORE, in consideration of these premises and the mutual promises contained herein, the Parties agree as follows:

- 1) The Developer may submit final subdivision plats for portions of the Property in phases (each a "Phase"). The Developer will be responsible for the construction of only one-half (1/2) of the Sun Chase Parkway Extension which will be constructed in phases as provided in this Agreement, in accordance with the schematic attached as **Exhibit "B"**. The Developer is responsible for the construction of the two outer lane including curb, gutter, storm water drainage system and only the sidewalks required on the west side of Sun Chase Parkway. The Developer will not be required to construct the east sidewalks and any portion of the Pearce Lane and Wolf Lane Boundary Street Improvements other than the Intersection Improvements. "
- 2) At intersections of internal roadways with Pearce Lane and Wolf Lane, the Developer will be responsible for intersection improvements which include a dedicated left turn lane, right turn deceleration lane; right turn acceleration lane and roadway widening as needed to accommodate this construction (**see Exhibit "C"**). In the event that the Sun

Chase Parkway intersection with Pearce Lane is constructed subsequent to Pearce Lane being upgraded from a two lane arterial, dual left turn lanes will be included at both approaches on Pearce Lane."

- 3) The Developer will dedicate, at no cost to the County, (i) the full right-of-way required for the Sun Chase Parkway Extension, not to exceed 86 feet in width, at the location and as shown on the Preliminary Plans, and (ii) one-half (1/2) of the required right-of-way for the Pearce Lane and Wolf Lane Boundary Street Improvements, not to exceed 114 feet in width, for that portion of the Pearce Lane and Wolf Lane Boundary Street Improvements that abut the Property, at the locations and as generally shown on the Preliminary Plans. The portions of the rights-of-way for the Sun Chase Parkway Extension and the Pearce Lane and Wolf Lane Boundary Street Improvements included within the final subdivision plat for each Phase of the Property will be required to be dedicated by plat as a condition to the approval of the final subdivision plat of that Phase. Each dedication will be subject to the Developer's right to install utilities within the dedicated right of way, which right is expressly reserved by the Developer.
- 4) The Developer will be required to post fiscal security, in accordance with Section 30-1-132 of Chapter 30, for that portion of the cost of constructing any portion of the one-half (1/2) of the Sun Chase Parkway Extension and any Intersection Improvements located within the portion of the Property included in each Phase ("*Fiscal Security*") as a condition of and prior to recordation of the final plat for that Phase.
- 5) If a recorded final plat for any Phase is vacated or cancelled such that the land within that Phase is returned to an unplatted condition, the County will return the Fiscal Security posted with such vacated or cancelled plat(s) to the Developer.
- 6) In consideration for the Developer's agreement to construct one-half (1/2) of the Sun Chase Parkway Extension and the Intersection Improvements and to dedicate right-of-way for the Sun Chase Parkway Extension and the Pearce Lane and Wolf Lane Boundary Improvements, the County agrees that the Developer will not be obligated to make any other improvements to or upgrades of the Sun Chase Parkway Extension, Pearce Lane or Wolf Lane.
- 7) The Travis County Fire Marshal's Office has approved Sections 1 and 2 of Sun Chase South with a single access drive. At the time of future development of Sun Chase South which increases the traffic generated beyond that generated by the development of Sections 1 and 2, the Developer agrees to provide a second access drive or an approved emergency drive as shown on **Exhibit "D"**.
- 8) Subject to the Developer's compliance with this Agreement, Chapter 30 and other applicable subdivision requirements, the County agrees to approve final subdivision plats of Phases of the Property which are submitted by Developer and are consistent with this

Agreement.

9) The County and its officers, employees, and successors and assigns will not be responsible for and shall be held harmless by the Developer from any claims, losses, damages, causes of action, suits and liability of any kind for personal injury or death or damage to property arising out of or in connection with any actions by or negligence of the Developer in the performance of its obligations under the terms of this Agreement.

10) In the event that the Property is annexed into the corporate limits of the City, the County may assign its rights and obligations under this Agreement to the City.

11) Miscellaneous.

a. Beneficiaries. This Agreement will be binding upon and inure to the benefit of the Parties and their successors and assigns.

b. Restrictive Covenant. This Agreement touches and concerns real property located in Travis County, Texas, and constitutes a covenant running with the land which constitutes the Property which will be binding upon each owner of all or any portion of the Property. The Parties hereto agree that, upon conveyance of all or any portion of the Property in an undeveloped condition, the rights, duties, privileges and obligations hereunder shall be transferred to the subsequent owner of the Property or portion thereof upon delivery of a deed thereto, and the prior owner shall be released of any further obligations, liability or responsibility hereof. Upon the Developer's completion of the portion of the Sun Chase Boulevard Extension and the Intersection Improvements within each Phase out of the Property, this Agreement, and the covenant created by this subsection, will terminate as to that Phase. This Agreement will not be deemed or construed to create any obligation upon any purchaser of a fully developed lot or lots out of the Property.

c. Amendment to Agreement. Any revision, modification, or amendment of this Agreement will be effective only when reduced to writing and signed by the Parties or their respective successors and assigns. NO OFFICIAL, AGENT, OR EMPLOYEE OF THE COUNTY HAS ANY AUTHORITY; EITHER EXPRESS OR IMPLIED, TO AMEND OR MODIFY THIS AGREEMENT EXCEPT PURSUANT TO SUCH EXPRESS AUTHORITY AS MAY BE DELEGATED BY THE COMMISSIONERS COURT.

d. Assignment by the Developer. The rights, duties, and responsibilities of the Developer may be assigned separate and apart from a conveyance of the Property only with the consent of the County, which will not be unreasonably withheld, conditioned or unduly delayed.



- e. Entire Agreement. This is the entire agreement between the Parties with respect to the subject matter hereof. As of this date, there are no other agreements or representations, oral or written, between the Parties in conflict with this Agreement.
  
- f. Notice. Any notices hereunder will be in writing and addressed to the respective party at the address set forth below for such party, (i) by personal delivery, (ii) by U.S. Mail, certified or registered, return receipt requested, postage prepaid, or (iii) by FedEx or other nationally recognized overnight courier service. Notice deposited in the U.S. Mail in the manner hereinabove described will be effective on the earlier of the date of actual receipt or three days after the date of such deposit. Notice given in any other manner shall be effective only if and when received by the party to be notified.

Developer:                   Qualico CR, LP  
                                  c/o Vera Massaro  
                                  7940 Shoal Creek Blvd., Suite 201  
                                  Austin, Texas 78757

Copy to:                    Sue Brooks Littlefield  
                                  Armbrust & Brown, L.L.P.  
                                  100 Congress Ave., Ste. 1300  
                                  Austin, Texas 78701

Travis County:            Joe Gieselman (or successor)  
                                  Executive Manager, TNR  
                                  P.O. Box 1748  
                                  Austin, Texas 78767

Copy to:                    David Escamilla (or successor)  
                                  Travis County Attorney  
                                  P.O. Box 1748  
                                  Austin, Texas 78767  
                                  Attention: File No. 163.1631

The Parties may from time-to-time change their respective addresses by written notice to the other party.

- g. Applicable Law and Venue. This Agreement shall be governed by the laws of the State of Texas, concerns real property located in Travis County, and is wholly performable in Travis County, Texas.

- h. Severability. If any of the provisions of this Agreement are held by any court of competent jurisdiction to be invalid or unconstitutional for any reason, the remainder of this Agreement will not be affected thereby and this Agreement shall be construed as if such invalid or unconstitutional portion had never been contained herein.
- i. Number and gender. All terms or words used in this Agreement, regardless of the number or gender in which they are used, shall be deemed to include any other number or gender as the context may require.
- j. Execution; Counterparts. To facilitate execution, this Agreement may be executed in any number of counterparts, and it will not be necessary that the signatures of all Parties be contained on any one counterpart. Additionally, for purposes of facilitating the execution of this Agreement: (a) the signature pages taken from separate, individually executed counterparts of this Agreement may be combined to form multiple fully executed counterparts; and (b) a facsimile signature will be deemed to be an original signature for all purposes. All executed counterparts of this Agreement will be deemed to be originals, but all such counterparts, when taken together, will constitute one and the same instrument.
- k. Effective Date. This Agreement is effective upon execution by both Parties.

**DEVELOPER:**

**QUALICO CR, LP**, a Texas limited partnership

By: Qualico CR Management, LLC, a Texas limited liability company, its General Partner

By: Qualico Developments (U.S.), Inc., its sole Manager

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

**ACKNOWLEDGEMENT**

STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_, \_\_\_\_\_ of Qualico Developments (U.S.), Inc., sole manager of Qualico CR Management, LLC, a Texas limited liability company, general partner of Qualico CR, LP, a Texas limited partnership, on behalf of said limited liability company and limited partnership.

\_\_\_\_\_  
Notary Public, State of Texa



**ACKNOWLEDGEMENT**

STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_, \_\_\_\_\_ of Qualico Developments (U.S.), Inc., sole manager of Qualico CR Management, LLC, a Texas limited liability company, general partner of Qualico CR, LP, a Texas limited partnership, on behalf of said limited liability company and limited partnership.

\_\_\_\_\_  
Notary Public, State of Texas

**COUNTY:**

**TRAVIS COUNTY, TEXAS**

By: \_\_\_\_\_

Samuel T. Biscoe

Travis County Judge

Date: \_\_\_\_\_

**ACKNOWLEDGEMENT**

STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by Samuel T. Biscoe, County Judge 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

13

# BUDGET AMENDMENTS AND TRANSFERS

FY 2010

COUNTY JUDGE'S OFFICE

09 OCT 29 AM 11:08

11/3/2009

AMENDMENTS

| BA# | Project Code | FUND | DEPT/DIV | ACT | ELM/OBI | Dept.    | Line Item         | Increase | Decrease | Pg # |
|-----|--------------|------|----------|-----|---------|----------|-------------------|----------|----------|------|
| A1  | WPN011       | 048  | 4945     | 981 | 9892    | Reserves | Allocated         |          | \$ 3,525 | 1    |
|     |              | 048  | 4945     | 631 | 6099    | TNR      | Other Purch Serv. | \$ 3,525 |          |      |

OTHER

|    |   |  |  |  |  |  |  |  |  |   |
|----|---|--|--|--|--|--|--|--|--|---|
| O1 | Convert Slot 275 from Part-time to Full-time and eliminate Slot 276 in the District Attorney Office |  |  |  |  |  |  |  |  | 3 |
|----|---|--|--|--|--|--|--|--|--|---|

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 |              | \$ 3,712.46  | 5    |
|     |              | 001  | 4945     | 339 | 2010    | TNR         | Park Fees     | \$ 3,712.46  |              |      |
| FT2 | WPN003       | 737  | 0000     | 255 | 3102    | LCRA Escrow | Bob Wentz     |              | \$ 47,009.74 | 5    |
|     |              | 001  | 4945     | 339 | 2010    | TNR         | Park Fees     | \$ 47,009.74 |              |      |
| FT3 | WPN004       | 737  | 0000     | 255 | 3103    | LCRA Escrow | Cypress Creek |              | \$ 331.84    | 5    |
|     |              | 001  | 4945     | 339 | 2010    | TNR         | Park Fees     | \$ 331.84    |              |      |
| FT4 | WPN008       | 737  | 0000     | 255 | 3104    | LCRA Escrow | Hippie Hollow |              | \$ 96,678.34 | 5    |
|     |              | 001  | 4945     | 339 | 2010    | TNR         | Park Fees     | \$ 96,678.34 |              |      |
| FT5 | WPN010       | 737  | 0000     | 255 | 3105    | LCRA Escrow | Mansfield Dam |              | \$ 52,582.64 | 5    |
|     |              | 001  | 4945     | 339 | 2010    | TNR         | Park Fees     | \$ 52,582.64 |              |      |
| FT6 | WPS003       | 737  | 0000     | 255 | 3106    | LCRA Escrow | Pace Bend     |              | \$ 77,489.74 | 5    |
|     |              | 001  | 4945     | 339 | 2010    | TNR         | Park Fees     | \$ 77,489.74 |              |      |
| FT7 | WPN013       | 737  | 0000     | 255 | 3107    | LCRA Escrow | Sandy Creek   |              | \$3,654.82   | 5    |
|     |              | 001  | 4945     | 339 | 2010    | TNR         | Park Fees     | \$3,654.82   |              |      |
| FT8 | N/A          | 737  | 0000     | 256 | 4000    | LCRA Escrow | Interest      |              | \$ 3,000.82  | 5    |
|     |              | 001  | 4945     | 339 | 2010    | TNR         | Park Fees     | \$ 3,000.82  |              |      |

AUTOMATED BUDGET ADJUSTMENT FORM

<< Back

100% Find | Next Select a format Export

Budget Adjustment: 19282

Fyr \_ Budget Type: 2010-Reg Author: 49 - LOPEZ, ISABELLE Created: 10/23/2009 12:13:26 PM  
 PBO Category: Court Date: None Dept: TNR (TRANS & NATRL RESRC)  
 Just: CommCodeRq Transfer from the Mary Quinlan Park reserve to an operating line item required to fund grounds maintenance services for FY2010.

| From Account      | Acct Desc                | Project | Proj Desc         | Amount |
|-------------------|--------------------------|---------|-------------------|--------|
| 048-4945-981-9892 | ALLOCATED RESERVES       |         |                   | 3,525  |
|                   |                          |         |                   | 3,525  |
| To Account        |                          | Project |                   | Amount |
| 048-4945-631-6099 | OTHER PURCHASED SERVICES | WPN011  | Mary Quinlan Park | 3,525  |
|                   |                          |         |                   | 3,525  |

Approvals Dept Approved By Date Approved  
 Originator 49 ISABELLE LOPEZ 10/23/2009 12:13:38 PM

Page 1

*PBO concurs. [Signature]*  
*[Signature] Oct 29, 09*



**TRANSPORTATION AND NATURAL RESOURCES**

JOSEPH P. GIESELMAN, EXECUTIVE MANAGER

RECEIVED

09 OCT 26 PM 3:15

411 West 13th Street  
Executive Office Building, 11th Floor  
P.O. Box 1748  
Austin, Texas 78767  
(512) 854-9383  
FAX (512) 854-4697

TRAVIS COUNTY  
PLANNING & BUDGET OFFICE

October 23, 2009

**MEMORANDUM**

**TO:** Rodney Rhoades, Executive Manager, Planning and Budget Office  
*Charles B. Gieselman for*  
**FROM:** Joseph P. Gieselman, Executive Manager  
**SUBJECT:** Place item on Commissioners' Court Agenda to transfer funds from the Mary Quinlan Park Allocated Reserve account number 048-4945-981-9892

**Proposed Motion:** Approve transfer of \$3,525 from the Mary Quinlan Park allocated reserve account 048-4945-981-9892 to an expense account within fund 048.

**Background Fund Summary and Staff Recommendation:** The Mary Quinlan Park fund was established in May 2001 as part of a Settlement and Access Agreement with Lake Austin Spa Investors, Ltd. and other parties. Part of the agreement requires Lake Austin Spa to make an annual payment of \$5,000 to Travis County for improvements and maintenance at Mary Quinlan Park. This year's payment has been received. We have a ground maintenance contract with Southwest Key Maintenance through March 31, 2010. The contract includes mowing, litter pickup, and restroom cleaning. The estimated cost of service for fiscal year 2010 is \$3,525.00.

**Budgetary and Fiscal Impact:** There is no fiscal impact to Travis County as this improvement is being funded 100% from the Mary Quinlan Park Fund.

**Issues and Opportunities:** The maintenance service has been outsourced for several years now and has proven to be quite successful. It also allows Park Management the ability to reallocate resources to other parks within the system.

**Required Authorizations:** Planning and Budget.

**Exhibits:** A copy of the automated budget adjustment form for \$3,525.00

IL:JPG:il

xc: Jessica Rio, Planning and Budget Office  
*CMW* Charles Bergh, TNR Parks  
Robert Armistead, TNR Parks  
Dan Perry, District Park Manager  
Isabelle Lopez, TNR Financial Services



## PLANNING AND BUDGET OFFICE

TRAVIS COUNTY, TEXAS

---

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

October 23, 2009

To: Commissioners Court

From: Katie Petersen Gipson, Planning & Budget Analyst

A handwritten signature in black ink, appearing to read "KPG", is written over the printed name of the sender.

Re: District Attorney Slots 275 & 276

The District Attorney's Office requests that slot 275 convert from a .5 FTE to one FTE and eliminate slot 276. In the FY10 Adopted Budget, the DA's Office received two part time Attorney IV positions to fulfill needs in the White Collar Crime Unit as well as their Grand Jury division. An inter-local agreement with the Texas Commission on Environmental Quality will provide funding for a full time Assistant District Attorney to work in the White Collar Crime Unit for environmental crime enforcement. Therefore the DA's Office would like to devote the new personnel received in FY10 to the Grant Jury Division in order to conduct arrest review after regular business hours. The Office believes that one full time position will be more effective than two part time positions.

PBO recommends approval of this action. The FY11 Target Budget for the department will be reduced by \$7,635 because life insurance and health benefits will only be needed for one position and not two.

CC: Rosemary Lehmborg, Travis County District Attorney  
Vicki Skinner, District Attorney's Office  
Beverly Evans, District Attorneys' Office  
Todd Osborn, HRMD  
Cynthia Lam-Roldan, HRMD  
Leroy Nellis, PBO  
Rodney Rhoades, PBO



**Rosemary Lehberg ☆ Travis County District Attorney**

P.O. Box 1748 Austin, Texas 78767 • Telephone: 512-854-9400 • Fax: 512-854-9695

**MEMORANDUM**

**TO:** Katie Petersen Gipson, Planning and Budget Office

**FROM:** Vicki Skinner, District Attorney's Office

**DATE:** October 22, 2009

**SUBJECT:** Request to Combine Two Twenty-hour Position Slots into One Full-time Position

Two new part-time Attorney positions were authorized for the District Attorney's Office in the FY10 Adopted Budget. We are requesting approval to combine these two twenty-hour positions (slots 275 and 276) into one full-time position. The full-time position will be assigned to the Grand Jury/Strategic Prosecution Division and will assist in the expansion of the review of felony arrests and warrants beyond regular business hours Monday through Friday.

The combination of the two part-time slots into one will result in a cost savings because benefits will only need to be paid on one position rather two.

Thank you for your assistance.

cc: Rosemary Lehberg, District Attorney  
Todd Osborn, Compensation Manager

# FUND TRANSFER FORM

Department Name: T.N.R.

Department Number: 49

RECEIVED

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 supporting documentation submitted to the County Judge's Office.

09:00T 27 AM 8:27

TRAVIS COUNTY  
PLANNING & BUDGET 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 |
| 1      | FROM: 737      | - 0000    | - 255 | - 3101   | WPN002         | LCRA Escrow<br>Arkansas Bend | \$3,712.46       | FT                | <i>[Signature]</i>           |
|        | TO: 001        | - 4945    | - 339 | - 2010   |                | Park Fees                    |                  |                   | <i>[Signature]</i>           |
| 2      | FROM: 737      | - 0000    | - 255 | - 3102   | WPN003         | LCRA Escrow<br>Bob Wentz     | \$47,009.74      | FT                | <i>[Signature]</i>           |
|        | TO: 001        | - 4945    | - 339 | - 2010   |                | Park Fees                    |                  |                   | <i>[Signature]</i>           |
| 3      | FROM: 737      | - 0000    | - 255 | - 3103   | WPN004         | LCRA Escrow<br>Cypress Creek | \$331.84         | FT                | <i>[Signature]</i>           |
|        | TO: 001        | - 4945    | - 339 | - 2010   |                | Park Fees                    |                  |                   | <i>[Signature]</i>           |
| 4      | FROM: 737      | - 0000    | - 255 | - 3104   | WPN008         | LCRA Escrow<br>Hippie Hollow | \$96,678.34      | FT                | <i>[Signature]</i>           |
|        | TO: 001        | - 4945    | - 339 | - 2010   |                | Park Fees                    |                  |                   | <i>[Signature]</i>           |
| 5      | FROM: 737      | - 0000    | - 255 | - 3105   | WPN010         | LCRA Escrow<br>Mansfield Dam | \$52,582.64      | FT                | <i>[Signature]</i>           |
|        | TO: 001        | - 4945    | - 339 | - 2010   |                | Park Fees                    |                  |                   | <i>[Signature]</i>           |

Item #s:

JUSTIFICATION:

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

**Types of Requests**

- Transfer - TR
- Amendment - AM
- Discussion - DS
- Automatic - AU

FY 2009 4th Qtr park revenue & interest transfer totaling \$284,460.40 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".

*[Signature]* Oct 29, 09

*[Signature]*  
Signature of Elected/Appointed Official

10/26/09  
Date



**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<br>Pace Bend   | \$77,489.74      | ET                | <i>[Signature]</i>           |
|        | TO: 001        | - 4945    | - 339   | - 2010   |                | Park Fees                  |                  |                   | <i>[Signature]</i>           |
| 7      | FROM: 737      | - 0000    | - 255   | - 3107   | WPN013         | LCRA Escrow<br>Sandy Creek | \$3,654.82       | ET                | <i>[Signature]</i>           |
|        | TO: 001        | - 4945    | - 339   | - 2010   |                | Park Fees                  |                  |                   | <i>[Signature]</i>           |
| 8      | FROM: 737      | - 0000    | - 256   | - 4000   | N/A            | LCRA Escrow<br>Interest    | \$3,000.82       | ET                | <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]*  
 Oct 29, 09

Signature on page 1  
 Signature of Elected/Appointed Official \_\_\_\_\_ Date \_\_\_\_\_

**Transportation & Natural Resources**  
**26-Oct-09**

**FY 2009 - 4th Qtr. Final Transfer to the General Fund & CIP**

| LCRA Parks Escrow Account Number | Park          | 4th Qtr Revenues (7/1/2009-9/30/2009) | Less: 4th Qtr LCRA Admin. Fee | Less: Pending 4th Qtr Trsfr to CIP 029-4945-339-2010 | Net Amount - Trsfr. To GF 001-4945-339-2010 |
|----------------------------------|---------------|---------------------------------------|-------------------------------|--|---|
| 737-0000-255-3101                | Arkansas Bend | 4,473.00                              | (89.59)                       | (670.95)   | 3,712.46                                    |
| 737-0000-255-3102                | Bob Wentz     | 56,562.00                             | (1,067.96)                    | (8,484.30)   | 47,009.74                                   |
| 737-0000-255-3103                | Cypress Creek | 398.00                                | (6.46)                        | (59.70)  | 331.84                                      |
| 737-0000-255-3104                | Hippie Hollow | 116,603.95                            | (2,435.02)                    | (17,490.59)  | 96,678.34                                   |
| 737-0000-255-3105                | Mansfield Dam | 63,273.00                             | (1,199.41)                    | (9,490.95)   | 52,582.64                                   |
| 737-0000-255-3106                | Pace Bend     | 93,313.00                             | (1,826.31)                    | (13,996.95)  | 77,489.74                                   |
| 737-0000-255-3107                | Sandy Creek   | 4,396.00                              | (81.78)                       | (659.40)   | 3,654.82                                    |
|                                  | <b>Total:</b> | <b>339,018.95</b>                     | <b>(6,706.53)</b>             | <b>(50,852.84)</b>                                   | <b>281,459.58</b>                           |
| 737-0000-256-4000                | Interest      | 3,000.82                              | -                             | -  | 3,000.82                                    |
|                                  | <b>Total:</b> | <b>342,019.77</b>                     | <b>(6,706.53)</b>             | <b>(50,852.84)</b>                                   | <b>\$284,460.40</b>                         |

**Allocated Reserve Status (001-9800-981-9892)**

| <b>Amount</b>      | <b>Dept Transferred Into</b> | <b>Date</b> | <b>Explanation</b>       |
|--------------------|------------------------------|-------------|--------------------------|
| \$6,639,865        |                              |             | Beginning Balance        |
| \$6,170            | TNR                          | 10/13/09    | Canceled Purchase Orders |
| (\$2,132)          | Cons. Pct. 1                 | 10/7/09     | Accruals                 |
| \$26,483           | Various Dept                 | 9/25/09     | Canceled Purchase Orders |
| \$1,388            | TNR                          | 10/23/09    | Canceled Purchase Orders |
| <b>\$6,671,774</b> | <b>Current Balance</b>       |             |                          |

**Possible Future Expenses Against Allocated Reserve Previously Identified:**

| <b>Amount</b>        | <b>Explanation</b>                               |
|----------------------|--|
| (\$25,000)           | Grant Match MHPD                                 |
| (\$26,185)           | Grant Match Second Chance                        |
| (\$20,000)           | Hazmat   |
| (\$28,748)           | Armored Car Service                              |
| (\$25,000)           | Records Storage                                  |
| (\$25,000)           | Postage  |
| (\$600,189)          | Election Runoff                                  |
| (\$60,000)           | Deaf Services Temporary Interpreters             |
| (\$158,855)          | Family Drug Treatment Grant                      |
| (\$100,000)          | Court Appointed Attorney Fees                    |
| (\$300,000)          | Court Appointed Attorney Fees-Capital Cases      |
| (\$150,000)          | County Court-at-Law #8 Court Appointed Atty Fees |
| (\$184,266)          | Drug Court Grant - Special Populations           |
| (\$12,877)           | Overtime for FACTS Training/Implementation       |
| (\$8,268)            | Overtime for FACTS Training/Implementation       |
| (\$7,300)            | Miscellaneous Recurring Expenses-Operating       |
| (\$250,000)          | Comprehensive Plan for Austin                    |
| <b>(\$1,981,688)</b> | <b>Total Possible Future Expenses (Earmarks)</b> |

**\$4,690,086 Remaining Allocated Reserve Balance After Possible Future Expenditures**

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

| <b>Amount</b>                            | <b>Dept Transferred Into</b> | <b>Date</b> | <b>Explanation</b> |
|--|------------------------------|-------------|--------------------|
| \$454,223                                |                              |             | Beginning Balance  |
| <b>\$454,223 Current Reserve Balance</b> |                              |             |                    |

***Possible Future Expenses Against CAR Identified During the FY09 Budget Process:***

| <b>Amount</b>   | <b>Explanation</b> |
|---|--------------------|
| (\$95,500)  | Failing Vehicles   |
| <b>(\$95,500) Total Possible Future Expenses (Earmarks)</b> |                    |

**\$358,723 Remaining CAR Balance After Possible Future Expenditures**

**Emergency Reserve Status (001-9800-981-9814)**

| Amount                                     | Dept Transferred Into | Date | Explanation       |
|--|-----------------------|------|-------------------|
| \$4,950,000                                |                       |      | Beginning Balance |
| <b>\$4,950,000 Current Reserve Balance</b> |                       |      |                   |

**Fuel & Utility Reserve Status (001-9800-981-9819)**

| Amount                                     | Dept Transferred Into | Date | Explanation       |
|--|-----------------------|------|-------------------|
| \$1,000,000                                |                       |      | Beginning Balance |
| <b>\$1,000,000 Current Reserve Balance</b> |                       |      |                   |

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

| Amount                                   | Dept Transferred Into | Date | Explanation       |
|--|-----------------------|------|-------------------|
| \$250,000                                |                       |      | Beginning Balance |
| <b>\$250,000 Current Reserve Balance</b> |                       |      |                   |

**Future Grant Requirements Reserve Status (001-9800-981-9837)**

| Amount                                   | Dept Transferred Into | Date | Explanation       |
|--|-----------------------|------|-------------------|
| \$500,000                                |                       |      | Beginning Balance |
| <b>\$500,000 Current Reserve Balance</b> |                       |      |                   |

**Smart Bldg. Facility Maintenance Reserve Status (001-9800-981-9838)**

| Amount                                  | Dept Transferred Into | Date | Explanation       |
|---|-----------------------|------|-------------------|
| \$43,092                                |                       |      | Beginning Balance |
| <b>\$43,092 Current Reserve Balance</b> |                       |      |                   |

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

| <b>Amount</b>                               | <b>Dept Transferred Into</b> | <b>Date</b> | <b>Explanation</b> |
|---|------------------------------|-------------|--------------------|
| \$43,812,685                                |                              |             | Beginning Balance  |
| <b>\$43,812,685 Current Reserve Balance</b> |                              |             |                    |

11

14

**TRAVIS COUNTY COMMISSIONERS COURT AGENDA REQUEST**

COUNTY JUDGE'S OFFICE

Please consider the following item for:

11-03-09

09 OCT 28 PM 4:23

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) Grant contract with the Office of the Governor, Criminal Justice Division to continue the DWI Court Program in the Adult Probation Department.
- b) Grant contract with the Office of the Governor's Criminal Justice Division for continuation of the Family Drug Treatment Court Program in the Civil Courts.

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

## TRAVIS COUNTY

11/3/2009

GRANT APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE  
FY 2010

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 Award | County Match         | In-Kind | Program Total | PBO FTEs | Auditor's Notes | Assessment | Page # | ARRA |
|------------------|-------------|-------------------------------------|-------------|----------------------|---------|---------------|----------|-----------------|------------|--------|------|
| <b>Contracts</b> |             |                                     |             |                      |         |               |          |                 |            |        |      |
| a                | 39          | Travis County Adult Probation Court | DWI         | 9/1/2009 - 8/31/2010 |         | \$210,315     | 1        | R               | MC         | 8      |      |
| b                | 22          | Family Drug Treatment Court         |             | 9/1/2009 - 8/31/2010 |         | \$108,350     | 1        | R               | MC         | 18     |      |

**PBO Notes:**

R - PBO recommends approval.  
NR - PBO does not recommend approval  
D - PBO recommends item be discussed.

**County Auditor's Complexity Assessment measuring Impact to their Office's Resources/Workload**

S - Simple  
MC - Moderately Complex  
C - Complex  
EC - Extremely Complex



**FY 2010 Grants Summary Report  
Outstanding Grant Applications**

*The following is a list of grants for which application has been submitted since October 1, 2009, and the notification of award has not yet been received.  
page in the document.*

| <b>Dept</b> | <b>Name of Grant</b>                            | <b>Grant Term</b>       | <b>Grant Award</b> | <b>County Match</b> | <b>In-Kind</b> | <b>Program Total</b> | <b>FTEs</b> | <b>Cm. Ct. Approval Date</b> |
|-------------|---|-------------------------|--------------------|---------------------|----------------|----------------------|-------------|------------------------------|
| 49          | CAPCOG FY10 Solid Waste Enforcement Grant       | 12/15/2009 - 08/31/2010 | \$8,517            |                     |                | \$8,517              |             | 10/6/2009                    |
| 24          | Formula Grant - Indigent Defense Grants Program | 10/1/2009 - 9/30/2010   | \$430,945          |                     |                | \$430,945            |             | 10/6/2009                    |
|             |   |                         | \$439,462          | \$0                 | \$0            | \$439,462            | 0           |                              |

2

### FY 2010 Grants Approved by Commissioners Court

*The following is a list of grants that have been received by Travis County since October 1, 2009*

*American Recovery and Reinvestment Act (ARRA) and Large Multi-year Grants are bold and italicized. Additional details for these grants are summarized on a separate page in the document.*

| Dept | Name of Grant   | Grant Term              | Grant Award  | County Match | In-Kind   | Program Total | FTEs | Cm. Ct. Approval Date |
|------|---|-------------------------|--------------|--------------|-----------|---------------|------|-----------------------|
| 14   | Energy Efficiency and Conservation Block Grants - Recovery (ARRA) | 10/2009 - 04/2011       | \$2,207,900  |              |           | \$2,207,900   |      | 10/6/2009             |
| 49   | TX DoT Advanced Funding Agreement - Howard Lane @ SH130           | 7/28/2009               | \$6,000,000  | \$1,575,000  |           | \$7,575,000   |      | 10/6/2009             |
| 58   | 2009 Phase 27 ARRA Emergency Food and Shelter Program             | 04/01/2009 - 12/31/2009 | \$41,666     |              |           | \$41,666      |      | 10/6/2009             |
| 19   | Underage Drinking Prevention Program                              | 10/01/2008 - 9/30/2011  | \$193,750    | \$35,715     | \$119,504 | \$348,969     | 3    | 10/6/2009             |
| 47   | Emergency Management Performance Grant                            | 10/01/08 - 9/30/09      | \$67,200     | \$67,200     |           | \$134,400     |      | 10/13/2009            |
| 58   | Comprehensive Energy Assistance Program (CEAP) Amendment 1        | 1/1/2009 - 12/31/2009   | \$3,198,032  |              |           | \$3,198,032   |      | 10/13/2009            |
| 58   | Title IV-E Child Welfare Services                                 | 10/1/2009 - 9/30/2010   | \$57,360     | \$0          | \$0       | \$57,360      | 1    | 10/20/2009            |
| 59   | Travis County STAR Flight Equipment Enhancement                   | 10/1/2009 - 11/30/2011  | \$75,000     | \$0          | \$0       | \$75,000      |      | 10/27/2009            |
|      |   |                         | \$11,840,908 | \$1,677,915  | \$119,504 | \$13,638,327  | 4.00 |                       |

## FY 2010 Grants Summary Report

### Permission to Continue

| Dept   | Name of Grant                         | Personnel Cost | Operating Transfer | Estimated Total | Filled FTEs | Cm. Ct. Approval Date for Continuation | Cm. Ct. Contract Approval Date | Has the General Fund been Reimbursed? |
|--------|---------------------------------------|----------------|--------------------|-----------------|-------------|--|--------------------------------|---------------------------------------|
| 22     | Drug Court (State) Program            | \$5,084        | \$5,084            | \$10,168        | 1           | 8/18/2009                              |                                | Pending from FY 09                    |
| 45     | Residential Substance Abuse Treatment | \$8,994        | \$8,994            | \$17,988        | 1           | 9/22/2009                              |                                | Pending from FY 09                    |
| 22     | Drug Court (State) Program            | \$5,084        | \$5,084            | \$10,168        | 1           | 10/6/2009                              |                                | Pending                               |
| Totals |                                       | \$19,162       | \$19,162           | \$38,324        | 3           |  |                                |                                       |

TRAVIS COUNTY FY 09 - FY 14 PLANNING TOOL FOR AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) AND LARGE MULTI-YEAR GRANT CONTRACTS

The potential impact in future years to the County is shown for planning purposes only. County funding determinations will be made annually by the Commissioners Court based on the availability funding and progress of the program. ARRA Grants are highlighted in bold.

Future year amounts are estimated if not known and impact amounts may be reduced if additional Non-County funding is identified. Amounts shown in a particular year may not represent the actual grant term allocation since terms may overlap the County's Fiscal Year.

**Grant Contracts approved by Commissioners Court**

| Dept                                  | Grant Title  | FY 09       |                    | FY 10        |                    | FY 11       |                    | FY 12       |                    | FY 13       |                    | FY 14       |                    |
|---------------------------------------|--|-------------|--------------------|--------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|--------------------|
|                                       |  | Grant Award | Add. County Impact | Grant Award  | Add. County Impact | Grant Award | Add. County Impact | Grant Award | Add. County Impact | Grant Award | Add. County Impact | Grant Award | Add. County Impact |
| Criminal Justice Planning             | Travis County Mental Public Defenders Office. To establish the nation's first stand alone Mental Health Public Defenders Office. Full impact in FY 12 when grant is no longer available.   | \$ 375,000  | \$ 250,000         | \$ 250,000   | \$ 375,000         | \$ 125,000  | \$ 500,000         | \$ -        | \$ 625,000         | \$ -        | \$ 625,000         | \$ -        | \$ 625,000         |
| Criminal Justice Planning             | Office of Parental Representation. County impact is intended to be offset by reductions to Civil Indigent Attorney Fees. Full impact in FY 12 when grant is no longer available. Impact amounts will be updated to take into account internal reallocations and potential savings.   | \$ 300,000  | \$ 307,743         | \$ 100,000   | \$ 102,360         | \$ 50,000   | \$ 152,360         | \$ -        | \$ 152,360         | \$ -        | \$ 152,360         | \$ -        | \$ 152,360         |
| Criminal Justice Planning             | Office of Child Representation. County impact is intended to be offset by reductions to Civil Indigent Attorney Fees. FY 11 is last year of grant. Impact amounts will be updated to take into account internal reallocations and potential savings.   | \$ 300,000  | \$ 301,812         | \$ 100,000   | \$ 102,358         | \$ 50,000   | \$ 152,359         | \$ -        | \$ 152,359         | \$ -        | \$ 152,359         | \$ -        | \$ 152,359         |
| Facilities Management                 | Energy Efficiency and Conservation Block Grant (ARRA).For Retrofit of the Travis County Executive Office Building HVAC System. One-time grant and includes a \$1.2 million County contribution in FY 10 to complete project.   | \$ -        | \$ -               | \$ 2,207,900 | \$ 1,292,000       | \$ -        | \$ -               | \$ -        | \$ -               | \$ -        | \$ -               | \$ -        | \$ -               |
| Community Supervision and Corrections | Recovery Act Combating Criminal Narcotics Activity Stemming from the Southern Border of the US: Enhancing Southern Border Jails, Community Corrections and Detention Operations. (ARRA) Grant will supplement department's state funding to help keep all current probation officer positions. This two year funding goes to the State and there is no County obligation or impact. Full amount of grant is believed to be spent by FY 11. | \$ -        | \$ -               | \$ 143,750   | \$ -               | \$ 143,750  | \$ -               | \$ -        | \$ -               | \$ -        | \$ -               | \$ -        | \$ -               |
| District Attorney                     | Interlocal Agreement for the Austin/Travis County Family Violence Protection Team. Includes funding for the District Attorney's Office, County Attorney's Office, Travis County Sheriff's Office, and Constable Pct 5. Grant is coordinated by the City of Austin. It is possible that the responsibility to apply for the Grant may fall to the County for FY 11 and beyond.  | \$ 342,793  | \$ -               | \$ 342,793   | \$ -               | \$ 342,793  | \$ -               | \$ 342,793  | \$ -               | \$ 342,793  | \$ -               | \$ 342,793  | \$ -               |
| Transportation and Natural Resources  | Local Transportation Project - Advanced Funding Agreement (ARRA). ARRA funding to upgrade 4 roads by milling and overlaying roadway. Grant is a one-time grant with the potential for estimated \$13,741 contribution from the Road and Bridge Fund.   | \$ -        | \$ -               | \$ 687,047   | \$ -               | \$ -        | \$ -               | \$ -        | \$ -               | \$ -        | \$ -               | \$ -        | \$ -               |

6

|                           |   |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |
|---------------------------|---|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| Health and Human Services | 2009 Phase 27 ARRA Emergency Food and Shelter Program. The grant is a one-year one-time grant for emergency utility assistance that does not require a County match or program to continue after termination.   | \$ 41,666           | \$ -                | \$ -                | \$ -                | \$ -                | \$ -                | \$ -                | \$ -                | \$ -                | \$ -                | \$ -                | \$ -                |
| Health and Human Services | Americorps. Grant match is handled internally within the existing budget of the Texas AgriLife Extension Service. Assumes grant will continue each year.  | \$ 288,139          | \$ -                | \$ 298,297          | \$ -                | \$ 298,297          | \$ -                | \$ 298,297          | \$ -                | \$ 298,297          | \$ -                | \$ 281,297          | \$ -                |
| Health and Human Services | Parenting in Recovery. FY 09 is Year Two of a Potential Five Year Grant. The full impact will occur in FY 13 when grant funding is no longer available.   | \$ 500,000          | \$ 77,726           | \$ 500,000          | \$ 80,000           | \$ 500,000          | \$ 80,000           | \$ 500,000          | \$ 80,000           | \$ -                | \$ 580,000          | \$ -                | \$ 580,000          |
| Health and Human Services | Community Development Block Grant ARRA (CDBG-R) Funds to be used for approx 39 water connections for Plainview Estates.   | \$ 90,000           | \$ -                | \$ 136,300          | \$ -                | \$ -                | \$ -                | \$ -                | \$ -                | \$ -                | \$ -                | \$ -                | \$ -                |
| Health and Human Services | Community Development Block Grant (CDBG). Impact amounts are based on the amounts added for staff added in HHS and County Auditor's Office to support the grant. The Auditor's staff person also supports other large federal grants, but is only listed here for simplification. Actual amounts may vary by year. Assumes grant will continue each year. | \$ 833,133          | \$ 223,908          | \$ 866,380          | \$ 223,908          | \$ 866,380          | \$ 223,908          | \$ 866,380          | \$ 223,908          | \$ 866,380          | \$ 223,908          | \$ 866,390          | \$ 223,908          |
| <b>Totals</b>             |   | <b>\$ 3,070,731</b> | <b>\$ 1,161,189</b> | <b>\$ 5,632,467</b> | <b>\$ 2,175,626</b> | <b>\$ 2,376,220</b> | <b>\$ 1,108,627</b> | <b>\$ 2,007,470</b> | <b>\$ 1,233,627</b> | <b>\$ 1,507,470</b> | <b>\$ 1,733,627</b> | <b>\$ 1,490,480</b> | <b>\$ 1,733,627</b> |

County Impact includes the grant match amount that is not internally funded or costs that required a budget increase and the amount that may be required by the County upon termination of the grant. This amount does not include all costs related to the administration of the grant that are incurred by the County. Existing grants with approved contracts for the current year with pending applications for the following year are shown only on the contracts sheet to avoid duplication.

SUMMARY OF APPROVED CONTRACTS AND APPLICATIONS

| Combined Totals<br>(Approved Applications Pending Notification + Approved Contracts) | FY 09               |                     | FY 10               |                     | FY 11               |                     | FY 12               |                     | FY 13               |                     | FY 14               |                     |
|--|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
|  | Grant Amount        | Add. County Impact  | Grant Amount        | Add. County Impact  | Grant Amount        | Add. County Impact  | Grant Amount        | Add. County Impact  | Grant Amount        | Add. County Impact  | Grant Amount        | Add. County Impact  |
| Approved Applications Pending Notification (Potential Impact)                        | \$ 123,750          | \$ -                | \$ 3,722,473        | \$ -                | \$ 2,773,487        | \$ 101,432          | \$ 453,866          | \$ 176,432          | \$ 246,907          | \$ 223,880          | \$ -                | \$ 506,752          |
| Approved Contracts   | \$ 3,070,731        | \$ 1,161,189        | \$ 5,632,467        | \$ 2,175,626        | \$ 2,376,220        | \$ 1,108,627        | \$ 2,007,470        | \$ 1,233,627        | \$ 1,507,470        | \$ 1,733,627        | \$ 1,490,480        | \$ 1,733,627        |
| <b>Combined Totals</b>   | <b>\$ 3,194,481</b> | <b>\$ 1,161,189</b> | <b>\$ 9,354,940</b> | <b>\$ 2,175,626</b> | <b>\$ 5,149,707</b> | <b>\$ 1,210,059</b> | <b>\$ 2,461,336</b> | <b>\$ 1,410,059</b> | <b>\$ 1,754,377</b> | <b>\$ 1,957,507</b> | <b>\$ 1,490,480</b> | <b>\$ 2,240,379</b> |

TRAVIS COUNTY FY 09 - FY 14 PLANNING TOOL FOR AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) AND LARGE MULTI-YEAR GRANT APPLICATIONS

The potential impact in future years to the County is shown for planning purposes only. County funding determinations will be made annually by the Commissioners Court based on the availability funding and progress of the program. ARRA Grants are highlighted in bold.

Future year amounts are estimated if not known and impact amounts may be reduced if additional Non-County funding is identified. Amounts shown in a particular year may not represent the actual grant term allocation since terms may overlap the County's Fiscal Year.

**Outstanding Grant Applications**

| Dept                           | Grant Title  | FY 09       |                    | FY 10        |                    | FY 11        |                    | FY 12       |                    | FY 13       |                    | FY 14       |                    |
|--------------------------------|--|-------------|--------------------|--------------|--------------------|--------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|--------------------|
|                                |  | Grant Award | Add. County Impact | Grant Award  | Add. County Impact | Grant Award  | Add. County Impact | Grant Award | Add. County Impact | Grant Award | Add. County Impact | Grant Award | Add. County Impact |
| Criminal Justice Planning      | Travis County Information Management Strategy for Criminal Justice (ARRA). Includes technology funding for (Constables, Records Management, Adult Probation, Juvenile Probation, Court Administration and Manor Police Department).  | \$ -        | \$ -               | \$ 877,234   | \$ -               | \$ -         | \$ 26,432          | \$ -        | \$ 26,432          | \$ -        | \$ 26,432          | \$ -        | \$ 26,432          |
| Criminal Justice Planning      | National Initiatives: Adjudication Program (ARRA) This grant is for 18 months of funding for an attorney and caseworker in the Mental Health Public Defender's Office. Travis County would be expected to continue this program after grant funding has ended.   | \$ -        | \$ -               | \$ 150,000   | \$ -               | \$ 75,000    | \$ 75,000          | \$ -        | \$ 150,000         | \$ -        | \$ 150,000         | \$ -        | \$ 150,000         |
| Health and Human Services      | ARRA Texas Weatherization Assistance Program. Provide weatherization services to low income households   |             | \$ -               | \$ 2,249,447 | TBD                | \$ 2,249,447 | TBD                |             | \$ -               |             | \$ -               |             | \$ -               |
| Juvenile Probation             | Juvenile Treatment Drug Court Enhancement Grant from OJJDP. Includes 2 Grant FTE and may require a \$82,865 County contribution in FY 13 and the full impact of \$130,350 in FY 14. Dept has stated they would seek alternative funding sources and would only request General Fund dollars if other funding was unavailable.      | \$ -        | \$ -               | \$ 122,222   | \$ -               | \$ 125,470   | \$ -               | \$ 130,350  | \$ -               | \$ 46,937   | \$ 47,448          | \$ -        | \$ 130,350         |
| Juvenile Probation             | Juvenile Treatment Drug Court Enhancement Grant from CSAT. Application must be submitted each year. Resources for treatment services and staff training. Full impact potential in FY 14. Dept has stated they would seek alternative funding sources and would only request General Fund dollars if other funding was unavailable. | \$ -        | \$ -               | \$ 199,820   | \$ -               | \$ 199,820   | \$ -               | \$ 199,766  | \$ -               | \$ 199,970  | \$ -               | \$ -        | \$ 199,970         |
| Travis County Sheriff's Office | 2009 Byrne Justice Assistance Grant (ARRA). One-time grant for one-time capital purchases. Does not require a County match or program to continue after grant term ends on 9/30/12.  | \$ 123,750  | \$ -               | \$ 123,750   | \$ -               | \$ 123,750   | \$ -               | \$ 123,750  | \$ -               | \$ -        | \$ -               | \$ -        | \$ -               |
| <b>Totals</b>                  |  | \$123,750   | \$0                | \$3,722,473  | \$0                | \$2,773,487  | \$101,432          | \$453,866   | \$176,432          | \$246,907   | \$223,880          | \$0         | \$506,752          |

County Impact includes the grant match amount that is not internally funded or costs that required a budget increase and the amount that may be required by the County upon termination of the grant. This amount does not include all costs related to the administration of the grant that are incurred by the County. Existing grants with approved contracts for the current year with pending applications for the following year are shown only on the contracts sheet to avoid duplication.

### GRANT SUMMARY SHEET

|                   |  |  |
|-------------------|--|--|
| <b>Check One:</b> | Application Approval: <input type="checkbox"/>         | Permission to Continue: <input type="checkbox"/> |
|                   | Contract Approval: <input checked="" type="checkbox"/> | Status Report: <input type="checkbox"/>          |

|                              |  |
|------------------------------|--|
| <b>Department/Division:</b>  | 39/10 Travis County Adult Probation      |
| <b>Contact Person/Title:</b> | Lila Oshatz, Director of Social Services |
| <b>Phone Number:</b>         | 512-854-7602                             |

|  |   |   |  |
|--|---|---|--|
| <b>Grant Title:</b>  | Travis County Adult Probation DWI Court           |   |  |
| <b>Grant Period:</b>                                       | From: 9/1/2009                                    | To: 8/31/2010                           |  |
| <b>Grantor:</b>  | Office of the Governor: Criminal Justice Division |   |  |
| <b>American Recovery and Reinvestment Act (ARRA) Grant</b> | Yes: <input type="checkbox"/>                     | No: <input checked="" type="checkbox"/> |  |

|                         |  |  |                                     |
|-------------------------|--|--|-------------------------------------|
| <b>Check One:</b>       | New: <input type="checkbox"/>            | Continuation: <input checked="" type="checkbox"/>  | Amendment: <input type="checkbox"/> |
| <b>Check One:</b>       | One-Time Award: <input type="checkbox"/> | Ongoing Award: <input checked="" type="checkbox"/> |                                     |
| <b>Type of Payment:</b> | Advance: <input type="checkbox"/>        | Reimbursement: <input checked="" type="checkbox"/> |                                     |

| Grant Categories/<br>Funding Source | Federal<br>Funds | State<br>Funds | Local<br>Funds | County<br>Match | In-Kind  | TOTAL          |
|-------------------------------------|------------------|----------------|----------------|-----------------|----------|----------------|
| Personnel:                          | 55,764           |                |                |                 |          | 55,764         |
| Operating:                          | 150,427          |                |                |                 |          | 150,427        |
| Capital Equipment:                  | 0                |                |                |                 |          | 0              |
| Indirect Costs:                     | 4,124            |                |                |                 |          | 4,124          |
| <b>Total:</b>                       | <b>210,315</b>   | <b>0</b>       | <b>0</b>       | <b>0</b>        | <b>0</b> | <b>210,315</b> |
| FTEs:                               | 1.00             | 0              |                |                 |          | 1.00           |

|  |                           |
|--|---------------------------|
| <b>Auditor's Office Review:</b> <input checked="" type="checkbox"/>                  | Staff Initials: <u>MG</u> |
| <b>Auditor's Office Comments:</b>  |                           |
| <b>County Attorney's Office Contract Review:</b> <input checked="" type="checkbox"/> | Staff Initials: <u>JC</u> |

| Performance Measures                                 | Projected<br>FY 09<br>Measure | Progress To Date: |         |         |         | Projected<br>FY 10<br>Measure |
|--|-------------------------------|-------------------|---------|---------|---------|-------------------------------|
|  |                               | 12/31/08          | 3/31/09 | 6/31/09 | 9/30/09 |                               |
| Applicable Depart. Measures                          | 29%                           |                   |         |         |         | 29%                           |
| Maintain or reduce current<br>recidivism rate of 29% |                               |                   |         |         |         |                               |
| <b>Measures For Grant</b>                            |                               |                   |         |         |         |                               |
| Number of successful<br>completions                  | 12                            |                   |         |         |         | 46                            |

|   |    |  |  |  |  |    |
|---|----|--|--|--|--|----|
| Outcome Impact Description  |    |  |  |  |  |    |
| Number of participants who are enrolled in school or employed at time of graduation | 12 |  |  |  |  | 46 |
| Outcome Impact Description  |    |  |  |  |  |    |
| Outcome Impact Description  |    |  |  |  |  |    |

**PBO Recommendation:**

PBO recommends approval of this contract. No match or additional General Fund obligations are required.

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?

The mission of the Travis County Adult Probation DWI Court is to enhance public safety by providing an intensive, judicially supervised program of team-based counseling, treatment, and supervision for alcohol/substance dependent DWI offenders. This mission is accomplished through collaborative partnerships among the DWI Court, public agencies, and community-based organizations. The DWI Court is a pro-active approach which entails the early identification of repeat DWI offenders and providing to them the support and services needed to eliminate their repetitive involvement with the criminal justice system.

Specific program goals:

1. Participants will receive timely substance abuse treatment to address identified substance abuse needs and other criminogenic need areas.
2. Participants will receive timely judicial oversight to support and confront behavioral change through a well-defined strategy of sanctions and incentives.
3. Participants will receive timely drug/alcohol testing to insure abstinence.
4. Participants will receive case management services and will have their conditions monitored by the probation officer.

Request is for continuation funding to continue to support DWI Court operations.

2. Departmental Resource Commitment: What are the long term County funding requirements of the grant?

The Department will continue to aggressively pursue additional federal and Governor's Office funds to support service provision to the target population, misdemeanor repeat DWI offenders.

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.

No match requirement

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.

No. It is the intent of the Department to identify funding sources to maintain self-sufficiency for the DWI Court through federal funds. Pending receipt of requested funds in FY 2010, county funds may be sought for 2011.

6. If this is a new program, please provide information why the County should expand into this area.

This is a continuation program from FY 2009. If and when the County is approached as a funding partner, requested funds would serve only misdemeanor DWI offenders. This population is not an eligible population for TDCJ-CJAD grant funds as those funds target high risk felony populations.

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.

The DWI Court represents another sentencing option for the judiciary, specifically the establishment of an additional "best practice" problem solving court to impact recidivism and provide continued reduction in community corrections costs. The DWI Court is consistent with the Department's Travis Community Impact Supervision (TCIS) initiative as it provides for strategic rehabilitative responses to meet the identified individualized risk and needs levels of the offender through a structured system of sanctions and incentives.



State of Texas  
Office of the Governor  
Criminal Justice Division

Rick Perry  
Governor

October 13, 2009

Ms. Geraldine Nagy  
Director  
PREVIEW - Travis County - PREVIEW -  
411 W. 13th Street, Suite 600  
Austin, Texas 78701

Dear Ms. Nagy:

Congratulations on your award! To activate your agency's grant, the Authorized Official must log on to eGrants at <https://cjdonline.governor.state.tx.us> and go to the 'My Home' tab. In the 'Project Status' column, locate the application that is in 'Pending Acceptance of Award' status. Click on the grant number and proceed to the 'Accept Award' tab. From this tab, click on the 'Accept' button.

Be sure to review the attached memo for a quick overview of general items every grantee should be aware of. You can also find more detailed information on the eGrants website including helpful resources, links, and tools needed to properly administer CJD grants; an eGrants Users Guide; and the new Guide to Grants containing answers to questions frequently asked by grantees. The Public Policy Research Institute (PPRI) at Texas A&M University will send a detailed information packet to the Project Director containing progress reporting forms and instructions on completing and submitting those forms.

I hope you continue to find the online environment of eGrants to be a positive experience. We are continually improving the efficiency of processes so that you can dedicate your time to the priorities of service within your communities. We look forward to working with you to ensure the success of your program.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Burnett".

Christopher Burnett  
Executive Director

OFFICE OF THE GOVERNOR  
CRIMINAL JUSTICE DIVISION  
STATEMENT OF GRANT AWARD

**Grant Number:** DJ-08-A10-20672-02  
**Program Fund:** DJ-16.738 Edward Byrne Memorial Justice Assistance Grant Program  
**Grantee Name:** PREVIEW - Travis County - PREVIEW -  
**Project Title:** Travis County Adult Probation DWI Court  
**Grant Period:** 09/01/2009 - 08/31/2010  
**Liquidation Date:** 11/29/2010  
**Date Awarded:** October 13, 2009  
**CJD Grant Manager:** Scott Hutchinson

|                               |              |
|-------------------------------|--------------|
| <b>CJD Award Amount:</b>      | \$210,315.00 |
| <b>Grantee Cash Match:</b>    | \$0.00       |
| <b>Grantee In Kind Match:</b> | \$0.00       |
| <b>Total Project Cost:</b>    | \$210,315.00 |

The Statement of Grant Award is your official notice of award from the Governor's Criminal Justice Division (CJD). The approved budget is reflected in the Budget/Details tab for this record in eGrants. The grantee agrees to comply with the provisions of the Governor's Criminal Justice Division's rules in Title I, Part I, Chapter 3, Texas Administrative Code in effect on the date the grant is awarded. By clicking on the 'Accept' button within the 'Accept Award' tab, the grantee accepts the responsibility for the grant project and agrees with the following conditions of grant funding. The grantee's funds will not be released until the grantee has satisfied the requirements of the following Condition(s) of Funding and Other Fund-Specific Requirement(s), if any, cited below:

**Condition(s) of Funding and Other Fund-Specific Requirement(s):**

- 1 Other Condition of Funding. Grantee should apply for federal drug court funding when the next solicitation is issued by the Bureau of Justice Assistance.
- 2 Other Condition of Funding. Applicant must register for the Central Contract Registry and provide CJD with the name of the e-business point of contact used for the registration. <http://www.ccr.gov>



State of Texas  
Office of the Governor  
Criminal Justice Division

Rick Perry  
Governor

**Memorandum**

**To:** CJD Grant Recipients  
**From:** Aimee Snoddy, Deputy Director  
**Contact:** (512) 463-1919  
**Re:** Grantee Responsibilities  
**Date Awarded:** October 13, 2009

Congratulations on your grant award from Governor Rick Perry's Criminal Justice Division (CJD). It is important to make you aware of a few things to consider as you implement strategies to successfully manage your program. For more information and resources, refer to the Grant Resources section of eGrants available online at <https://cjdonline.governor.state.tx.us>:

**Financial Reporting** – Financial Status Reports must be submitted to CJD via eGrants. Financial Status Reports may be submitted monthly but must be submitted at least quarterly. Financial Status Reports are due after each calendar quarter, regardless of when the grant was awarded. Due dates are:

April 22 (January-March quarter)  
July 22 (April-June quarter)  
October 22 (July-September quarter)  
January 22 (October-December quarter)

The final Financial Status Report must be submitted to CJD on or before the grant liquidation date or funds will lapse and CJD will provide them as grants to others who need the funding.

**Payment Authorization** – Payments will be generated based on expenditures reported in the Financial Status Reports. Upon CJD approval of the Financial Status Report, a payment will be issued through direct deposit or electronic transfer.

**Generated Program Income** – Any income generated as a direct result of the grant activities must be reported to CJD through the Financial Status Report and grant adjustment processes. Program income must be expended prior to seeking payments from CJD. Program income must be accounted and used for the purposes of the grant activities as awarded.

**Grant Funded Personnel** – Staff whose salaries are supported by this award must be made aware that continued funding is contingent upon the availability of appropriated funds as well as the outcome of the annual application review conducted by CJD.

**Project Changes** – Grantees may submit a request for grant adjustment via eGrants for any proposed budgetary or programmatic changes, including updating contact information for grant officials.

**Equipment** – Equipment purchased with grant funds must be used for the purpose of the grant and as approved by CJD. An inventory report should be kept on file containing all equipment purchased with any grant funds during the grant period. This report must agree with the approved grant budget and the final Financial Status Report.

**Fidelity Bond** – Each nonprofit corporation receiving funds from CJD will obtain and have on file a blanket fidelity bond that indemnifies CJD against the loss and/or theft of the entire amount of grant funds, including matching funds. The fidelity bond should cover at least the CJD grant period.

**Required Notifications** – Grantees must immediately notify CJD in writing of any misappropriation of funds, fraud, theft, embezzlement, forgery, or any other serious irregularities indicating noncompliance with grant requirements. Grantees must notify the local prosecutor's office of any possible criminal violations. Grantees must immediately notify CJD in writing if a project or project personnel become involved in any litigation, whether civil or criminal, and the grantee must immediately forward a copy of any demand notices, subpoenas, lawsuits, or indictments to CJD. If a federal or state court or administrative agency renders a judgment or order finding discrimination by a grantee based on race, color, national origin, sex, age, or handicap, the grantee agrees to immediately forward a copy of the judgment or order to CJD.

**Project Effectiveness** – Grantees should regularly evaluate the effectiveness of their projects. This includes a reassessment of project activities and services to determine whether they continue to be effective. Grantees must show that their activities and services effectively address and achieve the project's stated purpose.

**Programmatic Reporting** – Grantees must submit required reports regarding grant information, performance, and progress towards goals and objectives in accordance with the instructions provided by CJD, or its designee. To remain eligible for funding, the grantee must be able to show the scope of services provided and the impact and quality of those services.

**Monitoring** – Grantees must readily make available to CJD or its agents all requested records. CJD may make unannounced monitoring visits at any time. The grantee must make every effort to resolve all issues, findings, or actions identified by CJD within the time frame specified by CJD.

**Audit Requirements** – Grantees expending over \$500,000 in state or federal grant funds during the fiscal year are subject to the Single Audit requirements set forth in OMB Circular No. A 133 at <http://www.whitehouse.gov/omb/circulars/index.html> and the State Single Audit Circular issued under the Uniform Grant Management Standards (UGMS) at <http://www.governor.state.tx.us/grants/what/>. Grantees must electronically submit to CJD copies of the results of any single audit conducted in accordance with OMB Circular No. A-133 at <http://www.whitehouse.gov/omb/circulars/index.html> or in accordance with the State Single Audit Circular issued under UGMS, within 30 calendar days after the grantee receives the audit results or nine months after the end of the audit period, whichever is earlier.

**Supplanting** – Awarded funds must be used to supplement existing funds for program activities and not replace (supplant) funds that have been appropriated for the same purpose. Grant monitors and auditors will look for potential supplanting during reviews. Violations may result in a range of penalties, including suspension of future funds, suspension or debarment from receiving federal or state grants, recoupment of monies provided under the grant, and civil or criminal penalties. Refer to the Guide to Grants at <https://cjdonline.governor.state.tx.us/updates.aspx> for additional information on supplanting.

**Conflict of Interest** – Grantees should have in place established safeguards to prohibit employees from using their positions for a purpose that is, or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.

**Contracting and Procurement** – Grantees must follow their established policy and best practices for procuring goods or services with grant funds. Contracts must be routinely monitored for delivery of services or goods. When a contractual or equipment procurement is anticipated to be in excess of \$100,000, grantees must submit a Procurement Questionnaire <https://cjdonline.governor.state.tx.us/updates.aspx> to CJD for approval prior to procurement.

**Travel** – Grantees must follow their established policies and good fiscal stewardship related to travel expenses. If the grantee does not have established policies regarding in-state and out-of-state travel, grantee must use the travel guidelines established for state employees.

**Uniform Crime Reporting** – Local units of governments receiving funds from CJD must comply with all requirements for uniform crime reporting and will ensure that prompt reporting will remain current throughout the grant period.

**Limited English Proficiency** – Grantees must take reasonable steps to ensure that persons with limited English proficiency have meaningful access to services. Meaningful access may entail providing language assistance services, including oral and written translation when necessary. Additional information on this requirement can be found at <http://www.lep.gov>.

**Law Enforcement Programs** – Law enforcement programs receiving funds from CJD must be in compliance with all rules developed by the Texas Commission on Law Enforcement Officer Standards and Education.

**28 C.F.R. Part 23 Training** - Any grant funded individual responsible for entering information into or retrieving information from an intelligence database must complete continuing education training on operating principles described by 28 C.F.R. Part 23 at least once for each continuous two-year period the person has primary responsibility for entering data into or retrieving data from an intelligence database.

**Programs Approved to Pay Overtime for Personnel** - Grantees whose approved budget contains line item(s) related to overtime for grantee agency personnel must upload a copy of the overtime policy approved by its governing board. This policy will be considered the official policy for grant purposes and must be used throughout the grant period. The policy must: 1) clearly describe how overtime will be calculated; 2) be consistent with the agency's overtime policy; and 3) treat grant-paid personnel the same as non-grant paid personnel. CJD will monitor overtime expenditures based on this policy.

**Cancellation for Awards** - Grantees must take reasonable steps to commence project activities upon receiving notice of a grant award:

**Commencement Within 60 Days.** If a project is not operational within 60 days of the original start date of the award period or grant award date as noted on this memorandum, whichever is later, the grantee must report by letter to CJD the steps taken to initiate the project, the reasons for delay, and the expected revised start date.

**Commencement Within 90 Days.** If a project is not operational within 90 days of the original start date of the award period or grant award date as noted on this memorandum, whichever is later, the grantee must submit a second statement to CJD explaining the implementation delay. Upon receipt of the 90-day letter, CJD may cancel the project and redistribute the funds to other project areas. CJD may also, where extenuating circumstances warrant, extend the implementation date of the project past the 90-day period.

**Public Information Requests** - Grantees must immediately notify and provide a copy to CJD of any Public Information Request received by the agency related to this grant award.

**Prohibited Acts of Agencies and Individuals** - Grant funds may not be used in connection with the following acts by agencies or individuals employed by grant funds:

- Grant funds may not be used to finance or otherwise support the candidacy of a person for an elected local, state, or federal office. This prohibition extends to the direct or indirect employment of a person to perform an action described by this subsection. In addition, grant-funded or grant-leased motor vehicles may not be used for the purpose described above.
- Grant officials or grant funded employees may not use official authority or influence or permit the use of a program administered by the grantee agency of which the person is an officer or employee to interfere with or affect the result of an election or nomination of a candidate or to achieve any other political purpose.
- Grant funded employees may not coerce, attempt to coerce, command, restrict, attempt to restrict, or prevent the payment, loan, or contribution of anything of value to a person or political organization for a political purpose.
- Grantees must comply with the federal Hatch Act (5 U.S.C. §§ 1501- 1508) which restricts the political activity of some state and local employees who work in connection with federally funded programs. Covered state and local employees may not: 1) be candidates for public office in a partisan election; 2) use official authority or influence to interfere with or affect the results of an election or nomination; or, 3) directly or indirectly coerce contributions from subordinates in support of a political party or candidate.

**Employment of a Lobbyist** - Grant funds may not be used to employ, as a regular full-time or part-time or contract employee, a person who is required by Chapter 305 of the Government Code to register as a lobbyist. Furthermore, grant funds may not be used to pay, on behalf of the agency or an officer or employee of the agency, membership dues to an organization that pays part or all of the salary of a person who is required by Chapter 305 of the Government Code to register as a lobbyist.

**Legislative Lobbying** - Grant funds may not be used to attempt to influence the passage or defeat of a legislative measure.

**Use of Alcoholic Beverages** - Grant funds may not be used to compensate an officer or employee who uses alcoholic beverages on active duty. In addition, grant funds may not be used to purchase an alcoholic beverage or to pay or reimburse a travel expense that was incurred for an alcoholic beverage.

**OneStar Foundation Registration and Organization Profile for Nonprofit Corporations** - Each nonprofit corporation receiving funds from CJD must register and connect their organization with the OneStar Foundation at <http://www.onestarfoundation.org/page/registration/>.

Each nonprofit corporation is also encouraged to create an organizational profile with the OneStar Foundation at <http://www.onestarfoundation.org/page/org-profile>. By completing the Organizational Profile, your organization will be eligible to receive notification of opportunities, such as:

- Organizational excellence scholarships to build the capacity of your organization, including organizational assessments, trainings, consulting, conferences and other professional development activities;
- Funding announcements and events related to national service and volunteerism; and
- Chances to participate in important research on the needs and trends of the social sector and its stakeholders.



## GRANT SUMMARY SHEET

|            |  |  |
|------------|--|--|
| Check One: | Application Approval: <input type="checkbox"/>         | Permission to Continue: <input type="checkbox"/> |
|            | Contract Approval: <input checked="" type="checkbox"/> | Status Report: <input type="checkbox"/>          |

|                       |   |
|-----------------------|---|
| Department/Division:  | Civil Courts (22/10)  |
| Contact Person/Title: | Darlene Byrne, Judge, 126 <sup>th</sup> District Court/Peg Liedtke, Civil Courts Director |
| Phone Number:         | 854-9300/854-9364   |

|   |  |   |  |
|---|--|---|--|
| Grant Title:  | Family Drug Treatment Court                        |   |  |
| Grant Period:                                       | From: 9/1/2009                                     | To: 8/31/2010                           |  |
| Grantor:  | Office of the Governor's Criminal Justice Division |   |  |
| American Recovery and Reinvestment Act (ARRA) Grant | Yes: <input type="checkbox"/>                      | No: <input checked="" type="checkbox"/> |  |

|                  |  |  |                                     |
|------------------|--|--|-------------------------------------|
| 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/<br>Funding Source | Federal<br>Funds | State<br>Funds | Local<br>Funds | County<br>Match | In-Kind | TOTAL   |
|-------------------------------------|------------------|----------------|----------------|-----------------|---------|---------|
| Personnel:                          | 62,567           |                |                |                 |         | 62,567  |
| Operating:                          | 43,658           |                |                |                 |         | 43,658  |
| Capital Equipment:                  | 0                |                |                |                 |         | 0       |
| Indirect Costs:                     | 2,125            |                |                |                 |         | 2,125   |
| Total:                              | 108,350          | 0              | 0              | 0               | 0       | 108,350 |
| FTEs:                               | 1.00             |                |                |                 |         | 1.00    |

| Department      | Review                              | Staff Initials | Comments  |
|-----------------|-------------------------------------|----------------|---|
| County Auditor  | <input checked="" type="checkbox"/> | DB             | None.   |
| County Attorney | <input type="checkbox"/>            | JC             | County Attorney's review is pending. If the CA identifies any issues with this award before the November 3 Commissioners Court meeting, or if the review cannot be finished by that date, by mutual consent, PBO will pull this item from the agenda. |

| Performance Measures<br>Applicable Depart.<br>Measures  | Projected<br>FY 10<br>Measure | Progress To Date: |         |         |         | Projected<br>FY 11<br>Measure |
|---|-------------------------------|-------------------|---------|---------|---------|-------------------------------|
|   |                               | 12/31/09          | 3/31/10 | 6/30/10 | 9/30/10 |                               |
| Number of new enrollments in the program.   | 18                            |                   |         |         |         | 20                            |
| Number of participants in the program.  | 23                            |                   |         |         |         | 30                            |
| Number of participants who successfully complete the program.   | 8                             |                   |         |         |         | 8                             |
| Measures For Grant  |                               |                   |         |         |         |                               |
| Number of people assessed for eligibility to participate in the program.  | 40                            |                   |         |         |         | 40                            |
| Outcome Impact Description  |                               |                   |         |         |         |                               |
| Number of participants employed or enrolled in school at time of drug court graduation (part time or full time).      | 6                             |                   |         |         |         | 6                             |
| Number of participants that earn a GED, high school diploma, or vocational training credentials while in the program. | 3                             |                   |         |         |         | 3                             |

**PBO Recommendation:**

This grant contract will provide funding to continue the Family Drug Treatment Court for another year. The Civil Courts Office has requested and Commissioners Court has approved a permission to continue for the months of September and October 2009 for this program. With acceptance of this contract, those approved expenditures will be reclassified to the grant budget.

PBO recommends approval of this grant contract, pending final review and approval by the County Attorney's Office. If any issues are identified by the County Attorney's Office PBO will pull the item from the agenda.

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?

The purpose of the Family Drug Treatment Court is "to protect the safety and welfare of children through a court-based system that gives parents the tools they need to become sober, responsible caregivers." The Family Drug Treatment Court is vital to the families in our community. There is a great need for child abuse and neglect prevention programs that target substance abusing parents. Through intensive services, monitoring, and case work, the Family Drug Treatment

Court ensures that all children remaining with custodians in drug court will experience safe and nurturing permanent homes.

The Civil Courts are requesting contract approval of the FY 2010 grant with the Office of the Governor's Criminal Justice Division Drug Court Program Grant for our Family Drug Treatment Court. The Drug Court currently has a Drug Court Coordinator that would continue with the approval of this grant.

2. Departmental Resource Commitment: What are the long term County funding requirements of the grant?

The Civil Courts intend to request subsequent year continuation funding for this program through proposals submitted to Federal and State government, as well as private foundations. The use of county funds are not anticipated at this time.

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 is no match requirements associated with this grant.

4. Does the grant program have an indirect cost allocation, in accordance with the grant rules? If not, please explain why not.

Indirect costs are allowed under this funding source.

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 Family Drug Treatment Court program and associated improvements in service delivery will not discontinue upon discontinuance of grant funding. The Civil Courts will leverage existing funds, staff and County resources to sustain this project. We intend to request subsequent year continuation funding for this project through proposals submitted to the Federal and State government. Subsequently, the county will have the opportunity to consider investment in staff positions and the program in areas of the Civil Courts.

6. If this is a new program, please provide information why the County should expand into this area.

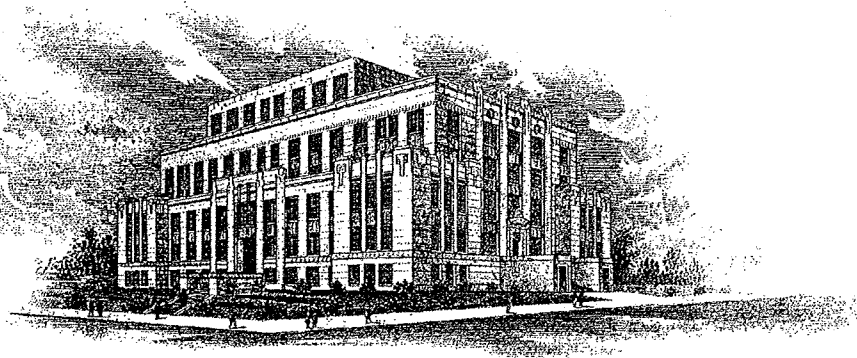
Not applicable.

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.

The Family Drug Treatment Court is vital to families in our community. There is a great need for prevention programs that target substance abusing parents for child abuse and neglect cases. In response, the Travis County Civil Courts have developed and implemented a Drug Court. The purpose of the drug court is to protect the safety and welfare of children through a court-based

system that gives parents the tools they need to become sober, responsible caregivers. The impact will be recognized in improved re-unification, family organization and cohesion.

To successfully evaluate the performance of the drug court, the court has documented the implementation and development of the program using a comprehensive process and outcome evaluation design. The design will be used to assess the effectiveness of the program. The Drug Court Coordinator (grant-funded) position, oversees the collection, management, analysis, interpretation, and reporting as required.



Office of the District Judges  
Heman Marion Sweatt Courthouse  
P.O. Box 1748  
Austin, Texas 78767  
(512) 854-9300

TO: Diana Ramirez, Budget Analyst  
Planning and Budget Office

FROM:   
Peg Liedtke, Civil Courts Director

DATE: October 19, 2009

RE: Contract Approval Request – Family Drug Treatment Court,  
FY 2010 Grant with the Governor’s Criminal Justice Division

Please consider this request from the Civil Courts for contract approval of the FY 2010 grant with the Office of the Governor’s Criminal Justice Division (CJD) program for the Family Drug Treatment Court. The grantor requested we reduce our grant request amount in FY 2010 from \$161,568 to \$108,350. To accommodate their recommendation, we eliminated the Case Worker position which we initially requested.

It is our understanding that revenue will be certified by the County Auditor when all of the normal requirements for the grant contract have been met.

Please contact me or Amanda Michael if further information is required or if you have any questions. Thank you very much for your consideration.



State of Texas  
Office of the Governor  
Criminal Justice Division

Rick Perry  
Governor

October 13, 2009

The Honorable Samuel Biscoe  
County Judge  
PREVIEW - Travis County - PREVIEW -  
1000 Guadalupe St.  
Austin, Texas 78701

Dear Judge Biscoe:

Congratulations on your award! To activate your agency's grant, the Authorized Official must log on to eGrants at <https://cjdonline.governor.state.tx.us> and go to the 'My Home' tab. In the 'Project Status' column, locate the application that is in 'Pending Acceptance of Award' status. Click on the grant number and proceed to the 'Accept Award' tab. From this tab, click on the 'Accept' button.

Be sure to review the attached memo for a quick overview of general items every grantee should be aware of. You can also find more detailed information on the eGrants website including helpful resources, links, and tools needed to properly administer CJD grants; an eGrants Users Guide; and the new Guide to Grants containing answers to questions frequently asked by grantees. The Public Policy Research Institute (PPRI) at Texas A&M University will send a detailed information packet to the Project Director containing progress reporting forms and instructions on completing and submitting those forms.

I hope you continue to find the online environment of eGrants to be a positive experience. We are continually improving the efficiency of processes so that you can dedicate your time to the priorities of service within your communities. We look forward to working with you to ensure the success of your program.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Burnett", with a large, sweeping flourish above the name.

Christopher Burnett  
Executive Director

OFFICE OF THE GOVERNOR  
CRIMINAL JUSTICE DIVISION  
STATEMENT OF GRANT AWARD

**Grant Number:** DJ-08-A10-19747-03  
**Program Fund:** DJ-16.738 Edward Byrne Memorial Justice Assistance Grant Program  
**Grantee Name:** PREVIEW - Travis County - PREVIEW -  
**Project Title:** Family Drug Treatment Court  
**Grant Period:** 09/01/2009 - 08/31/2010  
**Liquidation Date:** 11/29/2010  
**Date Awarded:** October 13, 2009  
**CJD Grant Manager:** Scott Hutchinson

|                               |              |
|-------------------------------|--------------|
| <b>CJD Award Amount:</b>      | \$108,350.00 |
| <b>Grantee Cash Match:</b>    | \$0.00       |
| <b>Grantee In Kind Match:</b> | \$0.00       |
| <b>Total Project Cost:</b>    | \$108,350.00 |

The Statement of Grant Award is your official notice of award from the Governor's Criminal Justice Division (CJD). The approved budget is reflected in the Budget/Details tab for this record in eGrants. The grantee agrees to comply with the provisions of the Governor's Criminal Justice Division's rules in Title I, Part I, Chapter 3, Texas Administrative Code in effect on the date the grant is awarded. By clicking on the 'Accept' button within the 'Accept Award' tab, the grantee accepts the responsibility for the grant project and agrees with the following conditions of grant funding. The grantee's funds will not be released until the grantee has satisfied the requirements of the following Condition(s) of Funding and Other Fund-Specific Requirement(s), if any, cited below:

**Condition(s) of Funding and Other Fund-Specific Requirement(s):**



State of Texas  
Office of the Governor  
Criminal Justice Division

Rick Perry  
Governor

**Memorandum**

**To:** CJD Grant Recipients  
**From:** Aimee Snoddy, Deputy Director  
**Contact:** (512) 463-1919  
**Re:** Grantee Responsibilities  
**Date Awarded:** October 13, 2009

Congratulations on your grant award from Governor Rick Perry's Criminal Justice Division (CJD). It is important to make you aware of a few things to consider as you implement strategies to successfully manage your program. For more information and resources, refer to the Grant Resources section of eGrants available online at <https://ejdonline.governor.state.tx.us>:

**Financial Reporting** – Financial Status Reports must be submitted to CJD via eGrants. Financial Status Reports may be submitted monthly but must be submitted at least quarterly. Financial Status Reports are due after each calendar quarter, regardless of when the grant was awarded. Due dates are:

April 22 (January-March quarter)  
July 22 (April-June quarter)  
October 22 (July-September quarter)  
January 22 (October-December quarter)

The final Financial Status Report must be submitted to CJD on or before the grant liquidation date or funds will lapse and CJD will provide them as grants to others who need the funding.

**Payment Authorization** – Payments will be generated based on expenditures reported in the Financial Status Reports. Upon CJD approval of the Financial Status Report, a payment will be issued through direct deposit or electronic transfer.

**Generated Program Income** – Any income generated as a direct result of the grant activities must be reported to CJD through the Financial Status Report and grant adjustment processes. Program income must be expended prior to seeking payments from CJD. Program income must be accounted and used for the purposes of the grant activities as awarded.

**Grant Funded Personnel** – Staff whose salaries are supported by this award must be made aware that continued funding is contingent upon the availability of appropriated funds as well as the outcome of the annual application review conducted by CJD.

**Project Changes** – Grantees may submit a request for grant adjustment via eGrants for any proposed budgetary or programmatic changes, including updating contact information for grant officials.



**Equipment** – Equipment purchased with grant funds must be used for the purpose of the grant and as approved by CJD. An inventory report should be kept on file containing all equipment purchased with any grant funds during the grant period. This report must agree with the approved grant budget and the final Financial Status Report.

**Fidelity Bond** – Each nonprofit corporation receiving funds from CJD will obtain and have on file a blanket fidelity bond that indemnifies CJD against the loss and/or theft of the entire amount of grant funds, including matching funds. The fidelity bond should cover at least the CJD grant period.

**Required Notifications** – Grantees must immediately notify CJD in writing of any misappropriation of funds, fraud, theft, embezzlement, forgery, or any other serious irregularities indicating noncompliance with grant requirements. Grantees must notify the local prosecutor's office of any possible criminal violations. Grantees must immediately notify CJD in writing if a project or project personnel become involved in any litigation, whether civil or criminal, and the grantee must immediately forward a copy of any demand notices, subpoenas, lawsuits, or indictments to CJD. If a federal or state court or administrative agency renders a judgment or order finding discrimination by a grantee based on race, color, national origin, sex, age, or handicap, the grantee agrees to immediately forward a copy of the judgment or order to CJD.

**Project Effectiveness** – Grantees should regularly evaluate the effectiveness of their projects. This includes a reassessment of project activities and services to determine whether they continue to be effective. Grantees must show that their activities and services effectively address and achieve the project's stated purpose.

**Programmatic Reporting** – Grantees must submit required reports regarding grant information, performance, and progress towards goals and objectives in accordance with the instructions provided by CJD, or its designee. To remain eligible for funding, the grantee must be able to show the scope of services provided and the impact and quality of those services.

**Monitoring** – Grantees must readily make available to CJD or its agents all requested records. CJD may make unannounced monitoring visits at any time. The grantee must make every effort to resolve all issues, findings, or actions identified by CJD within the time frame specified by CJD.

**Audit Requirements** – Grantees expending over \$500,000 in state or federal grant funds during the fiscal year are subject to the Single Audit requirements set forth in OMB Circular No. A 133 at <http://www.whitehouse.gov/omb/circulars/index.html> and the State Single Audit Circular issued under the Uniform Grant Management Standards (UGMS) at <http://www.governor.state.tx.us/grants/what/>. Grantees must electronically submit to CJD copies of the results of any single audit conducted in accordance with OMB Circular No. A-133 at <http://www.whitehouse.gov/omb/circulars/index.html> or in accordance with the State Single Audit Circular issued under UGMS, within 30 calendar days after the grantee receives the audit results or nine months after the end of the audit period, whichever is earlier.

**Supplanting** – Awarded funds must be used to supplement existing funds for program activities and not replace (supplant) funds that have been appropriated for the same purpose. Grant monitors and auditors will look for potential supplanting during reviews. Violations may result in a range of penalties, including suspension of future funds, suspension or debarment from receiving federal or state grants, recoupment of monies provided under the grant, and civil or criminal penalties. Refer to the Guide to Grants at <https://cjdonline.governor.state.tx.us/updates.aspx> for additional information on supplanting.

**Conflict of Interest** – Grantees should have in place established safeguards to prohibit employees from using their positions for a purpose that is, or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.

**Contracting and Procurement** – Grantees must follow their established policy and best practices for procuring goods or services with grant funds. Contracts must be routinely monitored for delivery of services or goods. When a contractual or equipment procurement is anticipated to be in excess of \$100,000, grantees must submit a Procurement Questionnaire <https://cjdonline.governor.state.tx.us/updates.aspx> to CJD for approval prior to procurement.

**Travel** – Grantees must follow their established policies and good fiscal stewardship related to travel expenses. If the grantee does not have established policies regarding in-state and out-of-state travel, grantee must use the travel guidelines established for state employees.

**Uniform Crime Reporting** – Local units of governments receiving funds from CJD must comply with all requirements for uniform crime reporting and will ensure that prompt reporting will remain current throughout the grant period.

**Limited English Proficiency** – Grantees must take reasonable steps to ensure that persons with limited English proficiency have meaningful access to services. Meaningful access may entail providing language assistance services, including oral and written translation when necessary. Additional information on this requirement can be found at <http://www.lep.gov>.

**Law Enforcement Programs** – Law enforcement programs receiving funds from CJD must be in compliance with all rules developed by the Texas Commission on Law Enforcement Officer Standards and Education.

**28 C.F.R. Part 23 Training** - Any grant funded individual responsible for entering information into or retrieving information from an intelligence database must complete continuing education training on operating principles described by 28 C.F.R. Part 23 at least once for each continuous two-year period the person has primary responsibility for entering data into or retrieving data from an intelligence database.

**Programs Approved to Pay Overtime for Personnel** - Grantees whose approved budget contains line item(s) related to overtime for grantee agency personnel must upload a copy of the overtime policy approved by its governing board. This policy will be considered the official policy for grant purposes and must be used throughout the grant period. The policy must: 1) clearly describe how overtime will be calculated; 2) be consistent with the agency's overtime policy; and 3) treat grant-paid personnel the same as non-grant paid personnel. CJD will monitor overtime expenditures based on this policy.

**Cancellation for Awards** - Grantees must take reasonable steps to commence project activities upon receiving notice of a grant award:

**Commencement Within 60 Days.** If a project is not operational within 60 days of the original start date of the award period or grant award date as noted on this memorandum, whichever is later, the grantee must report by letter to CJD the steps taken to initiate the project, the reasons for delay, and the expected revised start date.

**Commencement Within 90 Days.** If a project is not operational within 90 days of the original start date of the award period or grant award date as noted on this memorandum, whichever is later, the grantee must submit a second statement to CJD explaining the implementation delay. Upon receipt of the 90-day letter, CJD may cancel the project and redistribute the funds to other project areas. CJD may also, where extenuating circumstances warrant, extend the implementation date of the project past the 90-day period.

**Public Information Requests** - Grantees must immediately notify and provide a copy to CJD of any Public Information Request received by the agency related to this grant award.

**Prohibited Acts of Agencies and Individuals** - Grant funds may not be used in connection with the following acts by agencies or individuals employed by grant funds:

- Grant funds may not be used to finance or otherwise support the candidacy of a person for an elected local, state, or federal office. This prohibition extends to the direct or indirect employment of a person to perform an action described by this subsection. In addition, grant-funded or grant-leased motor vehicles may not be used for the purpose described above.
- Grant officials or grant funded employees may not use official authority or influence or permit the use of a program administered by the grantee agency of which the person is an officer or employee to interfere with or affect the result of an election or nomination of a candidate or to achieve any other political purpose.
- Grant funded employees may not coerce, attempt to coerce, command, restrict, attempt to restrict, or prevent the payment, loan, or contribution of anything of value to a person or political organization for a political purpose.
- Grantees must comply with the federal Hatch Act (5 U.S.C. §§ 1501- 1508) which restricts the political activity of some state and local employees who work in connection with federally funded programs. Covered state and local employees may not: 1) be candidates for public office in a partisan election; 2) use official authority or influence to interfere with or affect the results of an election or nomination; or, 3) directly or indirectly coerce contributions from subordinates in support of a political party or candidate.

**Employment of a Lobbyist** - Grant funds may not be used to employ, as a regular full-time or part-time or contract employee, a person who is required by Chapter 305 of the Government Code to register as a lobbyist. Furthermore, grant funds may not be used to pay, on behalf of the agency or an officer or employee of the agency, membership dues to an organization that pays part or all of the salary of a person who is required by Chapter 305 of the Government Code to register as a lobbyist.

**Legislative Lobbying** - Grant funds may not be used to attempt to influence the passage or defeat of a legislative measure.

**Use of Alcoholic Beverages** - Grant funds may not be used to compensate an officer or employee who uses alcoholic beverages on active duty. In addition, grant funds may not be used to purchase an alcoholic beverage or to pay or reimburse a travel expense that was incurred for an alcoholic beverage.

**OneStar Foundation Registration and Organization Profile for Nonprofit Corporations** - Each nonprofit corporation receiving funds from CJD must register and connect their organization with the OneStar Foundation at <http://www.onestarfoundation.org/page/registration/>.

Each nonprofit corporation is also encouraged to create an organizational profile with the OneStar Foundation at <http://www.onestarfoundation.org/page/org-profile>. By completing the Organizational Profile, your organization will be eligible to receive notification of opportunities, such as:

- Organizational excellence scholarships to build the capacity of your organization, including organizational assessments, trainings, consulting, conferences and other professional development activities;
- Funding announcements and events related to national service and volunteerism; and
- Chances to participate in important research on the needs and trends of the social sector and its stakeholders.

**Agency Name:** Travis County

**Grant/App:** 1974703 **Start Date:** 9/1/2009 **End Date:** 8/31/2010

**Project Title:** Family Drug Treatment Court

**Status:** Pending AO Acceptance of Award

## Eligibility Information

### Introduction

The Criminal Justice Division (CJD) publishes funding opportunities, known as **Requests for Applications (RFA)**, through the Texas Secretary of State. Click [here](#) to visit the Secretary of State's website to locate the RFAs in the appropriate Texas Register issue.

In addition, CJD requires all applicants and grantee organizations to adhere to the *Texas Administrative Code (TAC)* as adopted. Click [here](#) to view the current TAC, or click [here](#) to view the previous versions of the TAC.

### Submission Process

When applying for a grant pursuant to an **RFA** published in the *Texas Register* by CJD, applicants must submit their applications according to the requirements provided in the **RFA**. CJD may also consider applications for grants that are not submitted pursuant to an **RFA**. Applicants will be selected in accordance with *1 TAC, §3.7*.

### Selection Process

All applications submitted to CJD are reviewed for eligibility, reasonableness, availability of funding, and cost-effectiveness. For applications submitted pursuant to an **RFA**, the executive director will select a review group, COG, or other designee to prioritize the applications and submit a priority listing to the executive director, who will render the final funding decision. A review group may include staff members, experts in a relevant field, and members of an advisory board or council. For more information regarding the selection process, see *1 TAC, §3.7*.

### Funding Decisions

All grant funding decisions rest completely within the discretionary authority of CJD. The receipt of an application for grant funding by CJD does not obligate CJD to fund the grant or to fund it at the amount requested.

Neither the approval of a project nor any grant award shall commit or obligate CJD in any way to make any additional, supplemental, continuation, or other award with respect to any approved project or portion thereof.

CJD makes no commitment that a grant, once funded, will receive priority consideration for subsequent funding. For more information regarding the application process, see *1 TAC, §3.7* and *3.9*.

### Adoptions by Reference

All grantees receiving federal and state funds must comply with the applicable statutes, rules, regulations, and guidelines related to the funding source under which the grant is funded. In instances where both federal and state requirements apply to a grantee, the more restrictive requirement applies. For more information regarding grant funding, see *1 TAC, §3.19*.

### Community Plans

Each community, consisting of a single county or a group of counties, must file with a COG a community plan that addresses the community's criminal justice priorities. A community plan should assess local trends and data; identify problems, resources, and priorities; develop effective strategies; and set goals and objectives. For more information regarding community plans, see *1 TAC, §3.51*.

### Juvenile Justice and Youth Projects

Juvenile justice projects or projects serving delinquent or at-risk youth, regardless of the funding source, must address at least one of the priorities developed in coordination with the Governor's Juvenile Justice Advisory Board to be eligible for funding. For more information regarding these priorities, see *1 TAC, §3.53*.

## Monitoring

CJD will monitor the activities of grantees as necessary to ensure that grant funds are used for authorized purposes in compliance with all applicable statutes, rules, regulations, guidelines, and the provisions of grant agreements, and that grantees achieve grant purposes. Grantees must make available to CJD or its agents all requested records relevant to a monitoring review. For more information regarding monitoring, see *1 TAC, §3.2601*.

### Your organization's Texas Payee/Taxpayer ID Number:

17460001922021

### Application Eligibility Certify:

Created on:4/6/2009 9:36:04 AM By:Michelle Kimbrough

## Profile Information

### Introduction

The **Profile Details** section collects information about your organization such as the name of your agency and project title, the geographic area your project will serve and information about your grant officials.

Click on the **Save and Continue** button at any time to save the information entered on this page. If you do not click on this button and navigate away from the page, your work will be lost. When you click the **Save and Continue** button, you may receive several error messages that instruct you to complete the required fields. Your data on any given tab will not save to the system until all required fields are complete and correct.

In addition, you have a 2-hour time limit for each tab where you will need to complete the information correctly and then click the **Save and Continue** button. There is a timestamp in the upper-right hand corner of the page that notes when you first clicked on the tab. From that point, you have 2 hours to complete the information on that tab correctly. If you do not complete the information correctly (for the required fields) and then you click on the **Save and Continue** button, you will be redirected to the eGrants Home Page. If this happens, your data will not be saved in the system. You may also choose to compose a message on this page for CJD to review. This can be done by typing in the **Notes By Grantee / CJD** message box.

## Email Addresses & Grant Officials Information

### Designating Grant Officials Within your Application:


Enter a valid and unique email address for each grant official and click the **Verify Email and Set Official to the Project** button. If you receive an error message regarding an email address, the grant official you are trying to assign to the project has not registered for a user account in eGrants. Please inform the agency's grant official or designee that they must log in to the [eGrants Home Page](#), and register for a user account. If you need technical assistance, please contact the [eGrants Help Desk](#) by email.

### Updating Grant Officials on Active Grants:

To reassign a grant official - **Authorized Official, Financial Officer, Project Director, or Grant Writer** - to your grant project, ensure that the new official registers for a user account in eGrants *first*. Next, go to the Request.Adjustment tab and check the box indicating you would like to Designate a New Grant Official, provide a brief explanation for the change in the Grant Adjustment Justification box, and then click the 'Create Adjustment Request' button. This will open the Profile.Details tab allowing you to make the appropriate changes. After you have entered a valid email address for the new Official, go to the Certify.Adjustment tab and click on the 'Certify Adjustment' button to send your request to CJD for review. If your organization is designating a new Authorized Official, check your records to see if a revised Resolution is required. Upload the approved Resolution to your grant project on the 'Summary / Upload Files' sub-tab. If you need technical assistance, please contact the [eGrants Help Desk](#) by email.

## Getting Started

On this tab you will notice a certain icon that is displayed.

•  = an **information** icon - this help icon is next to certain items that may need further explanation. Simply click and review the information provided in the pop up window.

**Applicant Agency Name:** Travis County  
**Project Title:** Family Drug Treatment Court  
**Division or Unit to Administer the Project:** District Courts/ Civil Courts  
**Address Line 1:** 1000 Guadalupe St.  
**Address Line 2:**  
**City/State/Zip:** Austin Texas 78701  
**Payment Address Line 1:** Post Office Box 1748  
**Payment Address Line 2:**  
**Payment City/State/Zip:** Austin Texas 78767-1748  
**Start Date:** 9/1/2009  
**End Date:** 8/31/2010

**Regional Council of Governments(COG) within the Project's Impact Area:** Capital Area Council of Governments  
**Headquarter County:** Travis  
**Counties within Project's Impact Area:** Travis

**Grant Officials:**

**Authorized Official**

**User Name:** Samuel Biscoe  
**Email:** sam.biscoe@co.travis.tx.us  
**Address 1:** Post Office Box 1748  
**Address 1:**  
**City:** Austin, Texas 78767  
**Phone:** 512-854-9555 Other Phone:  
**Fax:** 512-854-9535  
**Agency:**  
**Title:** The Honorable  
**Salutation:** Judge

**Project Director**

**User Name:** Peg Leidtke  
**Email:** peg.liedtke@co.travis.tx.us  
**Address 1:** 1000 Guadalupe St.  
**Address 1:**  
**City:** Austin, Texas 78701  
**Phone:** 512-854-9364 Other Phone:  
**Fax:** 512-854-9332  
**Agency:**  
**Title:** Ms.  
**Salutation:** Ms.

**Financial Official**

**User Name:** Susan Spataro  
**Email:** susan.spataro@co.travis.tx.us  
**Address 1:** P.O. Box 1748  
**Address 1:**  
**City:** Austin, Texas 78767  
**Phone:** 512-854-9125 Other Phone:  
**Fax:** 512-854-6640  
**Agency:**  
**Title:** Ms.  
**Salutation:** Ms.

**Grant Writer**

**User Name:** Michelle Kimbrough  
**Email:** michelle.kimbrough@co.travis.tx.us  
**Address 1:** 1000 Guadalupe

**Address 1:** P.O. Box 1748  
**City:** Austin, Texas 78767  
**Phone:** 512-854-8876 Other Phone: 512-656-1536  
**Fax:** 512-854-9332  
**Agency:**  
**Title:** Ms.  
**Salutation:** Ms.

## Grant Vendor Information

### Introduction

The **Grant Vendor** section of the application collects grant payment information for your organization. The following items will be auto-filled from previous data you supplied in eGrants: Organization Type, State Payee Identification Number, and Data Universal Numbering System (DUNS) identifier (if applicable).

Click on the **Save and Continue** button at any time to save the information entered on this page. If you do not click on this button and navigate away from the page, your work will be lost. When you click the **Save and Continue** button, you may receive several error messages that instruct you to complete the required fields. Your data on any given tab will not save to the system until all required fields are complete and correct.


In addition, you have a 2-hour time limit for each tab where you will need to complete the information correctly and then click the **Save and Continue** button. There is a timestamp in the upper-right hand corner of the page that notes when you first clicked on the tab. From that point, you have 2 hours to complete the information on that tab correctly. If you do not complete the information correctly (for the required fields) and then you click on the **Save and Continue** button, you will be redirected to the eGrants Home Page. If this happens, your data will not be saved in the system. You may also choose to compose a message on this page for CJD to review. This can be done by typing in the **Notes By Grantee / CJD** message box.

### Direct Deposit

In order to receive payments from CJD, complete the Vendor Direct Deposit Authorization and Application for Payee Identification Number forms which can be downloaded from the Texas Comptroller's [website](http://www.cpa.state.tx.us/fm/forms/index.php) at <https://fm.x.cpa.state.tx.us/fm/forms/index.php> and Form W-9 which can be downloaded from the Internal Revenue Services' [website](http://www.irs.gov/) at <http://www.irs.gov/>. Send these completed and signed forms to the Office of the Governor, Financial Services Division, Post Office Box 12428, Austin, Texas 78711.

### Getting Started

On this tab you will notice a certain icon that is displayed.

-  = an **information** icon - this help icon is next to certain items that may need further explanation. Simply click and review the information provided in the pop up window.

**Organization Type:** County

**Organization Option:** applying to provide services to all others

**Applicant Agency's State Payee Identification Number (e.g., Federal Employer's Identification (FEI) Number or Vendor ID):** 17460001922021

**Data Universal Numbering System (DUNS):** 030908842

**Payment Address Line 1:** Post Office Box 1748

**Payment Address Line 2:**

**Payment City/State/Zip:** Austin Texas 78767-1748

## Narrative Information

### Introduction



The **Narrative** section is the description of your project. It is important that the information you provide about your project is clear and as concise as possible.


Note: All applicants must certify to the eligibility requirements specific to the fund source. The minimum requirements to complete this page are the **Program Requirements, Problem Statement, Supporting Data, Goal Statement, and Project Summary** sections. We recommend that you complete any sections applicable to your project to assist in the application review process.

Click on the **Save and Continue** button at any time to save the information entered on this page. If you do not click on this button and navigate away from the page, your work will be lost. When you click the **Save and Continue** button, you may receive several error messages that instruct you to complete the required fields. Your data on any given tab will not save to the system until all required fields are complete and correct.

In addition, you have a 2-hour time limit for each tab where you will need to complete the information correctly and then click the **Save and Continue** button. There is a timestamp in the upper-right hand corner of the page that notes when you first clicked on the tab. From that point, you have 2 hours to complete the information on that tab correctly. If you do not complete the information correctly (for the required fields) and then you click on the **Save and Continue** button, you will be redirected to the eGrants Home Page. If this happens, your data will not be saved in the system. You may also choose to compose a message on this page for CJD to review. This can be done by typing in the **Notes By Grantee / CJD** message box.

## Getting Started

On this tab you will notice a certain icon that is displayed.

-  = an **information** icon - this help icon is next to certain items that may need further explanation. Simply click and review the information provided in the pop up window.

## Primary Mission and Purpose

The purpose of the Edward Byrne Justice Assistance Formula Grant (JAG) Program is to prevent and control crime and make improvements to the criminal justice system.

## Funding Levels

The anticipated funding levels for the JAG program are as follows:

- Minimum Award - \$10,000
- Maximum Award - Units of local government are limited to no more than the total amount of local funds expended on criminal justice services in the entity's previous fiscal year. Criminal justice services are defined as the total amount the unit of government spent on law enforcement, corrections and judicial services.
- Matching funds are not required.

For more information regarding grantee match, please click on the **Budget** tab, and then click on the **Source of Match** tab in eGrants.

**Note:** *If you voluntarily include matching funds, you will be held to that amount throughout the grant period.*

## Program Requirements

**Note:** *The requirements for this fund source are subject to change pursuant to actions of the U.S. Congress and federal guidance.*

**Preferences** - Preference will be given to projects that perform the following activities:

1. Target statistically supported areas of violent crime.
2. Promote the use of inter-local agreements (*Texas Government Code, Chapter 791*) to target statistically supported crime threats to a specified geographical area.
3. Promote intelligence sharing, crime reporting and communication.

- Promote comprehensive solutions to local criminal justice priorities.

**Criminal Justice Expenditures** - Applicant assures that the amount of the application is no more than the amount it expended on local criminal justice services in the previous year.

### **Purpose Areas**

Applicant assures that its proposed project meets at least one of the following Purpose Areas to be eligible for funding:

Law Enforcement - Supports state and local law enforcement agencies that address violent crime or statistically supported major crime initiatives at the local level.

Prosecution and Court - Programs that improve the prosecution of serious and violent crimes, including those that reduce the time from arrest to disposition.

Technology - Programs that implement or expand a law enforcement agency's ability to report and analyze crime. Applicant assures that any criminal intelligence databases developed under this program will comply with 28 CFR Part 23.

Corrections and Community Corrections - Programs that reintegrate adults and juveniles into the community.

Drug Treatment - Programs that target substance abuse treatment for juveniles or adults who have been court ordered to participate, including drug courts and projects that serve as alternatives to incarceration.

### **Drug Court Program Requirements**

Drug Court programs that provide court-supervised substance abuse treatment as an alternative to traditional criminal sanctions, as defined in Chapter 469 of the Texas Health and Safety Code must incorporate the following ten (10) essential characteristics of drug courts noted below and codified in Texas Health and Safety Code §469.001 to be eligible for funding:

#### **Ten Essential Characteristics**

Integration of Services - The integration between alcohol and other drug treatment services in the processing of cases in the judicial system.

Non-Adversarial Approach - The use of a non-adversarial approach involving prosecutors and defense attorneys to promote public safety and to protect the due process rights of program participants.

Prompt Placement - Early identification and prompt placement of eligible participants in the program.

Access - Access to a continuum of alcohol, drug, and other related treatment and rehabilitative services.

Abstinence Monitoring - Monitoring of abstinence through weekly alcohol and other drug testing.

Compliance Strategy - A coordinated strategy to govern program responses to participants' compliance.

Judicial Interaction - Ongoing judicial interaction with program participants.

Evaluation - Monitoring and evaluation of program goals and effectiveness.

Education - Continuing interdisciplinary education to promote effective program planning, implementation, and operations.

Partnerships - Development of partnerships with public agencies and community organizations.

#### **General Approaches**

- Pre-adjudication - The defendant is diverted to the treatment program in lieu of prosecution before charges are filed or before final case.
- Post-adjudication - The drug offender begins the drug court program after entering a plea of guilty or nolo contendere or having been found guilty, often as a condition of probation.
- Reentry - Offenders completing sentences of incarceration or lengthy terms of residential treatment are ordered into the treatment program to facilitate their transition and reintegration into society.
- Civil - Participants enter the drug court program in relation to suits affecting the parent-child relationship, child welfare / CPS cases, child support cases, or other civil matters.

Select the **general approach(es)** this drug court fill follow below.

Select all that apply:

- Pre-adjudication
- Post-adjudication
- Reentry
- Civil
- N/A

**Observation** – The drug court team (judge, prosecutor, defense counsel, treatment provider, supervision officer, court coordinator, etc.) of a new program must observe at least one drug court staffing session and hearing, in Texas, prior to program implementation.

**Policies and Procedures** – The drug court will develop and maintain written policies and procedures for the operation of the program.

**Information Sharing** – The applicant will submit a copy of any project evaluations, evaluation plans, recidivism studies, or related reports that are completed during the grant period to CJD.

**Jurisdiction** - Provide the name of the court administering the Drug Court program (*e.g., 999th Judicial District Court, Somewhere County Criminal Court, or City of Somewhere Municipal Court*). If this has not been decided enter 'To Be Determined', or enter 'N/A' if this item does not apply.

126th Judicial District Court of Travis County Civil Courts

**Drug Court Date** - If the Drug Court has commenced operations, provide the date that this Drug Court was established.

Enter the date [mm/dd/yyyy]:

2/18/2008

**Drug Court Type**

- Adult - Programs serving adults (either pre-adjudication, post-adjudication, or reentry).
- Family - Programs serving parents who enter the drug court in relation to suits affecting the parent-child relationship, including child welfare / CPS cases, child support cases, or other civil matters.
- Juvenile - Programs serving juveniles (either pre-adjudication, post-adjudication, or reentry).

Select the type of drug court that will be operated:

- Adult
- Family
- Juvenile
- N/A

Will the drug court accept **DWI offenders**?

Select the appropriate response:

- Yes
- No
- N/A

**Presiding Judge** - The presiding judge of a drug court funded with Drug Court funds must be an active judge holding elective office or a master. Persons eligible for appointment may not be a former or retired judicial officer. Is the presiding judge of the drug court an active judge holding elective office or a master?

Select the appropriate response:

- Yes
- No
- N/A

Enter the name of the **Presiding Judge** for the Drug Court. If this has not been decided enter 'To Be Determined', or enter 'N/A' if this item does not apply.

The Honorable Darlene Byrne

Enter the name of the **Drug Court Coordinator**. If this has not been decided enter 'To Be Determined', or enter 'N/A' if this item does not apply.

Michelle Kimbrough

**Note:** *The Drug Court Coordinator usually monitors the operation of the Drug Court, supervises Drug Court staff, participates in Drug Court judicial staff meetings, prepares and oversees Drug Court contracts with service providers, maintains data on Drug Court operations, and communicates with legal staff, government officials, social service agencies, and the public regarding matters of the Drug Court.*

Has the drug court ever applied for **federal funding**?

Select the appropriate response:

- Yes
- No
- N/A

Has the drug court ever received **federal funding**?

Select the appropriate response:

- Yes
- No
- N/A

If you selected **Yes** above, provide the federal award amount, grant period [mm/dd/yyyy to mm/dd/yyyy], and explain how CJD funds will be used to support or expand the project and not replace existing funds.

Enter the federal funding description:

At the request of the Governor's Office Criminal Justice Division Drug Court Program in July 2008, the funding source for the Travis County Civil Court's Family Drug Treatment Court changed from state to federal funds. The amount received was \$84,419.75 for the period 09/01/2007 to 08/31/2008, to continue the work of the Family Drug Treatment Court for child welfare involving substance abusing parents.

**Program Income**

Applicant agrees to comply with all federal and state rules and regulations for program income and agrees to report all program income that is generated as a result of the project's activities. Applicant agrees to report program income to CJD through a formal grant adjustment and to secure CJD approval prior to use of the program income. Applicant agrees to use

program income for allowable costs and agrees to expend program income immediately after CJD's approval of a grant adjustment and prior to requesting reimbursement of CJD funds.

Deduction Method - Program income shall be deducted from total allowable costs to determine the net allowable costs. Program income shall be used for current costs unless CJD authorizes otherwise. Program income which the grantee did not anticipate at the time of the award shall be used to reduce the CJD award and grantee match rather than to increase the funds committed to the project.

Asset Seizures and Forfeitures - Program income from asset seizures and forfeitures is considered earned when the property has been adjudicated to the benefit of the plaintiff (e.g., law enforcement entity).

### **Uniform Crime Reporting**

Applicant assures that it is current and has been current in reporting required Part I violent crime data for the three previous years to the Texas Department of Public Safety, and will continue timely reporting of required crime data throughout the grant period.

### **Criminal History Reporting**

Applicant assures that they are currently reporting and will maintain timely reporting of all information required under the *Texas Code of Criminal Procedure, Chapter 60*.

### **Constitutional Compliance**

Applicant assures that they will engage in no activity that violates Constitutional law including profiling based upon race.

### **Information Systems**

Applicant assures that any new criminal justice information systems will comply with data sharing standards for the Global Justice XML Data Model and the National Information Exchange Model.

### **Central Contractor Registry (CCR)**

Applicant assures that it is currently registered or will register in the federal Central Contractor Registration database. Information about registration procedures can be accessed at <http://www.ccr.gov>.

Is your agency registered in the CCR?

Yes

No

If you selected **Yes**, provide the name of your E-Business Point of Contact:

Cyd Grimes - Travis County Purchasing Agent (512) 854-9700 PO Box 1748, Austin, TX 78767

### **Civil Rights Liaison**

A civil rights liaison who will serve as the grantee's civil rights point of contact and who will be responsible for ensuring that the grantee meets all applicable civil rights requirements must be designated. The designee will act as the grantee's liaison in civil rights matters with CJD and with the federal Office of Justice Programs.

Enter the Name of the Civil Rights Liaison:

Linda Moore Smith

Enter the Address for the Civil Rights Liaison:

1010 Lavaca Austin, Texas 78701

Enter the Phone Number for the Civil Rights Liaison:

(512) 854-9165

### **Certification**

38

Each applicant agency will certify to the specific criteria detailed above under **Program Requirements** to be eligible for funding under the Justice Assistance Grant Program Solicitation.

**X I certify to all of the above eligibility requirements.**

### **Problem Statement:**

Please provide a detailed account in the Problem Statement section of the existing issues your project will target.

Enter your problem statement:

A significant number of child abuse/neglect civil lawsuits in Travis County involve the substance abuse or dependence of at least one parent. Child abuse/neglect cases due to parental substance abuse or dependence pose immense challenges for the Travis County Civil Court System, local child welfare systems, and treatment providers. Due to the complex nature of substance abuse and dependence and the amount of intervention necessary to begin the journey of recovery for a lifetime, the existing family court and child welfare systems are not equipped to handle these cases effectively. As a result, parents continue their addictions while their children, unable to return home, languish in foster care or are placed for adoption with strangers. The Travis County Civil Courts believe that the Family Drug Treatment Court effectively assists parents with overcoming substance abuse and dependency in order to safely parent their children.

### **Supporting Data:**

Provide as much supporting data, to include baseline statistics and the sources of your data, which are pertinent to where the grant project is located and/or targeted. Do not use statewide data for a local problem or national data for a statewide problem.

Enter your supporting data:

In Travis County, Child Protective Services confirmed 1,960 victims of abuse or neglect in fiscal year 2008. During this same year there were 2 child abuse or neglect related fatalities in Travis County (Texas Department of Family and Protective Services). In the calendar year of 2008 the civil courts of Travis County served an average of 608 families with active child protective services lawsuits each month. Of these lawsuits, an average of 272 cases per month (45%) involved a parent or parents who were provided with substance abuse assessment, treatment, or counseling services (Travis County Domestic Relations Department). The Travis County Civil Courts have concluded from this data that a significant number of parents involved with child protective services and the civil court system have problems with substance abuse or dependence. To address this issue, the Travis County Civil Courts have implemented a Family Drug Treatment Court (FDTC). This Court has been in operations since February 18, 2008 and has steadily grown to the current number of participants of 26 (April 10, 2009). In October of 2008 a friend of the Court compared the difference between the number of children in foster care whose parents are not involved in the FDTC program to those children in foster care whose parents are involved in the FDTC program. The later number was significantly less and suggested an average cost savings to the state in foster care expenses of \$932,000 per year.

### **Community Plan:**

For projects that have a local or regional impact target area, provide information regarding the community plan need(s) that your project will address.

Enter your community planning needs:

The community plan refers to child abuse in Central Texas and further expounds on the adverse effect child abuse has on children, families, and the community at large. Travis County Civil Courts seek to address this problem through the continuation of a Family Drug Treatment Court (FDTC) program. A FDTC program is a judicially supervised treatment option designed to address the substance issues of parents and guardians in child protection cases. The court will offer a comprehensive system approach to treating substance-abusing parents, while maintaining the goal of family reunification.

### **Goal Statement:**

Provide a brief description of the overall goals and objectives for this project.

Enter a description for the overall goals and objectives:

Goals of the Travis Family Drug Treatment Court are as follows: (1) to stop the cycle of abuse and neglect in families; (2) to help substance-abusing parents to become sober, receive appropriate treatment, and consequently make positive changes in their lives and the lives of their child(ren); (3) to establish permanency for the child(ren) in a timely fashion while providing comprehensive and intensive substance abuse treatment and wraparound services; and (4) to provide a structured therapeutic approach to assist primary custodians in living a drug-free life, to assume the full responsibilities of parenthood, and achieve reunification within statutory timeframe.

### **Cooperative Working Agreement (CWA):**

When a grantee intends to carry out a grant project through cooperating or participating with one or more outside

organizations, the grantee must obtain authorized approval signatures on the cooperative working agreement (CWA) from each participating organization. Grantees must maintain on file a signed copy of all cooperative working agreements, and they must submit to CJD a list of each participating organization and a description of the purpose of each **CWA**. Cooperative working agreements do not involve an exchange of funds.

For this project, provide the name of the participating organization(s) and a brief description of the purpose(s) for the **CWA(s)**. You should only provide information here that this project's successful operation is contingent on for the named service or participation from the outside organization.

Note: A **Sample CWA** is available [here](#) for your convenience.

Enter your cooperating working agreement(s):

The Family Drug Treatment Court (FDTC) has a Cooperative Working Agreement (CWA) with Child Protective Services, the agency that files all petitions requesting Court intervention due to a parent's alleged abuse or neglect of their child(ren). When these cases involve a substance abusing parent that meets the criteria for the FDTC, the Court has the option to offer the FDTC program to the parent(s). When a parent's case is involved with the FDTC, CPS comes to the FDTC hearings, works closely with the family, and is a part of the team that makes recommendations to the Court. The FDTC also has a CWA with the Court Appointed Special Advocates (CASA) of Travis County. CASA is an agency that works with the FDTC by providing volunteer advocacy services to the families and children involved with the FDTC. Each family involved with the FDTC has a CASA assigned to their Court case. CASA attends the FDTC hearings, staffing, and makes recommendations to the Court. The FDTC also has a CWA with the Travis County Health and Human Services and Veteran Services Office. This office receives a federal grant called Parenting in Recovery that provides for treatment services, housing, and other assistance. This project involves a collaboration of several Travis County community organizations including the FDTC. All participants in this program are also participants in the FDTC. The purpose of these CWAs is to ensure these agencies continue to support the goals and objectives of the FDTC.

### **Continuation Projects:**

For continuation projects only, if your current or previous year's project is NOT on schedule in accomplishing the stated objectives, briefly describe the major obstacles preventing your organization from successfully reaching the project objectives as stated within your previous grant application. (Data may be calculated on a pro-rated basis depending on how long the current or previous year's project has been operating.)

Enter your current grant's progress:

The Travis County FDTC has encountered some problems with achieving the anticipated outcomes for FY 2009, specifically with assisting participants in obtaining additional education. The FDTC has struggled with getting participants involved in educational programs given the current struggling economy and the requirements of the Welfare to Work program. Another problem that the FDTC has encountered is that many of the successful participants in the program have not yet had the time to successfully complete the program. The FDTC program is designed to last approximately 12-18 months and the Court has only been in operation for almost 14 months. Currently there are several participants in Phases III and IV awaiting a successful commencement within the next few months. Finally, there are several participants who are currently employed but since many of these participants have not yet successfully commenced from the program, they are not able to be included in the total.

### **Project Summary:**

Briefly summarize the entire application, including the project's problem statement, supporting data, goal, target group, activities, and objectives. Be sure that the summary is easy to understand by a person not familiar with your project and that you are confident and comfortable with the information if it were to be released under a public information request.

Enter your summary statement for this project:

The presence of abuse and neglect cases due to parental substance abuse poses immense challenges for the court and child welfare systems in Travis County, Texas. Current data suggest that approximately 45% of the child welfare cases with open lawsuits in Travis County involve a parent with a substance abuse concern or problem. In response, the Travis County Civil Courts have implemented a Family Drug Treatment Court (FDTC) program. The court seeks to protect the safety and welfare of children through a court-based system that gives parents the tools they need to become sober, responsible caregivers. It is estimated that this program has already saved the state considerable costs in payment for foster care. The project targets parents with a substance abuse or dependency problem who have either lost temporary custody of their children or who are in danger of losing custody of their children due to abuse and/or neglect. The FDTC activities include substance abuse screening and assessment, treatment, and specialized collaborative judicial oversight. Funding will support improved assessment systems, the development of a specialized court docket, a full-time FDTC Coordinator, a full-time Caseworker, and community substance abuse treatment and supportive aftercare services. The project seeks to serve 30 families during the next fiscal year. Progress will be measured by the number of participants linked to appropriate substance abuse services and the number of families successfully reunited. Through intensive services, monitoring, and case work, the FDTC will ensure that all children remaining with custodians in drug court will experience safe and nurturing permanent homes.

### **Project Activities Information**

## Introduction






The **Project Activities** section of the application gathers information about the type of activities your project will incorporate.

Click on the **Save and Continue** button at any time to save the information entered on this page. If you do not click on this button and navigate away from the page, your work will be lost. When you click the **Save and Continue** button, you may receive several error messages that instruct you to complete the required fields. Your data on any given tab will not save to the system until all required fields are complete and correct.

In addition, you have a 2-hour time limit for each tab where you will need to complete the information correctly and then click the **Save and Continue** button. There is a timestamp in the upper-right hand corner of the page that notes when you first clicked on the tab. From that point, you have 2 hours to complete the information on that tab correctly. If you do not complete the information correctly (for the required fields) and then you click on the **Save and Continue** button, you will be redirected to the eGrants Home Page. If this happens, your data will not be saved in the system. You may also choose to compose a message on this page for CJD to review. This can be done by typing in the **Notes By Grantee / CJD** message box.

## Getting Started

On this tab you will notice certain icons that are displayed.

-  = a **pencil** icon - click on this icon to edit your selections.
-  = a **pencil** icon with a **red slash** through it - click on this icon to cancel your edits.
-  = a **red delete** icon - click on this icon to delete the item.
-  = a **diskette** icon - click on this icon to save your work. When this icon appears, it is your queue to save the item that you are working on; otherwise, your data will be lost.
-  = an **information** icon - this help icon is next to certain items that may need further explanation. Simply click and review the information provided in the pop up window.

## Drug Courts

Does your project have a Steering Committee that helps direct and enhance your court's operations?

- Yes
- No
- N/A

List the members of your drug court team and describe their role in supporting the participants.

The members of the Family Drug Treatment Court Team and their role in the program are as follows: 1.) The Judge - provides judicial oversight, incentives, and accountability to the program participants and acts as the leader of the team making the final decision on all aspects of the program operations 2.) The Drug Court Coordinator - chairs committee meetings, provides direct oversight and case management to participants, reports contacts with the Court, facilitates all operations of the program and maintenance of policies and procedures 3.) CASA of Travis County - provides advocacy for the children and supports the children's best interests through contact with and support of their parents 4.) CPS workers and supervisors - provides intensive case management and contract services (for example, individual counseling) to the participant, monitors participant and child(ren) in their home for issues of child safety, and reports to the coordinator and the Court on an ongoing basis 5.) Austin Recovery - acts as the primary treatment provider for the participants (with inpatient, outpatient, and aftercare services), provides ongoing education and clinical expertise to the team 6.) Parenting in Recovery (from the office of Health and Human Services and Veterans Services) - provides funding for substance abuse treatment and housing to the participants, provides education and training to the team members 7.) The Assistant District Attorney - provides legal expertise, states the position of CPS during staffing and hearings, files the original petition for Court intervention 8.) The Parent's Attorneys - provides legal representation/ advocacy to the parents in Drug Court staffing and hearings 9.) Foundation Communities - provides housing and case management services funded by Parenting in Recovery to only Parenting in Recovery program participants 10.) Community Foundations/ Safe Start Fund - provides support services and funding to participants that cannot be obtained through other community resources or existing program funds (examples: funding for birth certificate fee, overdue utility bills, bus fare to go to treatment, medical care, items for "treasure box" weekly incentives, food for celebrations and commencement) 11.) Access to Recovery/ Outreach, Screening, Assessment and Referral Services - provides assessment and funding for treatment through federal and state sources of funding



Provide the average caseload size for a full-time case manager/probation officer assigned to this project.

The only case manager hired to serve only participants of this program is the Drug Court Coordinator. Currently there are 26 participants in the program (as of April 10, 2009) and this number will continue to grow until the program has reached the capacity of 30. Since the program began in February of 2008, the number of participants has consistently grown. Part of the reason for the program capacity is the limitations of case load size of the Drug Court Coordinator. The Drug Court team is also comprised of three full time CPS caseworkers (hired by the Department of Family and Protective Services) that provide intensive case management (sometimes involving weekly home visits) to the participants in this program. The CPS workers provide this intensive case management for the participants in addition to their regularly assigned duties involved with every CPS case. Throughout the last fiscal year there have been several occasions in which there has been no assigned caseworker to the Drug Court cases due to turnover within the agency. During these times the Drug Court Coordinator was responsible for all case management provided to the clients in the form of home visits and ongoing monitoring. Provide your project's policy on drug testing participants.

All participants are required to submit to random drug and alcohol testing at any time this is requested by the Court, the Drug Court Coordinator, or CPS. All participants are tested frequently, at least once a week, but as participants progress through the phase system, testing usually occurs less often. In other words, participants in Phase I are typically asked to submit drug testing more often than participants in Phase IV. All participants are required to submit hair follicle, mouth swab, and urine tests as requested. If the requested test is requested to be done on site (administered by the Drug Court Coordinator or another staff member of the Court), it must be submitted immediately by the participant. If the requested test requires that the participant go to a designated lab, the participant has 24 hours in which to do so. If a participant does not show for a lab test there is usually a sanction assigned at the next Family Drug Treatment Court hearing for the missed test. If a participant wishes to contest the results of an on site test, they may do so and are required to go to the designated lab that same day in order to immediately submit another test. If a participant wishes to contest the results of a test reported by a designated lab, they may do so, but must pay for the additional test with their own funds. Describe the process you will use to determine your project's effectiveness.

In order to determine the effectiveness of the project, the Family Drug Treatment Court will compare participants in the program to other parents with open CPS lawsuits who have substance abuse/ dependency problems and who are not in the program. The Parenting in Recovery program (described above as a member of the Drug Court team) is already implementing an evaluation which compares the progress of participants in that program (which are all also participants in the Family Drug Court program) to a control group of parents who are not participating in the program. The Parenting in Recovery grant and evaluation encompass a five year time period and at this time Parenting in Recovery has only progressed to the second year of the project. Travis County is currently preparing a management and information system to be utilized by the Drug Court programs in the county (to include the Family Drug Treatment Court). This information system will track the progress of program participants and can provide statistics on the outcomes of the program participants. These statistics can then be compared to the statistics from other CPS lawsuits where parents are engaged in substance abuse treatment but not involved in the Family Drug Treatment Court program. Currently the County does have a Petition Tracking System facilitated by the Travis County Domestic Relations Office. This system tracks the number of open lawsuits initiated by Child Protective Services, the number of hearings held, and the number of cases where substance abuse screening or treatment services are offered to the family, among other data. Finally, it is the policy and continued plan of the Family Drug Treatment Court to follow participants who have commenced from the program (with their voluntary consent) for at least 6 months to determine if there have been any further referrals to CPS for abuse or neglect, if any further referrals have been confirmed, and if any additional lawsuits have been filed by CPS.

Provide the total cost for operating your project during the previous fiscal year. (This should include all salaries, travel, counseling, treatment services, office supplies, etc.)

503662

List the sources and amounts of non-CJD funding used to support this project during the previous fiscal year. (This may include local or state funds and any other charges to participants.)

The participants of the Family Drug Treatment Court (FDTC) program are supported by additional funding sources that are separate from the funding that the Court receives from CJD. One of these additional funding sources that is directly provided for the benefit of the FDTC participants is the Parenting in Recovery (PIR) program. Although not all of the participants in the FDTC program are in the PIR program, all of the PIR program participants are in the FDTC program. The Parenting in Recovery program involves \$2.5 million granted to Travis County Health and Human Services and Veterans Services by the federal government for a period of 5 years. The majority of this funding is devoted to payment for treatment and housing for participants in the program. Beginning in fiscal year 2008 the Parenting in Recovery program spent approximately \$29,605 per program participant on services and fees. By the end of the fiscal year there were 12 participants in the Parenting in Recovery program and the number was growing steadily with a goal of serving 20 participants per year. Since the program did not begin until February of 2008 the entire amount granted was not spent nor was each participant's budget spent within the fiscal year. It is estimated that in future years including fiscal year 2010, the program will spend close to the full \$500,000 for these services and fees per year. Another source of funding benefiting the program is the Travis County budget for the 126th Judicial District Court, specifically the amount of time spent by the 126th

Judicial District Court staff and the Judge on the FDTC program and the percentage of their salary that corresponds to this amount of time. The Judge (the Honorable Darlene Byrne) typically spends approximately 8 hours of her time each week on FDTC related matters to include presiding over the hearings, attending the staffing, and reading the Court reports. Two of Judge Byrne's staff, her Court Operations Manager and Staff Attorney, both spent approximately 4 hours each week on activities related to the functioning of the FDTC program. The total staff and Judge salary that corresponds to these 16 hours of time is \$44,799.16. Another funding source for the participants in the Family Drug Treatment Court program is the contributions from the Safe Start Fund administrated by Community Foundations (a local non-profit organization). The fund is utilized by FDTC participants at the discretion of the Safe Start Fund committee (comprised only of volunteers). The Safe Start Fund donated approximately \$5,000 in FY 2008 to FDTC participants for expenses such as but not limited to overdue utility bill assistance, rewards for following Court orders as part of FDTC hearings, and food for FDTC celebrations. Additionally, the Safe Start Fund has donated items for a "Treasure Box" that is a reward for FDTC participants during hearings and bracelets/ charms as symbols of FDTC participant's commitment to the program. These items have not been cataloged and quantified but they amount to a significant contribution from the community to the participants and are captured in this total. Finally, during FY 2008 the Court Improvement Project of the Supreme Court Commission provided \$7,792.00 and Casey Family Programs provided \$9,565.00 for FDCT team members to visit a model drug court program in Omaha, Nebraska and to engage in training conferences through the National Association of Drug Court Professionals and The National Drug Court Institute.

List the treatment resources used for this project (e.g., ATR, TAIP, in-house, etc.).

In order to fund treatment for participants, the FDTC program utilizes the funding of Parenting in Recovery (as described above), Access to Recovery II, and state funding through the Department of State Health Services. Fees collected by your County in accordance with Chapter 102.0178, Code of Criminal Procedure, for offenses found in Chapter 49, Penal Code (DWI) and Chapter 481, Health and Safety Code (controlled substances):

Provide the total collected in the previous fiscal year by your county. (The party responsible for collecting court assessed fees in your county may be the treasurer, county clerk, or district clerk.)

50363

Of the fees collected in your county, provide the amount that was directed to your project?

0

Describe how your project used those fees?

Not applicable. No fees have been reassigned to this program by Travis County.

**Law Enforcement Funding**

What is your agency's approved budget for law enforcement operations for the current fiscal year?

0

How many commissioned peace officers are funded through your agency's current budget?

0

Provide the amount of asset forfeitures awarded to your agency in the previous fiscal year.

0

Provide the balance of asset forfeitures on hand as of the date of this application.

0

Describe the proposed use of the forfeiture funds:

N/A - drug court

Does your agency expect to be awarded funds from any of the following sources during the project period of this grant?

Select the appropriate response(s):

- The American Recovery and Reinvestment Act (any source)
- Community Oriented Policing (COPS)
- Weed and Seed Program
- Bureau of Justice Assistance
- Homeland Security Grant Program (HSGP)
- Operation Stonegarden (OPSG)
- Interoperable Emergency Communications Grant Program (IECGP)
- Emergency Operations Center (EOC) Grant Program
- State Criminal Justice Planning (421) Fund
- Governor's Division of Emergency Management (GDEM) or Texas Department of Public Safety

43

- Texas Automobile Burglary and Theft Prevention Authority (ABTPA)
- Selective Traffic Enforcement Program (STEP)
- Texas Border Sheriff's Coalition (TBSC)
- Other state or federal grant programs
- Private Organization, Private Enterprise, or Non-Government Organization Grant Programs
- Applicant does not expect to receive grant funds from any source to support its law enforcement agency

If you selected any of the boxes above (except for the last box), provide the **total** projected amount of funds your agency anticipates receiving from all of these sources.

0

If you selected any of the boxes above (except for the last box), describe your agency's internal controls and processes that will be used to **prevent supplanting** of your agency's budgeted funds with grant funds. Example: Timesheets will be tracked to determine allowable charges for each fund source and to ensure that duplicate invoices are not submitted to multiple agencies.

N/A - drug court

**Selected Project Activities:**

| ACTIVITY            | PERCENTAGE: | DESCRIPTION  |
|---------------------|-------------|--|
| Drug Court - Family | 100.00      | The Family Drug Treatment Court (FDTC) will target the entire family as a client, integrating the needs of both the children and their parents. The FDTC will identify substance abusing or dependent parents who have abused and/or neglected their children by screening the petitions filed by the Department of Family and Protective Services (DFPS). Parents who are alleged to have abused or neglected their children, who abuse alcohol or drugs, and who meet the established criteria, will be presented with the opportunity to voluntarily join the FDTC program. Parents may elect not to participate in the program, at which time their cases will continue on the existing DFPS Court docket. Parents who do elect to participate in the program will sign a program agreement after consultation with a family drug treatment court attorney. These parents will then promptly receive a comprehensive drug and alcohol abuse assessment and substance abuse treatment to begin immediately (if these services have not already been provided or begun). The FDTC is designed to combine the persuasive powers of the Court with a therapeutic regimen of treatment. This combination fosters the rehabilitation of participants, while also providing them with a sense of accountability for their actions. FDTC participants will have their cases heard before the Judge weekly or as determined by their level of supervision. A range of treatment, services, sanctions, and incentives will be blended together to enhance a successful outcome. Participation in the FDTC program will be supported through case management, brokering of community resources, and a coordinated FDTC team approach. The average length of FDTC participation will be twelve to eighteen months. During this time participants will be required to attend substance abuse treatment and counseling, submit to random drug tests, and comply with any other Court orders. |

**Geographic Area:**

The geographic area is Travis County, Texas.

**Target Audience:**

Families who are under the jurisdiction of the Travis County District [Civil] Courts and whose children are placed at risk by their parents' involvement with substance abuse or dependency will be eligible for participation in the Travis County Family Drug Treatment Court program.

**Gender:**

Males and females.

**Ages:**

All ages. The focus of the Family Drug Treatment Court is the best interest of the child, while addressing the needs of the mother, father, and the family as a whole.

**Special Characteristics:**

The proposed Family Drug Treatment Court includes services to families with substance abuse and co-occurring mental

health problems.

## Measures Information

### Introduction





The **Project Measures** section of the application collects data to track the performance of your proposed project toward its stated objectives. Output measures demonstrate the level of activity of a project. Outcome measures demonstrate the impact of a project in a targeted area, reflecting the extent to which the goals and objectives of the project have been achieved. Output and outcome measures displayed on this page correspond to activities selected or created on the **Activities** page.

Click on the **Save and Continue** button at any time to save the information entered on this page. If you do not click on this button and navigate away from the page, your work will be lost. When you click the **Save and Continue** button, you may receive several error messages that instruct you to complete the required fields. Your data on any given tab will not save to the system until all required fields are complete and correct.

In addition, you have a 2-hour time limit for each tab where you will need to complete the information correctly and then click the **Save and Continue** button. There is a timestamp in the upper-right hand corner of the page that notes when you first clicked on the tab. From that point, you have 2 hours to complete the information on that tab correctly. If you do not complete the information correctly (for the required fields) and then you click on the **Save and Continue** button, you will be redirected to the eGrants Home Page. If this happens, your data will not be saved in the system. You may also choose to compose a message on this page for CJD to review. This can be done by typing in the **Notes By Grantee / CJD** message box.

### Getting Started

On this tab you will notice certain icons that are displayed.

-  = a **pencil** icon - click on this icon to edit your selections.
-  = a **pencil** icon with a **red slash** through it - click on this icon to cancel your edits.
-  = a **diskette** icon - click on this icon to save your work. When this icon appears, it is your queue to save the item that you are working on; otherwise, your data will be lost.
-  = an **information** icon - this help icon is next to certain items that may need further explanation. Simply click and review the information provided in the pop up window.

### Progress Reporting Requirements

All programs will be required to report the output and outcome measures for this program to Texas A&M University, Public Policy Research Institute ([PPRI](#)).

#### Objective Output Measures

| OUTPUT MEASURE   | CURRENT DATA | TARGET LEVEL |
|--|--------------|--------------|
| Number of new enrollments in the program.  | 15           | 18           |
| Number of participants in the program. ("Participants" should include the number in the program at the beginning of the reporting period plus the number of enrollments - example: total number served.) | 34           | 23           |
| Number of people assessed for eligibility to participate in the program.   | 39           | 40           |

#### Custom Objective Output Measures



| CUSTOM OUTPUT MEASURE | CURRENT DATA | TARGET LEVEL |
|-----------------------|--------------|--------------|
|-----------------------|--------------|--------------|

Objective Outcome Measures

| OUTCOME MEASURE  | CURRENT DATA | TARGET LEVEL |
|--|--------------|--------------|
| Number of participants employed or enrolled in school at time of drug court graduation (part time or full time).     | 1            | 6            |
| Number of participants that earn a GED, high school diploma, or vocational training credential while in the program. | 1            | 3            |
| Number of participants that successfully complete the program.   | 1            | 8            |

Custom Objective Outcome Measures

| CUSTOM OUTCOME MEASURE | CURRENT DATA | TARGET LEVEL |
|------------------------|--------------|--------------|
|------------------------|--------------|--------------|

## Documents Information

### Introduction


The **Supporting Documentation** section of the application contains general grantee requirements. Please select or enter the appropriate responses in the areas below.

Click on the **Save and Continue** button at any time to save the information entered on this page. If you do not click on this button and navigate away from the page, your work will be lost. When you click the **Save and Continue** button, you may receive several error messages that instruct you to complete the required fields. Your data on any given tab will not save to the system until all required fields are complete and correct.

In addition, you have a 2-hour time limit for each tab where you will need to complete the information correctly and then click the **Save and Continue** button. There is a timestamp in the upper-right hand corner of the page that notes when you first clicked on the tab. From that point, you have 2 hours to complete the information on that tab correctly. If you do not complete the information correctly (for the required fields) and then you click on the **Save and Continue** button, you will be redirected to the eGrants Home Page. If this happens, your data will not be saved in the system. You may also choose to compose a message on this page for CJD to review. This can be done by typing in the **Notes By Grantee / CJD** message box.

### Getting Started

On this tab you will notice a certain icon that is displayed.

-  = an **information** icon - this help icon is next to certain items that may need further explanation. Simply click and review the information provided in the pop up window.

### Certification and Assurances

Each applicant must click on this link to review the standard [Certification and Assurances](#).

### Resolution from Governing Body



Except for state agencies, each applicant must provide information related to the resolution from its governing body, such as the city council, county commissioners' court, school board, or board of directors. Please ensure that the resolution approved by your governing body addresses items one through four below.

1. Authorization by your governing body for the submission of the application to CJD that clearly identifies the name of the project for which funding is requested;
2. A commitment to provide all applicable matching funds;
3. A designation of the name and/or title of an authorized official who is given the authority to apply for, accept, reject, alter, or terminate a grant (Note: If a name is provided, you must update CJD should the official change during the grant period.); and
4. A written assurance that, in the event of loss or misuse of grant funds, the governing body will return all funds to CJD.

Upon approval from your agency's governing body, upload the approved resolution to eGrants by clicking on the **Upload Files** sub-tab located in the **Summary** tab.

### Contract Compliance

Will CJD grant funds be used to support any contracts for professional services?

Select the Appropriate Response:

Yes

No

For applicant agencies that selected **Yes** above, describe how you will monitor the activities of the sub-contractor(s) for compliance with the contract provisions (including equipment purchases), deliverables, and all applicable statutes, rules, regulations, and guidelines governing this project.

Enter a description for monitoring contract compliance:

All sub-contracts for professional services with Travis County will be properly monitored and governed by the Travis County Purchasing Policies and Procedures in accordance with state law. Travis County also monitors the activities of all sub-contractors for compliance by certifying that deliverables have been rendered prior to release of payment.

### Lobbying

For applicant agencies requesting grant funds in excess of \$100,000, have any federally appropriated funds 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 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?

**Note:** Pursuant to Texas Government Code §556.005, a political subdivision or private entity that receives state funds may not use the funds to pay a person required to register as a lobbyist or for lobbying expenses. A political subdivision or private entity that violates this provision is not eligible to receive additional state funds.

Select the Appropriate Response:

Yes

No

N/A

For applicant agencies that selected either **No** or **N/A** above, have any non-federal funds 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 in connection with this federal contract, loan, or cooperative agreement?

Select the Appropriate Response:



- Yes
- No
- N/A

### Fiscal Year

Provide the begin and end date for the applicant agency's fiscal year (e.g., 09/01/20xx to 08/31/20xx).

Enter the Begin Date [mm/dd/yyyy]:

10/1/2009

Enter the End Date [mm/dd/yyyy]:

9/30/2010

### Sources of Financial Support

Each applicant must provide the amount of grant funds expended during the most recently completed fiscal year for the following sources:

Enter the amount (\$) of Federal Grant Funds:

10974394

Enter the amount (\$) of State Grant Funds:

5573581

### Single Audit

Has the applicant agency expended federal grant funding of \$500,000 or more, or state grant funding of \$500,000 or more during the most recently completed fiscal year?

Select the Appropriate Response:

- Yes
- No

**Note:** Applicants who expend less than \$500,000 in federal grant funding or less than \$500,000 in state grant funding are exempt from the Single Audit Act and cannot charge audit costs to a CJD grant. However, CJD may require a limited scope audit as defined in OMB Circular A-133.

Applicant agencies that selected **Yes** above, provide the date of your organization's last annual single audit, performed by an independent auditor (in accordance with the Single Audit Act Amendments of 1996 and OMB Circular A-133).

Enter the date of your last annual single audit:

9/30/2008

### Equal Employment Opportunity Plan (EEOP)

Type I Entity: Defined as an applicant that meets one or more of the following criteria:

- the applicant has less than 50 employees;
- the applicant is a non-profit organization;
- the applicant is a medical institution;
- the applicant is an Indian tribe;
- the applicant is an educational institution, or
- the applicant is receiving a single award of less than \$25,000.

Requirements for a Type I Entity:

- The applicant is not required to prepare an EEOP because it is a Type I Entity as defined above, pursuant to 28 CFR 42.302; and
- the applicant will comply with applicable federal civil rights laws that prohibit discrimination in employment and in the delivery of services.

Type II Entity: Defined as an applicant that meets the following criteria:

- the applicant has 50 or more employees, and

48

- the applicant is receiving a single award of \$25,000 or more, but less than \$500,000.

Requirements for a Type II Entity: Federal law requires a Type II Entity to formulate an EEOP and keep it on file.

- The applicant agency is required to formulate an EEOP in accordance with 28 CFR 42.301, et seq., subpart E;
- the EEOP is required to be formulated and signed into effect within the past two years by the proper authority;
- the EEOP is available for review by the public and employees or for review or audit by officials of CJD, CJD's designee, or the Office of Civil Rights, Office of Justice Programs, U.S. Department of Justice, as required by relevant laws and regulations;
- the applicant will comply with applicable federal civil rights laws that prohibit discrimination in employment and in the delivery of services; and
- the EEOP is required to be on file in the office of (enter the name and address where the EEOP is filed below):

Enter the name of the person responsible for the EEOP and the address of the office where the EEOP is filed:

Linda Moore Smith, Human Resources Management Department, 1010 Lavaca St., Austin, Texas, 78704

Type III Entity: Defined as an applicant that is NOT a Type I or Type II Entity.

Requirements for a Type III Entity: Federal law requires a Type III Entity to formulate an EEOP and submit it for approval to the Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice.

- The EEOP is required to be formulated and signed into effect within the past two years by the proper authority;
- the EEOP has been submitted to the Office of Civil Rights (OCR), Office of Justice Programs, U.S. Department of Justice and has been approved by the OCR, or it will be submitted to the OCR for approval upon award of the grant, as required by relevant laws and regulations; and
- the applicant will comply with applicable federal civil rights laws that prohibit discrimination in employment and in the delivery of services.

Based on the definitions and requirements above, the applicant agency certifies to the following entity type:

Select the appropriate response:

- Type I Entity
- Type II Entity
- Type III Entity

### Debarment

Each applicant agency will certify that it and its principles:

- Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal Court, or voluntarily excluded from participation in this transaction by any federal department or agency;
- Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; or
- Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses unenumerated in section 1.2(a) in the Certification and Assurances document cited above in the **Introduction**; and have not within a three-year period preceding this application had one or more public transactions (federal, state, or local) terminated for cause or default.

Select the appropriate response:

- I Certify
- Unable to Certify



If you selected **Unable to Certify** above, please provide an explanation as to why the applicant agency cannot certify the statements.

Enter the debarment justification:

## Fiscal Capability Information

### Introduction

This **Fiscal Capability** section of the application collects information from nonprofit corporations applying for CJD grant funds.

*Note: If you are NOT a nonprofit corporation, this information is not applicable; therefore, the 'Printer Friendly' version will be blank for all information collected in the Fiscal Capability section.*

Click on the **Save and Continue** button at any time to save the information entered on this page. If you do not click on this button and navigate away from the page, your work will be lost. When you click the **Save and Continue** button, you may receive several error messages that instruct you to complete the required fields. Your data on any given tab will not save to the system until all required fields are complete and correct.

In addition, you have a 2-hour time limit for each tab where you will need to complete the information correctly and then click the **Save and Continue** button. There is a timestamp in the upper-right hand corner of the page that notes when you first clicked on the tab. From that point, you have 2 hours to complete the information on that tab correctly. If you do not complete the information correctly (for the required fields) and then you click on the **Save and Continue** button, you will be redirected to the eGrants Home Page. If this happens, your data will not be saved in the system. You may also choose to compose a message on this page for CJD to review. This can be done by typing in the **Notes By Grantee / CJD** message box.

### Organizational Information

Enter the Year in which the Corporation was Founded:

Enter the Date that the IRS Letter Granted 501(c)(3) Tax Exemption Status:

Enter the Employer Identification Number Assigned by the IRS:

Enter the Charter Number assigned by the Texas Secretary of State:

### Accounting System

The grantee organization must incorporate an accounting system that will track direct and indirect costs for the organization (general ledger) as well as direct and indirect costs by project (project ledger). The grantee must establish a time and effort system to track personnel costs by project. This should be reported on an hourly basis, or in increments of an hour.

Is there a list of your organization's accounts identified by a specific number (i.e., a general ledger of accounts).

Select the appropriate response:

Yes

No

SD

Does the accounting system include a project ledger to record expenditures for each Program by required budget cost categories?

Select the appropriate response:

- Yes
- No

Is there a timekeeping system that allows for grant personnel to identify activity and requires signatures by the employee and his or her supervisor?

Select the appropriate response:

- Yes
- No

If you answered 'No' to any question above in the Accounting System section, in the space provided below explain what action will be taken to ensure accountability.

Enter your explanation:

### **Financial Capability**

Grant agencies should prepare annual financial statements. At a minimum, current internal balance sheet and income statements are required. A balance sheet is a statement of financial position for a grant agency disclosing assets, liabilities, and retained earnings at a given point in time. An income statement is a summary of revenue and expenses for a grant agency during a fiscal year.

Has the grant agency undergone an independent audit?

Select the appropriate response:

- Yes
- No

Does the organization prepare financial statements at least annually?

Select the appropriate response:

- Yes
- No

According to the organization's most recent Audit or Balance Sheet, are the current total assets greater than the liabilities?

Select the appropriate response:

- Yes
- No

If you selected 'No' to any question above under the Financial Capability section, in the space provided below explain what action will be taken to ensure accountability.

Enter your explanation:

### **Budgetary Controls**

Grant agencies should establish a system to track expenditures against budget and / or funded amounts.

Are there budgetary controls in effect (e.g., comparison of budget with actual expenditures on a monthly basis) to include drawing down grant funds in excess of:

a) Total funds authorized on the Statement of Grant Award?

- Yes
- No

b) Total funds available for any budget category as stipulated on the Statement of Grant Award?

- Yes
- No

If you selected 'No' to any question above under the Budgetary Controls section, in the space provided below please explain what action will be taken to ensure accountability.

Enter your explanation:

### Internal Controls

Grant agencies must safeguard cash receipts, disbursements, and ensure a segregation of duties exist. For example, one person should not have authorization to sign checks and make deposits.

Are accounting entries supported by appropriate documentation (e.g., purchase orders, vouchers, receipts, invoices)?

Select the appropriate response:

- Yes
- No

Is there separation of responsibility in the receipt, payment, and recording of costs?

Select the appropriate response:

- Yes
- No

If you selected 'No' to any question above under the Internal Controls section, in the space provided below please explain what action will be taken to ensure accountability.

Enter your explanation:

## Budget Details Information

### Introduction

This **Budget** section of your application details budget line items for your proposed project. To create a new budget line item, click on the icon in the **New Budget Item** column. You will be directed to a different area on this page to make selections specific to the budget category. After making your selection, write a brief description of the line item in the **Expenditure Description** box and enter the amount of CJD funds, Cash Match, and if applicable, In Kind Match in the areas provided. In the percentage box, you can enter a percentage for Personnel or number of items to be purchased for






Supplies and/or Equipment. When you have finished, click on the **Add New Budget Line Item** button. Repeat this process for each budget line item needed in each budget category. If you need to edit your entries, click on the '+' icon to expand the budget grid. You will notice that a *pencil* icon will display after expanding the grid. Click on the *pencil* icon to be directed to the editing section on this page and follow the instructions in this area to complete your edits.

Click on the **Save and Continue** button at any time to save the information entered on this page. If you do not click on this button and navigate away from the page, your work will be lost. When you click the **Save and Continue** button, you may receive several error messages that instruct you to complete the required fields. Your data on any given tab will not save to the system until all required fields are complete and correct.

In addition, you have a 2-hour time limit for each tab where you will need to complete the information correctly and then click the **Save and Continue** button. There is a timestamp in the upper-right hand corner of the page that notes when you first clicked on the tab. From that point, you have 2 hours to complete the information on that tab correctly. If you do not complete the information correctly (for the required fields) and then you click on the **Save and Continue** button, you will be redirected to the eGrants Home Page. If this happens, your data will not be saved in the system. You may also choose to compose a message on this page for CJD to review. This can be done by typing in the **Notes By Grantee / CJD** message box.

### Getting Started

On this tab you will notice certain icons that are displayed.

-  = a **plus** icon – click on this icon to expand a list of items.
-  = a **minus** icon – click on this icon to collapse a list of items.
-  = a **new** icon – click on this icon to add a new item.
-  = a **pencil** icon - click on this icon to edit your selections.
-  = an **information** icon - this help icon is next to certain items that may need further explanation. Simply click and review the information provided in the pop up window.

### Budget Information by Budget Line Item:

| CATEGORY       | SUB CATEGORY               | DESCRIPTION   | CJD         | CASH MATCH | IN-KIND MATCH | GPI    | TOTAL       | UNIT/% |
|----------------|----------------------------|---|-------------|------------|---------------|--------|-------------|--------|
| Indirect Costs | Approved Rate - 2% or Less | Indirect costs of sub-contracted services due to administrative fees.   | \$2,125.00  | \$0.00     | \$0.00        | \$0.00 | \$2,125.00  | 0      |
| Personnel      | Court Coordinator          | Drug Court Coordinator: will be essential to the operations of the Family Drug Treatment Court. This person will provide supervision and case management services to clients throughout the Court process, maintain contact with other parties involved in the case on an ongoing basis, and write weekly reports to the Court regarding clients' progress. In addition this person will be responsible for facillitating team meetings and staffing sessions, scheduling cases for court review, and ensuring performance measures are implemented and | \$62,567.00 | \$0.00     | \$0.00        | \$0.00 | \$62,567.00 | 100    |

|  |   |  |             |        |        |        |             |   |  |
|--|---|--|-------------|--------|--------|--------|-------------|---|--|
|  |   | reported.  |             |        |        |        |             |   |  |
| Contractual and Professional Services  | Drug Analysis or Employee Drug Testing Services   | Drug Testing Services for participants in the Family Drug Treatment Court program.   | \$15,558.00 | \$0.00 | \$0.00 | \$0.00 | \$15,558.00 | 0 |  |
| Travel and Training                    | In-State Incidentals and/or Mileage   | In-state mileage reimbursement at the rate of \$.55/ mile for the travel of the Drug Court Coordinator and the Drug Court Casemanager.   | \$3,000.00  | \$0.00 | \$0.00 | \$0.00 | \$3,000.00  | 0 |  |
| Contractual and Professional Services  | Interpreter-Related Services  | Interpreter Services: translation for clients that do not speak English in Courtroom setting.  | \$500.00    | \$0.00 | \$0.00 | \$0.00 | \$500.00    | 0 |  |
| Contractual and Professional Services  | Non-Substance Abuse-Related Case Management, Forensic Interviews, Counseling, Outpatient, and/or Treatment Services | Contractual agreement with community-based provider for any of the following services to include but not limited to: assessments, case management, in-home individual or family counseling, crisis support, group therapy, parenting coaching and education, community based therapeutic needs services, enrichment services, and wraparound services. | \$19,600.00 | \$0.00 | \$0.00 | \$0.00 | \$19,600.00 | 0 |  |
| Supplies and Direct Operating Expenses | Office Supplies (e.g., paper, postage, calculator)  | Office supplies to include but not limited to paper, pens, printer paper, etc  | \$1,000.00  | \$0.00 | \$0.00 | \$0.00 | \$1,000.00  | 0 |  |
| Supplies and Direct Operating Expenses | Presentation and/or Training Supplies   | Presentation and Training Supplies to include but not limited to a library of videos and information for use by the team members and the participants and supplies and fees for cross-disciplinary training among team members.  | \$1,000.00  | \$0.00 | \$0.00 | \$0.00 | \$1,000.00  | 0 |  |
| Supplies and Direct Operating Expenses | Project Supplies (e.g., binocular, battery, flexicuff, drug testing kit)  | Bus passes for Drug Court participants.  | \$1,500.00  | \$0.00 | \$0.00 | \$0.00 | \$1,500.00  | 0 |  |
| Supplies and Direct Operating Expenses | Project Supplies (e.g., binocular, battery, flexicuff, drug testing kit)  | Urinalysis/saliva kits for Drug Court participants.  | \$1,500.00  | \$0.00 | \$0.00 | \$0.00 | \$1,500.00  | 0 |  |

## Source of Match Information

### Introduction

The **Source of Match** section of your application collects information regarding the source and amount of **Cash Match** and **In Kind Match**. Please enter the description and amounts of match in the spaces provided below and select whether the item is 'Cash Match' or 'In-Kind Match'. After entering an item click on the **Add New Item** button. When an item has been added, it will appear in the 'Edit the Source(s) of Match Reported' table. You may edit each of the items added to this table by clicking on the 'pencil' icon. If you edited an item in the table, click on the 'diskette' icon to save your edited entries.



For further information regarding matching funds refer to *1 TAC*, §3.3; for program income refer to *1 TAC*, §3.73 and §3.87.

Click on the **Save and Continue** button at any time to save the information entered on this page. If you do not click on this button and navigate away from the page, your work will be lost. When you click the **Save and Continue** button, you may receive several error messages that instruct you to complete the required fields. Your data on any given tab will not save to the system until all required fields are complete and correct.

In addition, you have a 2-hour time limit for each tab where you will need to complete the information correctly and then click the **Save and Continue** button. There is a timestamp in the upper-right hand corner of the page that notes when you first clicked on the tab. From that point, you have 2 hours to complete the information on that tab correctly. If you do not complete the information correctly (for the required fields) and then you click on the **Save and Continue** button, you will be redirected to the eGrants Home Page. If this happens, your data will not be saved in the system. You may also choose to compose a message on this page for CJD to review. This can be done by typing in the **Notes By Grantee / CJD** message box.

### Getting Started

On this tab you will notice certain icons that are displayed.

-  = a **pencil** icon - click on this icon to edit your selections.
-  = an **information** icon - this help icon is next to certain items that may need further explanation. Simply click and review the information provided in the pop up window.

#### Detail Source of Match/GPI:

| DESCRIPTION | MATCH TYPE | AMOUNT |
|-------------|------------|--------|
|-------------|------------|--------|

#### Summary Source of Match/GPI:

| Total Report | Cash Match | In Kind | GPI Federal Share | GPI State Share |
|--------------|------------|---------|-------------------|-----------------|
| \$0.00       | \$0.00     | \$0.00  | \$0.00            | \$0.00          |

## Budget Summary Information

### Budget Summary Information by Budget Category:

55

| CATEGORY                               | CJD         | CASH MATCH | IN-KIND MATCH | GPI    | TOTAL       |
|--|-------------|------------|---------------|--------|-------------|
| Contractual and Professional Services  | \$35,658.00 | \$0.00     | \$0.00        | \$0.00 | \$35,658.00 |
| Indirect Costs                         | \$2,125.00  | \$0.00     | \$0.00        | \$0.00 | \$2,125.00  |
| Personnel                              | \$62,567.00 | \$0.00     | \$0.00        | \$0.00 | \$62,567.00 |
| Supplies and Direct Operating Expenses | \$5,000.00  | \$0.00     | \$0.00        | \$0.00 | \$5,000.00  |
| Travel and Training                    | \$3,000.00  | \$0.00     | \$0.00        | \$0.00 | \$3,000.00  |

**Budget Grand Total Information:**

| CJD          | CASH MATCH | IN-KIND MATCH | GPI    | TOTAL        |
|--------------|------------|---------------|--------|--------------|
| \$108,350.00 | \$0.00     | \$0.00        | \$0.00 | \$108,350.00 |

**Condition Of Fundings Information**

| DESCRIPTION | CREATED | MET | HOLD FUND |
|-------------|---------|-----|-----------|
|-------------|---------|-----|-----------|

You are logged in as **User Name:** CivilCourtsProject

## Travis County Resolution FY 2010 Family Drug Treatment Court Grant

**WHEREAS**, The Travis County Commissioners Court finds it in the best interest of the citizens of Travis County, that the Family Drug Treatment Court be operated during FY 2010; and

**WHEREAS**, The Travis County Commissioners Court agrees that in the event of loss or misuse of the Criminal Justice Division funds, Travis County assures that the funds will be returned to the Criminal Justice Division in full.

**WHEREAS**, Travis County Commissioners Court designates Samuel T. Biscoe, County Judge, as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

**NOW THEREFORE, BE IT RESOLVED** that the Travis County Commissioners Court approves submission of the grant application for the Family Drug Treatment Court to the Office of the Governor, Criminal Justice Division.

Signed by: \_\_\_\_\_  
County Judge Samuel T. Biscoe

Passed and Approved this \_\_\_\_\_ (Day) of \_\_\_\_\_ (Month), \_\_\_\_\_ (Year)

Grant Application Number: 1974703

57



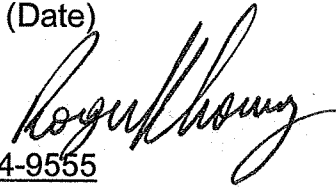
15 ✓

### Travis County Commissioners Court Agenda Request

Voting Session November 3, 2009  
(Date)

Work Session \_\_\_\_\_  
(Date)

**I. Request made by:**



Roger A. El-Khoury, M.S., P.E., Director, Facilities Mgmt. Phone # 854-9555  
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 \$388,581.81, for the period of October 16, 2009 to October 22, 2009.

Approved by: \_\_\_\_\_  
Signature of Commissioner or County Judge

**II. Additional Information:**

- A. Backup memorandum is attached.
- B. Affected agencies and officials.

|                |          |
|----------------|----------|
| Dan Mansour    | 854-9499 |
| Susan Spataro  | 854-9125 |
| Rodney Rhoades | 854-9106 |

**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)

RECEIVED  
COUNTY JUDGE'S OFFICE  
09 OCT 28 AM 9:42

TRAVIS COUNTY  
RECOMMENDATION FOR TRANSFER OF FUNDS

DATE: November 3, 2009

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: October 16, 2009 to October 22, 2009

REIMBURSEMENT REQUESTED FOR THIS PERIOD: \$388,581.81

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 \$388,581.81.

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  
OCTOBER 16, 2009 TO OCTOBER 22, 2009

- Page 1. Detailed Recommendation to Travis County Auditor for transfer of funds.
- Page 2. Chart of Weekly Reimbursements Compared to Budget
- Page 3. Paid Claims Compared to Budgeted Claims
- Page 4. Notification of amount of request from United Health Care (UHC).
- Page 5. Last page of the UHC Check Register for the Week.
- Page 6. List of payments deemed not reimbursable.
- Page 7. Journal Entry for the reimbursement.

TRAVIS COUNTY  
RECOMMENDATION FOR TRANSFER OF FUNDS

DATE: November 3, 2009  
 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: October 16, 2009  
 TO: October 22, 2009

**REIMBURSEMENT REQUESTED: \$ 388,581.81**

SUPPORTING DETAIL FOR REIMBURSEMENT REQUESTED:

|   |    |              |
|---|----|--------------|
| NOTIFICATION OF AMOUNT OF REQUEST FROM UHC*:                                      | \$ | 1,207,657.95 |
| LESS: REIMBURSEMENTS PREVIOUSLY APPROVED BY COMMISSIONERS COURT: October 27, 2009 | \$ | (819,076.31) |
| Adjust to balance per UHC   | \$ | -            |
| TOTAL REIMBURSEMENT REQUESTED BY UHC FOR THIS WEEK**:                             | \$ | 388,581.81   |
| PAYMENTS DEEMED NOT REIMBURSABLE  | \$ | -            |
| TRANSFER OF FUNDS REQUESTED:  | \$ | 388,581.81   |

The claims have been audited for eligibility and all were eligible in the period covered by the claim.

All claims over \$25,000 (2 this week totaling \$81,663.47) 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 (\$47,536.46) 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 \$9,061.15.

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.

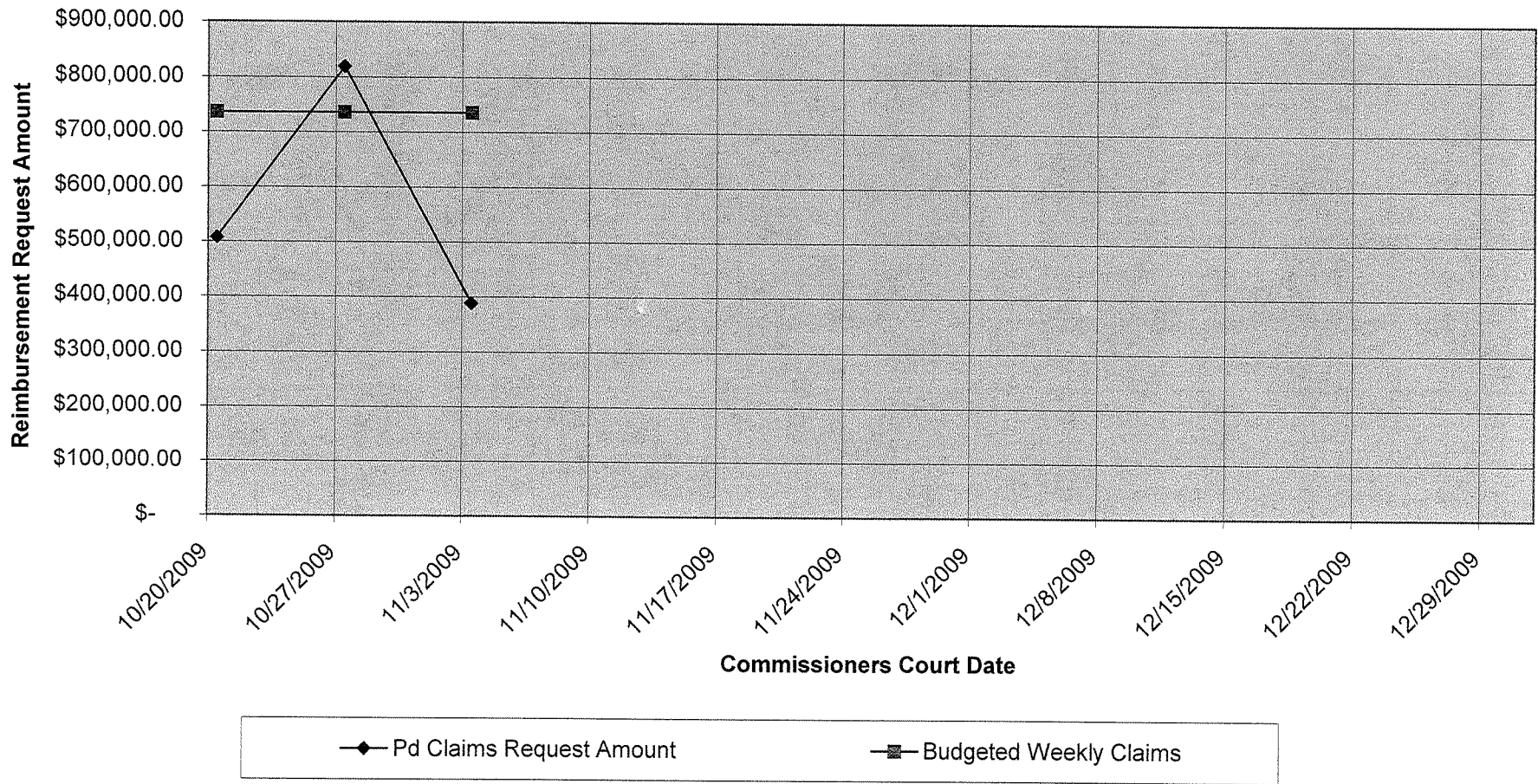
Dan Mansour 10-23-09  
 Dan Mansour, Risk Manager Date

Cindy Purinton 10/23/09  
 Cindy Purinton/Benefit Contract Administrator Date

Norman McRee 10/23/09  
 Norman McRee, Financial Analyst 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.

### TRAVIS COUNTY BENEFIT PLAN FY10 PAID CLAIMS vs WEEKLY CLAIMS BUDGET OF \$734,980.88



2

**TRAVIS COUNTY EMPLOYEE BENEFIT PLAN  
FY10 WEEKLY PAID CLAIMS VS WEEKLY BUDGETED AMOUNT**

| <b>Period</b>   | <b>Voting Session Date</b>                | <b>Pd Claims Request Amount</b> | <b>Budgeted Weekly Claims</b> | <b># of Large Claims</b> | <b>Total of Large Claims</b> |
|---|---|---------------------------------|-------------------------------|--------------------------|------------------------------|
| 10/2/09-10/08/09  | 10/20/2009                                | \$ 506,983.79                   | \$ 734,980.88                 | 2                        | \$ 84,160.90                 |
| 10/9/09-10/15/09  | 10/27/2009                                | \$ 819,076.31                   | \$ 734,980.88                 | 2                        | \$ 66,527.80                 |
| 10/16/09-10/22/09   | 11/3/2009                                 | \$ 388,581.81                   | \$ 734,960.88                 | 2                        | \$ 81,663.47                 |
|   | <b>Paid and Budgeted Claims - to date</b> | <b>\$ 1,326,060.10</b>          | <b>\$ 2,533,718.22</b>        |                          |                              |
|   | <b>Amount Under Budget</b>                |                                 | <b>\$ (227,997.09)</b>        |                          |                              |
| <p>Not predictive of impact on reserve,<br/>intended to show relationship of weekly<br/>budget to weekly claims cost.</p> |   |                                 |                               |                          |                              |

TO: NORMAN MCREE  
 FAX NUMBER: (512) 854-3128  
 PHONE: (512) 854-3828

FROM: UNITEDHEALTH GROUP  
 AB5

NOTIFICATION OF AMOUNT OF REQUEST FOR: TRAVIS COUNTY

DATE: 2009-10-23 REQUEST AMOUNT: \$1,207,657.95

CUSTOMER ID: 00000701254  
 CONTRACT NUMBER: 00701254 00709445  
 BANK ACCOUNT NUMBER: 0475012038  
 FUNDING ABA NUMBER: 021000021  
 FREQUENCY: FRIDAY INITIATOR: CUST METHOD: ACH BASIS: BALANCE  
 ADVICE FREQUENCY: DAILY

CALCULATION OF REQUEST AMOUNT

|  |                       |
|--|-----------------------|
| + ENDING BANK ACCOUNT BALANCE FROM: 2009-10-22 | \$741,192.93          |
| - REQUIRED BALANCE TO BE MAINTAINED:           | \$1,938,718.00        |
| + PRIOR DAY REQUEST:                           | \$00.00               |
| <b>= UNDER DEPOSIT:</b>                        | <b>\$1,197,525.07</b> |
| + CURRENT DAY NET CHARGE:                      | \$10,132.88           |
| + FUNDING ADJUSTMENTS:                         | \$00.00               |
| <b>REQUEST AMOUNT:</b>                         | <b>\$1,207,657.95</b> |

ACTIVITY FOR WORK DAY: 2009-10-16

| CUST PLAN     | CLAIM               | NON CLAIM      | NET CHARGE          |
|---------------|---------------------|----------------|---------------------|
| 0632          | \$126,838.92        | \$00.00        | \$126,838.92        |
| <b>TOTAL:</b> | <b>\$126,838.92</b> | <b>\$00.00</b> | <b>\$126,838.92</b> |

ACTIVITY FOR WORK DAY: 2009-10-19

| CUST PLAN | CLAIM        | NON CLAIM | NET CHARGE   |
|-----------|--------------|-----------|--------------|
| 0632      | \$151,999.02 | \$00.00   | \$151,999.02 |

UNITED HEALTHCARE CHECK REGISTER FOR TRAVIS COUNTY SUBMITTED 2009\_10\_22

| 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    | -52.94    |              | 28      | 2114327  | AA           | 1      | 10/20/2009   | 50       | 10/23/2009 | 10/22/2009 |
| 701254    | 632    | -53.24    |              | 28      | 2114354  | AA           | 1      | 10/20/2009   | 50       | 10/23/2009 | 10/22/2009 |
| 701254    | 632    | -56.72    | RC           |         | 59354771 | AH           | 6      | 6/8/2009     | 50       | 10/20/2009 | 10/22/2009 |
| 701254    | 632    | -62.37    | RD           |         | 49874472 | AA           | 1      | 8/3/2009     | 50       | 10/20/2009 | 10/22/2009 |
| 701254    | 632    | -66.14    |              | 28      | 2114353  | AA           | 1      | 10/20/2009   | 50       | 10/23/2009 | 10/22/2009 |
| 701254    | 632    | -68.16    | UX           |         | 73936781 | AH           | 7      | 8/3/2009     | 50       | 10/23/2009 | 10/22/2009 |
| 701254    | 632    | -75       |              | 26      | 157259   | AE           | 6      | 10/20/2009   | 50       | 10/23/2009 | 10/22/2009 |
| 701254    | 632    | -80.16    |              | 28      | 2114313  | AA           | 1      | 10/20/2009   | 50       | 10/23/2009 | 10/22/2009 |
| 701254    | 632    | -95.29    |              | 28      | 2114348  | AH           | 1      | 10/20/2009   | 50       | 10/23/2009 | 10/22/2009 |
| 701254    | 632    | -96.5     |              | 28      | 2114345  | AH           | 1      | 10/20/2009   | 50       | 10/23/2009 | 10/22/2009 |
| 701254    | 632    | -111.66   | RD           |         | 19576603 | AF           | 11     | 7/13/2009    | 50       | 10/20/2009 | 10/22/2009 |
| 701254    | 632    | -127.52   | UV           |         | 66376174 | AA           | 6      | 10/13/2009   | 50       | 10/19/2009 | 10/22/2009 |
| 701254    | 632    | -133.7    |              | 28      | 2114349  | AH           | 1      | 10/20/2009   | 50       | 10/23/2009 | 10/22/2009 |
| 701254    | 632    | -133.7    |              | 28      | 2114334  | AA           | 1      | 10/20/2009   | 50       | 10/23/2009 | 10/22/2009 |
| 701254    | 632    | -422.16   | UU           |         | 64089663 | AH           | 9      | 10/13/2009   | 50       | 10/19/2009 | 10/22/2009 |
| 701254    | 632    | -750.62   | UT           |         | 66461265 | AH           | 7      | 10/13/2009   | 50       | 10/19/2009 | 10/22/2009 |
| 701254    | 632    | -870      |              | 26      | 157273   | AH           | 9      | 10/20/2009   | 50       | 10/23/2009 | 10/22/2009 |
| 701254    | 632    | -2330     |              | 26      | 155584   | AH           | 1      | 10/20/2009   | 50       | 10/23/2009 | 10/22/2009 |
| 701254    | 632    | -2784.77  |              | 26      | 157119   | AH           | 5      | 10/20/2009   | 50       | 10/23/2009 | 10/22/2009 |

388,581.81

5



# ***Travis County Hospital and Insurance Fund - County Employees***

## ***UHC Payments Deemed Not Reimbursable***

For the payment week ending: 10/22/2009

| <i>CONTR_#</i> | <i>TRANS_AMT</i> | <i>SRS</i> | <i>CHK_#</i> | <i>GRP</i> | <i>CLAIM<br/>ACCT#</i> | <i>ISS_DATE</i> | <i>TRANS<br/>CODE</i> | <i>TRANS_DATE</i> |
|----------------|------------------|------------|--------------|------------|------------------------|-----------------|-----------------------|-------------------|
|----------------|------------------|------------|--------------|------------|------------------------|-----------------|-----------------------|-------------------|

**Total:** \$0.00

6

# Travis County - Hospital and Self Insurance Fund (526)

## Journal Entry for the Reimbursement to United Health Care

For the payment week ending: 10/22/2009

| <b>TYPE</b> | <b>MEMBER TYPE</b> | <b>TRANS_AMT</b> |
|-------------|--------------------|------------------|
| <b>CEPO</b> |                    |                  |
|             | EE                 |                  |
|             | 526-1145-522.45-28 | 67,744.33        |
|             | RR                 |                  |
|             | 526-1145-522.45-29 | 17,873.14        |
| Total CEPO  |                    | \$85,617.47      |
| <b>EPO</b>  |                    |                  |
|             | EE                 |                  |
|             | 526-1145-522.45-20 | 53,369.05        |
|             | RR                 |                  |
|             | 526-1145-522.45-21 | 4,064.12         |
| Total EPO   |                    | \$57,433.17      |
| <b>PPO</b>  |                    |                  |
|             | EE                 |                  |
|             | 526-1145-522.45-25 | 225,992.58       |
|             | RR                 |                  |
|             | 526-1145-522.45-26 | 19,538.59        |
| Total PPO   |                    | \$245,531.17     |
| Grand Total |                    | \$388,581.81     |

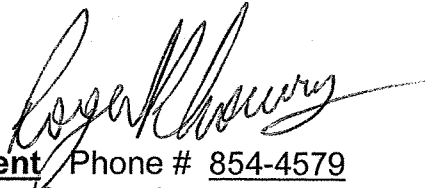
16

### Travis County Commissioners Court Agenda Request

Voting Session 11/3/09  
(Date)

Work Session \_\_\_\_\_  
(Date)

**I. Request made by:**



**Roger A. El Khoury, M.S., P.E., Director, Facilities Management** Phone # 854-4579  
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)



# HRMD Human Resources Management Department

1010 Lavaca Street, 2<sup>nd</sup> Floor

• P.O. Box 1748

• Austin, Texas 78767

• (512) 854-9165 / FAX(512) 854-4203

**November 3, 2009**

**ITEM # :**

**DATE:** October 23, 2009

**TO:** Samuel T. Biscoe, County Judge  
Ron Davis, Commissioner, Precinct 1  
Sarah Eckhardt, Commissioner, Precinct 2  
Karen L. Huber, Commissioner, Precinct 3  
Margaret Gomez, Commissioner, Precinct 4

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

Handwritten signature of Roger A. El Khoury in cursive.

**FROM:** Todd L. Osburn, Compensation Manager, HRMD

Handwritten initials "TLO" in cursive.

**SUBJECT:** Weekly Personnel Amendments

Attached are Personnel Amendments for Commissioners Court approval.

**Routine Personnel Actions – Pages 2 – 6.**

If you have any questions or comments, please contact Todd L. Osburn at 854-2744.

RAE/TLO/clr

**Attachments**

cc: Planning and Budget Department  
County Auditor  
County Auditor-Payroll (Certified copy)  
County Clerk (Certified copy)

**WEEKLY PERSONNEL AMENDMENTS --- ROUTINE**

| <b>NEW HIRES</b>          |             |                                  |  |   |
|---------------------------|-------------|----------------------------------|--|---|
| <b>Dept.</b>              | <b>Slot</b> | <b>Position Title</b>            | <b>Dept. Requests<br/>Level/Salary</b> | <b>HRMD Recommends<br/>Level/Salary</b> |
| <b>Emergency Services</b> | 37          | Fire Marshal Asst Deputy II**    | 18 / \$50,000.00                       | 18 / \$50,000.00                        |
| <b>JP Pct 2</b>           | 14          | Court Clerk I*                   | 13 / Minimum / \$29,501.26             | 13 / Minimum / \$29,501.26              |
| <b>Juvenile Probation</b> | 132         | Cook*                            | 8 / Level 3 / \$22,900.80              | 8 / Level 3 / \$22,900.80               |
| <b>Juvenile Probation</b> | 203         | Juvenile Probation Ofcr II       | 15 / Level 3 / \$36,795.20             | 15 / Level 3 / \$36,795.20              |
| <b>Juvenile Probation</b> | 441         | Juvenile Case Work Mgr           | 19 / \$48,214.46                       | 19 / \$48,214.46                        |
| <b>Juvenile Probation</b> | 471         | Registered Nurse II* (Part-time) | 20 / Minimum / \$23,673.52             | 20 / Minimum / \$23,673.52              |
| <b>Juvenile Probation</b> | 615         | Juvenile Res Trt Ofcr I**        | 12 / Level 1 / \$28,392.00             | 12 / Level 1 / \$28,392.00              |
| <b>Tax Collector</b>      | 8           | Tax Supervisor                   | 18 / Level 2 / \$43,825.60             | 18 / Level 2 / \$43,825.60              |
| * Temporary to Regular    |             |                                  | ** Actual vs Authorized                |   |

| <b>TEMPORARY APPOINTMENTS</b>  |             |                               |  |   |                                     |
|--|-------------|-------------------------------|--|---|-------------------------------------|
| <b>Dept.</b>   | <b>Slot</b> | <b>Position Title</b>         | <b>Dept. Requests<br/>Grade/Salary</b> | <b>HRMD Recommends<br/>Grade/Salary</b> | <b>**Temporary Status Type Code</b> |
| <b>County Clerk</b>  | 20094       | Elec Clk – Operations Clk III | 12 / \$14.00                           | 12 / \$14.00                            | 02                                  |
| <b>County Clerk</b>  | 20285       | Elec Clk – Operations Clk III | 12 / \$14.00                           | 12 / \$14.00                            | 02                                  |
| <b>County Clerk</b>  | 20631       | Elec Clk – Operations Clk III | 12 / \$14.00                           | 12 / \$14.00                            | 02                                  |
| <b>County Clerk</b>  | 23101       | Elec Clk – Operations Clk III | 12 / \$14.00                           | 12 / \$14.00                            | 02                                  |
| <b>County Clerk</b>  | 23167       | Elec Clk – Operations Clk III | 12 / \$14.00                           | 12 / \$14.00                            | 02                                  |
| **Temporary Status Type Codes: (Temporary less than 6 mos. = 02) (Project Worker more than 6 mos. = 05, includes Retirement Benefits). |             |                               |  |   |                                     |

| <b>CAREER LADDERS – POPS</b>  |             |                                     |                                  |                              |                               |  |
|-------------------------------|-------------|-------------------------------------|----------------------------------|------------------------------|-------------------------------|--|
| <b>Dept.</b>                  | <b>Slot</b> | <b>Current Position Title/Grade</b> | <b>New Position Title/Grade</b>  | <b>Current Annual Salary</b> | <b>Proposed Annual Salary</b> | <b>Comments Current HRMD Practice</b>          |
| <b>Sheriff</b>                | 530         | Corrections Officer* / Grd 81       | Corrections Officer Sr / Grd 83  | \$38,737.92                  | \$42,107.10                   | Career Ladder. Peace Officer Pay Scale (POPS). |
| <b>Sheriff</b>                | 766         | Corrections Officer* / Grd 81       | Corrections Officer Sr* / Grd 83 | \$38,737.92                  | \$42,107.10                   | Career Ladder. Peace Officer Pay Scale (POPS). |
| <b>Sheriff</b>                | 841         | Corrections Officer* / Grd 81       | Corrections Officer Sr* / Grd 83 | \$38,737.92                  | \$42,107.10                   | Career Ladder. Peace Officer Pay Scale (POPS). |
| <b>Sheriff</b>                | 957         | Corrections Officer* / Grd 81       | Corrections Officer Sr* / Grd 83 | \$38,737.92                  | \$42,107.10                   | Career Ladder. Peace Officer Pay Scale (POPS). |
| <b>* Actual vs Authorized</b> |             |                                     |                                  |                              |                               |  |

| <b>CAREER LADDERS – NON-POPS</b> |             |                                     |                                    |                              |                               |  |
|----------------------------------|-------------|-------------------------------------|------------------------------------|------------------------------|-------------------------------|--|
| <b>Dept.</b>                     | <b>Slot</b> | <b>Current Position Title/Grade</b> | <b>New Position Title/Grade</b>    | <b>Current Annual Salary</b> | <b>Proposed Annual Salary</b> | <b>Comments Current HRMD Practice</b>                        |
| <b>County Atty</b>               | 217         | Attorney I* / Grd 21                | Attorney II* / Grd 22              | \$53,752.82                  | \$56,440.46                   | Career Ladder. Pay is between min and midpoint of pay grade. |
| <b>Juvenile Probation</b>        | 499         | Juvenile Res Trt Ofcr I* / Grd 12   | Juvenile Res Trt Ofcr II* / Grd 13 | \$29,770.40                  | \$31,258.92                   | Career Ladder. Pay is between min and midpoint of pay grade. |
| <b>* Actual vs Authorized</b>    |             |                                     |                                    |                              |                               |  |

THIS SECTION LEFT BLANK INTENTIONALLY.

| <b>PROMOTIONS / SALARY ADJUSTMENTS / LATERAL TRANSFERS / VOLUNTARY REASSIGNMENTS / TEMPORARY ASSIGNMENTS</b> |   |                           |   |  |
|--|---|---------------------------|---|--|
| <b>Dept. (From)</b>  | <b>Slot – Position Title – Grade – Salary</b>                               | <b>Dept. (To)</b>         | <b>Slot – Position Title – Grade – Salary</b>                               | <b>Comments</b>  |
| <b>Constable 1</b>   | Slot 23 / Deputy Constable / Grd 61 / \$44,075.20                           | <b>Constable 2</b>        | Slot 49 / Deputy Constable / Grd 61 / \$44,075.20                           | POPS lateral transfer. Employee transferred to different slot, same position, different department, same pay grade, retains current pay. |
| <b>Constable 2</b>   | Slot 27 / Court Clerk I / Grd 13 / \$31,500.00                              | <b>Constable 2</b>        | Slot 27 / Court Clerk I / Grd 13 / \$35,000.00                              | Salary adjustment. Pay is between min and midpoint of pay grade.   |
| <b>General Admin</b>   | Slot 18 / Spec Asst To Commissioners Court / Grd 98 / Part-time \$60,827.68 | <b>General Admin</b>      | Slot 18 / Spec Asst To Commissioners Court / Grd 98 / Part-time \$72,280.00 | Salary adjustment for 10/1/09 to 5/31/10 approved by CC on 4/14/09.  |
| <b>Juvenile Probation</b>  | Slot 191 / Juvenile Probation Ofcr III / Grd 16 / \$46,505.93               | <b>Juvenile Probation</b> | Slot 483 / Juvenile Probation Ofcr III / Grd 16 / \$46,505.93               | Lateral transfer. Employee transferred to different slot, same position, same department, same pay grade, retains current pay.           |
| <b>Medical Examiner</b>  | Slot 20 / Deputy Medical Examiner I / Grd 98 / \$165,000.00                 | <b>Medical Examiner</b>   | Slot 20 / Deputy Medical Examiner I / Grd 98 / \$170,000.00                 | Salary adjustment. Pay is between midpoint and max of pay grade.   |
| <b>Medical Examiner</b>  | Slot 25 / Chief Admin Ofcr Med Examiner / Grd 28 / \$106,456.26             | <b>County Atty</b>        | Slot 178 / Attorney VII / Grd 29 / \$106,456.26                             | Promotion. Pay is between min and midpoint of pay grade, retains current pay.  |
| <b>Sheriff</b>   | Slot 16 / Lieutenant Corrections* / Grd 89 / \$98,006.06                    | <b>Sheriff</b>            | Slot 26 / Lieutenant Corrections / Grd 89 / \$98,006.06                     | POPS lateral transfer. Employee transferred to different slot, same position, same department, same pay grade, retains current pay.      |
| <b>Sheriff</b>   | Slot 84 / Sergeant Certified Peace Ofcr / Grd 88 / \$83,681.10              | <b>Sheriff</b>            | Slot 18 / Lieutenant Certf Peace Ofcr / Grd 89 / \$98,006.06                | Promotion. Peace Officer Pay Scale (POPS).   |
| <b>Sheriff</b>   | Slot 118 / Sergeant Certified Peace Ofcr / Grd 88 / \$83,681.10             | <b>Sheriff</b>            | Slot 16 / Lieutenant Certf Peace Ofcr / Grd 89 / \$98,006.06                | Promotion. Peace Officer Pay Scale (POPS).   |
| <b>Sheriff</b>   | Slot 276 / Cert Peace Officer Sr / Grd 84 / \$51,889.97                     | <b>Sheriff</b>            | Slot 77 / Sergeant Certified Peace Ofcr / Grd 88 / \$72,443.90              | Promotion. Peace Officer Pay Scale (POPS).   |
| <b>* Actual vs Authorized</b>  |   |                           |   |  |

| <b>PROMOTIONS / SALARY ADJUSTMENTS / LATERAL TRANSFERS / VOLUNTARY REASSIGNMENTS / TEMPORARY ASSIGNMENTS</b> |   |                   |  |   |
|--|---|-------------------|--|---|
| <b>Dept. (From)</b>  | <b>Slot – Position Title – Grade – Salary</b>             | <b>Dept. (To)</b> | <b>Slot – Position Title – Grade – Salary</b>                  | <b>Comments</b>   |
| <b>Sheriff</b>   | Slot 433 / Corrections Officer Sr* / Grd 83 / \$58,092.94 | <b>Sheriff</b>    | Slot 1525 / Corrections Officer Sr* / Grd 83 / \$58,092.94     | POPS lateral transfer. Employee transferred to different slot, same position, same department, same pay grade, retains current pay. |
| <b>Sheriff</b>   | Slot 477 / Cert Peace Officer Sr / Grd 84 / \$61,933.04   | <b>Sheriff</b>    | Slot 84 / Sergeant Certified Peace Ofcr / Grd 88 / \$82,475.95 | Promotion. Peace Officer Pay Scale (POPS).  |
| <b>Sheriff</b>   | Slot 796 / Corrections Officer Sr / Grd 83 / \$44,275.92  | <b>Sheriff</b>    | Slot 972 / Corrections Officer Sr* / Grd 83 / \$44,275.92      | POPS lateral transfer. Employee transferred to different slot, same position, same department, same pay grade, retains current pay. |
| <b>Sheriff</b>   | Slot 972 / Cadet* / Grd 80 / \$33,750.91                  | <b>Sheriff</b>    | Slot 796 / Cadet* / Grd 80 / \$33,750.91                       | POPS lateral transfer. Employee transferred to different slot, same position, same department, same pay grade, retains current pay. |
| <b>Sheriff</b>   | Slot 1396 / Cert Peace Officer Sr / Grd 84 / \$51,889.97  | <b>Sheriff</b>    | Slot 1814 / Sergeant Corrections / Grd 88 / \$72,443.90        | Promotion. Peace Officer Pay Scale (POPS).  |
| <b>Sheriff</b>   | Slot 1413 / Cert Peace Officer Sr / Grd 84 / \$57,629.10  | <b>Sheriff</b>    | Slot 1815 / Sergeant Corrections / Grd 88 / \$77,827.98        | Promotion. Peace Officer Pay Scale (POPS).  |
| <b>* Actual vs Authorized</b>  |   |                   |  |   |

| <b>FY 10 TEMPORARY SLOT STATUS CODE CONVERSION FROM TEMPORARY EMPLOYEES "02" TO PROJECT WORKERS "05"</b> |             |                              |
|--|-------------|------------------------------|
| <b>Dept.</b>   | <b>Slot</b> | <b>Actual Position Title</b> |
| <b>HHS</b>   | 50244       | Office Specialist            |
| <b>HHS</b>   | 50245       | Office Specialist            |



**AD HOC CLASSIFICATION CHANGES**

|                 |        | Current                          |      |           | HRMD Recommends                   |      |           |
|-----------------|--------|----------------------------------|------|-----------|-----------------------------------|------|-----------|
| Dept.           | Slot # | Auth Position Title / Position # | FLSA | Pay Grade | Position Title / Position #       | FLSA | Pay Grade |
| Criminal Courts | 145    | Office Specialist / 10795        | NE   | 10        | Judicial Aide Spec / 16750        | NE   | 16        |
| Criminal Courts | 157    | Executive Asst / 16520           | E    | 16        | Court Svcs Mgmt Admin Crd / 18396 | E    | 18        |

Department requests in order to meet departmental needs. PBO has confirmed funding available.

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

\_\_\_\_\_  
 Karen L. Huber, Commissioner, Pct. 3

\_\_\_\_\_  
 Margaret Gomez, Commissioner, Pct. 4

17 ✓

# TRAVIS COUNTY COMMISSIONERS COURT AGENDA REQUEST



Voting Session: November 3, 2009

I. A. Request made by: Roger A. El Khoury, M.S., P.E., Director, FMD Phone # 854-4579  
(Elected Official/Appointed Official/Executive Manager/County Attorney)

B. Requested text: Consider and take appropriate action to:

- A. Authorize changes to the requirements and process used to enroll: domestic partners, child of a domestic partner, spouses, and children
- B. Authorize amending eligibility sections of health, dental, and life plan documents, as needed to reflect changes in enrollment requirements.
- C. Make changes effective upon approval of the amended plans by Commissioners Court.
- D. Approve a full eligibility audit of the employee health plan in FY10.

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

County Auditor's Office (854-9125)

- Contract, Agreement, Policy & Procedure

RECEIVED  
COUNTY JUDGE'S OFFICE  
09 OCT 27 PM 1:46



# Human Resources Management

1010 Lavaca Street, Suite 200 • P.O. Box 1748 • Austin, Texas 78767 • (512) 854-9165 / FAX(512)

## Backup Memorandum

DATE: September 30, 2009

TO: Members of the Commissioners Court

FROM: Domestic Partner Affidavit Committee (appointed by Commissioners Court)

Subject: Domestic Partner Affidavit and other eligibility issues

### Agenda Item

Consider and take appropriate action to:

- Authorize changes to the requirements and process used to enroll
  - Domestic Partners,
  - Child of a Domestic Partner,
  - Spouses,
  - Children
- Authorize amending eligibility sections of health, dental, and life plan documents, as needed to reflect changes in enrollment requirements.
- Make changes effective upon approval of the amended plans by Commissioners Court.
- Approve a full eligibility audit of the Employee Health Plan in FY10.

### The Issue:

**The issue has come before the Court as to why the employees covering Domestic Partners must provide annual Affidavit of Domestic Partnership, when a marriage certificate is not required of employees covering their spouses except for a mid-year addition of a new spouse.**

We have been advised that enrollment requirements for similiarly situated individuals must be the same.

### Summary/Background

#### **What we are doing now:**

Currently and for more than the last ten years, the Travis County Employee Benefit Plan has allowed the enrollment of four types of persons on the benefit plans due to a relationship with the employee, if certain criteria were met. These persons and criteria included:

- **Legal spouse of an employee** (Includes eligible surviving spouse of a deceased retiree.)
- **Unmarried child of eligible employee** from birth through age 25 who is mainly dependent upon the employee for care and support, and who is not employee on a regular full time basis for 30 or more hours a week.
  - Child includes the following:
    - A natural child
    - A stepchild who resides in the eligible employees home
    - A legally adopted child
    - Any other child related to an eligible employee who is mainly dependent on the employee for care and support and who is residing in the employee's home.
    - A child for whom the employee is the legal guardian
    - A child for whom the employee or covered spouse is required by a qualified medical child support order (QMCSO) to provide coverage for his or her children.
- **A Domestic Partner of an eligible employee** (or other adult in household)
  - A Domestic Partner means a person who:
    - Is at least 18 years old
    - Is unmarried by either formal marriage or common law;
    - Is not related to the eligible employee by marriage;
    - Is not employed by the eligible employee;
    - Is not in active service in the armed forces;
    - Has been living with the eligible employee for at least six consecutive months, before applying for coverage, and is currently living with the eligible employee;
    - Has a relationship with the eligible employee that includes shared expenses and shared responsibilities for the maintenance and operation of their shared home; and
    - Has provided the Plan Sponsor with an Affidavit of Domestic Partnership that includes the names of any unmarried children for who coverage is sought.
  - **An unmarried child of a covered Domestic Partner** of an eligible employee who has been living with the eligible employee for at least six consecutive months before applying for coverage and is currently living with the eligible employee from birth through age 25 who is mainly dependent on the employee for care and support and not employed on a regular full time basis for a total of 30 hours a week.

Dependent spouses and children currently can be added:

- **During open enrollment** (with no documentation other than a social security number, as required by law), or
- **mid-year** within 30 days as a result of a HIPAA change in status, such as loss of other coverage, marriage, birth or adoption of a child to mention some of the most common changes. **Documentation of the HIPAA change in status is always required for a mid-year change in status.**

For Domestic Partners, plan participants currently

- are allowed to drop coverage for domestic partners mid-year.  
No documentation is required to drop a Domestic Partner
- are not allowed to add a Domestic Partner mid year.
- A notarized Affidavit of Domestic Partnership is required annually during open enrollment when a Domestic Partner is added or continues coverage on the plan.
- The child of a Domestic Partner is eligible only if the Domestic Partner is currently enrolled. (This child is not a natural child of the employee; it is a child of the Domestic Partner)

The Commissioners Court appointed a 5 member committee to review this issue. The issue became more complex, but fruitful discussion lead to a recommendation and to some other eligibility issues that need to be addressed as well.

**The County has an interest in preventing fraud and abuse by participants of the health plan.**

- a. The Court must decide what level of certainty the County wants in preventing fraud/abuse.
- b. The Court must decide what level of evidence will be satisfactory to deter the fraud. The level of documentation we require could be based on the risk involved, and similar risks should be treated the same, with the same level of documentation required.

**What do we need to do to make sure we are handling this correctly?**

**Step one:** Determine for every eligibility situation, what documentation is needed, to prove the insurable relationship.

**Step two:** Ensure that the needed documentation requires the same type of or level of documentation for everyone considered similarly situated.

**Step Three:** Approve an eligibility audit of the Benefit Plan by a third-party auditing firm. This would help ensure only eligible individuals were covered by the Plan, and almost eliminate any remaining risk to the Plan from ineligible dependents.

**Staff Recommendations**

- Staff recommends approval of the documentation requirement recommendations shown on **Attachment 1**.
- Staff recommends approval of amending the plan documents to conform to the recommended changes. This will impact the Health, Dental, and Life plan document. Some plans are fully insured, and plan language is filed with the State, those filings may need to be amended.
- Staff also recommends a full eligibility audit be conducted in FY10, by a third party vendor, based on the revised eligibility parameters, which will further reduce any actual or perceived risk of fraud.

**Budgetary and Fiscal Impact**

The fiscal impact of these recommendations to the Benefit Plan, is expected to be minimal. However, we may see a slight increase in Domestic Partner enrollment as the year progresses, with a corresponding increase in claims. There would also be a corresponding increase in premium. The eligibility audit will be paid for with Health Plan funds.

**Authorizations**

|                        |  |
|------------------------|--|
| <u>          </u><br>X | Planning and Budget Office (854-9106)            |
| <u>          </u><br>X | Human Resources Management Department (854-9165) |
| <u>          </u><br>X | Purchasing Office (854-9700)                     |
| <u>          </u><br>X | County Attorney's Office (854-9415)              |
| <u>          </u><br>X | County Auditor's Office (854-9125)               |

**Attachment 1..... Eligibility Recommendations**

**ATTACHMENT 1****ELIGIBILITY RECOMMENDATIONS**

| <b>ELIGIBILITY ISSUES</b>   | <b>CURRENT DOCUMENTATION REQUIRED</b>                          | <b>DOCUMENTATION REQUIREMENTS RECOMMENDATION</b>   |
|---|--|--|
| <b>SPOUSES and DOMESTIC PARTNERS</b>  |  |  |
| <b>Currently covering spouse- legally married</b>                               | NONE   | None- unless required as a result of eligibility audit (marriage certificate)  |
| <b>Currently covering domestic partner- family member</b>                       | Annual notarized affidavit                                     | None- unless required as a result of eligibility audit (Affidavit 1 <sup>st</sup> time enrolled)   |
| <b>Currently covering domestic partner- non family member</b>                   | Annual notarized affidavit                                     | None- unless required as a result of eligibility audit (Affidavit 1 <sup>st</sup> time enrolled)   |
|   |  |  |
| <b>Spouse- legally married- Adding mid-year</b>                                 | Marriage certificate (if new spouse) or HIPAA change in status | Marriage certificate (for new spouse or 1 <sup>st</sup> time enrolled if not currently enrolled) and/or HIPAA change in status documentation |
| <b>Domestic partner – family member (parent, overage child) Adding mid-year</b> | Not allowed to add DP mid year                                 | Affidavit of Domestic Partnership (1 <sup>st</sup> time enrolled if not currently enrolled and/or HIPAA change in status documentation)      |
| <b>Domestic partner- non family member (significant other) Adding mid-year</b>  | Not allowed to add DP mid year                                 | Affidavit of Domestic Partnership (1 <sup>st</sup> time enrolled if not currently enrolled) and/or HIPAA change in status documentation      |
|   |  |  |
| <b>Spouse- legally married Adding at OE</b>                                     | No documentation   | Marriage certificate (1 <sup>st</sup> time enrolled if not currently enrolled)   |
| <b>Domestic partner – family member Adding at OE</b>                            | Annual Affidavit of Domestic Partnership                       | Affidavit of Domestic Partnership (1 <sup>st</sup> time enrolled if not currently covered)   |
| <b>Domestic partner- non family member Adding at OE</b>                         | Annual Affidavit of Domestic Partnership                       | Affidavit of Domestic Partnership (1 <sup>st</sup> time enrolled if not currently covered)   |
|   |  |  |
| <b>CHILDREN / CHILD</b>   | <b>CURRENT DOCUMENTATION REQUIRED</b>                          | <b>DOCUMENTATION RECOMMENDED</b>   |
| <b>Natural child- currently covered</b>   | None   | None- unless required as a result of eligibility audit (birth certificate)   |
| <b>Natural child- Adding mid-year</b>   | HIPAA change in status proof                                   | HIPAA change in status proof and /or (birth certificate if 1 <sup>st</sup> time enrolled)  |
| <b>Natural child- Adding at OE</b>  | None   | None- unless required as a result of eligibility audit (birth certificate)   |

|   |   |   |
|---|---|---|
| <b>Newborn- currently covered</b>                                 | None  | None- unless required as a result of eligibility audit (birth certificate)                                    |
| <b>Newborn Adding mid-year</b>                                    | Birth certificate   | Birth certificate   |
| <b>Newborn Adding at OE</b>                                       | None  | None- unless required as a result of eligibility audit (birth certificate if 1 <sup>st</sup> time enrolled)   |
| <b>Step child- currently covered</b><br>(natural child of spouse) | None  | None- unless required as a result of eligibility audit (birth certificate)                                    |
| <b>Step child- Adding mid-year</b><br>(natural child of spouse)   | HIPAA change in status proof                              | HIPAA change in status proof and /or (birth certificate if 1 <sup>st</sup> time enrolled)                     |
| <b>Step child- Adding at OE</b><br>(natural child of spouse)      | None  | None- unless required as a result of eligibility audit (birth certificate if 1 <sup>st</sup> time enrolled)   |
| <b>Foster/ or court ordered child currently covered</b>           | Legal documentation naming employee as legal guardian     | Legal documentation naming employee as legal guardian 1 <sup>st</sup> time enrolled                           |
| <b>Foster/ or court ordered child Adding mid-year</b>             | Legal documentation naming employee as legal guardian     | Legal documentation naming employee as legal guardian 1 <sup>st</sup> time enrolled                           |
| <b>Foster/ or court ordered child Adding at OE</b>                | Legal documentation naming employee as legal guardian     | Legal documentation naming employee as legal guardian 1 <sup>st</sup> time enrolled                           |
| <b>Adoption –currently covered</b>                                | None  | None- unless required as a result of eligibility audit (adoption documentation 1 <sup>st</sup> time enrolled) |
| <b>Adoption- Adding mid-year</b>                                  | Adoption documentation- eligible when placed for adoption | Adoption documentation- 1 <sup>st</sup> time enrolled eligible when placed for adoption                       |
| <b>Adoption- Adding at OE</b>                                     | None  | None- unless required as a result of eligibility audit (adoption documentation 1 <sup>st</sup> time enrolled) |

|                                      |   |   |
|--------------------------------------|---|---|
| <b>Grandchild- currently covered</b> | Legal documentation naming employee as legal guardian | Legal documentation naming employee as legal guardian 1 <sup>st</sup> time enrolled |
| <b>Grandchild –Adding mid-year</b>   | Legal documentation naming employee as legal guardian | Legal documentation naming employee as legal guardian 1 <sup>st</sup> time enrolled |
| <b>Grandchild- Adding at OE</b>      | Legal documentation naming employee as legal guardian | Legal documentation naming employee as legal guardian 1 <sup>st</sup> time enrolled |
| <b>Domestic child- currently</b>     | Annual Affidavit of                                   | None- unless required as a result of  |

|   |  |   |
|---|--|---|
| <b>covered</b><br>(child of Domestic Partner)                         | Domestic Partnership – Domestic Partner must be enrolled                     | eligibility audit (affidavit of Domestic Partnership 1 <sup>st</sup> time enrolled)   |
| <b>Domestic child- Adding mid-year</b><br>(child of Domestic Partner) | Not allowed mid year enrollment  | Birth Certificate showing relationship to Domestic Partner<br>And Affidavit of Domestic Partnership 1 <sup>st</sup> time enrolled |
| <b>Domestic child- Adding at OE</b><br>(child of Domestic Partner)    | Annual Affidavit of Domestic Partnership – Domestic Partner must be enrolled | Affidavit of Domestic Partnership 1 <sup>st</sup> time enrolled   |

| Cobra elig | Dropping Coverage Spouse and Domestic Partners       | CURRENT DOCUMENTATION REQUIRED  | DOCUMENTATION RECOMMENDED   |
|------------|--|---|---|
| yes        | <b>Dropping Legal spouse- mid- year</b>              | HIPAA change in status  | HIPAA change in status-   |
| yes        | <b>Dropping Legal spouse- OE</b>                     | No documentation required   | No documentation required   |
| no         | <b>Dropping Domestic partner- mid year</b>           | No documentation required   | No documentation required   |
| no         | <b>Dropping Domestic partner- OE</b>                 | No documentation required   | No documentation required   |
|            |  |   |   |
|            | <b>Dropping Employee Coverage</b>                    |   |   |
| yes        | <b>Dropping Employee coverage- OE</b>                | Decline information on other group ins. online                                    | Decline information on other group ins. online                                    |
| yes        | <b>Dropping Employee coverage – mid-year</b>         | HIPAA changes in status<br>Must provide other group coverage documentation online | HIPAA changes in status<br>Must provide other group coverage documentation online |
| Yes-dep    | • <b>Death</b>                                       | Death certificate   | Death certificate   |
| yes        | • <b>Military leave</b>                              | Military orders if available  | Military orders if available  |
| Yes        | <b>Dropping Employee coverage due to TERMINATION</b> | Personnel Action Form   | Personnel Action Form   |

| cobra | DROPPING CHILD COVERAGE                       |                           |                           |
|-------|---|---------------------------|---------------------------|
|       | <b>Dropping child- OE</b>                     | No documentation required | No documentation required |
|       | <b>Dropping child – mid-year</b>              | HIPAA change in status    | HIPAA change in status    |
| no    | <b>Dropping Domestic Child OE or mid-year</b> | No documentation required | No documentation required |




| RETIREES   | CURRENT DOCUMENTATION REQUIRED  | DOCUMENTATION RECOMMENDED  |
|--|---|--|
| <p><b>Enrolling Retiree @ time of Retirement<br/>Mid year or at OE</b></p>   | <p>Must be enrolled on plan at time of retirement, and enroll on retiree health plan at time of retirement. Must complete a Retiree Authorization and Declaration form and start receiving TCDRS annuity-<br/><i>note:</i><br/><i>May not come back and enroll on plan at a later date if you chose not to take annuity and enroll when leaving county.</i></p> | <p>Must be enrolled on plan at time of retirement, and enroll on retiree health plan at time of retirement. Must complete a Retiree Authorization and Declaration form and start receiving TCDRS annuity<br/><i>note:</i><br/><i>May not come back and enroll on plan at a later date if you chose not to take annuity and enroll when leaving county.</i></p> |
| <p><b>Enrolling Retiree Dependents-<br/>New retiree, OE and mid-year</b></p> | <p>Must be covered on the plan as a dependent at the time of retirement</p>   | <p>Must be covered on the plan as a dependent at the time of retirement</p>  |
| <p><b>Term Retiree coverage</b></p>  | <p>Can term at any time, but cannot re-enroll at a future time.</p>   | <p>Can term at any time, but cannot re-enroll at a future time.</p>  |
| <p><b>Surviving spouse of Retiree</b></p>                                    | <p>Can choose to continue coverage as a Surviving Spouse – can continue Medical, dental and <u>sp</u> Life after death of retiree</p>   | <p>Can choose to continue coverage as a Surviving Spouse – can continue Medical, dental and <u>sp</u> Life after death of retiree</p>  |

# 18

Travis County Commissioners Court Agenda Request

Voting Session November 3, 2009  
(Date)

Work Session \_\_\_\_\_  
(Date)



I. A. Request made by: Roger A. El Khoury, M.S., P.E., Director, FMD Phone # 854-4579  
Signature of Elected Official/Appointed Official/Executive Manager/County Attorney

B. Requested Text:

Consider and take appropriate action on the approval of a license agreement between Travis County and the Pulmonary Hypertension Association, a Maryland association, for use of the County facility at 5335 Airport Boulevard.

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:

Tenley Aldredge, Assistant County Attorney, (49415)  
John Carr, Administrative Director, Facilities Management Department (44772)  
Leroy Nellis, Budget Manager, PBO (49066)

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)

X Contract, Agreement, Policy & Procedure

RECEIVED  
COUNTY JUDGE'S OFFICE  
09 OCT 28 AM 10:45



## 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

### MEMORANDUM

**FMD Project:** License Agreements

**FILE:** 101

**TO:** Members of the Commissioners Court

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

**DATE:** October 27, 2009

**SUBJECT:** License Agreement – Pulmonary Hypertension Association  
Chair King Facility

A handwritten signature in black ink that reads "Roger A. El Khoury".

### Proposed Motion:

Consider and take appropriate action on the approval of a license agreement between Travis County and the Pulmonary Hypertension Association, a Maryland association, for use of the County facility at 5335 Airport Boulevard.

### Summary and Staff Recommendation:

Facilities Management Department (FMD) recommends approval of a license agreement with the Pulmonary Hypertension Association for the use of the 5335 Airport Boulevard for a one day fundraising and public awareness event on November 7, 2009. Ms. Liza Roberts addressed the Commissioners Court on September 29, 2009 regarding this event. The Commissioners Court indicated support for the event and waiving of the use fees with the exception of the \$150 fee to cover utility costs. The fee for custodial services as also to be waived based on the requesting organization providing these services with volunteers. The attached license agreement at Exhibit One was prepared by Ms. Aldredge in the County Attorney's Office, and has been signed by Ms. Roberts on behalf of the Pulmonary Hypertension Association.

### Budgetary and Fiscal Impact:

N/A

### Background:

Facilities Management Department has developed a proposed \$650 daily charge for the use of the old Chair King facility to cover the County's costs for utilities, custodial services and rent. On September 29, 2009, the Commissioners Court indicated support to waive all fees with exception of the utilities. The attached license agreement will formally approve the terms for the use of the facility and conditions associated with the use, including the insurance requirements.

**Required Authorizations:**

Legal: Tenley Aldredge, Assistant County Attorney

Budget: N/A

Purchasing: N/A

**Exhibit:**

Proposed License Agreement

**LICENSE AGREEMENT**

STATE OF TEXAS           §  
  §  
COUNTY OF TRAVIS       §

This License Agreement (this "Agreement") is made and entered into by and between Travis County, Texas, a political subdivision of the State of Texas ("County") and Pulmonary Hypertension Association, a Maryland association ("Licensee").

WITNESSETH

THAT WHEREAS, County is the owner of that certain tract of real property having a street address of 5335 Airport Blvd., Austin, Texas 78752, and locally known as the "Chair King" building and parking lot (the "Property"); and

WHEREAS, Licensee is an association dedicated to Pulmonary Hypertension; and

WHEREAS, Licensee desires to exercise certain rights and privileges in and on the Property in conjunction with a fundraising and public awareness event, and County desires to grant such permission to Licensee under the terms and conditions set forth herein.

NOW, THEREFORE, County and Licensee, in consideration of the mutual promises herein expressed and the compensation herein agreed to be paid, covenant and agree to and with each other as follows:

1.0 GRANT OF LICENSE

1.1 County hereby grants a License to Licensee, its employees, agents, independent contractors, and suppliers to enter and use the Property in connection with Licensee's one-day fundraising and public awareness event (the "Event"), which aims to increase public awareness of pulmonary hypertension disease and raise funds in support of a cure (the "License").

1.2 If applicable, all exhibition, distribution and advertising products and services created or produced in connection with Licensee's Event shall be the sole property of Licensee, without exception and in perpetuity, and may be exploited in all media and markets and in all forms, whether known, unknown, or hereafter created. The License includes the right to bring onto the Property and to utilize thereon personnel, personal property including its own furniture, materials and equipment, including but not limited to exhibition and promotional materials and similar products during the term of the License.

1.3 Licensee agrees to make no structural changes to any portion of the Property licensed hereunder. However, the License allows for superficial preparation to be made to the Property to facilitate Licensee's Event needs. Licensee agrees to leave the Property in the same and as good a condition as when it was received, normal wear and tear excepted, as determined by existing County policy.

1.4 Licensee acknowledges and agrees that Licensee shall be solely responsible at all times for the actions and the safety of those persons utilizing the Property under this Agreement, including, without limitation, protecting such persons from injury or death and protecting County's property and the property of such persons from loss or damage. **NO SMOKING IS ALLOWED IN THE BUILDING.** Licensee may allow a security guard to remain on the Property at all appropriate times. Licensee shall insure the Building is locked upon completion of its use.

1.5 Licensee shall provide, at its own additional expense and if required by the Director of Facilities Management, security during Licensee's use of the Property as reasonably necessary to ensure the safety and integrity of the persons and property brought onto the Property for the purposes authorized under this Agreement.

## 2.0 TERM OF LICENSE

2.1 The License is granted for one day, Saturday, November 7, 2009 commencing at approximately 8:00 a.m. and terminating at approximately 3:00 p.m.; provided, however, such term is subject to postponement and/or rescheduling due to any cause or reason beyond the control of Licensee or as determined to be necessary or convenient by County.

## 3.0 PAYMENT TO COUNTY

3.1 In consideration of the License granted hereunder, Licensee shall pay to Travis County the sum of ONE HUNDRED FIFTY AND NO/100 DOLLARS (\$150.00) to cover the cost of utilities. Licensee shall be solely responsible for performing custodial services in and on the Property using Licensee's own volunteer personnel, and such services shall be performed to County's satisfaction. County reserves the right to charge Licensee County's standard custodial fees in the event Licensee fails to perform the custodial services as set forth herein.

#### 4.0 PERMITS

4.1 Licensee shall be solely responsible for the costs and the securing of any permits required by the City of Austin or other local governmental entities, if any, for use of the Property under this Agreement.

#### 5.0 USE AND REPAIRS

5.1 Licensee shall not use the Property for any purpose other than that set forth herein. Further, Licensee shall repair or replace any damage to the Property caused by Licensee.

5.2 LICENSEE ACKNOWLEDGES AND AGREES THAT LICENSEE HAS HAD THE OPPORTUNITY TO INSPECT THE PROPERTY PRIOR TO EXECUTION OF THIS AGREEMENT, AND LICENSEE IS RELYING SOLELY ON ITS OWN INVESTIGATION OF THE PROPERTY AND NOT ON ANY INFORMATION PROVIDED OR TO BE PROVIDED BY LICENSOR. LICENSEE AGREES TO ACCEPT THE PROPERTY "AS-IS" AND WITH ALL FAULTS AND WAIVES ALL OBJECTIONS OR CLAIMS IN THIS REGARD AGAINST LICENSOR (INCLUDING BUT NOT LIMITED TO ANY RIGHT OR CLAIM OF CONTRIBUTION) ARISING FROM OR RELATED TO THE PROPERTY OR TO ANY HAZARDOUS MATERIALS ON THE PROPERTY. LICENSOR WILL NOT BE LIABLE OR BOUND IN ANY MANNER BY ANY VERBAL OR WRITTEN STATEMENTS, REPRESENTATIONS OR INFORMATION PERTAINING TO THE PROPERTY, OR THE OPERATION THEREOF FURNISHED BY ANY REAL ESTATE BROKER, AGENT, EMPLOYEE, SERVANT OR OTHER PERSON. LICENSEE FURTHER ACKNOWLEDGES AND AGREES THAT TO THE MAXIMUM EXTENT PERMITTED BY LAW, THE USE OF THE PROPERTY AS PROVIDED FOR HEREIN IS MADE ON AN "AS-IS" CONDITION AND BASIS WITH ALL FAULTS. IT IS UNDERSTOOD AND AGREED THAT THE CONSIDERATION FOR THE USE OF THE PROPERTY HAS BEEN NEGOTIATED TO REFLECT THAT ALL OF THE PROPERTY IS LICENSED BY LICENSOR AND ACCEPTED BY LICENSEE IN THE "AS-IS" CONDITION. THIS ACCEPTANCE BY THE LICENSEE SHALL BE AN ACKNOWLEDGMENT THAT THERE IS NO LANDLORD/TENANT RELATIONSHIP ESTABLISHED BETWEEN LICENSOR AND LICENSEE. LICENSEE HAS NO EXPECTATION OF WARRANTIES AS TO USE OR HABITABILITY OF THE PROPERTY.

#### 6.0 CONTROL OF TRAVIS COUNTY

6.1 Licensee shall at all times obey the direction and commands of the Travis County Sheriff and the Director of the Travis County Facilities Management Department, or their designated representatives, while on or in the vicinity of the Property.

6.2 Any disregard of the directions, restrictions, rules or regulations referenced in this Section 6 shall be grounds for immediate revocation of the License granted hereunder.

## 7.0 INDEMNIFICATION

7.1 LICENSEE AGREES TO AND SHALL INDEMNIFY, SAVE AND HOLD HARMLESS, AND DEFEND COUNTY, ITS AGENTS, OFFICIALS AND EMPLOYEES FROM ANY AND ALL NEGLIGENCE, LIABILITY, LOSS, COSTS, CLAIMS, INCLUDING ATTORNEYS FEES, OR EXPENSES OF WHATEVER TYPE OR NATURE FOR PERSONAL INJURY, DEATH, OR PROPERTY DAMAGE, ARISING IN WHOLE OR IN PART OUT OF ANY AND ALL ACTS OF COMMISSION OR OMISSION OF LICENSEE, ITS AGENTS OR EMPLOYEES, ARISING OUT OF IN CONNECTION WITH THIS AGREEMENT OR LICENSEE'S USE OF THE PROPERTY FOR WHICH A CLAIM, INCLUDING ATTORNEYS FEES, DEMAND, SUIT OR OTHER ACTION IS MADE OR BROUGHT BY ANY PERSON, FIRM, CORPORATION, OR OTHER ENTITY AGAINST LICENSEE OR COUNTY.

7.2 Licensee shall not discharge, leak, or emit, or permit to be discharged, leaked, or emitted, any material into the atmosphere, ground, sewer system, or any body of water, if that material (as is reasonably determined by the Licensor, or any governmental authority) does or may pollute or contaminate the same, or may adversely affect (i) health, welfare, or safety of persons, whether located on the Premises or elsewhere, or (ii) the condition, use or enjoyment of the building or any other real or personal property. Licensee shall immediately notify Licensor of any release of any Hazardous Material on or near the Premises whether or not such release is in a quantity that would otherwise be reportable to a public agency and shall also comply with the notification requirements of any applicable state, local, or federal law or regulation.

## 8.0 INSURANCE

8.1 Without in any way limiting the liability of Licensee or its obligations under this Agreement, Licensee agrees to maintain during the term of the License Commercial General Liability Insurance with combined minimum bodily injury and property damage limits of \$600,000 per occurrence and \$1,000,000 in the aggregate, with Travis County named as an additional insured. Licensee has provided County with a certificate from its carrier evidencing such insurance, which certificate is attached hereto as **Exhibit "A"** and made a part hereof.

## 9.0 NON-ASSIGNMENT OF RIGHTS

9.1 Licensee may not assign, sublet or transfer its interest in this Agreement or any portion or right thereof without the prior written consent of County; provided, however, Licensee shall have the right to grant, assign and transfer all or any part of its right, title and interest in any copyrights, rights of publicity, trademarks and all other legal interests and rights acquired by Licensee in connection with the Event.



## 10.0 AMENDMENTS

10.1 This Agreement may be amended only by written instrument signed by both County and Licensee. IT IS EXPRESSLY ACKNOWLEDGED BY LICENSEE THAT NO OFFICER, AGENT, REPRESENTATIVE OR EMPLOYEE OF TRAVIS COUNTY HAS ANY AUTHORITY, EITHER EXPRESS OR IMPLIED, TO MODIFY OR AMEND THE TERMS OF THIS AGREEMENT UNLESS EXPRESSLY GRANTED THAT SPECIFIC AUTHORITY BY THE COMMISSIONERS COURT OF TRAVIS COUNTY.

## 11.0 SAFETY

11.1 County reserves the right to prohibit persons from driving on, entering or otherwise using the Property at any time safety may be a concern.

## 12.0 NON-WAIVER AND RESERVATION OF RIGHTS

12.1 No act or omission by Licensor may constitute or be construed as a waiver of any breach or default of Licensee which then exists or may subsequently exist. The failure of either party to exercise any right or privilege granted in this Agreement shall not be construed as a waiver of that right or privilege.

12.2 All rights of Licensor under this Agreement are specifically reserved and any act or omission shall not impair or prejudice any remedy or right of Licensor under it. Any right or remedy stated in this Agreement shall not preclude the exercise of any other right or remedy under this Agreement, the law or at equity, nor shall any action taken in the exercise of any right or remedy be deemed a waiver of any other rights or remedies.

## 13.0 VENUE AND CHOICE OF LAW

13.1 The obligations and undertakings of each of the parties to this Agreement are performable in Travis County, Texas, and this Agreement shall be governed by and construed in accordance with the laws of the State of Texas. Venue for any dispute arising out of this Agreement will lie in the appropriate court of Travis County, Texas.

## 14.0 NOTICES

14.1 Written Notice. Any notice required or permitted to be given under this Agreement by one Party to the other shall be in writing and shall be given and deemed to have been given immediately if delivered in person to the address set forth in this section for the Party to whom the notice is given, or 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 Party at the address hereinafter specified.

14.2 Licensee Address. The address of Licensee for all purposes under this Agreement shall be:

Pulmonary Hypertension Association  
801 Roder Road, Suite #400  
Silver Spring, MD 20910-4683

With copy to:

Liza Roberts  
20311 Bellerive Dr.  
Pflugerville, TX 78660  
(512) 825-6204

14.3 Licensor Address. The address of Licensor for all purposes and all notices under this Agreement shall be:

Honorable Samuel T. Biscoe (or successor in office)  
Travis County Judge  
P.O. Box 1748  
Austin, Texas 78767

With copy to:

Roger A. El Khoury, M.S., P.E.  
Director, Travis County Facilities Management Dept.  
P.O. Box 1748  
Austin, Texas 78767

14.4 Change of Address. Each Party may change the address for notice to it by giving notice of the change in compliance with this Section.

## 15.0 MEDIATION

15.1 When mediation is acceptable to both parties in resolving a dispute arising under this Agreement, the parties agree to use a mutually agreed upon mediator, or a person appointed by a court of competent jurisdiction, for mediation as described in Section 154.023 of the Texas Civil Practice and Remedies Code. Unless both parties are satisfied with the result of the mediation, the mediation will not constitute a final and binding resolution of the dispute. All communications within the scope of the mediation shall remain confidential as described in §154.073 of the Texas Civil Practice and Remedies Code, unless both parties agree, in writing, to waive the confidentiality.

16.0 SEVERABILITY

16.1 If any portion or portions of this Agreement are ruled invalid, illegal, or unenforceable in any respect by a court of competent jurisdiction, the remainder of it shall remain valid and binding.

17.0 ENTIRETY OF AGREEMENT

17.1 This Agreement represents the sole, entire and integrated Agreement between County and Licensee with respect to the subject matter herein and supersedes all prior negotiations, representatives, or agreements either oral or written.

IN WITNESS WHEREOF, Licensor and Licensee have duly executed this Agreement effective as of the later date set forth below (the "Effective Date").

LICENSOR:

LICENSEE:

TRAVIS COUNTY, TEXAS

PULMONARY HYPERTENSION  
ASSOCIATION

By: \_\_\_\_\_

By: \_\_\_\_\_

Samuel T. Biscoe  
Travis County Judge

Title: \_\_\_\_\_

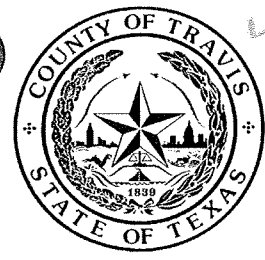
Date: \_\_\_\_\_

Date: \_\_\_\_\_

**Exhibit A  
Insurance Certificate  
(attached)**

TRAVIS COUNTY COMMISSIONERS COURT  
AGENDA REQUEST

# 20



VOTING SESSION: November 3, 2009

I. Request made by: Roger Jefferies, Executive Manager, Justice and Public Safety

Requested topic:

**RECEIVE UPDATE ON JAIL POPULATION MANAGEMENT INITIATIVE WITH URBAN INSTITUTE**

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 must be affected by or involved with this request. Send a copy of this Agenda Request and backup to them:

Rosemary Lehmborg, District Attorney and JPMI Co-Chair, 854-9400  
 David Escamilla, District Attorney and JPMI Co-Chair, 854-49415  
 JPMI Stakeholders (see attached list)

RECEIVED  
COUNTY JUDGE'S OFFICE  
OCT 27 PM 2:30

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

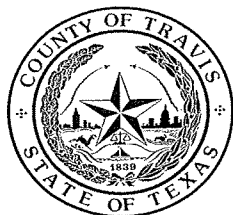
**AGENDA REQUEST DEADLINE:**

All agenda requests and supporting materials must be submitted to the County Judge's office in writing by 12:00 p.m. on Tuesdays for the next week's meeting. Late or incomplete requests may be deferred to the next meeting

## **Travis County Jail Population Management Initiative – List of Stakeholders**

Al Eells, Asst. Chief, Austin Police Department  
Amalia Rodriguez-Mendoza, District Clerk  
Art Acevedo, Chief, Austin Police Department  
Bill Brice, Downtown Austin Alliance  
Betty Blackwell, Defense Attorney  
Bob Perkins, District Judge  
Brenda Kennedy, District Judge  
Caryl Colburn, Director, CES  
Charlie Baird, District Judge  
Claire Dawson-Brown, DA's Office  
Dana Debeauvoir, County Clerk  
Darren LONG, Major, TCSO  
David Carter, Asst. Chief, Austin Police Department  
David Crain, County Court at Law Judge  
David Escamilla, County Attorney  
Debra Hale, Director, Criminal Courts Administration  
Deece Eckstein, Intergovernmental Relations  
Elisabeth Earle, County Court at Law Judge  
Evelyn.McKee, Municipal Court Judge  
Geraldine Nagy, Director, Adult Probation  
Greg Hamilton, Sheriff  
Irma Guerrero, Director, Pretrial Services  
Jan Breland, County Court at Law Judge  
Jeanette Kinard, Mental Health Public Defender  
Jim Coronado, District Judge  
Julie Kocurek, District Judge  
Karen Huber, County Commissioner, Pct. 3  
Lana Rhodes, Texas Department of Criminal Justice  
Leon Grizzard, Magistrate  
Margaret Gomez, County Commissioner, Pct. 4  
Michael Denton, County Court at Law Judge  
Michael Jung, Austin Police Department  
Michael McDonald, City of Austin  
Mike Lynch, District Court Judge  
Nancy Hohengarten, County Court at Law Judge  
Rodney Rhoades, Exec. Manager, PBO  
Ron Davis, County Commissioner, Pct. 1  
Sam Biscoe, County Judge  
Sarah Eckhardt, County Commissioner, Pct. 2  
Sherri Fleming, Exec. Manager, HHS

***November 3, 2009***



# **JUSTICE & PUBLIC SAFETY DIVISION**

**Roger Jefferies, Executive Manager**

**P.O. Box 1748 Austin, Texas 78767 Phone (512) 854-4415 Fax (512) 854-4417**

**Criminal Justice Planning**  
Roger Jefferies  
(512) 854-4415

**Counseling & Education Services**  
Caryl Colburn  
(512) 854-9540

**Juvenile Public Defender**  
Kameron D. Johnson  
(512) 854-4128

**To:** Sam Biscoe, Travis County Judge  
Ron Davis, Commissioner, Precinct 1  
Sarah Eckhardt, Commissioner, Precinct 2  
Karen Huber, Commissioner, Precinct 3  
Margaret Gomez, Commissioner, Precinct 4

**From:** Roger Jefferies, Executive Manager, Justice and Public Safety

**Date:** October 27, 2009

**SUBJECT: RECEIVE UPDATE ON JAIL POPULATION MANAGEMENT INITIATIVE WITH URBAN INSTITUTE**

---

In March, Travis County was notified that we were one of three counties selected to participate in the Urban Institute's Jail Population Management Initiative (JPMI). As you may recall, we submitted our application in February 2009, along with 23 other jurisdictions across the country. The other two counties selected were Alachua County, Florida and Allegheny County, Pennsylvania.

The stated goals of the project were to develop, implement, and evaluate a local, data-driven, collaborative, strategic plan to achieve meaningful reductions in the jail population and to guide the reinvestment of jail reduction savings into more proactive public safety measures in the community.

On May 26<sup>th</sup>, representatives from the Urban Institute visited Travis County and met with criminal justice stakeholders to outline the plan for the initiative. Over the summer, a data committee was formed which provided the Urban Institute a large amount of data from the county's criminal justice databases for them to analyze.

In September, the Urban Institute returned to Travis County with a first report on their findings from our data. The entire draft report is attached for your review. In summary, the Urban Institute identified three significant drivers of the jail population:

- Unsentenced detainees.
- Detainees charged with a “Felony Undetermined” (consisting primarily of probation and parole violators, drug offenders, and ICE detainees).
- Frequent residents of the jail.

Further, the Urban Institute offered some preliminary generalized recommendations on how to reduce the number of bookings, lower the average length of stay, and cut jail bed day consumption for each of the groups they identified as jail population drivers. These include:

- Increasing the use of comprehensive assessments, personal bonds, and specialized court dockets which can help decrease the number of bookings and lengths of stay for unsentenced detainees.
- Improving coordination with federal and state agencies and providing eligible detainees with early access to alternative to jail programming to improve the management of detainees charged with a Felony Undetermined.
- Targeting interventions towards detainees with special needs and enhancing reentry planning to help reduce the frequent resident’s jail bed day consumption.

The next steps in this initiative are a series of strategic planning sessions, which will build on the research and recommendations of the Urban Institute and result in concrete initiatives to be implemented in calendar year 2010. These strategic planning sessions are being guided by a planning model developed by the U.S. Department of Justice called “Getting it Right – Collaborative Problem Solving for Criminal Justice.”

The first session was Thursday, October 22<sup>nd</sup> where the JPMI group established a mission and a vision for the jail population in Travis County. The mission of JPMI is straightforward and largely prescribed by the Urban Institute:

- Develop a strategy to evaluate, monitor, support and enhance effective, ongoing jail population management practices and policies of key stakeholders in Travis County.

The vision, or preferred future, for the jail population in Travis County was developed by our local stakeholders and is unique to our community. It states that the Travis County jail population:

- is reduced by implementing proactive law enforcement strategies as an alternative to arrest, consistent with public safety and justice.
- is reduced by maximizing options to divert appropriate arrestees to alternative interventions.



- consists of individuals who should truly be incarcerated and are properly charged.
- moves through the Court System efficiently, consistent with public safety and justice.
- will be effectively prepared for re-entry by assessing for needs and risks and linking them to services/programs within the jail and in the community.
- will consist of reduced numbers of repeat offenders.

The remaining strategic planning sessions are Thursday, November 5<sup>th</sup> (establish JPMI goals); Thursday, November 19<sup>th</sup> (review system map, policies and procedures, and programs); Thursday, December 3<sup>rd</sup> (build strategy); and Thursday, December 17<sup>th</sup> (finalize the strategy for implementation in CY 2010). We meet in the District Attorney's second-floor conference room at the Blackwell-Thurman Criminal Justice Center from 12:00 to 2:00 PM (with the exception of November 19<sup>th</sup>, which will be from 1:00 to 3:00 PM). They are professionally facilitated. A light lunch is provided.

We very much appreciate Judge Biscoe agreeing to kick-off this initiative at our recent meetings and also very much appreciate the representatives of Commissioners' offices who have been participating. Please know that any members of the Commissioners Court and/or their representatives are welcome to join in these sessions and the development of this collaborative jail population management initiative for the county.

Thank you for your support of the JPMI, thus far. If you have any questions, please do not hesitate to contact me. Forwarded for your information and review.

#### Attachment

c: Rosemary Lehmborg, District Attorney and Co-Chair, JPMI  
David Escamilla, County Attorney and Co-Chair, JPMI



## Findings from the Travis County Data Analysis

### Jail Population Management Initiative

September 2009

---

#### Executive Summary

The Urban Institute (UI), working closely with key members of the Jail Population Management Initiative in Travis County, has collected and analyzed data from the relevant criminal justice agencies to identify the main drivers of the jail population. This memo summarizes the data and identifies issues contributing to jail population growth within the county. It is intended to provide stakeholders with a comprehensive understanding of the jail population, highlight key issues driving the growth of that population, and provide suggested areas of focus for interventions.

In the data analysis, UI researchers identified three significant drivers of the Travis County jail population:

- Unsentenced detainees;
- Detainees charged with a Felony Undetermined (consisting primarily of probation and parole violators, drug offenders, and ICE detainees); and
- Frequent residents of the jail.

The following recommendations are designed to help reduce the number of bookings, lower the average length of stay and cut jail bed day consumption for each of these groups.

- Increasing the use of comprehensive assessments, personal bonds, and specialized court dockets can help decrease the number of bookings and lengths of stay for unsentenced detainees.
- Improving coordination with federal and state agencies and providing eligible detainees with early access to alternative to jail programming will improve the management of detainees charged with a Felony Undetermined.
- Targeting interventions towards detainees with special needs and enhancing reentry planning can help reduce the frequent residents' jail bed day consumption.

The following existing programs in Travis County are related to the drivers of the jail population and, if expanded or enhanced, may help meet the intervention goals outlined above:

- Jail Reduction Docket and Magistrate's Docket;
- Pretrial diversion and alternative to jail programming for individuals charged with drug offenses; and
- Specialized caseloads within the Community Supervision and Corrections Department.

Together with the implementation of new strategies that draw from the Urban Institute's research on jail population reduction practices employed across the country, these programs can yield cost savings for agencies throughout the criminal justice system. These savings can be reinvested in more proactive prevention strategies, such as jail reentry and community policing initiatives.

## **Introduction**

The Jail Population Management Initiative (JPMI) supports and documents the development of an evidence-based, strategic approach to jail population reduction and justice reinvestment in three jurisdictions, Alachua County, Florida; Allegheny County, Pennsylvania; and Travis County, Texas. Employing a local data-driven approach and a collaborative system-wide decision-making process in each jurisdiction, sites are developing strategies to free up jail space for those who pose the greatest risk to public safety.

Work began in May 2009 when stakeholders met to kick-off the Initiative. Between May 2009 and today, members of the Data Committee have collected data on the jail population for analysis by the team at UI. The next stage of the Initiative involves using the data presented in this memo to identify and implement appropriate interventions. UI staff also plan to conduct and report back on interviews with key project participants, as well as an online survey of a representative sample of all county stakeholders, to measure the level of collaboration and perceived progress within the county.

## **Structure of JPMI in Travis County**

Judge Samuel T. Biscoe, District Attorney Rosemary Lehmberg, and County Attorney David Escamilla have taken leadership of JPMI in Travis County. Roger Jefferies, Executive Manager of Criminal Justice Planning, has spearheaded the planning and coordination processes for the Initiative, including leading bi-weekly UI-Travis County conference calls with Criminal Justice Planning staff members Kimberly Pierce, Cathy McClaugherty and Erin Nelson. Kimberly Pierce has supervised the Criminal Justice Planning staff working on JPMI and Cathy McClaugherty has served as the on-site project coordinator, overseeing the administrative elements of the project and answering UI's questions about past and present efforts aimed at managing the jail population. Erin Nelson, Research Associate in Criminal Justice Planning, and Tonya Mills, a Senior Research and Planning Analyst in the Sheriff's Office, have managed the data collection efforts to date and have produced all of the data that UI has analyzed for this report.

Travis County has organized three committees for JPMI: the Data Committee, the Finance Committee and the Strategic Planning Committee. The Data Committee, which consists of Criminal Justice Planning staff members, has provided UI with data from the Travis County Jail,

the Community Supervision and Corrections Department (CSCD), Court Administration, and Pretrial Services. Finance Committee leaders Rodney Rhoades, the Executive Manager of Planning and Budget, and Roger Jefferies have produced an updated budget which details the daily costs of incarceration, jail overcrowding, and alternatives to jail stays in Travis County. The Travis County Community Justice Council has taken over the Strategic Planning Committee and has begun to discuss the ways in which interventions can be implemented to improve jail population management in the County.

Travis County leadership identified a number of goals for JPMI during the May 2009 kickoff meeting. Leaders expressed a desire to improve management of individuals who are arrested for drug offenses, either by preventing their entry into jail, expediting their movement through the system or planning their reentry in ways that would decrease their rates of recidivism. The Pretrial Services department has started to look at a risk assessment tool to assess detainees; since the kickoff meeting, the department has begun to look at testing and implemented a risk assessment tool, which the University of Cincinnati has developed for Travis County. Leaders also focused on the different ways they could assess the recent changes made to felony case processing in Travis County, including the replacement of Rocket Docket and Missile Docket with the Magistrate's Docket. CSCD representatives discussed the recent progress made in implementing evidence-based practices in Travis County and expressed a desire to have their programs incorporated into the JPMI assessment of the jail population; their initiatives have focused on shifting towards progressive sanctions for probation violators and community supervision programs in Travis County.

## Data Analysis

The first element of the JPMI data analysis assessed the average daily population (ADP) of the Travis County jail. Over the past two years, the ADP of the Travis County jail averaged 2,504 detainees, significantly below the rated design capacity of 3,055.<sup>i</sup> Travis County projects the ADP to increase from 2011 through 2018, hitting 2,866 in 2018.<sup>ii</sup> However, the yearly ADP projections do not take into account the seasonal peaks of the jail population. In August 2009, the jail population experienced a spike of 193 detainees (when compared with May 2009). Additionally, in the peak months of September and October, the jail can have up to 200 additional detainees in comparison to normal months. Taking monthly peaks into account, the jail population is at risk of hitting 90% capacity this coming year.

Reaching jail capacity has severe implications. When jails become crowded, they become unsafe. Because it is difficult for jail administrators to effectively manage detainees in a crowded setting, operating near capacity jeopardizes the wellbeing of staff and detainees. Jail crowding also has implications for public safety, since housing populations with special needs in a crowded setting can make them more dangerous to the community once they are released.

Perhaps more importantly, the jail is projected to be beyond its "breaking point" of 2,750 detainees as early as 2010. At the point that the jail's ADP exceeds that number, the county will be forced to transfer detainees for housing outside of the county, incurring significant costs in the process. Such transfers are not only undesirable from a fiscal perspective, but also threaten the successful reentry of detainees back to the community, as they are distanced from their family and support networks.

Given the serious implications of Travis County's projected jail population in coming years, UI researchers have analyzed a wealth of data to help inform efforts to curb this anticipated growth. This memo, however, only focuses on the key findings pertaining to the main drivers of the jail population. In analyzing the data, UI researchers were careful to distinguish between jail detainees and the number of bookings they have. UI researchers used data on people in jail and bookings in conjunction with the average length of stay to assess the jail bed day consumption of specific groups of detainees.

UI's data analysis indicates that there are three main drivers of the jail population: unsentenced detainees, low-level felony detainees (detainees with a "Felony Undetermined" charge), and detainees who are booked two or more times in a two-year period ("frequent residents" of the jail).

### ***Unsentenced Detainees***

The pretrial population is the most significant driver of the jail population:

- Unsentenced detainees consumed 88.1% of the total jail bed days in August 2009; this percentage rose between 2008 and 2009, increasing from 84.8% in August 2008.<sup>iii</sup>
- Unsentenced detainees serve an average length of stay of 67 days, which is significantly longer than the average length of stay for detainees sentenced to county jail time, at 43 days.<sup>iv</sup>

### ***Felony Undetermined Population***

Detainees charged with a Felony Undetermined are parole violators, Immigration and Customs Enforcement (ICE) detainees, low-level drug offenders, and probation violators. This charge group is also a significant driver of the jail population.

- The percentage of Felony Undetermined bookings rose from 10% in FY2007 to 12.3% in FY2008, even though the total number of bookings declined by 0.7% during that same time period.<sup>v</sup>
- Compared with all other charge groups, the Felony Undetermined group is the largest consumer of jail bed days; between October 2006 and June 2009, Felony Undetermined detainees consumed 26% of jail bed days.<sup>vi</sup>
- The Felony Undetermined population also accounts for 29.6% of the pretrial population and 43.25% of the sentenced population in the jail.<sup>vii</sup>

### ***Frequent Resident Population***

Frequent residents of the jail (detainees with two or more bookings between October 2006 and June 2009), while a relatively small fraction of all detainees, nonetheless consume a disproportionate share of jail bed days:

- Though frequent residents make up less than 32.7% of the jail population, they account for 69.3% of total jail bed day consumption (in part because they are booked more but also because they stay an average of five days longer than detainees with one booking).<sup>viii</sup>
- Detainees with special needs account for a large percentage of frequent resident bookings:
  - Though homeless people account for just over 39% of the frequent resident population, 75% of homeless detainees' bookings were attributed to frequent residents.<sup>ix</sup>
  - For a detainee with mental health problems, the average length of stay is 39.43 days (compared to 17.4 days for the overall frequent resident population).<sup>x</sup>
  - While mentally ill individuals have a lower rate of rebooking in comparison to the overall jail population (25.2% compared to 32.7%), this is because their lengths of stay are on average much longer, affording them with fewer opportunities to be released and rebooked. When one examines these mentally ill frequent residents over an eight-year period (as opposed to a two-year period), their rate of rebooking increases to 77.1%.<sup>xi</sup>
- Public order offenses are the most common offense among frequent residents of the jail:
  - Frequent residents charged with a Class B or Class C misdemeanor account for 50% of the frequent resident bookings between October 2006 and June 2009.<sup>xii</sup>
  - Older detainees and homeless detainees are more likely to be booked for public order violations.
- Younger frequent residents are more likely to be booked for drug offenses:
  - Individuals booked on drug offenses account for the largest percentage of individuals who were rebooked in 2008 (33%).<sup>xiii</sup>

### **Unsentenced Detainees: Data Implications and Potential Interventions**

The large number of pretrial detainees in Travis County indicates that improvements need to be made to the County's case processing procedures. Travis County's unsentenced population reached 88.1% in August 2009, significantly exceeding the national average of 62.9%.<sup>xiv</sup> Decreasing the length of time it takes to move cases through the system would reduce unsentenced detainees' average lengths of stay and jail bed day consumption. These improvements can begin with Pretrial Services, when the Division conducts an initial assessment of each detainee. Both the decision to issue personal bonds to individuals, as well as the degree to which those who are granted bond fail to appear or reoffend, impact jail bed day consumption in the jail.

The moment detainees are booked into jail, they start consuming jail bed days. It is therefore important to ensure that everyone who is deemed ineligible for bond actually needs to remain in jail. Those who assess detainees need to judge risk level on the likelihood that the individual will fail to appear for his or her court date and on whether or not the individual poses a threat to public safety (Pretrial Justice Institute 2009).

Pretrial Services has an opportunity to impact the jail population through appropriate recommendations for release on personal bond. However, Pretrial Services cannot simply let individuals out of jail without having accurate risk assessment procedures in place. Pretrial Services officers can continue to make effective risk-based individualized bond recommendations and work to implement an objective risk assessment tool to assist them in their work. Further, they can maintain close coordination with the judges who set bail and review Pretrial Services' bond recommendations. This will ensure that bond procedures are accurately and efficiently implemented and jail resources are used in the most strategic way possible (Phillips 2005; Vera 1995).

Faster case processing is a fundamental aspect of decreasing the number of unsentenced detainees who are housed in jail. Those individuals in jail who are considered "holds" (those waiting for transfer to another facility) consumed 20.4% of total jail bed days between October 2006 and June 2009.<sup>xv</sup> Many of these holds are for ICE; 183 more people were released to ICE in July 2009 compared to July 2008.<sup>xvi</sup> Because ICE had placed a hold on these detainees, they were not eligible for personal bond. The increase in ICE holds could be part of the reason that the number of people released on personal bond decreased in July 2009 when compared to July 2008 (see Table 1).

**Table 1.**  
**Percent of Total Detainees Released**

|                | Bond  | ICE   |
|----------------|-------|-------|
| July 2008      | 42.7% | 2.1%  |
| July 2009      | 37.4% | 5.6%  |
| Percent Change | -5.3% | +3.5% |

Source: Tonya Mills, Travis County Sheriff's Office

If Pretrial and ICE officers can work together, they can ensure that those who are held in jail until they are released to ICE are truly at risk for failing to appear in court. Inviting ICE representatives to jail population management discussions gives them an opportunity to discuss the placement of ICE holds for detainees (low and high risk). Pretrial Services has recently begun the practice of interviewing individuals who have an ICE hold placed on them so that if ICE releases the hold, the judge will have the option to release qualified defendants on personal bond. Working closely with ICE can help Pretrial Services determine which detainees might have their ICE hold released and will soon be eligible for personal bond, expediting the movement of their case through the system.

The District Attorney's Office and County Attorney's Office can also work with ICE to manage the plea bargaining process for detainees who have a hold placed on them (Large Jail Network 2009). If ICE refuses to release a hold on a detainee, the County Attorney or District Attorney could consider issuing plea bargains early in case processing (instead of taking cases to trial) to ensure that the detainee could be sentenced to serve time in another facility or released to ICE custody as soon as possible.

Whenever possible, the County needs to seek reimbursement from other agencies for the forced detention of individuals and also needs to ensure that the reimbursement measures in place accurately reflect the total costs of housing these detainees. Jail bed day cost calculations cannot be based on the cost of housing and feeding detainees alone; they need to reflect the total cost of jail bed days, including costs associated with booking, processing, assessment, medical assistance, in jail programming, and transportation to and from court.

The majority of sentenced detainees (63.1%) in Travis County are sentenced to serve time in another facility, mostly state prison.<sup>xvii</sup> Getting detainees out of jail and into the state facility as soon as they are sentenced is a crucial element of improving case processing in Travis County. This requires significant cooperation and coordination with the Texas Department of Criminal Justice (TDCJ). TDCJ reimburses Travis County for the cost of holding detainees already sentenced to prison. However, it is important for the County to work with the state to ensure that these reimbursement procedures accurately reflect the total cost of housing those detainees, including those associated with jail crowding.

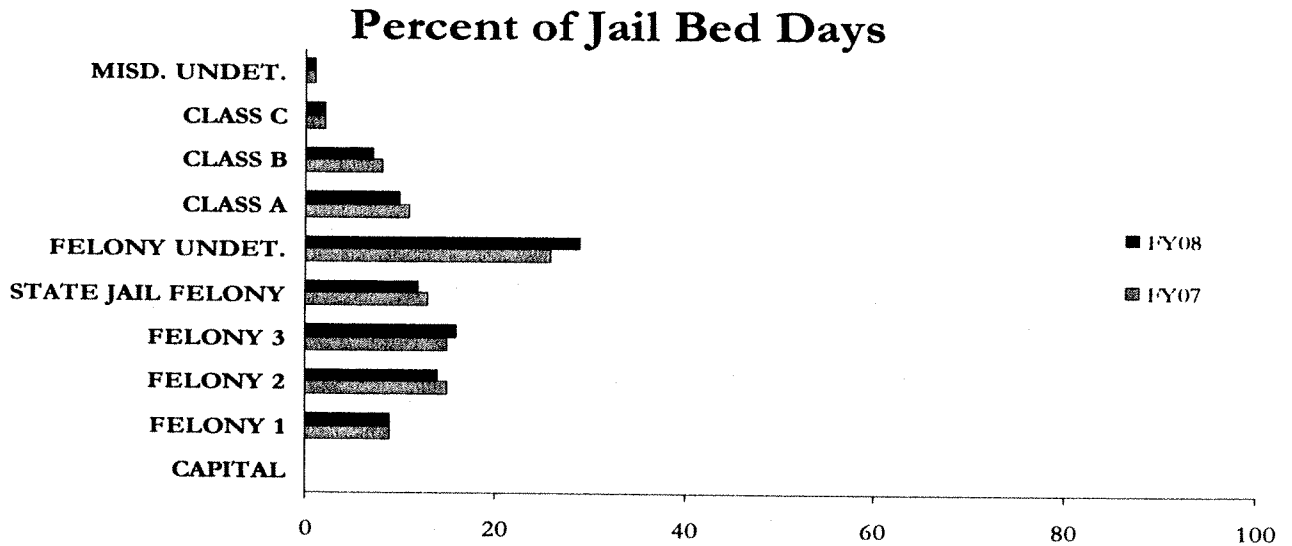
### **Felony Undetermined Bookings: Data Implications and Potential Interventions**

Addressing the Felony Undetermined population will also cut down on jail bed day consumption (see Figure 1). As discussed earlier, Felony Undetermined detainees are parole violators, ICE detainees, low-level felony drug offenders, and probation violators. Parole violators make up the majority of this charge group; working with TDCJ to speed up the length of time between a violator's booking into jail and the violator's hearing at the Parole Board will help cut down on parole violators' jail bed day consumption. However, more can be done to cut down on the number of low-level drug bookings in the Travis County jail.



**Figure 1.**

**Total Number of Bookings for Frequent Flyers by Age and Offense Type**



As Reported by Tonya Mills, Travis County Sheriff's Office

Evaluating policing policies regarding low-level felony drug offenders is instrumental in determining what the best methods are to balance the interests of public safety without placing an undue burden on the jail population. Employing deterrence strategies may yield that appropriate balance; these strategies emphasize interagency coordination to identify key offenders and focus on implementing various levels of sanctions to prevent individuals from committing risky or violent behavior (Kennedy 2008). Deterrence can not only reduce crime, it can decrease the number of bookings into jail and enable police to help manage the overall jail population.

Police can also be involved in reentry initiatives that decrease reoffending among non-violent felony populations. Police reentry initiatives involve both surveillance and support strategies. On the surveillance side, officers can work with jail administrators to improve the supervision of non-violent felony detainees after they are released. On the support side, police can ensure that these individuals have access to the resources that keep them from becoming a threat to public safety (La Vigne et. al. 2006).

Employing different sentencing options can also decrease the number of Felony Undetermined bookings in jail at the pretrial and sentencing levels. Alternative sentences are a common method of reducing felony bookings in jail; however, in order to experience a significant decline in jail bed day consumption, felony detainees (particularly drug offenders) need to have access to alternatives to incarceration in the pretrial stage (Fluellen and Trone 2000). These alternatives exist through courts and programs; improving links between these different types of alternatives

ensures that everyone who needs access to these programs gets it as quickly as possible (Wenzel et. al. 2004).

Using sentencing interventions in the pretrial stage would address the problem of having a large number of low-level felony detainees who are unsentenced but qualify for alternative to incarceration programs. The comprehensive assessments on the Pre-Sentencing Investigation form can identify detainees with substance abuse and mental health problems; if this form is used early in the booking process, it can reduce the amount of time it takes these detainees to access alternative to jail programs. This is one of many improvements to case processing that would help cut down on the average length of stay for low-level felony detainees.

Another promising strategy to reduce Felony Undetermined bookings is to improve and enhance case management through the reentry process. Pre-release reentry planning can provide detainees with transition plans that will minimize their likelihood of being booked into jail again. Efficient collaboration in and outside of the criminal justice system ensures that detainees have access to resources upon release and improves their chances of successfully reintegrating into their communities (National Association of Counties 2008).

Efficient surveillance is a crucial component of community supervision. Without effective monitoring, detainees released to probation are more likely to recidivate (Lindquist et. al. 2003). Cost-saving interventions such as reporting kiosks for low-level felony detainees would allow CSCD's resources to focus on effective case management for medium and high-risk individuals, as opposed to overwhelming the system with individuals who have a lower risk of violating (Longshore et. al. 2005; Solomon et. al. 2008). Offering incentives to released detainees also decreases the likelihood of recidivism for individuals on probation, regardless of their risk level (Scott-Hayward 2009). Not only can these supplemental probation interventions decrease recidivism, they can also cut costs in CSCD.

### **Frequent Residents Population: Data Implications and Potential Interventions**

Frequent residents of the jail – those who have repeat bookings over time – are another key factor contributing to the jail population. Improving the strategies employed to address the risks and needs of these frequent residents can be particularly difficult since this population is diverse and has many different special needs. The four main categories of frequent residents identified by the UI analysis are: (1) youthful detainees; (2) older detainees; (3) homeless detainees; and (4) detainees with mental health issues.

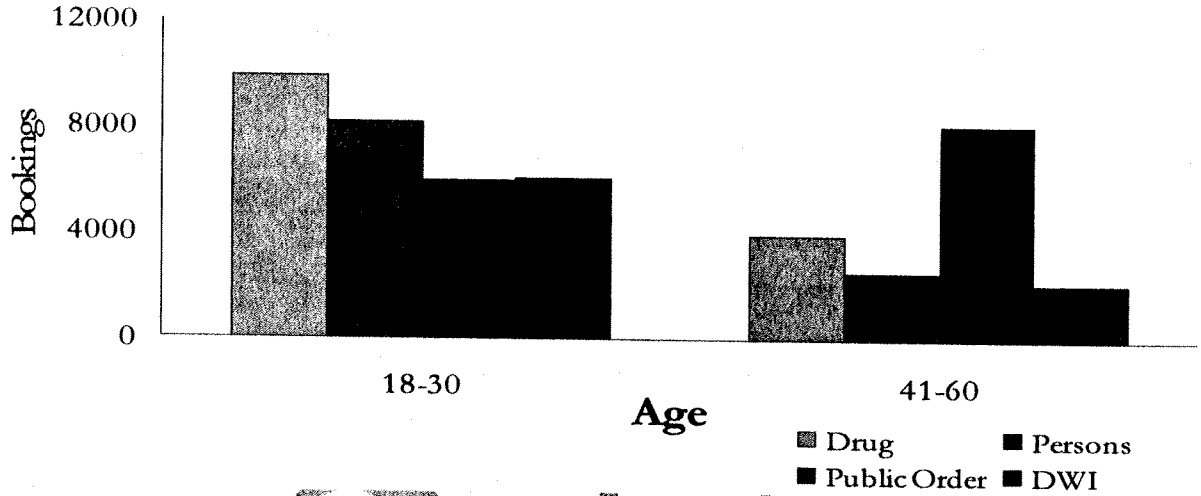
Age is an important consideration among the population of frequent residents, as younger detainees and older detainees not only commit different types of offenses, they also respond differently to interventions and alternatives to incarceration. Tailoring interventions to the age of the detainee may therefore yield benefits in reducing the likelihood of subsequent bookings (see Figures 2 and 3).

Detainees charged with public order violations are more likely to be homeless, suggesting that diverting public order violators from jail and/or improving reentry strategies for homeless detainees may reduce the likelihood of their returning to jail.

Addressing the needs of detainees with mental health problems may also result in a reduction in lengths of stay for this subset of frequent residents. Diagnosing this population and helping them gain access to services in the community immediately upon discharge may not only reduce their likelihood of recidivism, but could also decrease their length of stay and jail bed day consumption.

**Figure 2.**

**Total Number of Bookings for Frequent Flyers by Age and Offense Type**

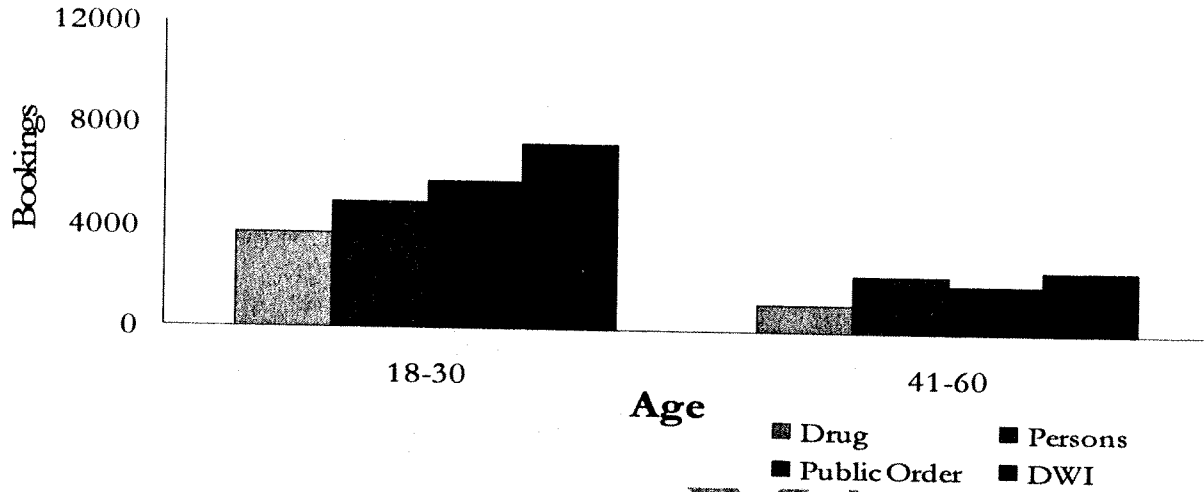


As Reported by Tonya Mills, Travis County Sheriff's Office

Interventions targeted towards frequent residents of the jail need to address two issues: one, the number of times individuals are booked and two, the length of stay for those who are rebooked. The Austin Police Department (which produces the vast majority of bookings into the Travis County jail) can focus on system entry interventions, including community policing strategies, to help lower rates of recidivism among individuals frequently housed in jail. These strategies require assessing the reasons people recidivate and coordinating with other agencies and community members to address the underlying causes of crime (La Vigne et. al. 2006).

**Figure 3.**

**Total Number of Bookings for First Timers by Age and Offense Type**



As Reported by Tonya Mills, Travis County Sheriff's Office

Police officers can build problem solving partnerships with community members to gain information about individuals who may pose a risk to public safety. Police are also uniquely positioned to connect frequent residents to social services both after release as well as in lieu of booking them into jail. Through developing special referral protocols, officers can help individuals access the relevant agencies outside of the jail and potentially prevent them from having continued interaction with the criminal justice system (La Vigne et. al. 2006).

Community policing strategies can be particularly helpful in dealing with younger frequent residents and homeless frequent residents, two significant subsets of the frequent resident population in the Travis County Jail. Though homelessness is difficult to track, it is clear from the volume of public order bookings that homeless people account for a significant portion of the frequent residents of the jail. Because public order bookings have a short average length of stay, it is crucial to assess this population as early as possible in the booking process. Homelessness is currently self-reported at intake; because the Pre-Sentence Investigation form is not conducted at the time of booking, many homeless detainees are not screened and tracked. Early assessments allow jail administrators to flag those in need of referrals to housing agencies and minimize the chances that these detainees will be booked again on a public order violation.

For detainees who may be less receptive to interventions (specifically younger detainees), an effective strategy may be to incorporate the concept of individualized justice. This strategy focuses on improving case management for at risk individuals, both during their jail stay and after their reentry into the community (Wolf 2007). Individuals who are less responsive to targeted interventions often have different types of special needs. For example, younger detainees with mental health problems tend to have longer lengths of stay in jail and a higher

likelihood of recidivating; dealing with both of these special needs at the same time is necessary to improve the management of this population (Dembo et. al. 2007). In dealing with detainees with different special needs, a wraparound services approach that incorporates multiple agencies, experts and resources is most effective (Pullman 2006).

Improving management of jail populations that have chronic special needs also requires coordination with agencies outside of the criminal justice system. Permanent reductions in the jail population require addressing the needs of homeless and mentally ill populations who are overrepresented in the jail system. In order to effectively do this, the county needs to improve coordination between relevant agencies, including non-governmental agencies (Clark 2008, Thompson et. al. 2007). Keeping homeless and mentally ill people out of jail requires considering alternatives to incarceration at all levels, including system entry. Indeed, it may not be an efficient use of jail space to send homeless and mentally ill people to jail for public order violations (the most prevalent charge among frequent residents) when they might benefit from a non-incarcerated setting, such as supportive housing.

### **Improving Existing Programs in Travis County**

Travis County has already made significant strides in addressing the biggest drivers of the jail population. Case processing, pretrial diversion and reentry planning interventions all help manage the unsentenced population, detainees charged with a Felony Undetermined, and frequent residents of the jail. Evaluating and expanding upon these current efforts will allow the county to further reduce the impact of these three drivers of the jail population.

#### **Case Processing**

The Magistrate's Docket was established in early 2009 to replace Rocket Docket and Missile Docket, which began in 2002 and 2004, respectively. The Magistrate's Docket expedites low-level felony cases through the system within five business days of booking; the District Attorney's office processes these cases quickly and ensures that the defendant has been offered a plea bargain before his or her court date. The Jail Reduction Docket, which has been operational since 2002, does the same thing for misdemeanor defendants; in order to be eligible for this docket, defendants must plead guilty or no contest.

Efforts to improve case processing should work in conjunction with programs that reduce recidivism. The Travis County DWI Court is an example of this type of program; it not only processes DWI cases efficiently by separating them from the overall jail population, it facilitates collaboration between judges, attorneys, probation officers, treatment providers and the detainees themselves. Though the program itself was not formally evaluated by UI, the data suggest that this Court is achieving its intended goals; DWI offenses make up a lower percentage of frequent resident bookings than overall bookings (10.8% vs. 14.5%), suggesting that the Court has lowered the rates of recidivism for those booked on DWI charges.<sup>xviii</sup>

While enhancing case processing is crucial, improvements need to be made at the system entry level to keep misdemeanor level detainees out of jail. Cite and Release policies are extremely helpful tools for decreasing the number of misdemeanor bookings in jail, provided they are used correctly. Individuals who are unlikely to report to court are not good candidates for citations. Likewise, over-utilizing citations for those who do not need to appear in court is not a wise use

of police resources. An alternative to Cite and Release is use of the Weekender Alternative Program. This program limits the number of jail bed days consumed by eligible misdemeanor detainees, as detainees involved in this program are diverted from jail, doing maintenance work for the facilities on weekends as an alternative. Expanding either of these programs in an efficient manner could decrease jail bed day consumption among misdemeanor detainees.

### ***Diversion Programs***

Travis County's Pretrial Services Department operates a number of pretrial programs designed to release people from jail while maximizing the likelihood that they will appear in court. These programs are particularly useful because detainees do not have to wait in jail for long periods of time awaiting trial and sentencing. Many of the programs, such as Ignition Interlock and Electronic Monitoring, place conditions on a detainee's bond. Other programs, such as the Pretrial Intervention Program, provide substance abuse assessments of indigent individuals or individuals without health insurance.

Other programs, such as the Adult Probation Pretrial Diversion Program, are only open to first-time offenders; unfortunately, this program excludes all frequent residents who consume the vast majority of jail bed days. The Supervision and Monitoring of Alcohol Related Treatment and Treatment Alternatives to Incarceration programs already exist to help individuals booked for drug offenses. However, because CSCD runs these programs, individuals must wait until they are sentenced for possible program enrollment.

The data show that the average length of stay for most low-level felony detainees has declined since the start of 2009, especially for those who are booked multiple times.<sup>xix</sup> This decline may be attributable to the interventions that are already in place; however, given the size of the low-level felony population – particularly those who are pretrial – more needs to be done. Unsentenced defendants who have low-level felony charges could greatly benefit from alternative to incarceration programs prior to sentencing. If pretrial detainees qualify for alternative to incarceration programs, they need to get access to them as quickly as possible in order to minimize their jail bed day consumption.

### ***Reentry Planning***

Programs that maximize case management and inter-agency coordination may be the best methods of decreasing recidivism for detainees with special needs. Travis County has established the Pretrial Services Mental Health Supervision Program, the Felony Mental Health Docket, the Mental Health Public Defender's Office and the Special Reduction Docket for mentally ill defendants with misdemeanor level charges. All of these programs exist to help manage the mentally ill population in jail; improving coordination between these programs could help reduce the length of stay for mentally ill defendants.

Different solutions are needed, however, for violent mentally ill detainees and non-violent mentally ill detainees. Those with histories of violence likely require long-term care in an institutional facility, whereas others may benefit more from improved aftercare in the community. Various specialized caseloads within CSCD deal exclusively with the mentally ill; because these caseloads already exist in CSCD, it is an ideal department to improve coordination with other social services agencies within the community. Improving jail administrators' access

to CSCD's resources can help ensure that detainees are referred to appropriate social services even when they are not placed on probation.

Because TDCJ provides the majority of CSCD's funding, 90% of CSCD's resources must go towards supervising individuals charged with a felony. As of June 2009, 51.5% of the individuals under direct supervision of CSCD were charged with misdemeanors.<sup>xx</sup> Relying too heavily on CSCD to manage frequent residents of the jail is problematic because the majority of them are charged with misdemeanors; therefore, they do not have access to many of the resources available through CSCD.

Travis County Counseling and Educational Services (TCCES) is another useful resource for improving management of frequent residents of the jail. TCCES provides rehabilitative classes for detainees who have committed misdemeanor crimes. These educational services can help link frequent residents with resources in the community that will help lower the likelihood that they will be booked again in a short time frame.

As referenced earlier, homeless detainees charged with public order offenses comprise another group that is prevalent among the frequent residents of the jail in Travis County. One program in particular, Project Recovery, provides treatment as an alternative to incarceration for some of these detainees. It targets individuals who are charged with enhanced Class B misdemeanors. People are referred to the program through Court Administration and then the docket in County Court at Law 5. Exploring ways to expand the eligibility requirements or the scope of programs like Project Recovery could reduce the jail bed day consumption among the homeless, substance abusing frequent residents of the jail. Programs such as Project Recovery can be particularly effective because they offer a wraparound services approach to dealing with a population that frequents the jail instead of trying to treat each individual's problems one at a time.

### **Resource Constraints**

UI acknowledges that Travis County faces significant resource constraints that make jail population management difficult. Seeking out additional financial resources makes these constraints more manageable. Many local government agencies and private foundations target juveniles, homeless and mentally ill individuals who interact with the criminal justice system. Coordinating the provision of services with these agencies and organizations, not only by sharing funding but by improving communication, could allow Travis County to access as many resources as possible for jail population management.

Jail population management is also difficult because many key stakeholders have to answer directly to the public. While reducing the jail population is an important consideration for strategic jail management, it is important to focus on the cost savings that stem from this reduction. Decreasing the cost of the jail population not only saves money, it also allows the county to improve upon methods that effectively lower crime rates by safely reintegrating people into the communities they return to and ultimately improving public safety. This type of messaging will be important to JPMI stakeholders as they move toward the identification and implementation of new interventions as well as the expansion of existing ones.

## Case Studies from Other Jurisdictions

Other jurisdictions have faced similar issues related to jail population management, and have implemented successful interventions that have provided cost savings and reduced recidivism. Many jurisdictions have dealt with the same specific drivers of Travis County's jail population: unsentenced detainees, low-level felony detainees and individuals who are frequently booked into jail.

In dealing with pretrial populations, Oakland County, Michigan implemented "Step Forward," a Community Corrections program that recently began providing alternative to jail programming for pretrial detainees. The program focuses on implementing comprehensive assessments at intake that relate to an individual's failure to appear, enabling the county to follow the legal requirement of only having bond conditions that relate to an individual's likelihood of failing to appear in court. Of the 42 pretrial defendants who enrolled in the program between June 1 and December 31, 2007, 93% of them returned to court (Hankey 2008).

Various Bail Bond Supervision Programs in Nassau, Bronx, and Essex Counties in New York have implemented intensive pretrial supervision for defendants assumed to be flight or failure to appear risks. These programs emphasize that effective case management can allow pretrial services to release individuals on bond while still ensuring that failure to appear rates remain low.

Other counties have implemented interventions to reduce the percentage of low-level felony detainees in their jail. Georgia's Department of Corrections has implemented a Probation Options Management strategy. The Department handles all probation violators internally (instead of waiting for them to be sent back to their original judge), cutting down on case processing times while violators wait to get sent back to the judge who sentenced them. Similarly, the Bay Area Services Network in California incorporated a stronger case management process for drug offenders on parole, with the specific goal of lowering violations that stem from detainees committing misdemeanor crimes. These types of programs address the issue of parole violators taking up jail space while they await their Parole Board hearing at the state corrections facility.

Recidivism is an enormous problem for jail population management, and all jurisdictions struggle with it. However, many counties have established creative methods of dealing with frequent residents of their jails. Montgomery County, Maryland is one of the country's leaders in reentry planning; the County's Pre-Release and Reentry Services Division holds monthly meetings to assess federal, state and local detainees who are returning to Montgomery County communities within 12 months. Through working with agencies inside and outside of the criminal justice system, reentry planners have been able to release 99% of program participants to the community with housing and release 88% to the community with employment (National Association of Counties 2008).

The Berks County, Pennsylvania Community Reentry Program focuses on job training and employment opportunities for recently released detainees, and provides ongoing assistance for individuals up to three years after they have been released. This method of improving reentry and continuing with case management for an extended period of time has decreased the rates of recidivism in the county's jail population.



The Iowa Jail Based Substance Abuse Treatment Project, on the other hand, focuses on providing drug treatment to detainees; this program is distinct because it has a major emphasis on therapeutic programming and continuing care built into its treatment model.

Harriet's House in North Carolina provides transitional housing for female ex-offenders and helps program participants deal with the factors that led to their incarceration (such as drug use, domestic abuse and a lack of education). This intervention is particularly relevant to Travis County, considering older, female frequent residents have a high average number of bookings (3.86, as opposed to 3.2 for the average frequent resident) and make up a disproportionate percentage of jail bed day consumption.<sup>xxi</sup>

## **Data Collection**

UI researchers encountered a number of obstacles in conducting the data analysis of the Travis County jail population. Different criminal justice agencies in Travis County use different data management systems, which made it difficult to obtain all of the jail population data relevant to this project. Moreover, in collecting demographic information for the jail population, UI and Travis County officials discovered that certain data, such as the number of substance abusers in the jail, was not collected. UI analysts also suspect that mental illness and homelessness were under diagnosed in the jail, a problem that is prevalent in jurisdictions throughout the U.S.

Integrating data management throughout all agencies in the criminal justice system is a difficult task for most jurisdictions. Because the system is decentralized, agencies function autonomously in collecting data relevant to them. This autonomy can be problematic when it comes to assessing the overall jail population. Data collection is a crucial component of jail population management, and devoting resources to improving this system would likely prove to be worthwhile in future jail population assessments.

## **Conclusion**

These recommendations are by no means inclusive of all the options Travis County stakeholders have moving forward in their jail population management efforts. The interventions mentioned in this memo speak to the drivers of the jail population (as identified by UI's data analysis) and are based on literature and proven examples in the field. As JPMI moves forward, there will be ample opportunities to discuss and learn about what interventions would work best in Travis County.

## **For More Information**

Nancy La Vigne, Principal Investigator  
Pamela Lachman, Research Assistant  
The Urban Institute  
2100 M Street NW  
Washington, D.C. 20037  
(202) 261 5514  
[nlavigne@urban.org](mailto:nlavigne@urban.org)  
[plachman@urban.org](mailto:plachman@urban.org)

## References

- (1995). *Bail Bond Supervision in Three Counties: Report on Intensive Pretrial Supervision in Nassau, Bronx, and Essex Counties*. New York: The Vera Institute of Justice.
- (2009). *Survey of Pretrial Services Programs*. Washington, D.C.: Pretrial Justice Institute.
- Clark, John. (2008). *A Framework for Implementing Evidence-Based Practices in Pretrial Services*. Washington, D.C.: Pretrial Justice Institute.
- Dembo, Richard, Jennifer Wareham, Norman G. Poythress, Brittany Cook and James Schmeidler. (2007). *The Impact of Arbitration Intervention Services on Youth Recidivism*. *Journal of Offender Rehabilitation*: 43(4). 95-131.
- Fluellen, Reginald and Jennifer Trone. (2000) *Do Drug Courts Save Jail and Prison Beds?*. New York: The Vera Institute of Justice.
- Hankey, Barbara M. (2008) *Pretrial Defendants: Are They Getting Too Much of a Good Thing?*. Michigan: Oakland County Community Corrections.
- Kennedy, David M. (2008). *Deterrence and Crime Prevention*. New York: Routledge.
- La Vigne, Nancy G., Amy Solomon, Karen A. Beckman and Kelly Dedel. (2006). *Prisoner Reentry and Community Policing: Strategies for Enhancing Public Safety*. Washington, D.C.: The Urban Institute Justice Policy Center.
- Large Jail Network. (2009). *Large Jail Network Proceedings: March 17-21, 2009*. Washington, D.C.: National Institute of Corrections.
- Lindquist, Christine, Jennifer Hardison and Pamela K. Lattimore. (2003). *Reentry Courts Process Evaluation: Phase I*. Research Triangle Park, NC: RTI International
- Longshore, Douglas, Susan Turner and Terry Fain. (2005). *Effects of Case Management on Parolee Misconduct: The Bay Area Services Network*. *Criminal Justice and Behavior*, 32(2): 205-222.
- National Association of Counties. (2008). *Reentry for Safer Communities*. Washington, D.C.: Bureau of Justice Administration.
- Phillips, Mary T. (2005). *Prosecutors' Bail Requests and the CJA Release Recommendation: What Do They Tell the Judge?* New York: New York Criminal Justice Agency.
- Pullman, Michael D., Jodi Kerbs, Nancy Koroloff, Ernie Veach-White, Rita Gaylor and Dede Sieler. (2006). *Juvenile Offenders with Mental Health Needs: Reducing Recidivism Using Wraparound*. *Crime & Delinquency*: 52(3). 375-397.

Scott-Hayward, Christine. (2009). *The Fiscal Crisis in Corrections: Rethinking Policies and Practices*. New York: The Vera Institute of Justice.

Solomon, Amy L., Jenny W. L. Osborne, Laura Winterfield and Brian Elderbroom. (2008) *Putting Public Safety First*. Washington, D.C.: The Urban Institute Justice Policy Center.

Thompson, Michael, Fred C. Osher and Denise Tomasini-Joshi. (2007). *Improving Responses to People with Mental Illnesses: The Essential Elements of a Mental Health Court*. New York: Council on State Governments Justice Center.

Wenzel, Suzanne L., Susan F. Turner and M. Susan Ridgely. (2004). Collaborations Between Drug Courts and Service Providers: Characteristics and Challenges. *Journal of Criminal Justice*, 32(3): 253-263.

Wolf, Robert V. (2007). *Don't Reinvent the Wheel: Lessons from Problem Solving Courts*. New York: Center for Court Innovation.

DRAFT

**Appendix**

| <b>TRAVIS COUNTY JAIL SYSTEM OVERVIEW</b>  |   |         |
|--|---|---------|
| <b>Jail Capacity</b>   |   | 3,055   |
| <b>Bookings<sup>xxii</sup></b>   |   | 5,072   |
| <b>Jail Population<sup>xxiii</sup></b>   |   | 2,504   |
| <b>Projected Population in 5 years (2014)<sup>xxiv</sup></b>   |   | 2,125   |
| <b>Projected Population in 9 years (2018)<sup>xxv</sup></b>  |   | 2,866   |
| <b>Highlights of People in Jail</b>  |   |         |
| <b>Average Length of Stay<sup>xxvi,xxvii</sup></b>   | Not Sentenced   | 67 days |
|  | Sentenced   | 43 days |
|  | Felony  | 79 days |
|  | Misdemeanor   | 24 days |
| <b>Age<sup>xxviii</sup></b>  | Percent 17 - 24   | 32%     |
|  | Percent 25 - 32   | 28%     |
|  | Percent Above 40  | 23%     |
| <b>Special Populations<sup>xxix,xxx</sup></b>  | Percent Pre-trial   | 87%     |
|  | Percent Homeless  | 19%     |
|  | Percent with Mental Illness   | 16%     |
| <b>Gender<sup>xxxi</sup></b>   | Percent Male  | 79%     |
|  | Percent Female  | 21%     |
| <b>Top Arresting Agencies<sup>xxxi</sup></b>   | Austin Police Department  | 75%     |
|  | Travis County Sheriff's Office  | 22%     |
|  | Other   | 3%      |
| <b>Target Issues</b>   | <b>UNSENTENCED POPULATION</b>   |         |
|  | ■ Decrease bookings through pretrial services interventions and decrease average length of stay through case processing interventions                         |         |
|  | <b>LOW LEVEL FELONY POPULATION</b>  |         |
|  | ■ Decrease bookings and average length of stay through improving coordination between agencies and reforming the system entry, pretrial and reentry processes |         |
|  | <b>FREQUENT RESIDENTS OF JAIL</b>   |         |
| ■ Decrease bookings and average length of stay by improving case management for special populations and lowering rates of recidivism |   |         |

- 
- i Erin Nelson, "Who Is In Jail?" July 2009.
- ii This data is based on a Travis County Sheriff's Office report, "Travis County Jail Population 8-Year Cycle Projections, Revised 2008, Fiscal Years FY08 – FY18," conducted by Tonya Mills. The report provides three projections; the projection listed in this report reflects the most accurate projection, according to the Sheriff's Office. However, if the "out-migration" patterns that occurred in 1994 and 2003 (when state facilities opened up beds for a number of county detainees), the ADP will hit capacity in 2011.
- iii Tonya Mills, "Roger Snap 8-3-09 Summary," August 2009.
- iv Ibid
- v Tonya Mills, "urban-eval summary." August 2009.
- vi Ibid
- vii Ibid
- viii Tonya Mills, "urban-eval summary." August 2009.
- ix Tonya Mills, "UI – homeless info-summary." August 2009.
- x Tonya Mills, "UI – PSYCH info-summary." August 2009.
- xi Ibid
- xii Tonya Mills, "urban-eval summary." August 2009.
- xiii Erin Nelson, "Who Returns and Why?" July 2009.
- xiv Todd Minton and William Sabol, "Jail Inmates at Midyear 2008," March 2009, Bureau of Justice Statistics.
- xv Tonya Mills, "urban-eval summary." August 2009.
- xvi Tonya Mills, "Roger July Release Summary." August 2009.
- xvii Tonya Mills, "Roger Snap 8-3-09 Summary," August 2009. The percentage provided here is from the August '09 snapshot.
- xviii Tonya Mills, "urban-eval summary." August 2009.
- xix Tonya Mills, "Snapshot Summaries 2008-2009," August 2009.
- xx Community Supervision and Corrections Department, "Probation Summary," June 2008-June 2009.
- xxi Tonya Mills, "urban-eval summary." August 2009.
- xxii Erin Nelson, "Who Is In Jail?" July 2009.
- xxiii Erin Nelson, "Who Is In Jail?" July 2009. Once daily (typically around 0700) a "snapshot" is taken of the entire Corrections Bureau's detainee population. The number is entered into our spreadsheet daily and at the end of the month, it averages those daily snapshots to give us the ADP. The number provided here is an average of the monthly ADP from October 2006 to May 2009.
- xxiv Tonya Mills, "Travis County Jail Population 8-Year Cycle Projections, Revised 2008, Fiscal Years FY08 – FY18," 2008. The projection listed above reflects the most accurate projection, according to the Sheriff's Office.
- xxv Ibid
- xxvi For Unsentenced/Sentenced: Tonya Mills, "Roger Snap 8-3-09 Summary." The average length of stay listed is the August '09 snapshot.
- xxvii For Felony/Misdemeanor: Tonya Mills, "Snapshot Summaries 2008-2009," August 2009. The average length of stay listed is the median of three monthly snapshots provided in the report.
- xxviii Erin Nelson, "Who Is In Jail?" July 2009.
- xxix For % Pretrial: Tonya Mills, "Roger Snap 8-3-09 Summary," August 2009. The percentage comes from the August '09 snapshot, and the Sentenced population is those detainees who are sentenced to serve time in the county jail.
- xxx For Homeless, Mental Illness: Erin Nelson, "Who Is In Jail?" July 2009. Homeless includes those with the address of homeless, none, arch, salvation army, transient, and unknown (including spelling variations). Those with no address listed were also included.
- xxxi Erin Nelson, "Who Is In Jail?" July 2009.
- xxxii Ibid

### Travis County Commissioners Court Agenda Request

Meeting Date: November 3, 2009

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

B. Specific Agenda Language:

**CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO PAY MEMBERSHIP INVOICE FROM THE NATIONAL ASSOCIATION OF COUNTIES (NACO).**

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.

|  |  |
|--|--|
|  |  |
|  |  |

09 OCT 29 AM 11:33  
RECEIVED  
COUNTY JUDGE'S OFFICE

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

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.



Date: 09/21/2009

Invoice #: 60224

RECEIVED  
COUNTY JUDGE'S OFFICE  
09 OCT 19 AM 11:54

ID: 0000484530

Hon. Sam Biscoe  
County Judge  
Travis County  
PO BOX 1748  
ATTN: AUDITOR'S OFFICE  
Austin, TX 78767-1748

REMITTANCE ADDRESS:

P.O. BOX 79007  
Baltimore, MD 21279-0007  
EIN# 53-0190321  
Please Contact NACo with  
questions about this charge at  
(202)942.4291 / Fax: (202)393.2630

# INVOICE

| DATE | DESCRIPTION   | AMOUNT             |
|------|---|--------------------|
|      | <p><b>County Membership Dues</b></p> <p><b>01/01/2010 - 12/31/2010</b></p> <p><i>2010 Dues remain the same for a third year in a row per the NACo Board of Directors. Thank you for your membership in NACo!</i></p> <p><i>NACo Membership is a tremendous value! Take advantage of the many ways that NACo membership saves you money, time and resources including the NACo Prescription Drug Discount Card Program and Grants Resource Center. NACo even offers all publications free exclusively to our members! NACo's nationally bid cooperative purchasing programs can save members much more than their dues with just one purchase. NACo also offers County News, eNews, Conferences, Research, Training, and so much more!</i></p> <p><i>If you need additional information, please contact Ilene Manster, Membership Coordinator, at (202)942-4291 or e-mail imanster@naco.org.</i></p> |                    |
|      | Total:  | \$14,879.00        |
|      | Less Amount Paid:   | \$-0.00            |
|      | <b>TOTAL</b>  | <b>\$14,879.00</b> |

▼ PLEASE RETURN WITH PAYMENT ▼

ID: 0000484530

Date: 9/21/2009

Hon. Sam Biscoe  
Travis County  
PO BOX 1748  
ATTN: AUDITOR'S OFFICE  
Austin, TX 78767-1748

Invoice #: 60224

**NACo**  
P.O. BOX 79007  
BALTIMORE, MD 21279-0007



RECEIVED  
COUNTY JUDGE'S OFFICE  
**Travis County Commissioners' Court Agenda Request**

Meeting Date: Nov 3 09 OCT 22 PM 3:00  
OCTOBER 27, 2009

I. A. Requestor: COMMISSIONER SARAH ECKHARDT Phone # 854-9222

B. Specific Agenda Wording:

**CONSIDER AND TAKE APPROPRIATE ACTION REGARDING  
THE RECODIFICATION AND INTERNET PUBLISHING OF THE  
COUNTY CODE.**

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

**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.



---

---

**INTEROFFICE MEMORANDUM**

---

---

**TO:** TRAVIS COUNTY COMMISSIONERS COURT  
**FROM:** SARAHECKHARDT  
**SUBJECT:** RECODIFICATION AND INTERNET PUBLISHING OF COUNTY CODE  
**DATE:** 10/22/2009  
**cc:** Lisa Rush, Robert Resnick, Gillian Porter, Josie Zavala, Susan Verhoef, Tenley Aldredge, Roxanne Bonner

---

**Issue**

Information technology and public and internal expectations for information access have significantly changed. Our county code has not kept pace with technology or expectations for information access. The Travis County Code is not currently available to the public or to internal users in any comprehensive, uniform or searchable fashion. While the county clerk maintains a complete record of the county code, it is in multiple media and formats. The code is not electronically searchable for the public and is only nominally searchable by internal users. Many portions are outdated, have been superseded but never repealed, or are duplicative. In most instances, navigating the code (for the public or internal users) requires the assistance of county clerk or records management personnel with the institutional knowledge to guide one in one's research. If and when these crucial employees leave county employment, our ability to navigate the code will leave with them.

**Goal**

Edit and format the code for publication to the web and establish a style guide and procedures for maintenance of the code, which will facilitate user-friendliness and accessibility.

**Proposal**

Create a task force charged with:

1. Recommending a universal style guide for reformatting the existing code;
2. Editing the code;
  - o This charge will require collaboration with departments to differentiate between current and outdated portions of the code as it relates to the departments
  - o The staff recommended edits would then come to the commissioners court for review
3. Reformatting the edited code for web publication; and
4. Recommending procedures for future amendment and maintenance of the code that facilitate user-friendliness and accessibility.

The following individuals have been engaged in these issues and are willing to serve on a task force if created:

Lisa Rush  
Gillian Porter

Robert Resnick  
Josie Zavala

Susan Verhoef  
Roxanne Bonner

Tenley Aldredge

# Travis County Commissioners' Court Agenda Request

Meeting Date: November 3, 2009

I. A. Requestor: DEECE ECKSTEIN, IGR Phone # 854-9754

B. Specific Agenda Wording:

RECEIVE UPDATE AND TAKE APPROPRIATE ACTION ON REGIONAL INTERGOVERNMENTAL COLLABORATION ON AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA), INCLUDING:

- A. RECEIVE REPORT FROM INTERGOVERNMENTAL PARTNERS ON STATUS OF ONGOING EFFORTS TO COLLABORATE ON ARRA FUNDING; AND
- B. ADOPT RESOLUTION OF SUPPORT FOR INTERGOVERNMENTAL EFFORTS TO SECURE MORE ARRA FUNDING THROUGH INNOVATIVE PARTNERSHIPS.

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.

|                |  |
|----------------|--|
| SEE LIST BELOW |  |
|                |  |
|                |  |

III. Required Authorizations: Please check if applicable:

**NONE APPLICABLE.**

## NAMES, PHONE NUMBERS AND EMAIL ADDRESSES OF PERSONS WHO MIGHT BE AFFECTED BY OR BE INVOLVED WITH THIS REQUEST:

Rodney Rhoades, Executive Manager  
 Planning and Budget Office  
 Phone: 854-9106  
 Email: [Rodney.Rhoades@co.travis.tx.us](mailto:Rodney.Rhoades@co.travis.tx.us)

RECEIVED  
 COUNTY JUDGE'S OFFICE  
 09 OCT 27 PM 3:24

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.

Danny Hobby, Executive Manager  
Emergency Services  
Phone: 854-4416  
Email: [Danny.Hobby@co.travis.tx.us](mailto:Danny.Hobby@co.travis.tx.us)

Joe Gieselman, Executive Manager  
Transportation and Natural Resources  
Phone: 854-9383  
Email: [Joe.Gieselman@co.travis.tx.us](mailto:Joe.Gieselman@co.travis.tx.us)

Roger Jefferies, Executive Manager  
Justice and Public Safety  
Phone: 854-4415  
Email: [Roger.Jefferies@co.travis.tx.us](mailto:Roger.Jefferies@co.travis.tx.us)

Sherrie Fleming, Executive Manager  
Health and Human Services  
Phone: 854-4101  
Email: [Sherri.Fleming@co.travis.tx.us](mailto:Sherri.Fleming@co.travis.tx.us)

Cyd Grimes  
Purchasing Agent  
Phone: 854-9700  
Email: [Cyd.Grimes@co.travis.tx.us](mailto:Cyd.Grimes@co.travis.tx.us)

David Escamilla  
County Attorney  
Phone: 854-9415  
Email: [David.Escamilla@co.travis.tx.us](mailto:David.Escamilla@co.travis.tx.us)

Roger El-Khoury  
Facilities Management Director  
Phone: 854-4579  
Email: [Roger.El-Khoury@co.travis.tx.us](mailto:Roger.El-Khoury@co.travis.tx.us)


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.



# MEMO

- For Your Information
- Action Required

**TO:** Travis County Commissioners Court

**FROM:** Deece Eckstein, Coordinator, IGR 

**DATE:** Thursday, October 29, 2009

**RE:** AGENDA ITEM #25 – Federal stimulus (ARRA) funding and intergovernmental collaboration

## SUMMARY AND IGR RECOMMENDATION

Since April, representatives of six major Travis County political subdivisions have been strategizing ways to maximize federal stimulus (ARRA) dollars for the region through intergovernmental collaboration. Those representatives eventually formed a Steering Committee, which has met monthly, and eight workgroups to identify collaborative opportunities in areas such as Transportation, Health and Family Sustainability.

Attached is a report on the effort to date, formally submitted by the Steering Committee to each of the six governing bodies. Also attached is a draft resolution of support for the intergovernmental effort.

### IGR recommends that the Court:

1. receive the Steering Committee's report.
2. adopt the draft resolution.

### Attachments:

1. Report of the Steering Committee to the governmental partners
2. Resolution of Support for collaborative efforts to secure ARRA funding.

**TO:** Austin City Council  
Austin Community College District Board of Trustees  
Austin Independent School District Board of Trustees  
Capital Metropolitan Transportation Authority Board of Directors  
Travis County Commissioners Court  
Travis County Healthcare District Board of Managers

**FROM:** Intergovernmental Stimulus Steering Committee

## **OVERVIEW**

The American Recovery and Reinvestment Act of 2009 (ARRA) – also known as the federal stimulus bill – became law in February of 2009. ARRA seeks to invest \$780 billion nationally in a broad range of strategies designed to facilitate economic recovery and to make transformational investments in infrastructure, technology and human capital.

A large portion of stimulus funding is flowing to cities, counties and other local governmental entities via formula grants, which vary according to the purposes of the grant and the characteristics of the target population. Much of this formula-driven money has already been allocated.

Other programs with ARRA will award funds through competitive grants. In some cases, the specifics of such grant opportunities are only now becoming public, or will become available in the coming months. Many of the competitive grants will utilize scoring criteria that prioritize new problem-solving approaches and innovative collaborations.

This memorandum summarizes the ongoing collaborative efforts of the major taxing jurisdictions in Travis County to collaborate in maximizing our ability to identify and attract stimulus dollars.

## **HISTORY**

An intergovernmental steering committee was organized and initially convened in April of this year. Charter members included the six local taxing jurisdictions listed above and the Community Action Network. Workforce Solutions was subsequently added as a partner.

The initial meeting was an informal exchange of information regarding various governmental entities' efforts to identify and secure ARRA funds. At that meeting, the partners resolved to formalize the steering committee with a monthly meeting schedule.

The current goals of the steering committee are:

- to exchange information about stimulus funding opportunities being pursued by the governmental partners;
- to identify and develop opportunities for collaboration in securing additional stimulus funding, particularly in those competitive grant situations that place a premium upon creative problem-solving and intergovernmental collaboration;
- to advocate for modification of future stimulus grants programs to better meet the needs of the region; and
- to communicate effectively among governmental partners, interested stakeholders and the general public regarding efforts to maximize ARRA funding for the region.

## **WORKGROUPS**

In June, the steering committee formed working groups to coordinate intergovernmental stimulus efforts in nine broad areas: Education, Energy, Family Sustainability, Healthcare, Public Safety/Law Enforcement, Technology, Transportation, and Workforce Development.

Each workgroup is comprised of key staff from each of the governmental partners. Once formed, workgroups were encouraged to reach out to other governmental and non-profit stakeholders and involve them fully in the workgroups' efforts. Workgroups continue to meet monthly to exchange information and identify and develop opportunities for collaboration.

## **OPPORTUNITIES AND OUTCOMES**

Members of both the steering committee and workgroups struggle with time and resource allocation issues, as work on this effort is in addition to existing work responsibilities.

Workgroups struggle to be inclusive and remain focused and effective. The groups must constantly evaluate whether all appropriate stakeholders, including other

governmental entities, non-profits and advocacy groups are involved. The steering committee has made this issue a priority. This allows the governmental entities to engage with their non-profit partners and the larger community in collaborative efforts to address community needs and achieve mutual goals in the region. Greater efficiencies and partnerships gained from this collaborative effort will be critical if our region is to remain economically competitive and affordable for all.

Though the availability of federal ARRA funds was the impetus behind this effort, the steering committee believes that this collaboration will result in mutual benefits beyond any ARRA initiatives.

WHEREAS, the United States Congress passed, and President Barack Obama signed, the American Recovery and Reinvestment Act of 2009, also known as ARRA, in February of this year; and

WHEREAS, ARRA appropriates approximately \$780 billion to both address short-term economic hardship and make transformational investments in infrastructure, technology and human capital; and

WHEREAS, some ARRA funds have been, and will be, allocated to governmental entities in this region on a formula basis to address short-term needs in our communities; and

WHEREAS, additional ARRA funds have been, and will be, allocated through competitive grants which place a premium upon creative problem-solving and innovative partnerships; and

WHEREAS, collaboration and partnerships amongst local entities is critical to identify resources to sustain local projects beyond the ARRA funding period and to address other challenges that exist now or will arise in the Central Texas Region; and

WHEREAS, there are significant benefits of broad-based, community-wide collaboration in identifying and applying for stimulus grants, and in delivering services with grant funds; and

WHEREAS, representatives from Travis County have participated since April of 2009 in an intergovernmental effort to maximize stimulus dollars and their beneficial impact upon this region; and



WHEREAS, this intergovernmental effort has reached out to non-profits, key service providers, and other community leaders to exchange information, coordinate efforts, and evaluate results,

NOW, THEREFORE, BE IT RESOLVED THAT THE TRAVIS COUNTY COMMISSIONERS COURT DOES HEREBY COMMEND THIS INTERGOVERNMENTAL EFFORT AND THANK AND ENCOURAGE THE CONTINUED FULL PARTICIPATION OF THE APPROPRIATE TRAVIS COUNTY EMPLOYEES IN THIS INTERGOVERNMENTAL ENDEAVOR.

SIGNED AND ENTERED THIS 3<sup>RD</sup> DAY OF NOVEMBER, 2009.

---

SAMUEL T. BISCOE  
COUNTY JUDGE

---

RON DAVIS  
COMMISSIONER, PRECINCT 1

---

SARAH ECKHARDT  
COMMISSIONER, PRECINCT 2

---

KAREN HUBER  
COMMISSIONER, PRECINCT 3

---

MARGARET J. GÓMEZ  
COMMISSIONER, PRECINCT 4

# Travis County Commissioners Court Agenda Request

Meeting Date: November 4, 2009

I. A. Requestor: Commissioner Precinct 3 Phone # 854-9333

B. Specific Agenda Wording:

**CONSIDER AND TAKE APPROPRIATE ACTION ON THE APPOINTMENT OF AL BLUNT TO EMERGENCY SERVICES BOARD #14, TERM IMMEDIATELY TO DECEMBER 31, 2009.**

C. Sponsor: *Karen Huber*  
Commissioner Karen Huber, Precinct Three

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.

|                      |  |
|----------------------|--|
| DANNY HOBBY 854-4416 |  |
|                      |  |
|                      |  |

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 JUDGE'S OFFICE  
09 OCT 29 AM 10:03

**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.

17 October 2009

Commissioner Huber:

After discussing with you the possibility of becoming an ESD 14 Commissioner, I am summarizing my activities for the last thirty years as you had requested.

I retired from Saudi Aramco, Dhahran, Saudi Arabia, in 1998 after living there with my family for 20 years and working as a Hospital Administrator. While there, in addition to being the President of the Aramco Soccer Organization, which was comprised of approximately 800 players and more than 100 coaches and referees, I also coached, at different times, the baseball, softball, swimming, and soccer teams. During the 1991 Gulf War, I spearheaded the movement to bring American soldiers into our homes on our compound once a week for almost a year so the members of our military could get a hot shower and a good meal; additionally, I lead the drive to design and sell T-shirts (to military members at cost, and expatriates at a profit). All the profits went to buy televisions, radios, fans, electronic games, etc. for the M\*A\*S\*H\* units. My efforts, along with those of others, were recognized by both the military and the U. S. Government.

Since my retirement, I have been very active in volunteer work. I am presently President of the Board of Directors for the Volente Volunteer Fire Department, a position I have held for four years; prior to that I was Vice President for one year. Currently, I am Vice President (and past President) of the Volente Neighborhood Association. Additionally, I am also an active member, and a past president of, the Lakeway Condominium Association. In my spare time I do a lot of volunteer work with the Special Olympics Program which is dearest to my heart.

What could I bring to the ESD?

- A lifetime of volunteer service, starting in my teen years
- 5 years of Fire Board experience
- Attendance at approximately 80% of all ESD 14 meetings during the past 5 years, which makes me quite familiar with the responsibility of the ESD
- Encouragement to the members of the Fire Boards over the past 4 years
- not to be a rubber stamp, telling them they should speak up and ask questions if they disagree or don't understand all the ramifications of the topic under discussion
- A tenacity on following through on all projects
  
- In this regard, I would be very pleased, if an opening should occur, to be considered for a position as an ESD 14 Commissioner.

If you should have any other questions, please feel free to call. I look forward to working with you in the future.

Thank you for your time, and I look forward to working with you in the future.

Al Blunt

Phone 336-1260, e-mail address: acblunt@austin.rr.com

#27 ✓

Travis County Commissioners Court Agenda Request

Voting Session: November 3, 2009

*TL*

I. A. Request made by: COUNTY ATTORNEY (TIM LABADIE) Phone # 854-9513

Signature of Elected Official/ Appointed Official/ Executive Manager/ County Attorney

B. Requested Text:

Consider and take appropriate action concerning the Compromise and Settlement Agreement pertaining to the settlement of Travis County's workers compensation lien on the claims of Benjamin Maldonado; Subrogation; Executive session also, pursuant to TEX. GOV'T CODE §§ 551.071(1)(A) & (B).

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.

Dan Mansour - HR/RM

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 (854-9415)

\_\_\_\_\_ Contract, Agreement, Policy & Procedure

RECEIVED  
COUNTY JUDGE'S OFFICE  
09 OCT 23 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 PM on Tuesday for the following week's meeting. Late or incomplete requests may be deferred to the next subsequent meeting.

# 32

Travis County Commissioners Court Agenda Request

Voting Session 11/03/09 Work Session \_\_\_\_\_ (Date)

Commissioner Karen Huber and

1. A. Request made by: County Attorney (John C. Hille, Jr.) Phone # 854-9513  
Signature of Elected Official/Appointed Official/Executive Manager/County Attorney

\_\_\_\_\_  
Commissioner Huber

B. Requested Text: Consider and take appropriate action on acquisition of approximately 260.4 acres of land owned by New Life International in connection with the Balcones Canyonlands Conservation Plan. (Executive Session also, pursuant to Tex. Gov't Code §551.071 and §551.072)

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:

Mr. Joe Gieselman, Ex. Mgr., TNR 854-9383  
Ms. Rose Farmer, Div. Dir., TNR 854-9437  
Mr. John C. Hille, Jr., Div. Dir., TCAO 854-9513

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 (reclassification, etc.)
- Purchasing Office (473-9700)
- Bid, Purchase Contract, Request for Proposal, Procurement
- County Attorney's Office (473-9415)
- Contract, Agreement, Policy & Procedure

RECEIVED  
COUNTY JUDGE'S OFFICE  
09 OCT 29 AM 11:36

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 Commissioners Court Agenda Request

Voting Session Tuesday, November 3, 2009  
(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 August 25, 2009**

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 AUGUST 25, 2009

### TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 25<sup>th</sup> day of August 2009, the Commissioners' Court convened the Voting Session at 9:14 AM in the Commissioners' Courtroom, 1<sup>st</sup> Floor of the Ned Granger Administration Building, 314 West 11<sup>th</sup> Street, Austin, Texas. Dana DeBeauvoir, County Clerk, was represented by Deputy Gillian Porter.

The Commissioners Court recessed the Voting Session at 12:23 PM.

The Commissioners Court, meeting as the Travis County Bee Cave Road District #1 (Galleria), convened at 1:40 PM and adjourned at 1:41 PM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation, convened at 1:41 PM and adjourned at 1:45 PM.

The Commissioners Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle), convened at 1:46 PM and adjourned at 1:46 PM.

The Commissioners Court reconvened the Voting Session at 1:46 PM.

The Commissioners Court retired to Executive Session at 2:19 PM.

The Commissioners Court reconvened the Voting Session at 4:46 PM.

The Commissioners Court adjourned the Voting Session at 4:49 PM.

**PUBLIC HEARINGS**

1. RECEIVE COMMENTS REGARDING A PLAT FOR RECORDING IN PRECINCT THREE: REVISED PLAT OF LOTS 2 AND 3, BLOCK B, ANGEL BAY SUBDIVISION (2 TOTAL LOTS). (COMMISSIONER HUBER) (ACTION ITEM #23) (9:15 AM)

**Clerk’s Note:** This Item is a public hearing to receive comments. Please refer to Agenda Item 23 for a summary of the action item.

**Motion by** Commissioner Gómez **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    | yes |
| Precinct 3, Commissioner Karen Huber       | yes |
| Precinct 4, Commissioner Margaret J. Gómez | yes |

**Members of the Court heard from:** Anna Bowlin, Division Director, Engineering Services, Transportation and Natural Resources (TNR).

**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    | yes |
| Precinct 3, Commissioner Karen Huber       | yes |
| Precinct 4, Commissioner Margaret J. Gómez | yes |



2. RECEIVE COMMENTS REGARDING A PLAT FOR RECORDING IN PRECINCT THREE: SCHUKNECHT SUBDIVISION, A RESUBDIVISION OF LOTS 3, 4 AND 5, BLOCK A OF THE EXA PRESLAR SUBDIVISION, 4 TOTAL LOTS. (COMMISSIONER HUBER) (9:16 AM)

**Clerk's Note:** This Item is a public hearing to receive comments.

**Motion by** Commissioner Gómez **and seconded by** Commissioner Davis to open the public hearing.

|  |     |
|--|-----|
| <b>Motion carried:</b> County Judge Samuel T. Biscoe | yes |
| Precinct 1, Commissioner Ron Davis                   | yes |
| Precinct 2, Commissioner Sarah Eckhardt              | yes |
| Precinct 3, Commissioner Karen Huber                 | yes |
| Precinct 4, Commissioner Margaret J. Gómez           | yes |

**Members of the Court heard from:** Anna Bowlin, Division Director, Engineering Services, TNR; Pete Rangel, Travis County Resident; and Christy Cleveland, Travis County Resident.

**Motion by** Commissioner Gómez **and seconded by** Commissioner Huber to close the public hearing.

|  |     |
|--|-----|
| <b>Motion carried:</b> County Judge Samuel T. Biscoe | yes |
| Precinct 1, Commissioner Ron Davis                   | yes |
| Precinct 2, Commissioner Sarah Eckhardt              | yes |
| Precinct 3, Commissioner Karen Huber                 | yes |
| Precinct 4, Commissioner Margaret J. Gómez           | yes |

**AUGUST 25, 2009 VOTING SESSION**

- 3. RECEIVE COMMENTS REGARDING REQUESTS TO AUTHORIZE THE FILING OF INSTRUMENTS TO ABANDON A 0.248 ACRE PORTION OF THE MANSFIELD DAM COURT RIGHT OF WAY. (COMMISSIONER HUBER) (ACTION ITEM #24) (9:31 AM)

**Clerk’s Note:** This Item is a public hearing to receive comments. Please refer to Agenda Item 24 for a summary of the action item.

**Motion by** Judge Biscoe **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                                    yes  
                                 Precinct 3, Commissioner Karen Huber                                    yes  
                                 Precinct 4, Commissioner Margaret J. Gómez                                    yes

**Members of the Court heard from:** Anna Bowlin, Division Director, Engineering Services, TNR.

**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                                    yes  
                                 Precinct 3, Commissioner Karen Huber                                    yes  
                                 Precinct 4, Commissioner Margaret J. Gómez                                    yes

- 4. RECEIVE COMMENTS REGARDING THE FISCAL YEAR 2010 DISTRICT CLERK'S RECORDS MANAGEMENT PLAN. (ACTION ITEM #31) (9:32 AM)

**Clerk's Note:** This Item is a public hearing to receive comments. Please refer to Agenda Item 31 for a summary of the action item.

**Motion by Judge Biscoe 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    | yes |
| Precinct 3, Commissioner Karen Huber       | yes |
| Precinct 4, Commissioner Margaret J. Gómez | yes |

**Members of the Court heard from:** Steven Broberg, Director, Records Management and Communication Resources (RMCR); and Michelle Brinkman, Chief Deputy, Travis County District Clerk's Office.

**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    | yes |
| Precinct 3, Commissioner Karen Huber       | yes |
| Precinct 4, Commissioner Margaret J. Gómez | yes |

**CITIZENS COMMUNICATION**

**Members of the Court heard from:** Gus Peña, Travis County Resident; Julie Holden, Travis County Resident; Ronnie Gjemre, Travis County Resident; Paul Saldaña, Travis County Resident; and Frank Ringer, Travis County Resident. (9:38 AM)

**CONSENT ITEMS**

**Members of the Court heard from:** Jim Connolly, Assistant County Attorney; and Ronnie Gjemre, Travis County Resident.

**Motion by** Commissioner Gómez **and seconded by** Commissioner Davis to approve the following Consent Items: C1-C3 and Items 7, 8.A-J, 9, 10, 11.A&B, 12, 14, 16, 17, 19, 23, 24, 25, 30, 31, and 35. (9:57 AM)

**Motion carried:** County Judge Samuel T. Biscoe                            yes  
                          Precinct 1, Commissioner Ron Davis                            yes  
                          Precinct 2, Commissioner Sarah Eckhardt                            yes  
                          Precinct 3, Commissioner Karen Huber                            yes  
                          Precinct 4, Commissioner Margaret J. Gómez                            yes

- C1. RECEIVE BIDS FROM COUNTY PURCHASING AGENT.
- C2. APPROVE COMMISSIONERS COURT MINUTES FOR VOTING SESSIONS OF AUGUST 4 AND 11, 2009.
- C3. APPROVE SETTING OF A PUBLIC HEARING DATE OF SEPTEMBER 8, 2009 TO RECEIVE COMMENTS REGARDING A PROPOSED STREET NAME ASSIGNMENT FOR A PRIVATE EASEMENT TO BE KNOWN AS "HOUND DOG TRAIL" OFF FM 969, EAST OF STATE HIGHWAY 130 IN PRECINCT ONE. (COMMISSIONER DAVIS)

SPECIAL ITEMS

- 5. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE PROHIBITION OF OUTDOOR BURNING IN THE UNINCORPORATED AREAS OF TRAVIS COUNTY. (10:01 AM)

**Members of the Court heard from:** Hershel Lee, Fire Marshal.

**Clerk's Note:** The County Judge announced that by taking no action the prohibition against outdoor burning stays in place.

Discussion only. No formal action taken.

Item 5 to be reposted on September 1, 2009.

**Clerk's Note:** The County Judge encouraged Travis County residents to take care with disposing of cigarettes by covering them in sand or dousing them in water, not throwing them out of moving vehicles, as this has caused many roadside fires.

RESOLUTIONS AND PROCLAMATIONS

- 6. APPROVE PROCLAMATION DECLARING TUESDAY, AUGUST 25, 2009 AS "NATIONAL MINORITY DONOR AWARENESS DAY." (JUDGE BISCOE) (10:04 AM)

**Members of the Court heard from:** Michelle Segovia, Senior Community Relations Coordinator, Texas Organ Sharing Alliance.

**Motion by** Judge Biscoe **and seconded by** Commissioner Davis to approve the Proclamation in Item 6.

**Motion carried:**

|  |     |
|--|-----|
| County Judge Samuel T. Biscoe              | yes |
| Precinct 1, Commissioner Ron Davis         | yes |
| Precinct 2, Commissioner Sarah Eckhardt    | yes |
| Precinct 3, Commissioner Karen Huber       | yes |
| Precinct 4, Commissioner Margaret J. Gómez | yes |

PLANNING AND BUDGET DEPT. ITEMS

7. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:57 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. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE:  
(9:57 AM)
  - A. NEW GRANT APPLICATION TO THE GOVERNOR'S DIVISION OF EMERGENCY MANAGEMENT THROUGH CAPITAL AREA COUNCIL OF GOVERNMENTS FOR THE STATE HOMELAND SECURITY PROGRAM FOR AN ADDITIONAL SWAT RESPONSE VEHICLE IN THE SHERIFF'S DEPARTMENT;
  - B. NEW GRANT APPLICATION TO THE GOVERNOR'S DIVISION OF EMERGENCY MANAGEMENT THROUGH CAPITAL AREA COUNCIL OF GOVERNMENTS FOR THE STATE HOMELAND SECURITY PROGRAM FOR HAZARDOUS MATERIAL DECONTAMINATION EQUIPMENT IN THE EMERGENCY SERVICES DEPARTMENT;
  - C. NEW GRANT APPLICATION TO THE GOVERNOR'S DIVISION OF EMERGENCY MANAGEMENT THROUGH CAPITAL AREA COUNCIL OF GOVERNMENTS FOR THE STATE HOMELAND SECURITY PROGRAM FOR A MAINTENANCE CONTRACT ON HAZARDOUS MATERIAL DETECTION EQUIPMENT IN THE EMERGENCY SERVICES DEPARTMENT;
  - D. NEW GRANT APPLICATION TO THE GOVERNOR'S DIVISION OF EMERGENCY MANAGEMENT THROUGH CAPITAL AREA COUNCIL OF GOVERNMENTS FOR THE STATE HOMELAND SECURITY PROGRAM FOR A MAINTENANCE CONTRACT FOR CHEMICAL AGENT DETECTION EQUIPMENT IN THE EMERGENCY SERVICES DEPARTMENT;
  - E. NEW GRANT APPLICATION TO THE GOVERNOR'S DIVISION OF EMERGENCY MANAGEMENT THROUGH CAPITAL AREA COUNCIL OF GOVERNMENTS FOR THE STATE HOMELAND SECURITY PROGRAM FOR AIR MONITORING EQUIPMENT IN THE EMERGENCY SERVICES DEPARTMENT;

ITEM 8 CONTINUED

- F. NEW GRANT APPLICATION TO THE GOVERNOR'S OFFICE OF EMERGENCY MANAGEMENT THROUGH CAPITAL AREA COUNCIL OF GOVERNMENTS FOR THE STATE HOMELAND SECURITY PROGRAM FOR ADDITIONAL TRAINING FOR THE HAZMAT TEAM IN THE EMERGENCY SERVICES DEPARTMENT;
- G. NEW GRANT APPLICATION TO THE GOVERNOR'S OFFICE OF EMERGENCY MANAGEMENT THROUGH CAPITAL AREA COUNCIL OF GOVERNMENTS FOR THE STATE HOMELAND SECURITY PROGRAM FOR A VARIETY OF EXPIRABLE AND DISPOSAL GOODS FOR THE HAZMAT TEAM IN THE EMERGENCY SERVICES DEPARTMENT;
- H. GRANT APPLICATION TO THE DEPARTMENT OF LABOR FOR HEALTH AND HUMAN SERVICES AND VETERANS SERVICES DEPARTMENT TO CONTINUE TO RECEIVE GRANT RESOURCES FOR A STAND DOWN EVENT FOR HOMELESS VETERANS TO ENHANCE EMPLOYMENT AND TRAINING OPPORTUNITIES AND PROMOTE SELF-SUSTAINMENT;
- I. APPROVE GRANT CONTRACT WITH THE OFFICE OF THE ATTORNEY GENERAL OF TEXAS FOR INFORMATION AND TELECOMMUNICATIONS DEPARTMENT TO BE REIMBURSED FOR COSTS ASSOCIATED WITH TRAVIS COUNTY'S CONTINUING PARTICIPATION IN THE STATEWIDE AUTOMATED VICTIM NOTIFICATION SERVICE; AND
- J. AMENDMENT TO THE GRANT CONTRACT WITH THE OFFICE OF ATTORNEY GENERAL FOR JUVENILE PROBATION TO PROMOTE COMPLIANCE WITH TRAVIS COUNTY COURT ORDERS REGARDING CHILD ACCESS AND VISITATION. THE AMENDMENT EXTENDS THE GRANT TERM UNTIL AUGUST 31, 2010, PROVIDES RESOURCES FOR FISCAL YEAR 2010 AND ADJUSTS THE BUDGET FOR FISCAL YEAR 2009.

**Clerk's Note:** Items 8.A-J approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

- 9. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED FISCAL YEAR 2010 INDIRECT COST RATES. (9:57 AM)

**Clerk's Note:** Item 9 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

ADMINISTRATIVE OPERATIONS ITEMS

10. 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 \$516,025.43 FOR THE PERIOD OF AUGUST 7 TO 13, 2009. (9:57 AM)

**Clerk's Note:** Item 10 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

11. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING:  
(9:57 AM)
  - A. PROPOSED ROUTINE PERSONNEL AMENDMENTS; AND
  - B. NON-ROUTINE REQUEST FROM TRAVIS COUNTY SHERIFF'S OFFICE FOR VARIANCES TO TRAVIS COUNTY CODE SECTION 10.03002, GENERAL OVERVIEW FOR DETERMINING PAY POLICY, FOR SALARY ADJUSTMENTS.

**Clerk's Note:** Items 11.A&B approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

12. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO ESTABLISH THE COURT RECORDS PRESERVATION ACCOUNT, INCLUDE IT IN THE FISCAL YEAR 2010 COUNTY BUDGET AND COLLECT A \$10 FILING FEE ON CERTAIN CIVIL CASE FILINGS AS REQUIRED BY HOUSE BILL 3637 ENACTED BY THE 81<sup>ST</sup> LEGISLATURE REGULAR SESSION.  
(9:57 AM)

**Clerk's Note:** Item 12 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.



- 13. CONSIDER AND TAKE APPROPRIATE ACTION ON 116 JOB DESCRIPTIONS IN 10 JOB FAMILIES THAT WERE AFFECTED BY THE CLASSIFICATION AND COMPENSATION THREE-YEAR STRATEGIC PLAN JOB ANALYSIS PROJECTS, IN ACCORDANCE WITH TRAVIS COUNTY CODE SECTION 10.080, JOB DESCRIPTIONS. (10:48 AM)

**Members of the Court heard from:** Todd Osburn, Compensation Manager, Human Resources Management Department (HRMD); and Luane Schull, Human Resources Manager, HRMD.

**Motion by Commissioner Huber and seconded by Commissioner Eckhardt** to approve Item 13.

**Motion carried:**

|  |     |
|--|-----|
| County Judge Samuel T. Biscoe              | yes |
| Precinct 1, Commissioner Ron Davis         | yes |
| Precinct 2, Commissioner Sarah Eckhardt    | yes |
| Precinct 3, Commissioner Karen Huber       | yes |
| Precinct 4, Commissioner Margaret J. Gómez | yes |

**JUSTICE AND PUBLIC SAFETY ITEMS**

- 14. CONSIDER AND TAKE APPROPRIATE ACTION ON MEMORANDUM OF AGREEMENT BETWEEN TEXAS MILITARY FORCES AND TRAVIS COUNTY REGARDING A SECURE LANDING ZONE AT CAMP MABRY FOR STAR FLIGHT AIRCRAFT. (9:57 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. RECEIVE UPDATE ON THE JOINT APPLICATION FOR THE HOMELESS PREVENTION AND RAPID RE-HOUSING PROGRAM GRANT. (10:09 AM)

**Members of the Court heard from:** Roger Jefferies, Executive Manager, Justice and Public Safety (JPS); Beth Atherton, Caritas; Jeri Houchins, Administrative Director, Austin/Travis County Reentry Roundtable; Laura Smith, Executive Director, Crime Prevention Institute (CPI); Leah Graham, Executive Director, The Wright House Wellness Center; and Mathilde Hyams-Flores, Deputy Director, AIDS Services of Austin.

Discussion only. No formal action taken.

**PURCHASING OFFICE ITEMS**

16. APPROVE CONTRACT AWARD FOR CONSTRUCTION SERVICES FOR IMPERIAL VALLEY DRIVE DRAINAGE IMPROVEMENTS, IFB NO. B090276-LP, TO THE LOW BIDDER, SMITH CONTRACTING COMPANY, INC. (9:57 AM)

**Clerk's Note:** Item 16 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

17. APPROVE MODIFICATION NO. 3 TO CONTRACT NO. PS080113RE, ENCOMPASS MEDICAL MANAGEMENT, FOR EVALUATION SERVICES. (9:57 AM)

**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. APPROVE MODIFICATION NO. 1, AN ASSIGNMENT OF CONTRACT NO. 09T001990J, FROM CORPORATE EXPRESS TO STAPLES ADVANTAGE. (9:15 AM)

Item 18 pulled from the Agenda,

19. CONSIDER AND TAKE APPROPRIATE ACTION ON MEMORANDUM OF UNDERSTANDING WITH THE COUNCIL ON SEX OFFENDER TREATMENT TO HOUSE SEX OFFENDERS AT THE TRAVIS COUNTY DEL VALLE CORRECTIONAL COMPLEX. (9:57 AM)

**Clerk's Note:** Item 19 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

20. CONTRACT MODIFICATION AND EXTENSION OF CONTRACT 696-PD-0-1-L-L0306 M-009 BETWEEN THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE AND TRAVIS COUNTY FOR THE HOUSING OF RELEASEES AT THE TRAVIS COUNTY DEL VALLE CORRECTIONAL COMPLEX. (10:31 AM)

**Clerk's Note:** The Court discussed the two modifications to this contract:

- An increase in the reimbursement from \$45.00 to \$50.00 per day
- An increase in the not-to-exceed amount by \$29,200.00.

**Members of the Court heard from:** Jim Connolly, Assistant County Attorney.

**Motion by Judge Biscoe and seconded by Commissioner Gómez** to approve this Item with the revised increase, and compensation to the County by the State.

**Motion carried:**

|  |     |
|--|-----|
| County Judge Samuel T. Biscoe              | yes |
| Precinct 1, Commissioner Ron Davis         | yes |
| Precinct 2, Commissioner Sarah Eckhardt    | yes |
| Precinct 3, Commissioner Karen Huber       | yes |
| Precinct 4, Commissioner Margaret J. Gómez | yes |

21. APPROVE TWELVE-MONTH EXTENSION (MODIFICATION NO. 6) TO CONTRACT NO. 03T002880J, APPRISS, INC., FOR THE TEXAS VINE SERVICES AGREEMENT. (10:33 AM)

**Members of the Court heard from:** Bonnie Floyd, Assistant Purchasing Agent; José Palacios, Chief Assistant County Auditor, Travis County Auditor's Office; and Barbara Wilson, Assistant County Attorney.

**Motion by Judge Biscoe and seconded by Commissioner Davis** to approve the extension, subject to receipt of the funds from the State.

**Motion carried:**

|  |     |
|--|-----|
| County Judge Samuel T. Biscoe              | yes |
| Precinct 1, Commissioner Ron Davis         | yes |
| Precinct 2, Commissioner Sarah Eckhardt    | yes |
| Precinct 3, Commissioner Karen Huber       | yes |
| Precinct 4, Commissioner Margaret J. Gómez | yes |

- 22. APPROVE CONTRACT AWARD FOR ELECTRONIC MEDICAL RECORDS AND PHARMACY INFORMATION MANAGEMENT SYSTEM, RFP NO. P080266-SW, TO THE MOST QUALIFIED RESPONDENT, SIMPLICITY HEALTHCARE SYSTEMS. (1:48 PM)

**Motion by** Commissioner Eckhardt **and seconded by** Commissioner Huber to approve Item 22.

**Motion carried:** County Judge Samuel T. Biscoe                                 yes  
 Precinct 1, Commissioner Ron Davis   yes  
 Precinct 2, Commissioner Sarah Eckhardt   yes  
 Precinct 3, Commissioner Karen Huber   yes  
 Precinct 4, Commissioner Margaret J. Gómez                                       yes

**TRANSPORTATION AND NATURAL RESOURCES DEPT. ITEMS**

- 23. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A PLAT FOR RECORDING IN PRECINCT THREE: REVISED PLAT OF LOTS 2 AND 3, BLOCK B, ANGEL BAY SUBDIVISION (2 TOTAL LOTS). (COMMISSIONER HUBER) (9:57 AM)

**Clerk’s Note:** Item 23 is the action item for the public hearing on Agenda Item 1.

**Clerk’s Note:** Item 23 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court’s Motion and Vote.

- 24. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO ABANDON A 0.248 ACRE PORTION OF THE MANSFIELD DAM COURT RIGHT OF WAY. (COMMISSIONER HUBER) (9:57 AM)

**Clerk’s Note:** Item 24 is the action item for the public hearing on Agenda Item 3.

**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. CONSIDER AND TAKE APPROPRIATE ACTION ON THE APPOINTMENT OF DAVID SHORE, TRAVIS COUNTY GIS PROGRAM COORDINATOR, TO THE CAPITAL AREA COUNCIL OF GOVERNMENT'S GEOGRAPHIC INFORMATION SYSTEM PLANNING COUNCIL. (9:57 AM)

**Clerk's Note:** Item 25 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

26. RECEIVE BRIEFING FROM STAFF ON THE LOW-INCOME VEHICLE REPAIR AND REPLACEMENT PROGRAM. (10:38 AM)

**Members of the Court heard from:** Adele Noel, Air Quality Project Manager, TNR; Tom Weber, Environmental Quality Program Manager, TNR; and Ronnie Gjemre, Travis County Resident.

Discussion only. No formal action taken.

27. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING REQUESTS: (9:15 AM)
- A. CALL DOWN FUNDS FOR CERTAIN STREETS BOUNDING THE FOLLOWING SUBDIVISIONS IN AREAS NOW ANNEXED BY THE CITY OF PFLUGERVILLE: SPRINGBROOK COMMERCIAL LOT 1, SPRINGBROOK COMMERCIAL LOT 2 AND SPRINGBROOK GLEN; AND
  - B. INTERLOCAL AGREEMENT WITH THE CITY OF PFLUGERVILLE FOR THE TRANSFER OF BOUNDARY STREET FISCAL FOR ROADS ANNEXED BY THE CITY OF PFLUGERVILLE. (COMMISSIONER ECKHARDT)

Items 27.A&B were postponed.

- 28. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO PURCHASE TWO TORO GROUNDMASTER MOWERS FOR RIGHT OF WAY MAINTENANCE FROM PROFESSIONAL TURF PRODUCTS THROUGH BUY BOARD COOPERATIVE PURCHASING. (10:46 AM)

**Members of the Court heard from:** Ronnie Gjemre, Travis County Resident.

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to approve Item 28.

**Motion carried:**

|  |     |
|--|-----|
| County Judge Samuel T. Biscoe              | yes |
| Precinct 1, Commissioner Ron Davis         | yes |
| Precinct 2, Commissioner Sarah Eckhardt    | yes |
| Precinct 3, Commissioner Karen Huber       | yes |
| Precinct 4, Commissioner Margaret J. Gómez | yes |

- 29. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING RESOLUTION ADOPTING HOUSE BILL 2833, RELATING TO CERTAIN BUILDING CODE STANDARDS APPLICABLE TO THE UNINCORPORATED AREAS OF CERTAIN COUNTIES; PROVIDING A PENALTY, ENACTED BY THE 81<sup>ST</sup> LEGISLATURE REGULAR SESSION, AND A DESCRIPTION OF THE TRAVIS COUNTY IMPLEMENTATION PLAN. (2:15 PM)

Item 29 postponed until September 1, 2009.

**OTHER ITEMS**

- 30. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:57 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.

- 31. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE FISCAL YEAR 2010 DISTRICT CLERK'S RECORDS MANAGEMENT PLAN. (9:57 AM)

**Clerk's Note:** Item 31 is the action item for the public hearing on Agenda Item 4.

**Clerk's Note:** Item 31 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

32. CONSIDER AND TAKE APPROPRIATE ACTION ON INTERIM CHARGES FOR THE 81<sup>ST</sup> TEXAS LEGISLATURE, INCLUDING: (1:46 PM)
- A. SUGGESTED TOPICS FOR SUCH CHARGES, AND
  - B. RECOMMENDATIONS FOR PROPOSING SUCH CHARGES TO THE APPROPRIATE MEMBERS OF THE LEGISLATURE.

Items 32.A&B postponed until September 1, 2009.

33. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO MAKE CHANGES TO THE HUMAN RESOURCES MANAGEMENT DEPARTMENT OPEN ENROLLMENT PROCEDURE TO ADDRESS EQUITY ISSUES IN THE AFFIDAVIT REQUIREMENT FOR COVERAGE OF SIGNIFICANT OTHERS/DOMESTIC PARTNER, SPONSORED DEPENDENT OR CHILD OF DOMESTIC PARTNER. (COMMISSIONER ECKHARDT) (11:00 AM)

**Members of the Court heard from:** Dan Mansour, Risk and Benefits Manager, HRMD; Barbara Wilson, Assistant County Attorney; Robin Osborn, Travis County Sheriff's Office (TCSO); Daniel Bradford, Assistant County Attorney; and Tania Mills, Research and Planning, TCSO.

Discussion only. No formal action taken.

Item 33 to be reposted on September 8, 2009.

**Clerk's Note:** The Court directed that a Committee be formed to study the matter including: Dan Mansour, Risk and Benefits Manager, HRMD; Cindy Purinton, Benefit Administrator, HRMD; Robin Osborn, Travis County Sheriff's Office (TCSO); Tania Mills, Research and Planning, TCSO; plus a representative from the County Attorney's Office.

34. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING:  
(10:59 AM)

- A. RECEIVE BRIEFING ON RECOMMENDATION FROM THE PARKING SUBCOMMITTEE REGARDING PARKING ADMINISTRATOR POSITION;
- B. REQUEST TO APPOINT MEMBERS OF NEW PARKING COMMITTEE;
- C. CHARGE NEW PARKING COMMITTEE TO REVISE CURRENT PARKING POLICY, DEVELOP AND ADMINISTER PARKING GRIEVANCE PROCESS, AND IMPLEMENT CERTAIN RECOMMENDATIONS MADE IN THE PARKING COMMITTEE REPORT. (COMMISSIONER ECKHARDT)

Items 34.A-C postponed until September 1, 2009.

35. RECEIVE REVENUE AND EXPENDITURE REPORTS FOR THE MONTH OF JULY 2009. (9:57 AM)

**Clerk's Note:** Item 35 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

36. CONSIDER AND TAKE APPROPRIATE ACTION ON ITEMS ASSOCIATED WITH THE 2009 TRAVIS COUNTY COMBINED CHARITIES CAMPAIGN INCLUDING THE APPROVAL OF RECIPIENT FEDERATIONS AND CHARITIES FOR USE IN THIS YEAR'S CAMPAIGN. (1:47 PM)

Item 36 postponed until September 1, 2009.

37. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FOR TRAVIS COUNTY TO PAY FOR INTERPRETER USED IN THE CONSOLIDATED HEARINGS OF TEXAS ALCOHOLIC BEVERAGE COMMISSION (TABC) V. MERCED AND GRACIELA BENITEZ AND TABC V. LOS COMALES, INC. (2:16 PM)

**Motion by Judge Biscoe and seconded by** Commissioner Gómez that we notify Counsel for these parties that the County is not obligated to provide the interpreter and therefore, will not pay the invoice.

**Motion carried:**

|  |     |
|--|-----|
| County Judge Samuel T. Biscoe              | yes |
| Precinct 1, Commissioner Ron Davis         | yes |
| Precinct 2, Commissioner Sarah Eckhardt    | yes |
| Precinct 3, Commissioner Karen Huber       | yes |
| Precinct 4, Commissioner Margaret J. Gómez | yes |



38. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING: (11:22 AM)  
(1:48 PM)

A. THE HIRING PROCESSES AND SCHEDULE TO FILL THE FOLLOWING POSITIONS:

1. CERTAIN POSITIONS IN THE HUMAN RESOURCES MANAGEMENT DEPARTMENT;
2. DIRECTOR, HUMAN RESOURCES MANAGEMENT DEPARTMENT;  
AND
3. EXECUTIVE MANAGER, ADMINISTRATIVE OPERATIONS; AND

B. INTERIM ASSIGNMENTS AND RELATED ACTIONS, AS APPROPRIATE.

**Clerk's Note:** Items 38.A.1-3&B are associated with one another and were called for concurrent discussion.

**Members of the Court heard from:** Todd Osburn, Compensation Manager, HRMD; Mary Etta Gerhardt, Assistant County Attorney; Sherine Thomas, Assistant County Attorney; Kris Nilsen, Acting HR Manager II, Staff Training Employee Relations (STER), HRMD; Luane Schull, Human Resources Manager, HRMD; Susan Spataro, Travis County Auditor; Dan Mansour, Risk and Benefits Manager, HRMD; Norman McRee, Financial Analyst, Lead, HRMD; and Cindy Purinton, Benefit Administrator, HRMD.

**Clerk's Note:** The Court discussed the filling of the HR Manager II (STER) position.

**Motion by Judge Biscoe and seconded by Commissioner Gómez** that since we have posted it twice, since we have 150 applications, then we ought to short-list those and interview and in terms of who conducts the interview, then I think we ought to have a panel to do that and we ought to engage one or two of the Executive Managers to assist some HRMD personnel.

|  |     |
|--|-----|
| <b>Motion carried:</b> County Judge Samuel T. Biscoe | yes |
| Precinct 1, Commissioner Ron Davis                   | no  |
| Precinct 2, Commissioner Sarah Eckhardt              | yes |
| Precinct 3, Commissioner Karen Huber                 | yes |
| Precinct 4, Commissioner Margaret J. Gómez           | yes |

**Clerk's Note:** The Court noted that the interview panel would consist of: Danny Hobby, Executive Manager, Travis County Emergency Services; Roger Jefferies, Executive Manager, Justice and Public Safety (JPS); and two or three Staff from HRMD.

## ITEM 38 CONTINUED

**Clerk's Note:** The Court discussed the filling of the BEFIT Project Compensation Manager slot.

**Motion by Judge Biscoe and seconded by Commissioner Eckhardt** that Luane Schull, Human Resources Manager, HRMD be appointed the BEFIT Manager.

**Motion carried:**

|  |     |
|--|-----|
| County Judge Samuel T. Biscoe              | yes |
| Precinct 1, Commissioner Ron Davis         | no  |
| Precinct 2, Commissioner Sarah Eckhardt    | yes |
| Precinct 3, Commissioner Karen Huber       | yes |
| Precinct 4, Commissioner Margaret J. Gómez | yes |

**Clerk's Note:** The Court discussed the filling of the Better Enterprise Financial Information (BEFIT) Project HR Generalist position.

**Motion by Judge Biscoe and seconded by Commissioner Gómez** that we have to make sure that we hire the right person, or the best person we can, and based on that person's performance and Cindy Purinton, Benefit Administrator, HRMD working with her, decide at some point later whether to send Cindy Purinton, Benefit Administrator, HRMD to BEFIT or the new person; but our goal would be to fill this as soon as possible and get this person up to speed on Travis County benefits as well as, I guess, a keen interest in financial systems. That is the combination we are looking for.

**A Restatement of the Motion was made by Judge Biscoe** that we post the position, to fill it as soon as possible, with an eye to bringing in a person with a benefits background and some interest in financial systems, and expect all of us to work together and help Cindy Purinton, Benefit Administrator, HRMD and bring this person up to speed on Travis County benefits.

**Motion carried:**

|  |     |
|--|-----|
| County Judge Samuel T. Biscoe              | yes |
| Precinct 1, Commissioner Ron Davis         | no  |
| Precinct 2, Commissioner Sarah Eckhardt    | yes |
| Precinct 3, Commissioner Karen Huber       | yes |
| Precinct 4, Commissioner Margaret J. Gómez | yes |

**Clerk's Note:** The Court directed Staff to continue working to fill the last two slots:

- Medical Director for the Wellness Clinic
- HR Analyst Specialist II (Senior Compensation Analyst)

**ITEM 38 CONTINUED**

Items 38.A.1-3&B were revisited at 1:48 PM.

**Members of the Court heard from:** Todd Osburn, Compensation Manager, Human Resources Management Department (HRMD); Dan Mansour, Risk and Benefits Manager, HRMD; and Norman McRee, Financial Analyst, Lead, HRMD.

**Motion by** Commissioner Huber that we delay the hiring for the top two positions, the Administrative Operations, Executive Manager and the Director of HRMD, and direct the executive management team to work with the HRMD leadership team to come up with a plan for covering in the short-term, the different departments in Administrative Operations; with looking at that, from a perspective of time and how long they could feel that such a plan would be workable with the idea in mind that we would be interested in entertaining a long-term organizational assessment under that management plan.

**A Division of the Vote was requested by Judge Biscoe.**

**First Division of the Vote:**

**Motion by** Commissioner Huber **and seconded by** Commissioner Eckhardt to delay the hiring of the Director for HRMD.

|  |         |
|--|---------|
| <b>Motion carried:</b> County Judge Samuel T. Biscoe | yes     |
| Precinct 1, Commissioner Ron Davis                   | abstain |
| Precinct 2, Commissioner Sarah Eckhardt              | yes     |
| Precinct 3, Commissioner Karen Huber                 | yes     |
| Precinct 4, Commissioner Margaret J. Gómez           | yes     |

**ITEM 38 CONTINUED**

**Second Division of the Vote:**

**Motion by** Commissioner Huber **and seconded by** Commissioner Eckhardt to delay the hiring of the Executive Manager for Administrative Operations, looking to the executive management team to assess how long they could manage the pieces of Administrative Operations pursuant to organizational assessment.

**Withdrawal of the Previous Motion was made by** Commissioner Huber.

**Motion by** Commissioner Eckhardt to include two Executive Managers on the leadership team, and to task the four Executive Managers with an examination of organizational assessment and to come up with deliverables for that tasking.

**A Division of the Vote was requested by** Judge Biscoe.

**First Division of the Vote:**

**Motion by** Commissioner Eckhardt **and seconded by** Commissioner Huber to include one or two Executive Managers on the leadership team.

**A Restatement of the Motion was made by** Commissioner Eckhardt to place one member of the executive management team on the HRMD leadership team to provide that perspective and that continuity, and the Motion doesn't entertain who the Executive Manager would be.

|                       |  |         |
|-----------------------|--|---------|
| <b>Motion failed:</b> | County Judge Samuel T. Biscoe              | no      |
|                       | Precinct 1, Commissioner Ron Davis         | abstain |
|                       | Precinct 2, Commissioner Sarah Eckhardt    | yes     |
|                       | Precinct 3, Commissioner Karen Huber       | yes     |
|                       | Precinct 4, Commissioner Margaret J. Gómez | no      |

## ITEM 38 CONTINUED

**Second Division of the Vote:**

**Motion by** Commissioner Eckhardt **and seconded by** Judge Biscoe to task our executive management team with looking at organizational re-assessment; and we would come back at a later date with a list of deliverables for their examination of organizational assessment.

**Motion carried:**

|  |         |
|--|---------|
| County Judge Samuel T. Biscoe              | yes     |
| Precinct 1, Commissioner Ron Davis         | abstain |
| Precinct 2, Commissioner Sarah Eckhardt    | yes     |
| Precinct 3, Commissioner Karen Huber       | yes     |
| Precinct 4, Commissioner Margaret J. Gómez | yes     |

**Clerk's Note:** The County Judge noted that the post for Assistant Director, HRMD will be kept on hold for the present unless a pressing need to fill the position occurs.

Items 38.A3 discussion only. No formal action taken.

## 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.

39. RECEIVE LEGAL BRIEFING FROM COUNTY ATTORNEY AND OUTSIDE COUNSEL, RENEA HICKS, ESQ. AND TAKE APPROPRIATE ACTION REGARDING THE MATTER OF NORTHWEST AUSTIN M.U.D. V. HOLDER IN THE SUPREME COURT OF THE UNITED STATES. <sup>1</sup> (1:47 PM)

**Clerk's Note:** Judge Biscoe announced that Item 39 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Item 39 postponed until September 1, 2009.

40. CONSIDER AND TAKE APPROPRIATE ACTION ON THE COMMISSIONERS COURT'S POLICY REGARDING THE USE OF EMINENT DOMAIN FOR THE ACQUISITION OF OPEN SPACE, PARK, AND/OR RECREATIONAL USE LAND AND ADOPT AMENDMENTS AND REVISIONS TO SUCH POLICY AS NEEDED. (COMMISSIONER DAVIS) <sup>1</sup> (2:19 PM) (4:46 PM)

**Clerk's Note:** Judge Biscoe announced that Item 40 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

**Motion by Commissioner Davis and seconded by Commissioner Gómez** to approve Item 40, which actually will direct Transportation and Natural Resources (TNR) to amend their particular policy to acquire open space, parkland, and recreational use, so we would like them to go ahead and use eminent domain and amend that policy accordingly; and authorize TNR to do what is necessary.

**A Friendly Amendment to the previous Motion was offered by Judge Biscoe** to get TNR to put something in writing that evidences this decision for the future reference as needed.

**Acceptance of the Friendly Amendment was made by Commissioner Davis.**

|  |     |
|--|-----|
| <b>Motion carried:</b> County Judge Samuel T. Biscoe | yes |
| Precinct 1, Commissioner Ron Davis                   | yes |
| Precinct 2, Commissioner Sarah Eckhardt              | yes |
| Precinct 3, Commissioner Karen Huber                 | yes |
| Precinct 4, Commissioner Margaret J. Gómez           | yes |

41. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING:  
(2:19 PM) (4:47 PM)

A. AN OFFER TO SELL APPROXIMATELY 25 ACRES OF UNDEVELOPED LAND LOCATED SOUTH OF BURLESON ROAD AND EAST OF U.S. 183 SOUTH IN PRECINCT FOUR, FOR INCLUSION IN THE ONION CREEK OPEN SPACE PARKLAND - 2005 BOND PROJECT; AND

B. REQUEST THE COUNTY AUDITOR TO ISSUE A CHECK FOR \$15,664 TO HERITAGE TITLE COMPANY OF AUSTIN UPON FULL EXECUTION OF THE CONTRACT AND FULL AUDIT OF THE CLAIM AND THE COUNTY TREASURER TO RELEASE THE CHECK TO THE VENDOR.  
(COMMISSIONER GÓMEZ) <sup>1 AND 2</sup>

**Clerk's Note:** Judge Biscoe announced that Items 41.A&B 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.

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez that we reject the offer, in Item 41.A.

|  |     |
|--|-----|
| <b>Motion carried:</b> County Judge Samuel T. Biscoe | yes |
| Precinct 1, Commissioner Ron Davis                   | yes |
| Precinct 2, Commissioner Sarah Eckhardt              | yes |
| Precinct 3, Commissioner Karen Huber                 | yes |
| Precinct 4, Commissioner Margaret J. Gómez           | yes |

**Clerk's Note:** The County Judge noted that by passing the Motion on Item 41.A the Commissioners Court renders action on Item 41.B unnecessary.

- 42. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING AN AGREEMENT TO ACCEPT AN OFFER FROM CARMA EASTON, INC. TO CONVEY APPROXIMATELY THREE ACRES OF FEE TITLE INTEREST AND EASEMENT RIGHTS (PARCEL #1 AND 1E) TO TRAVIS COUNTY IN EXCHANGE FOR 2,820 SQUARE FEET OF UNUSED, EXCESS RIGHT OF WAY (PARCEL #2), FOR CONSTRUCTION OF THE 2001 BOND PROGRAM, MCKINNEY FALLS PARKWAY IMPROVEMENT PROJECT, LOCATED IN PRECINCT FOUR. (COMMISSIONER GÓMEZ) <sup>1 AND 2</sup> (2:19 PM) (4:47 PM)

**Clerk's Note:** Judge Biscoe announced that Item 42 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.

**Motion by Judge Biscoe and seconded by Commissioner Eckhardt to approve Item 42.**

**Motion carried:**

|  |     |
|--|-----|
| County Judge Samuel T. Biscoe              | yes |
| Precinct 1, Commissioner Ron Davis         | yes |
| Precinct 2, Commissioner Sarah Eckhardt    | yes |
| Precinct 3, Commissioner Karen Huber       | yes |
| Precinct 4, Commissioner Margaret J. Gómez | yes |

- 43. RECEIVE BRIEFING AND TAKE APPROPRIATE ACTION ON ISSUES RELATED TO MANCHACA COMMUNITY CENTER LOCATED AT 1310 FM 1626. (COMMISSIONER HUBER) <sup>1</sup> (9:15 AM)

**Clerk's Note:** Judge Biscoe announced that Item 43 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Item 43 pulled from the Agenda.



**AT 2:30 P.M. OR UPON ADJOURNMENT OR RECESS OF THE COMMISSIONERS COURT**

- 44. CONDUCT HEARING AND TAKE APPROPRIATE ACTION ON APPEAL FROM JUNE 17, 2009 TRAVIS COUNTY GRIEVANCE PANEL DECISION IN NANCY DIMAS V. JUSTICE OF THE PEACE, PRECINCT 5, PURSUANT TO TRAVIS COUNTY CODE SECTION 9.257(K). <sup>1 AND 3</sup> (2:19 PM) (4:48 PM)

**Clerk's Note:** Judge Biscoe announced that Item 44 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney and Gov't. Code Ann. 551.074, Personnel Matters.

**Motion by Judge Biscoe and seconded by Commissioner Eckhardt** that we reverse the decision of the Grievance Panel, which means, basically, no reinstatement for Ms. Dimas.

**Motion carried:**

|  |     |
|--|-----|
| County Judge Samuel T. Biscoe              | yes |
| Precinct 1, Commissioner Ron Davis         | yes |
| Precinct 2, Commissioner Sarah Eckhardt    | yes |
| Precinct 3, Commissioner Karen Huber       | yes |
| Precinct 4, Commissioner Margaret J. Gómez | yes |

**ADDED ITEMS**

- A1. CONSIDER AND TAKE APPROPRIATE ACTION ON A REQUEST FOR A VARIANCE TO INSTALL THE SUPPLY AND RETURN LINE WITHIN PUBLIC UTILITY EASEMENTS AT 15212 GENERAL WILLIAMSON DRIVE. (COMMISSIONER HUBER) (2:17 PM)

**Members of the Court heard from:** Stacey Scheffel, Flood Plain Manager, TNR.

**Motion by Commissioner Huber and seconded by Commissioner Gómez** to approve Item A1.

**Motion carried:**

|  |     |
|--|-----|
| County Judge Samuel T. Biscoe              | yes |
| Precinct 1, Commissioner Ron Davis         | yes |
| Precinct 2, Commissioner Sarah Eckhardt    | yes |
| Precinct 3, Commissioner Karen Huber       | yes |
| Precinct 4, Commissioner Margaret J. Gómez | yes |

- A2. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THIRD AMENDMENT TO PURCHASE CONTRACT WITH GRASON VOLENTE INVESTMENTS, LTD. FOR BALCONES CANYONLANDS PRESERVE LAND. (THIS ITEM MAY BE DISCUSSED IN EXECUTIVE SESSION PURSUANT TO GOV'T CODE ANN. 551.071, CONSULTATION WITH ATTORNEY, AND GOV'T CODE ANN. 551.072, REAL PROPERTY) (2:18 PM)

**Members of the Court heard from:** John Hille, Assistant County Attorney.

**Motion by** Commissioner Huber **and seconded by** Commissioner Gómez to approve Item A2.

**Motion carried:**

|  |     |
|--|-----|
| County Judge Samuel T. Biscoe              | yes |
| Precinct 1, Commissioner Ron Davis         | yes |
| Precinct 2, Commissioner Sarah Eckhardt    | yes |
| Precinct 3, Commissioner Karen Huber       | yes |
| Precinct 4, Commissioner Margaret J. Gómez | yes |

- A3. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING FINAL PAYMENT (RETAINAGE) TO UNISM DEVELOPMENT CO. INC., A SUBCONTRACTOR OF FAULKNERUSA, FOR WORK PERFORMED ON THE TRAVIS COUNTY CORRECTIONAL COMPLEX ADDITIONS AND ALTERATIONS PROJECT. (11:17 AM)

**Clerk's Note:** The Court heard that:

- FaulknerUSA have reached an agreement with Travis County to pay Unism Development Co., Inc. in full seven days after official notification from the County that the invoice has been approved
- FaulknerUSA have had official notification today, August 25, 2009. Therefore, Unism Development Co., Inc. will be paid by September 2, 2009.

**Members of the Court heard from:** Marvin Brice, Construction Procurement Management, Purchasing; Chris Leestma, FaulknerUSA; and Ken Gaede, Project Manager, Facilities Management.

**Motion by** Judge Biscoe **and seconded by** Commissioner Davis that we approve the arrangement that has been described today to get Unism Development Co. Inc. paid.

**Motion carried:**

|  |     |
|--|-----|
| County Judge Samuel T. Biscoe              | yes |
| Precinct 1, Commissioner Ron Davis         | yes |
| Precinct 2, Commissioner Sarah Eckhardt    | yes |
| Precinct 3, Commissioner Karen Huber       | yes |
| Precinct 4, Commissioner Margaret J. Gómez | yes |

**ADJOURNMENT**

**Motion by** Commissioner Davis **and seconded by** Commissioner Huber to adjourn the Voting Session. (4:49 PM)

|  |     |
|--|-----|
| <b>Motion carried:</b> County Judge Samuel T. Biscoe | yes |
| Precinct 1, Commissioner Ron Davis                   | yes |
| Precinct 2, Commissioner Sarah Eckhardt              | yes |
| Precinct 3, Commissioner Karen Huber                 | 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 Commissioners Court Agenda Request

Voting Session Tuesday, November 3, 2009  
(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 September 1, 2009**

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 SEPTEMBER 1, 2009**

### **TRAVIS COUNTY COMMISSIONERS' COURT**

On Tuesday, the 1<sup>st</sup> day of September 2009, the Commissioners' Court convened the Voting Session at 9:14 AM in the Commissioners' Courtroom, 1<sup>st</sup> Floor of the Ned Granger Administration Building, 314 West 11<sup>th</sup> Street, Austin, Texas. Dana DeBeauvoir, County Clerk, was represented by Deputy Gillian Porter.

The Commissioners Court recessed the Voting Session at 12:02 PM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation, convened at 1:40 PM and adjourned at 1:42 PM.

The Commissioners Court reconvened the Voting Session at 1:42 PM.

The Commissioners Court retired to Executive Session at 2:30 PM.

The Commissioners Court reconvened the Voting Session at 5:32 PM.

The Commissioners Court adjourned the Voting Session at 5:58 PM.

**PUBLIC HEARINGS**

1. RECEIVE COMMENTS REGARDING RESOLUTION OF THE COMMISSIONERS COURT OF TRAVIS COUNTY, TEXAS APPROVING THE EXTENSION OF THE MATURITY DATE AND THE WEIGHTED AVERAGE MATURITY OF THE TRINITY HIGHER EDUCATIONAL FACILITIES CORPORATION VARIABLE RATE DEMAND REVENUE BONDS (HUSTON-TILLOTSON UNIVERSITY PROJECT) SERIES 2008A. (ACTION ITEM #27) (9:16 AM)

**Clerk’s Note:** This Item is a public hearing to receive comments. Please refer to Agenda Item 27 for a summary of the action item.

**Motion by** Commissioner Davis **and seconded by** Judge Biscoe to open the public hearing.

**Motion carried:** County Judge Samuel T. Biscoe yes  
Precinct 1, Commissioner Ron Davis yes  
Precinct 2, Commissioner Sarah Eckhardt yes  
Precinct 3, Commissioner Karen Huber yes  
Precinct 4, Commissioner Margaret J. Gómez yes

**Members of the Court heard from:** Harvey Davis, Manager, Travis County Corporations; and Cliff Blount, Attorney for the Travis County Corporations.

**Motion by** Commissioner Davis **and seconded by** Commissioner Eckhardt to close the public hearing.

**Motion carried:** County Judge Samuel T. Biscoe yes  
Precinct 1, Commissioner Ron Davis yes  
Precinct 2, Commissioner Sarah Eckhardt yes  
Precinct 3, Commissioner Karen Huber yes  
Precinct 4, Commissioner Margaret J. Gómez yes

## CITIZENS COMMUNICATION

**Members of the Court heard from:** Ronnie Gjemre, Travis County Resident; Gus Peña, Travis County Resident; Danny Hobby, Executive Manager, Travis County Emergency Services; Dr. Paul Hinchey, Medical Director, Austin/Travis County Emergency Services; Julie Holden, Travis County Resident; Diana Castañeda; Chairman, Unidos; Frances Martinez, Member, El Concilio; and Gavino Fernandez, Deputy Director, District 12, League of United Latin American Citizens (LULAC). (9:18 AM)

## CONSENT ITEMS

**Members of the Court heard from:** Ronnie Gjemre, Travis County Resident; and Sarah Sumner, Planner, Transportation and Natural Resources (TNR).

**Motion by** Commissioner Gómez **and seconded by** Commissioner Davis to approve the following Consent Items: C1-C3 and Items 12.A-C, 14, 15, 17.A&B, 18, 19, 20, 21, 22, 23, 26, 27, 29, 30, 31, 33, 35, A2, A4, and A5. (9:43 AM)

|  |     |
|--|-----|
| <b>Motion carried:</b> County Judge Samuel T. Biscoe | yes |
| Precinct 1, Commissioner Ron Davis                   | yes |
| Precinct 2, Commissioner Sarah Eckhardt              | yes |
| Precinct 3, Commissioner Karen Huber                 | yes |
| Precinct 4, Commissioner Margaret J. Gómez           | yes |

- C1. RECEIVE BIDS FROM COUNTY PURCHASING AGENT.
- C2. APPROVE SETTING A PUBLIC HEARING DATE ON SEPTEMBER 15, 2009 TO RECEIVE COMMENTS REGARDING A PLAT FOR RECORDING IN PRECINCT FOUR: MARIA GONZALEZ SUBDIVISION, RESUBDIVISION OF PART OF LOT 35, WH TOBIN SUBDIVISION (1 TOTAL LOT). (COMMISSIONER GÓMEZ)
- C3. APPROVE SETTING A PUBLIC HEARING DATE ON SEPTEMBER 22, 2009 TO RECEIVE COMMENTS REGARDING A REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE A PORTION OF OLD MANOR ROAD AND BOYCE LANE IN PRECINCT ONE. (COMMISSIONER DAVIS)

**SPECIAL ITEMS**

2. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE PROHIBITION OF OUTDOOR BURNING IN THE UNINCORPORATED AREAS OF TRAVIS COUNTY. (9:47 AM)

**Members of the Court heard from:** Tony Callaway, Assistant Fire Marshal.

**Clerk's Note:** The County Judge announced that by taking no action the prohibition against outdoor burning stays in place.

Discussion only. No formal action taken.

Item 2 to be reposted on September 8, 2009.

**Clerk's Note:** The County Judge encouraged Travis County residents to take care with disposing of cigarettes by covering them in sand or dousing them in water, not throwing them out of moving vehicles, as this has caused many roadside fires.

3. **REVISED LANGUAGE: SPECIAL ITEM:** CONSIDER AND TAKE APPROPRIATE ACTION REGARDING RECEIPT OF FEDERAL ECONOMIC STIMULUS - ENERGY, EFFICIENCY AND CONSERVATION BLOCK GRANT IN THE AMOUNT OF \$2,207,900.00 AND A PRESS RELEASE REGARDING THE SAME. (9:48 AM)

**Members of the Court heard from:** Roger El Khoury, Director, Facilities Management; and Diana Ramirez, Budget Analyst, Planning and Budget Office (PBO).

Discussion only. No formal action taken.

Item 3 to be reposted on September 15, 2009.



**TRANSPORTATION AND NATURAL RESOURCES DEPT. ITEMS**

4. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING RESOLUTION ADOPTING HOUSE BILL 2833, RELATING TO CERTAIN BUILDING CODE STANDARDS APPLICABLE TO THE UNINCORPORATED AREAS OF CERTAIN COUNTIES; PROVIDING A PENALTY, ENACTED BY THE 81<sup>ST</sup> LEGISLATURE REGULAR SESSION, AND A DESCRIPTION OF THE TRAVIS COUNTY IMPLEMENTATION PLAN. (10:11 AM)

**Members of the Court heard from:** Joe Gieselman, Executive Manager, TNR; and Julie Joe, Assistant County Attorney.

**Motion by** Commissioner Huber **and seconded by** Commissioner Eckhardt to approve Item 4.

**Motion carried:**

|  |     |
|--|-----|
| County Judge Samuel T. Biscoe              | yes |
| Precinct 1, Commissioner Ron Davis         | yes |
| Precinct 2, Commissioner Sarah Eckhardt    | yes |
| Precinct 3, Commissioner Karen Huber       | yes |
| Precinct 4, Commissioner Margaret J. Gómez | yes |

**Clerk's Note:** The Court noted that this will be adopted under Chapter 80 of the Travis County Code.

5. RECEIVE BRIEFING AND DISCUSS VISION PLAN FOR THE ONION CREEK GREENWAY. (10:20 AM)

**Members of the Court heard from:** Joe Gieselman, Executive Manager, TNR.

Discussion only. No formal action taken.

- 6. RECEIVE BRIEFING AND TAKE APPROPRIATE ACTION REGARDING COUNTY PARTICIPATION IN CITY OF AUSTIN'S COMPREHENSIVE PLANNING PROCESS. (10:43 AM)

**Members of the Court heard from:** Council Member Sheryl Cole, City of Austin; and Sue Edwards, Assistant City Manager, Development and Environment Services, City of Austin.

**Motion by** Commissioner Huber **and seconded by** Commissioner Eckhardt to appoint a sub-committee of the Court and to authorize Staff to pursue conversations with the City of Austin with the intention of exploring a partnership on the City of Austin Comprehensive Plan.

**Motion failed:**

|  |     |
|--|-----|
| County Judge Samuel T. Biscoe              | no  |
| Precinct 1, Commissioner Ron Davis         | no  |
| Precinct 2, Commissioner Sarah Eckhardt    | yes |
| Precinct 3, Commissioner Karen Huber       | yes |
| Precinct 4, Commissioner Margaret J. Gómez | no  |

Discussion only. No formal action taken.

- 7. CONSIDER AND TAKE APPROPRIATE ACTION ON FEE INCREASE PROPOSALS BY THE TRANSPORTATION AND NATURAL RESOURCES DEPARTMENT, INCLUDING: (11:06 AM)

- A. ASSESSMENT OF FEES FOR RECOVERY OF TRAVIS COUNTY STORM WATER MANAGEMENT PROGRAM AND DEVELOPMENT REVIEW COSTS;
- B. INCREASES IN ON-SITE WASTEWATER FEES FOR FISCAL YEAR 2010; AND
- C. PROPOSED PARK FEES AND REFUND POLICY.

**Clerk's Note:** Items 7.A-C are associated with one another and were called for concurrent discussion.

**Members of the Court heard from:** Joe Gieselman, Executive Manager, TNR; Tom Weber, Environmental Quality Program Manager, TNR; Stacey Scheffel, Flood Plain Manager, TNR; Charles Bergh, Division Director, Parks and Natural Resources, TNR; and Ronnie Gjemre, Travis County Resident.

Discussion only. No formal action taken.

Items 7.A-C to be reposted on September 8, 2009.

8. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A PLAT FOR RECORDING IN PRECINCT THREE: REVISED PLAT OF A PORTION OF PANORAMIC HILLS LOT 37 (4 TOTAL LOTS). (COMMISSIONER HUBER) (10:10 AM)

**Members of the Court heard from:** Anna Bowlin, Division Director, Engineering Services, TNR.

**Motion by** Commissioner Huber **and seconded by** Commissioner Gómez to approve Item 8.

**Motion carried:**

|  |     |
|--|-----|
| County Judge Samuel T. Biscoe              | yes |
| Precinct 1, Commissioner Ron Davis         | yes |
| Precinct 2, Commissioner Sarah Eckhardt    | yes |
| Precinct 3, Commissioner Karen Huber       | yes |
| Precinct 4, Commissioner Margaret J. Gómez | yes |

9. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING REQUESTS: (9:15 AM)

- A. CALL DOWN FUNDS FOR CERTAIN STREETS BOUNDING THE FOLLOWING SUBDIVISIONS IN AREAS NOW ANNEXED BY THE CITY OF PFLUGERVILLE: SPRINGBROOK COMMERCIAL LOT 1, SPRINGBROOK COMMERCIAL LOT 2 AND SPRINGBROOK GLEN; AND
- B. INTERLOCAL AGREEMENT WITH THE CITY OF PFLUGERVILLE FOR THE TRANSFER OF BOUNDARY STREET FISCAL FOR ROADS ANNEXED BY THE CITY OF PFLUGERVILLE. (COMMISSIONER ECKHARDT)

Items 9.A&B postponed.

HEALTH AND HUMAN SERVICES DEPT. ITEMS

- 10. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FROM AUSTIN/TRAVIS COUNTY HEALTH AND HUMAN SERVICES DEPARTMENT TO ADD A DATE TO CONDUCT INFLUENZA IMMUNIZATIONS AS PART OF THE PANDEMIC INFLUENZA RESPONSE PLAN AND WAIVE FEES FOR USE OF THE TRAVIS COUNTY EXPOSITION CENTER. (1:42 PM)

**Members of the Court heard from:** Sherri Fleming, Executive Manager, Travis County Health, Human Services, and Veterans' Services (TCHHS&VS).

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to approve Item 10.

**Motion carried:**

|  |     |
|--|-----|
| County Judge Samuel T. Biscoe              | yes |
| Precinct 1, Commissioner Ron Davis         | yes |
| Precinct 2, Commissioner Sarah Eckhardt    | yes |
| Precinct 3, Commissioner Karen Huber       | yes |
| Precinct 4, Commissioner Margaret J. Gómez | yes |

PLANNING AND BUDGET DEPT. ITEMS

- 11. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:54 AM)

**Members of the Court heard from:** Rodney Rhoades, Executive Manager, PBO; Stacy Suits, Chief Deputy, Constable Precinct 3; Julie Joe, Assistant County Attorney; and Joe Harlow, Chief Technology Officer, Information and Telecommunications Systems (ITS).

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to approve Budget Amendment Item A1.

**Motion carried:**

|  |     |
|--|-----|
| County Judge Samuel T. Biscoe              | yes |
| Precinct 1, Commissioner Ron Davis         | yes |
| Precinct 2, Commissioner Sarah Eckhardt    | yes |
| Precinct 3, Commissioner Karen Huber       | yes |
| Precinct 4, Commissioner Margaret J. Gómez | yes |

## ITEM 11 CONTINUED

**Motion by Judge Biscoe and seconded by Commissioner Davis** to approve Transfer Item T1, which would be the transfer into the medical services line item at the Sheriff's Office.

**Motion carried:**

|  |     |
|--|-----|
| County Judge Samuel T. Biscoe              | yes |
| Precinct 1, Commissioner Ron Davis         | yes |
| Precinct 2, Commissioner Sarah Eckhardt    | yes |
| Precinct 3, Commissioner Karen Huber       | yes |
| Precinct 4, Commissioner Margaret J. Gómez | yes |

Budget Transfer Items T2 and T3 in Item 11 to be reposted on September 15, 2009.

12. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE:  
(9:43 AM)
- A. GRANT CONTRACT WITH THE TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES FOR CONTINUATION OF TITLE IV-E LEGAL ADMINISTRATION FUNDS IN THE DISTRICT ATTORNEY'S OFFICE;
  - B. NEW GRANT CONTRACT WITH THE BUREAU OF JUSTICE ASSISTANCE FOR AMERICAN RECOVERY AND REINVESTMENT ACT FUNDS TO RESTORE STATE FUNDED PROBATION OFFICER POSITIONS; AND
  - C. GRANT CONTRACT WITH THE OFFICE OF ATTORNEY GENERAL FOR TRAVIS COUNTY TO CONTINUE THE INTEGRATED CHILD SUPPORT SYSTEM PROGRAM IN JUVENILE PROBATION, DOMESTIC RELATIONS OFFICE, TO MONITOR AND ENFORCE COMPLIANCE WITH ALL NEW CHILD AND MEDICAL SUPPORT ORDERS.

**Clerk's Note:** Item 12.A-C approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

- 13. CONSIDER AND TAKE APPROPRIATE ACTION ON NEWSPAPER ADVERTISEMENTS, INCLUDING: (1:53 PM)
  - A. STATUTORILY REQUIRED NEWSPAPER ADVERTISEMENT FOR PUBLIC HEARING ON PROPOSED FISCAL YEAR 2010 TAX RATE; AND
  - B. OTHER ADVERTISEMENTS NECESSARY TO COMPLETE THE FISCAL YEAR 2010 BUDGET PROCESS.

**Clerk's Note:** Items 13.A&B are associated with one another and were called for concurrent discussion.

**Members of the Court heard from:** Rodney Rhoades, Executive Manager, PBO; and Jessica Rio, Assistant Budget Manager, PBO.

**Motion by** Commissioner Davis **and seconded by** Commissioner Gómez to approve Items 13.A&B.

**Motion carried:**

|  |     |
|--|-----|
| County Judge Samuel T. Biscoe              | yes |
| Precinct 1, Commissioner Ron Davis         | yes |
| Precinct 2, Commissioner Sarah Eckhardt    | yes |
| Precinct 3, Commissioner Karen Huber       | yes |
| Precinct 4, Commissioner Margaret J. Gómez | yes |

### ADMINISTRATIVE OPERATIONS ITEMS

- 14. 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 \$826,948.05 FOR THE PERIOD OF AUGUST 14 TO 20, 2009. (9:43 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. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED ROUTINE PERSONNEL AMENDMENTS. (9:43 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. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FROM A LOCAL BUSINESS PERSON TO SET UP AND OPERATE A HOT DOG VENDING CART ON TRAVIS COUNTY PROPERTY LOCATED AT 5501 AIRPORT BOULEVARD. (2:24 PM)

**Members of the Court heard from:** Roger El Khoury, Director, Facilities Management; and Tenley Aldredge, Assistant County Attorney.

Discussion only. No formal action taken.

Item 16 to be reposted September 15, 2009.

### JUSTICE AND PUBLIC SAFETY ITEMS

17. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING SUPPLEMENTAL EMPLOYMENT AGREEMENTS BETWEEN THE FOLLOWING FORENSIC MEDICAL EXAMINER INVESTIGATORS AND TRAVIS COUNTY: (9:43 AM)
  - A. INNA HOLMES; AND
  - B. YVETTE MURRIETA.

**Clerk's Note:** Items 17.A&B 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

18. APPROVE MODIFICATION NO. 9 TO CONTRACT NO. PS970315LB, VINSON & ELKINS LLP, FOR PROFESSIONAL SERVICES RELATED TO THE PURCHASE OF A NEW FINANCIAL SYSTEM. (9:43 AM)

**Clerk's Note:** Item 18 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

19. APPROVE ISSUANCE OF JOB ORDER NO. 9, MINOR CONSTRUCTION AND RENOVATION SERVICES, CONTRACT NO. 07K00308RV, TRIMBUILT CONSTRUCTION, INC. (9:43 AM)

**Clerk's Note:** Item 19 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

20. APPROVE CONTRACT AWARD FOR FISCAL YEAR 2009 SIDEWALK MAINTENANCE PROGRAM, IFB NO. B090303-JW, TO THE LOW BIDDER, CEDA-TEX SERVICES. (9:43 AM)

**Clerk's Note:** Item 20 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

21. APPROVE ISSUANCE OF JOB ORDER NO. 55, MINOR CONSTRUCTION AND RENOVATION SERVICES, CONTRACT NO. 07K00307RV, ARCHITECTURAL HABITAT OF AUSTIN, INC. (9:43 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. APPROVE MODIFICATION NO. 1 TO CONTRACT NO. 09K00209LP, FISCAL YEAR 2009 HMAC OVERLAY PROJECT, WHEELER COATINGS ASPHALT, L.P. (9:43 AM)

**Clerk's Note:** Item 22 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

23. APPROVE MODIFICATION NO. 1 TO CONTRACT NO. 09K00058LP, HOWARD LANE I IMPROVEMENT PROJECT, JOE BLAND CONSTRUCTION. (9:43 AM)

**Clerk's Note:** Item 23 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.



- 24. DECLARE CERTAIN MEDIA EQUIPMENT AS SURPLUS AND AUTHORIZE TRADE-IN FOR NEW MEDIA EQUIPMENT, PURSUANT TO SECTION 263.152 OF THE TEXAS LOCAL GOVERNMENT CODE. (1:49 PM)

**Motion by Judge Biscoe and seconded by Commissioner Gómez to approve Item 24.**

**Motion carried:** County Judge Samuel T. Biscoe                    yes  
                           Precinct 1, Commissioner Ron Davis                    yes  
                           Precinct 2, Commissioner Sarah Eckhardt                    yes  
                           Precinct 3, Commissioner Karen Huber                    yes  
                           Precinct 4, Commissioner Margaret J. Gómez                    yes

- 25. **REVISED LANGUAGE:** CONSIDER AND TAKE APPROPRIATE ACTION RELATED TO MODIFICATION NO. 2, CONTRACT NO. PS090100RE, WITH AMERICAN YOUTHWORKS, FOR PARKS SERVICES AS FOLLOWS:  
 (1:50 PM)

- A. RATIFY WORK DONE PRIOR TO EXECUTION OF THE AMENDMENT;
- B. AMEND THE CONTRACT TO ADD THE RANGER STATION PROJECT AND THE NATURE TRAIL AT MILTON REIMERS RANCH PARK PROJECT;  
 AND
- C. AMEND THE CONTRACT TO CLARIFY THE WORKFORCE TRAINING NATURE OF THE AGREEMENT.

**Clerk's Note:** Items 25.A-C are associated with one another and were called for concurrent discussion.

**Members of the Court heard from:** Marvin Brice, Construction Procurement Management, Purchasing; and Jose Palacios, Chief Assistant County Auditor, Travis County Auditor's Office.

**Motion by Judge Biscoe and seconded by Commissioner Davis to approve Items 25.A-C.**

**Motion carried:** County Judge Samuel T. Biscoe                    yes  
                           Precinct 1, Commissioner Ron Davis                    yes  
                           Precinct 2, Commissioner Sarah Eckhardt                    yes  
                           Precinct 3, Commissioner Karen Huber                    yes  
                           Precinct 4, Commissioner Margaret J. Gómez                    yes

OTHER ITEMS

26. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:43 AM)

**Clerk's Note:** Item 26 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

27. CONSIDER AND TAKE APPROPRIATE ACTION ON RESOLUTION OF THE COMMISSIONERS COURT OF TRAVIS COUNTY, TEXAS APPROVING THE EXTENSION OF MATURITY OF THE TRINITY HIGHER EDUCATIONAL FACILITIES CORPORATION VARIABLE RATE DEMAND REVENUE BONDS, SERIES 2008A (HUSTON-TILLOTSON UNIVERSITY PROJECT). (9:43 AM)

**Clerk's Note:** Item 27 is the action item for the public hearing on Agenda Item 1.

**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. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING:  
(2:05 PM)

- A. RECEIVE BRIEFING ON RECOMMENDATION FROM THE PARKING SUBCOMMITTEE REGARDING PARKING ADMINISTRATOR POSITION;
- B. REQUEST TO APPOINT MEMBERS OF NEW PARKING COMMITTEE;  
AND
- C. CHARGE NEW PARKING COMMITTEE TO REVISE CURRENT PARKING POLICY, DEVELOP AND ADMINISTER PARKING GRIEVANCE PROCESS, AND IMPLEMENT CERTAIN RECOMMENDATIONS MADE IN THE PARKING COMMITTEE REPORT. (COMMISSIONER ECKHARDT)

**Clerk's Note:** Items 28.A-C are associated with one another and were called for concurrent discussion.

**Members of the Court heard from:** Sydnie Crosbie, Lead Financial Analyst, TNR, and Co-Chair, Parking Committee; Tenley Aldredge, Assistant County Attorney; and Roger El Khoury, Director, Facilities Management.

**Motion by Judge Biscoe and seconded by Commissioner Gómez** that we approve the committee, including the alternates plus the advisory committee.

**Motion carried:**

|  |     |
|--|-----|
| County Judge Samuel T. Biscoe              | yes |
| Precinct 1, Commissioner Ron Davis         | yes |
| Precinct 2, Commissioner Sarah Eckhardt    | yes |
| Precinct 3, Commissioner Karen Huber       | yes |
| Precinct 4, Commissioner Margaret J. Gómez | yes |

**Motion by Judge Biscoe and seconded by Commissioner Huber** to approve the charge in Item 25.C.

**Motion carried:**

|  |     |
|--|-----|
| County Judge Samuel T. Biscoe              | yes |
| Precinct 1, Commissioner Ron Davis         | yes |
| Precinct 2, Commissioner Sarah Eckhardt    | yes |
| Precinct 3, Commissioner Karen Huber       | yes |
| Precinct 4, Commissioner Margaret J. Gómez | yes |

## ITEM 28 CONTINUED

**Motion by** Commissioner Eckhardt **and seconded by** Commissioner Gómez that the parking committee be directed to pursue further investigation and the next steps for outsourcing the parking.

**Motion carried:**

|  |         |
|--|---------|
| County Judge Samuel T. Biscoe              | yes     |
| Precinct 1, Commissioner Ron Davis         | abstain |
| Precinct 2, Commissioner Sarah Eckhardt    | yes     |
| Precinct 3, Commissioner Karen Huber       | yes     |
| Precinct 4, Commissioner Margaret J. Gómez | yes     |

**Clerk's Note:** The Court thanked the original parking committee members for their contributions over the previous two years.

29. CONSIDER AND TAKE APPROPRIATE ACTION ON AMENDMENT NUMBER ONE TO INTERLOCAL AGREEMENT BETWEEN TRAVIS COUNTY AND THE CITY OF AUSTIN FOR REIMBURSEMENT OF OVERTIME EXPENDITURES BY THE SHERIFF'S OFFICE DURING THE COURSE OF PARTICIPATION IN THE HUMAN TRAFFICKING LAW ENFORCEMENT TASK FORCE JOINT INVESTIGATIVE PROJECT. (9:43 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. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FROM CONSTABLE PRECINCT THREE TO ESTABLISH A CHANGE FUND IN THE AMOUNT OF \$200.00. (9:43 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.

31. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO DISTRIBUTE FLIERS ENCOURAGING ORGAN DONATION FOR DONATE LIFE TEXAS WITH THE SEPTEMBER 15<sup>TH</sup> PAYROLL CHECKS. (JUDGE BISCOE) (9:43 AM)

**Clerk's Note:** Item 31 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

32. CONSIDER AND TAKE APPROPRIATE ACTION ON INTERIM CHARGES FOR THE 81<sup>ST</sup> TEXAS LEGISLATURE, INCLUDING: (1:45 PM)
- A. SUGGESTED TOPICS FOR SUCH CHARGES; AND
  - B. RECOMMENDATIONS FOR PROPOSING SUCH CHARGES TO THE APPROPRIATE MEMBERS OF THE LEGISLATURE.

**Clerk's Note:** Items 32.A&B are associated with one another and were called for concurrent discussion.

**Members of the Court heard from:** Deece Eckstein, Intergovernmental Relations Officer; and Greg Knaupe, Legislative Consultant, Santos Alliance, Inc.

**Motion by** Judge Biscoe **and seconded by** Commissioner Eckhardt to approve the list in Item 32.A.

**Motion carried:**

|  |     |
|--|-----|
| County Judge Samuel T. Biscoe              | yes |
| Precinct 1, Commissioner Ron Davis         | yes |
| Precinct 2, Commissioner Sarah Eckhardt    | yes |
| Precinct 3, Commissioner Karen Huber       | yes |
| Precinct 4, Commissioner Margaret J. Gómez | yes |

**Clerk's Note:** The Court, without objection, approved the recommendations in Item 32.B.

33. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO USE TRAVIS COUNTY SEAL TO PUBLICIZE COMMUNITY PRESENTATION OF THE CITY OF SEATTLE'S HOMELESS AND HOUSING PROGRAMS BY BILL HOBSON, SEATTLE DOWNTOWN EMERGENCY SERVICES CENTER. (9:43 AM)

**Clerk's Note:** Item 33 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

**AT 11:30 A. M.**

34. RECEIVE VIDEO PRESENTATION ON TRAVIS COUNTY FAMILY DRUG TREATMENT COURT PROGRAM AND PRESENTATION OF SUCCESS STORIES AND RESULTS. (11:40 AM)

**Members of the Court heard from:** The Honorable Darlene Byrne, Judge, 126<sup>th</sup> District; Michelle Kimbrough, Court Coordinator, Travis County Family Drug Treatment Court; Sherri Fleming, Executive Manager, TCHHS&VS; and Ronnie Gjemre, Travis County Resident.

Discussion only. No formal action taken.

35. CONSIDER AND TAKE APPROPRIATE ACTION ON ITEMS ASSOCIATED WITH THE 2009 TRAVIS COUNTY COMBINED CHARITIES CAMPAIGN INCLUDING THE APPROVAL OF RECIPIENT FEDERATIONS AND CHARITIES FOR USE IN THIS YEAR'S CAMPAIGN. (9:43 AM)

**Clerk's Note:** Item 35 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

**Clerk's Note:** The County Judge noted that by approving Item 35 the Court authorizes the use of email to employees to inform them about the campaign and request their participation.

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.

36. RECEIVE LEGAL BRIEFING FROM COUNTY ATTORNEY AND OUTSIDE COUNSEL, RENEA HICKS, ESQ. AND TAKE APPROPRIATE ACTION REGARDING THE MATTER OF NORTHWEST AUSTIN M.U.D. V. HOLDER IN THE SUPREME COURT OF THE UNITED STATES. <sup>1</sup> (2:30 PM) 5:32 PM)

**Clerk's Note:** Judge Biscoe announced that Item 36 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Discussion only. No formal action taken.

Item 36 to be reposted when ready.

37. RECEIVE BRIEFING AND TAKE APPROPRIATE ACTION ON THE CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION'S (CAMPO) PROPOSED CHANGES TO BYLAWS. <sup>1</sup> (2:30 PM) (5:33 PM)

**Clerk's Note:** Judge Biscoe announced that Item 37 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Discussion only. No formal action taken.

Item 37 to be reposted on September 8, 2009.

**SEPTEMBER 1, 2009 VOTING SESSION**

**PAGE 20**

38. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FOR AMENDMENT TO SUBLEASE OF EXPOSITION CENTER WITH CERTAIN TERMS AND CONDITIONS FROM STAR OF TEXAS RODEO AND RELATED ISSUES AND AGREEMENTS. <sup>1</sup> (2:30 PM) (5:33 PM)

**Clerk's Note:** Judge Biscoe announced that Item 38 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 38 to be reposted on September 8, 2009.



- 39. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION ON CLAIMS FROM TECOLOTE FARMS, INC. REGARDING WATER AVAILABILITY AND RELATED ISSUES. <sup>1</sup> (2:00 PM) (2:30 PM) (5:33 PM)

**Clerk's Note:** Judge Biscoe announced that Item 39 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

**Members of the Court heard from:** Katie Kraemer-Pitre, Owner, Tecolote Farms; Sherine Thomas, Assistant County Attorney; John Hille, Assistant County Attorney; and Charles Bergh, Division Director, Parks and Natural Resources, TNR.

**Motion by Judge Biscoe and seconded by Commissioner Gómez** that we hold true to the County's previous position that we indicated by vote on April 14, 2009; that after an appropriate survey by Dr. John Sharp, Professor, Department of Ground Water Sciences, University of Texas at Austin and his people, the County would be willing to drill five test wells on the property after seeing the results of the survey; the survey was real positive as to three locations, and in my view, the County should hold true to this commitment and agree to drill for those wells; and the funds will be taken from the Risk Management Fund.

**A Friendly Amendment to the previous Motion was offered by Commissioner Davis** that the possibility of applying for federal dollars be looked into.

**Clerk's Note:** The Friendly Amendment was not accepted.

**An Addition to the previous Motion was made by Judge Biscoe** that the Motion would end with Travis County drilling test wells in the top three locations that surfaced in the survey; and that the County then will negotiate a settlement agreement to address the claim.

**Motion carried:**

|  |     |
|--|-----|
| County Judge Samuel T. Biscoe              | yes |
| Precinct 1, Commissioner Ron Davis         | yes |
| Precinct 2, Commissioner Sarah Eckhardt    | no  |
| Precinct 3, Commissioner Karen Huber       | no  |
| Precinct 4, Commissioner Margaret J. Gómez | yes |

40. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE EMPLOYMENT OF THE EXECUTIVE MANAGER OF ADMINISTRATIVE OPERATIONS. <sup>1 AND 3</sup> (2:30 PM) (5:57 PM)

**Clerk's Note:** Judge Biscoe announced that Item 40 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney and Gov't. Code Ann. 551.074, Personnel Matters.

**Motion by** Commissioner Eckhardt **and seconded by** Commissioner Huber that we terminate employment as of today, September 1, 2009, and continue negotiating on a possible settlement of any legal claims with regard to the termination.

**Motion carried:**

|  |     |
|--|-----|
| County Judge Samuel T. Biscoe              | yes |
| Precinct 1, Commissioner Ron Davis         | no  |
| Precinct 2, Commissioner Sarah Eckhardt    | yes |
| Precinct 3, Commissioner Karen Huber       | yes |
| Precinct 4, Commissioner Margaret J. Gómez | no  |

41. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE EMPLOYMENT OF THE DIRECTOR OF THE HUMAN RESOURCES MANAGEMENT DEPARTMENT. <sup>1 AND 3</sup> (2:30 PM) (5:58 PM)

**Clerk's Note:** Judge Biscoe announced that Item 41 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney and Gov't. Code Ann. 551.074, Personnel Matters.

**Motion by** Commissioner Eckhardt **and seconded by** Commissioner Huber that we terminate employment as of today, September 1, 2009, and continue negotiating on a possible settlement of any legal claims with regard to termination.

**Motion carried:**

|  |     |
|--|-----|
| County Judge Samuel T. Biscoe              | yes |
| Precinct 1, Commissioner Ron Davis         | no  |
| Precinct 2, Commissioner Sarah Eckhardt    | yes |
| Precinct 3, Commissioner Karen Huber       | yes |
| Precinct 4, Commissioner Margaret J. Gómez | no  |

## ADDED ITEMS

- A1. CONSIDER AND TAKE APPROPRIATE ACTION ON PURCHASE CONTRACT OFFER FROM THE CITY OF AUSTIN TO SELL APPROXIMATELY 79 ACRES OF COUNTY-OWNED LAND OFF FM 969 IN EAST AUSTIN FOR PARK PURPOSES. (2:30 PM) (5:32 PM)

**Clerk's Note:** Judge Biscoe announced that Item A1 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.

**Motion by Judge Biscoe and seconded by Commissioner Davis** that we approve the prepared purchase and sale agreement; that we authorize the County Judge to sign the same on behalf of the Commissioners Court.

**Motion carried:**

|  |     |
|--|-----|
| County Judge Samuel T. Biscoe              | yes |
| Precinct 1, Commissioner Ron Davis         | yes |
| Precinct 2, Commissioner Sarah Eckhardt    | yes |
| Precinct 3, Commissioner Karen Huber       | yes |
| Precinct 4, Commissioner Margaret J. Gómez | yes |

- A2. APPROVE MODIFICATION NO. 1, AN ASSIGNMENT OF CONTRACT NO. 09T001990J, FROM CORPORATE EXPRESS TO STAPLES ADVANTAGE. (9:43 AM)

**Clerk's Note:** Item A2 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

- A3. CONSIDER AND TAKE APPROPRIATE ACTION ON ORDER SETTING FEES TO BE CHARGED BY THE OFFICES OF THE SHERIFF'S AND CONSTABLES IN CALENDAR YEAR 2010. (2:00 PM)

**Motion by Judge Biscoe and seconded by Commissioner Davis** to approve Item A3.

**Motion carried:**

|  |     |
|--|-----|
| County Judge Samuel T. Biscoe              | yes |
| Precinct 1, Commissioner Ron Davis         | yes |
| Precinct 2, Commissioner Sarah Eckhardt    | yes |
| Precinct 3, Commissioner Karen Huber       | yes |
| Precinct 4, Commissioner Margaret J. Gómez | yes |

A4. APPROVE SETTING A PUBLIC HEARING ON SEPTEMBER 22, 2009 TO RECEIVE COMMENTS REGARDING A REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE A PORTION OF OLD MANOR ROAD AND BOYCE LANE IN PRECINCT ONE. (COMMISSIONER DAVIS) (9:43 AM)

**Clerk's Note:** Item A4 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

A5. CONSIDER AND TAKE APPROPRIATE ACTION TO EXTEND THE DEADLINE FOR ACCEPTING APPLICATIONS FOR APPOINTMENT TO THE VACANT SEAT ON THE BOARD OF DIRECTORS OF THE CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY. (9:43 AM)

**Clerk's Note:** Item A5 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

**Clerk's Note:** The County Judge noted that by approving Item A5 the Court has extended the deadline by 30 days to October 8, 2009.

**ADJOURNMENT**

**Motion by Commissioner Davis and seconded by Commissioner Gómez to adjourn the Voting Session. (5:58 PM)**

|  |     |
|--|-----|
| <b>Motion carried:</b> County Judge Samuel T. Biscoe | yes |
| Precinct 1, Commissioner Ron Davis                   | yes |
| Precinct 2, Commissioner Sarah Eckhardt              | yes |
| Precinct 3, Commissioner Karen Huber                 | 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 Commissioners Court Agenda Request

Voting Session Nov 3  
Tuesday, October 27, 2009  
(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 October 6, 2009**

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 OCTOBER 6, 2009

### TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 6<sup>th</sup> day of October 2009, the Commissioners' Court convened the Voting Session at 9:15 AM in the Commissioners' Courtroom, 1<sup>st</sup> Floor of the Ned Granger Administration Building, 314 West 11<sup>th</sup> Street, Austin, Texas. Dana DeBeauvoir, County Clerk, was represented by Deputy Gillian Porter.

The Commissioners Court record notes that Precinct Three Commissioner Karen Huber and Precinct Four Commissioner Margaret Gómez were not present during this Voting Session.

The Commissioners Court retired to Executive Session at 10:03 AM.

The Commissioners Court reconvened the Voting Session at 10:43 AM.

The Commissioners Court adjourned the Voting Session at 10:45 AM.

The Commissioners Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle), convened at 10:45 AM and adjourned at 10:46 AM.

The Commissioners Court, meeting as the Travis County Bee Cave Road District #1 (Galleria), convened at 10:46 AM and adjourned at 10:46 AM.

### CITIZENS COMMUNICATION

**Members of the Court heard from:** Gus Peña, Travis County Resident; Ronnie Gjemre, Travis County Resident; and Maurice Priest, Travis County Resident.  
(9:16 AM)

## CONSENT ITEMS

**Motion by Commissioner Davis and seconded by Commissioner Eckhardt to approve the following Consent Items: C1-C3 and Items 4, 5, 7, 8, 9.A&B, 10, 11, 13, 16.A-C, E, F&H, 17, 18, 19, and 20. (9:26 AM)**

**Motion carried:**

|  |        |
|--|--------|
| County Judge Samuel T. Biscoe              | yes    |
| Precinct 1, Commissioner Ron Davis         | yes    |
| Precinct 2, Commissioner Sarah Eckhardt    | yes    |
| Precinct 3, Commissioner Karen Huber       | absent |
| Precinct 4, Commissioner Margaret J. Gómez | absent |

- C1. RECEIVE BIDS FROM COUNTY PURCHASING AGENT.
- C2. APPROVE COMMISSIONERS COURT MINUTES FOR VOTING SESSION OF SEPTEMBER 22, 2009 AND PUBLIC HEARING OF SEPTEMBER 25, 2009.
- C3. APPROVE SETTING A PUBLIC HEARING ON OCTOBER 27, 2009, TO RECEIVE COMMENTS REGARDING PARK FEE AND REFUND PROPOSALS BY THE TRANSPORTATION AND NATURAL RESOURCES DEPARTMENT.

## RESOLUTIONS AND PROCLAMATIONS

- 1. APPROVE RESOLUTION TO THE TEXAS DEPARTMENT OF AGRICULTURE IN SUPPORT OF A GRANT FOR MEALS ON WHEELS AND MORE. (JUDGE BISCOE) (9:28 AM)

**Members of the Court heard from:** Dan Pruett, Director, Meals on Wheels and More.

**Motion by Judge Biscoe and seconded by Commissioner Davis to approve the Resolution in Item 1.**

**Motion carried:**

|  |        |
|--|--------|
| County Judge Samuel T. Biscoe              | yes    |
| Precinct 1, Commissioner Ron Davis         | yes    |
| Precinct 2, Commissioner Sarah Eckhardt    | yes    |
| Precinct 3, Commissioner Karen Huber       | absent |
| Precinct 4, Commissioner Margaret J. Gómez | absent |

- 2. APPROVE RESOLUTION DECLARING OCTOBER 4 THROUGH 10, 2009 AS "TRAVIS COUNTY 4-H WEEK." (JUDGE BISCOE) (9:34 AM)

**Members of the Court heard from:** Skip Richter, Director, Texas AgriLife Extension Service, Travis County Health and Human Services (TCHHS); Tahira Malik; County Agent, Educational Program; Julie Zimmermann, Capital Science Project, TCHHS, Cory Talley, Travis County 4H Extension Agent; Unidentified 4H Volunteer; and Noel Rodriguez, Travis County 4H Capital Americorps Program, Agricultural Extension Service.

**Motion by Judge Biscoe and seconded by Commissioner Davis** to approve the Resolution in Item 2.

**Motion carried:**

|  |        |
|--|--------|
| County Judge Samuel T. Biscoe              | yes    |
| Precinct 1, Commissioner Ron Davis         | yes    |
| Precinct 2, Commissioner Sarah Eckhardt    | yes    |
| Precinct 3, Commissioner Karen Huber       | absent |
| Precinct 4, Commissioner Margaret J. Gómez | absent |

- 3. APPROVE RESOLUTION RECOGNIZING THE NATIONAL FORUM FOR BLACK PUBLIC ADMINISTRATORS, CENTRAL TEXAS CHAPTER AND FUTURE FOCUS, FOR HOSTING THE OUTLOOK 2009 REGIONAL CONFERENCE IN TRAVIS COUNTY. (JUDGE BISCOE) (9:42 AM)

**Members of the Court heard from:** Deborah E. Britton, Director, Community Services Division, Travis County Health, Human Services, and Veterans' Services (TCHHS&VS); Anthony Snipes, Chief of Staff, City of Austin; and Sherri Fleming, Executive Manager, TCHHS&VS.

**Clerk's Note:** The Court, without objection, approved the Resolution in Item 3.

### 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 \$460,114.14 FOR THE PERIOD OF SEPTEMBER 18 TO 24, 2009. (9:26 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. (9:26 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 REGARDING A TRAVIS COUNTY CORRECTIONAL COMPLEX BUILDING 12 DEDICATION PLAQUE. (9:51 AM)

**Members of the Court heard from:** Roger El Khoury, Director, Facilities Management.

**Motion by** Commissioner Davis **and seconded by** Commissioner Eckhardt to approve Item 6.

**Motion carried:**

|  |        |
|--|--------|
| County Judge Samuel T. Biscoe              | yes    |
| Precinct 1, Commissioner Ron Davis         | yes    |
| Precinct 2, Commissioner Sarah Eckhardt    | yes    |
| Precinct 3, Commissioner Karen Huber       | absent |
| Precinct 4, Commissioner Margaret J. Gómez | absent |

7. CONSIDER AND TAKE APPROPRIATE ACTION ON LICENSE AGREEMENT WITH THE TEXAS BOOK FESTIVAL, INC. TO USE COUNTY PARKING FACILITIES ON SATURDAY, OCTOBER 31, 2009, AND SUNDAY, NOVEMBER 1, 2009. (9:26 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. CONSIDER AND TAKE APPROPRIATE ACTION ON AMENDMENT TO AGREEMENT BETWEEN TEXAS MOTOR TRANSPORTATION ASSOCIATION AND TRAVIS COUNTY FOR PARKING SPACES FOR MEDICAL EXAMINER EMPLOYEES. (9:26 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.

**PURCHASING OFFICE ITEMS**

9. APPROVE CONTRACT AWARD FOR ELECTRICAL SERVICES TIME AND MATERIALS, IFB NO. B090334-NB, TO THE FOLLOWING BIDDERS:  
(9:26 AM)

A. GG'S CONSTRUCTION - PRIMARY CONTRACTOR; AND

B. ALLIED ELECTRIC SERVICES, INC. - SECONDARY CONTRACTOR.

**Clerk's Note:** Items 9.A&B approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

10. APPROVE MODIFICATION NO. 4 TO CONTRACT NO. CM070295LC, DOCUNAV SOLUTIONS, FOR AN INVOICE IMAGING SYSTEM. (9:26 AM)

**Clerk's Note:** Item 10 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

11. APPROVE ISSUANCE OF JOB ORDER NO. 63, MINOR CONSTRUCTION AND RENOVATION SERVICES, CONTRACT NO. 07K00307RV, ARCHITECTURAL HABITAT OF AUSTIN, INC. (9:26 AM)

**Clerk's Note:** Item 11 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

12. APPROVE CONTRACT AWARD FOR IFB NO. B100001-DR, RESIDENTIAL ROOF REPAIR/REPLACEMENT SERVICES, TO THE LOW BIDDER, VALDEZ REMODELING AND WEATHERIZATION INC. (THIS ITEM MAY BE DISCUSSED IN EXECUTIVE SESSION PURSUANT TO GOV'T CODE ANN. 551.071, CONSULTATION WITH ATTORNEY) (9:52 AM)

**Members of the Court heard from:** John Hille, Assistant County Attorney; Bonnie Floyd, Assistant Purchasing Agent; and Sherri Fleming, Executive Manager, TCHHS&VS.

Discussion only. No formal action taken.

Item 12 to be reposted on October 13, 2009.

## TRANSPORTATION AND NATURAL RESOURCES DEPT. ITEMS

13. CONSIDER AND TAKE APPROPRIATE ACTION ON LICENSE AGREEMENT WITH VIOLET CROWN SPORTS ASSOCIATION TO HOLD A BIKE RACE AT WEBBERVILLE PARK. (COMMISSIONER DAVIS) (9:26 AM)

**Clerk's Note:** Item 13 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

14. CONSIDER AND TAKE APPROPRIATE ACTION ON LICENSE AGREEMENT WITH R AND B SPORTS, LLC FOR TRIATHLON AT PACE BEND PARK. (COMMISSIONER HUBER) (9:15 AM)

Item 14 pulled from the Agenda.

## PLANNING AND BUDGET DEPT. ITEMS

15. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:50 AM)

**Members of the Court heard from:** Leroy Nellis, Budget Manager, Planning and Budget Office (PBO).

**Motion by** Judge Biscoe **and seconded by** Commissioner Davis to approve Budget Amendment A1.

|  |        |
|--|--------|
| <b>Motion carried:</b> County Judge Samuel T. Biscoe | yes    |
| Precinct 1, Commissioner Ron Davis                   | yes    |
| Precinct 2, Commissioner Sarah Eckhardt              | yes    |
| Precinct 3, Commissioner Karen Huber                 | absent |
| Precinct 4, Commissioner Margaret J. Gómez           | absent |

Other Request O1 in Item 15 postponed until October 13, 2009.

- 16. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE:  
(9:26 AM)

- A. GRANT APPLICATION WITH THE CAPITAL AREA COUNCIL OF GOVERNMENTS FOR EQUIPMENT, SUPPLIES AND TRAINING TO ENHANCE CAPABILITIES FOR TRANSPORTATION AND NATURAL RESOURCES TO CURTAIL ILLEGAL SOLID WASTE DUMPING WITHIN THE COUNTY;
- B. GRANT APPLICATION WITH THE TASK FORCE ON INDIGENT DEFENSE FOR THE INDIGENT DEFENSE GRANTS PROGRAM IN CRIMINAL COURTS;
- C. NEW GRANT CONTRACT WITH THE U.S. DEPARTMENT OF ENERGY NATIONAL ENERGY TECHNOLOGY LABORATORY UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM FOR THE RETROFIT OF TRAVIS COUNTY EXECUTIVE OFFICE BUILDING HVAC SYSTEMS;

**Clerk's Note:** Items 16.A&B approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

- 16. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE:  
(9:56 AM)

- D. GRANT CONTRACT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR TRANSPORTATION AND NATURAL RESOURCES TO PARTICIPATE IN THE COST OF DESIGN AND CONSTRUCTION OF THE HOWARD LANE EXTENSION TO STATE HIGHWAY 130 AS A FOUR LANE DIVIDED CAMPO ARTERIAL ROADWAY;

**Members of the Court heard from:** Steve Manilla, Director, Public Works, Transportation and Natural Resources (TNR).

**Motion by** Commissioner Davis **and seconded by** Commissioner Eckhardt to approve Item 16.D.

**Motion carried:**

|  |        |
|--|--------|
| County Judge Samuel T. Biscoe              | yes    |
| Precinct 1, Commissioner Ron Davis         | yes    |
| Precinct 2, Commissioner Sarah Eckhardt    | yes    |
| Precinct 3, Commissioner Karen Huber       | absent |
| Precinct 4, Commissioner Margaret J. Gómez | absent |

ITEM 16 CONTINUED

16. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE:  
(9:26 AM)

- E. GRANT CONTRACT AMENDMENT WITH THE EMERGENCY FOOD AND SHELTER LOCAL BOARD FOR HEALTH AND HUMAN SERVICES IN ORDER TO RECEIVE AN ADDITIONAL \$1,112 OF AMERICAN RECOVERY AND REINVESTMENT GRANT FUNDS TO PROVIDE EMERGENCY UTILITY ASSISTANCE TO QUALIFIED TRAVIS COUNTY RESIDENTS;
- F. GRANT CONTRACT AMENDMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE COUNTY ATTORNEY'S OFFICE TO EXPAND THE UNDERAGE DRINKING PREVENTION PROGRAM INTO ELEMENTARY SCHOOLS;

**Clerk's Note:** Items 16.E&F approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

16. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE:  
(9:26 AM)

- G. GRANT CONTRACT WITH TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES FOR HEALTH AND HUMAN SERVICES AND VETERANS SERVICES TO CONTINUE PROGRAM TO BE REIMBURSED FOR EXPENDITURES UNDER TITLE IV-E OF THE FEDERAL SOCIAL SECURITY ACT; AND

Item 16.G postponed until October 13, 2009.

16. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE:  
(9:26 AM)

- H. PERMISSION TO CONTINUE THE FAMILY DRUG COURT GRANT PROGRAM IN THE CIVIL COURTS FOR THE DRUG COURT COORDINATOR FOR THE MONTH OF OCTOBER 2009 OR UNTIL THE GRANT IS AWARDED AND EXECUTED, WHICHEVER IS EARLIER.

**Clerk's Note:** Item 16.H approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

OTHER ITEMS

17. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:26 AM)

**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 ORDER TO DIRECT DEPOSITING SALARY FUND MONIES INTO THE GENERAL FUND OF TRAVIS COUNTY. (9:26 AM)

**Clerk's Note:** Item 18 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

19. CONSIDER AND TAKE APPROPRIATE ACTION ON THE APPOINTMENT OF ATTORNEY JEFF JURY TO THE DISPUTE RESOLUTION CENTER BOARD. (JUDGE BISCOE) (9:26 AM)

**Clerk's Note:** Item 19 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

20. RATIFY COUNTY JUDGE'S EXECUTION OF AFFIDAVIT REGARDING THE COUNTY'S COMPLIANCE WITH APPLICABLE STATE AND FEDERAL REQUIREMENTS AS A SUB-RECIPIENT OF AMERICAN RECOVERY AND REINVESTMENT ACT FUNDING FROM THE TEXAS DEPARTMENT OF TRANSPORTATION FOR STREET OVERLAY PROJECTS. (9:26 AM)

**Clerk's Note:** Item 20 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.

- 21. RECEIVE LEGAL BRIEFING FROM COUNTY ATTORNEY AND OUTSIDE COUNSEL RENEA HICKS, ESQ. AND TAKE APPROPRIATE ACTION REGARDING THE MATTER OF NORTHWEST AUSTIN M.U.D. V. HOLDER IN THE SUPREME COURT OF THE UNITED STATES. <sup>1</sup> (10:03 AM) (10:43 AM)

**Clerk's Note:** Judge Biscoe announced that Item 21 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

**Motion by Judge Biscoe and seconded by Commissioner Davis** that with regard to the case of Northwest Austin Municipal Utility District (MUD) No. 1 v. Eric H. Holder, Jr., et al., No. 106-CV-1384 in the United States District Court for the District of Columbia, that we authorize Travis County to join with the United States through the U.S. Department of Justice and all other defendant intervenors to enter into a consent decree subject to Federal District Court approval with the Plaintiff Northwest Austin Municipal Utility District (MUD) No. 1 which would allow the MUD to:

- Bail out under Section 4 of the Voting Rights Act from the obligation of Section 5 or obligations of Section 5 of the Voting Rights Act
- Dismiss the MUD's challenge to the constitutionality of Section 5 of the Voting Rights Act.

**Motion carried:**

|  |        |
|--|--------|
| County Judge Samuel T. Biscoe              | yes    |
| Precinct 1, Commissioner Ron Davis         | yes    |
| Precinct 2, Commissioner Sarah Eckhardt    | yes    |
| Precinct 3, Commissioner Karen Huber       | absent |
| Precinct 4, Commissioner Margaret J. Gómez | absent |

22. RECEIVE LEGAL BRIEFING AND TAKE APPROPRIATE ACTION REGARDING CLAIMS BY ALICIA PEREZ. <sup>1</sup> (10:03 AM)

**Clerk's Note:** Judge Biscoe announced that Item 22 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Item 22 postponed until October 13, 2009.

23. RECEIVE LEGAL BRIEFING AND TAKE APPROPRIATE ACTION REGARDING CLAIM BY LINDA MOORE SMITH. <sup>1</sup> (10:03 AM)

**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.

Item 23 postponed until October 13, 2009.

24. CONSIDER AND TAKE APPROPRIATE ACTION CONCERNING THE OFFER TO SETTLE TRAVIS COUNTY'S WORKERS COMPENSATION LIEN ON THE CLAIMS OF BENJAMIN MALDONADO; SUBROGATION. <sup>1</sup> (10:03 AM)  
(10:45 AM)

**Clerk's Note:** Judge Biscoe announced that Item 24 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

**Motion by Judge Biscoe and seconded by Commissioner Davis** that we reject the \$5,000.00 counteroffer, and counter the counter, with an offer to settle for \$7,500.00.

**Motion carried:**

|  |        |
|--|--------|
| County Judge Samuel T. Biscoe              | yes    |
| Precinct 1, Commissioner Ron Davis         | yes    |
| Precinct 2, Commissioner Sarah Eckhardt    | yes    |
| Precinct 3, Commissioner Karen Huber       | absent |
| Precinct 4, Commissioner Margaret J. Gómez | absent |



## ADJOURNMENT

**Motion by Commissioner Davis and seconded by Judge Biscoe to adjourn the Voting Session. (10:45 AM)**

|  |        |
|--|--------|
| <b>Motion carried:</b> County Judge Samuel T. Biscoe | yes    |
| Precinct 1, Commissioner Ron Davis                   | yes    |
| Precinct 2, Commissioner Sarah Eckhardt              | yes    |
| Precinct 3, Commissioner Karen Huber                 | absent |
| Precinct 4, Commissioner Margaret J. Gómez           | absent |

## MINUTES APPROVED BY THE COMMISSIONERS' COURT

---

**Date of Approval**

---

**Samuel T. Biscoe, Travis County Judge**

**Travis County Commissioners Court Agenda Request**

Voting Session Tuesday, November 3, 2009  
(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 October 20, 2009**

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 OCTOBER 20, 2009**

### **TRAVIS COUNTY COMMISSIONERS' COURT**

On Tuesday, the 20<sup>th</sup> day of October 2009, the Commissioners' Court convened the Voting Session at 9:17 AM in the Commissioners' Courtroom, 1<sup>st</sup> Floor of the Ned Granger Administration Building, 314 West 11<sup>th</sup> Street, Austin, Texas. Dana DeBeauvoir, County Clerk, was represented by Deputy Gillian Porter.

The Commissioners Court recessed the Voting Session at 11:50 AM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation, convened at 1:39 PM and adjourned at 1:42 PM.

The Commissioners Court reconvened the Voting Session at 1:43 PM.

The Commissioners Court retired to Executive Session at 3:26 PM.

The Commissioners Court reconvened the Voting Session at 5:48 PM.

The Commissioners Court adjourned the Voting Session at 5:56 PM.

**PUBLIC HEARINGS**

- 1. RECEIVE PUBLIC COMMENTS REGARDING FEE PROPOSALS BY THE TRANSPORTATION AND NATURAL RESOURCES DEPARTMENT, INCLUDING: (9:18 AM)
  - A. ASSESSMENT OF FEES FOR RECOVERY OF TRAVIS COUNTY STORM WATER MANAGEMENT PROGRAM AND DEVELOPMENT REVIEW COSTS; AND
  - B. INCREASES IN ON-SITE WASTEWATER FEES FOR FISCAL YEAR 2010.

**Clerk's Note:** This Item is a public hearing to receive comments.

**Clerk's Note:** Items 1.A&B are associated with one another and were called for concurrent discussion.

**Motion by** Commissioner Gómez **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 Karen Huber       | yes    |
| Precinct 4, Commissioner Margaret J. Gómez | yes    |

**Members of the Court heard from:** Anna Bowlin, Division Director, Engineering Services, Transportation and Natural Resources (TNR); Jon White, Natural Resources Program Manager, TNR; Tom Weber, Environmental Quality Program Manager, TNR; Stacey Scheffel, Flood Plain Manager, TNR; Hank Smith, outgoing Vice President, Governmental Relations, Home Builders Association of Greater Austin (HBA); Robert Kleeman, Incoming Vice President, Government Relations, HBA; Gus Peña, Travis County Resident; and Maurice Priest, Travis County Resident.

**Motion by** Judge Biscoe **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    | yes |
| Precinct 3, Commissioner Karen Huber       | yes |
| Precinct 4, Commissioner Margaret J. Gómez | yes |

### CITIZENS COMMUNICATION

**Members of the Court heard from:** Gus Peña, Travis County Resident; Ronnie Gjemre, Travis County Resident; Maurice Priest, Travis County Resident; and Richard Macdonald, Travis County Resident. (9:50 AM)

### CONSENT ITEMS

**Motion by Commissioner Gómez and seconded by Commissioner Davis** to approve the following Consent Item: C1 and Items 7, 8, 9, 10.A&B, 13, 14.A&B, 15, 16, 17, 18, 19, 20, 21, 22, 26, and 27. (10:05 AM)

|  |     |
|--|-----|
| <b>Motion carried:</b> County Judge Samuel T. Biscoe | yes |
| Precinct 1, Commissioner Ron Davis                   | yes |
| Precinct 2, Commissioner Sarah Eckhardt              | yes |
| Precinct 3, Commissioner Karen Huber                 | yes |
| Precinct 4, Commissioner Margaret J. Gómez           | yes |

C1. RECEIVE BIDS FROM COUNTY PURCHASING AGENT.

### SPECIAL ITEMS

2. RECEIVE PRESENTATION OF BEST PRACTICES AWARDS FROM THE TEXAS ASSOCIATION OF COUNTIES. (JUDGE BISCOE) (1:43 PM)  
(2:12 PM)

**Members of the Court heard from:** Larry Boccaccio, Texas Association of Counties (TAC); Bruce Elfant, Constable, Precinct 5; Amalia Rodriguez-Mendoza, Travis County District Clerk; Nelda Wells Spears, Travis County Tax Assessor Collector; and Joe Gieselman, Executive Manager, TNR.

Discussion only. No formal action taken.

### RESOLUTIONS AND PROCLAMATIONS

3. APPROVE PROCLAMATION DECLARING OCTOBER 18 THROUGH 24, 2009 AS "NATIONAL SAVE FOR RETIREMENT WEEK" IN TRAVIS COUNTY. (JUDGE BISCOE) (10:07 AM)

**Members of the Court heard from:** Norman McRee, Financial Analyst, Lead, Human Resources Management Department (HRMD); and Barbara Wilson, Travis County Employee.

**Motion by Judge Biscoe and seconded by Commissioner Davis** to approve the Resolution in Item 3.

**Motion carried:**

|  |     |
|--|-----|
| County Judge Samuel T. Biscoe              | yes |
| Precinct 1, Commissioner Ron Davis         | yes |
| Precinct 2, Commissioner Sarah Eckhardt    | yes |
| Precinct 3, Commissioner Karen Huber       | yes |
| Precinct 4, Commissioner Margaret J. Gómez | yes |

### JUSTICE AND PUBLIC SAFETY ITEMS

4. RECEIVE BRIEFING FROM STAFF REGARDING THE CELL PHONE REGISTRATION PROGRAM FOR THE EMERGENCY NOTIFICATION SYSTEM. (10:19 AM)

**Members of the Court heard from:** Pete Baldwin, Emergency Management Coordinator, Travis County Emergency Services.

Discussion only. No formal action taken.

**PLANNING AND BUDGET DEPT. ITEMS**

5. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A REIMBURSEMENT RESOLUTION TO PERMIT THE PURCHASE OF COUNTY VEHICLES AND HEAVY EQUIPMENT TO BE REIMBURSED BY FISCAL YEAR 2010 CERTIFICATES OF OBLIGATION. (5:56 PM)

**Members of the Court heard from:** Rodney Rhoades, Executive Manager, Planning and Budget Office (PBO).

Item 5 postponed until October 27, 2009.

6. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (5:56 PM)

**Members of the Court heard from:** Rodney Rhoades, Executive Manager, PBO.

**Motion by** Commissioner Davis **and seconded by** Commissioner Eckhardt to approve Transfer Item T1.

**Motion carried:**

|  |     |
|--|-----|
| County Judge Samuel T. Biscoe              | yes |
| Precinct 1, Commissioner Ron Davis         | yes |
| Precinct 2, Commissioner Sarah Eckhardt    | yes |
| Precinct 3, Commissioner Karen Huber       | yes |
| Precinct 4, Commissioner Margaret J. Gómez | yes |

Budget Amendment Item A1 in Item 6 postponed until October 27, 2009.

7. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A GRANT CONTRACT WITH TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES FOR HEALTH AND HUMAN SERVICES AND VETERANS SERVICES TO CONTINUE PROGRAM TO BE REIMBURSED FOR EXPENDITURES UNDER TITLE IV-E OF THE FEDERAL SOCIAL SECURITY ACT. (10:05 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.

**ADMINISTRATIVE OPERATIONS ITEMS**

8. 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 \$506,983.79 FOR THE PERIOD OF OCTOBER 2 TO 8, 2009. (10:05 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. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED ROUTINE PERSONNEL AMENDMENTS. (10:05 AM)

**Clerk's Note:** Item 9 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

10. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING:  
(10:05 AM)

- A. TRAVIS COUNTY DEL VALLE WELLNESS CLINIC DEDICATION PLAQUE;  
AND
- B. REQUEST TO SET THE GRAND OPENING CEREMONY OF THE TRAVIS COUNTY WELLNESS CLINIC AT DEL VALLE, ON NOVEMBER 19, 2009 AT 9:30 A.M.

**Clerk's Note:** Items 10.A&B approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.



11. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING APPLICATION FOR AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) FUNDS THROUGH THE TEXAS STATE COMPTROLLER'S STATE ENERGY CONSERVATION OFFICE - COMPETITIVE GRANT TO USE FOR THE INSTALLATION OF DISTRIBUTABLE RENEWABLE ENERGY POWER GENERATION FACILITIES AT TRAVIS COUNTY OWNED FACILITIES LOCATED AT THE EXPOSITION CENTER AND AT THE SAN ANTONIO PARKING GARAGE. (10:45 AM)

**Members of the Court heard from:** Roger El Khoury, Director, Facilities Management; Rodney Rhoades, Executive Manager, PBO; and Ronnie Gjemre, Travis County Resident.

Discussion only. No formal action taken.

12. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSAL REGARDING THE IMPLEMENTATION OF A HEALTHY WORKPLACE PROGRAM THROUGH FARMHOUSE DELIVERY. (10:25 AM)

**Members of the Court heard from:** Dan Mansour, Risk and Benefits Manager, HRMD; Elizabeth Winslow, Farmhouse Delivery; Zetta Garnett, Benefits Assistant, HRMD; Ronnie Gjemre, Travis County Resident; and John Hille, Assistant County Attorney.

Discussion only. No formal action taken.

Item 12 to be reposted October 27, 2009.

**Clerk's Note:** The Court directed HRMD Staff to:

- Survey Travis County Employees to see if there is any interest in this matter
- Meet with Legal and the vendor, Farmhouse Deliveries, to work this out, where not only is it legal, but also beneficial to County Employees.

## PURCHASING OFFICE ITEMS

13. APPROVE CONTRACT AWARD FOR PROFESSIONAL PSYCHOLOGICAL/CONSULTING SERVICES WITH SABRINA L. KINDELL D/B/A COUNSELING FOR LIFE FOR THE COLLABORATIVE OPPORTUNITIES FOR POSITIVE EXPERIENCE PROGRAM. (10:05 AM)

**Clerk's Note:** Item 13 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

14. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING IFB NO. B090029-JW, GILLELAND CREEK TRAIL, PHASE III CONSTRUCTION PROJECT: (10:05 AM)

A. REJECT APPARENT LOW BID, BORETEX, LLC; AND

B. APPROVE NEXT LOWEST, RESPONSIVE AND RESPONSIBLE BID, AUSTIN ENGINEERING CO., INC.

**Clerk's Note:** Items 14.A&B 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. 3 TO CONTRACT NO. 08T00249NB, SMITH PROTECTIVE SERVICES, INC., FOR ON-SITE SECURITY GUARD SERVICES. (10:05 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. APPROVE TWELVE-MONTH EXTENSION (MODIFICATION NO. 9) TO CONTRACT NO. 03T000580J, ALLIANCE WORK PARTNERS, FOR THE EMPLOYEE ASSISTANCE PROGRAM FOR TRAVIS COUNTY EMPLOYEES. (10:05 AM)

**Clerk's Note:** Item 16 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

17. APPROVE ISSUANCE OF JOB ORDER NO. 60, MINOR CONSTRUCTION AND RENOVATION SERVICES, CONTRACT NO. 07K00307RV, ARCHITECTURAL HABITAT OF AUSTIN, INC. (10:05 AM)

**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. APPROVE PRE-QUALIFIED LIST OF PROFESSIONAL MECHANICAL, ELECTRICAL, PLUMBING ENGINEERING; STRUCTURAL ENGINEERING; AND LANDSCAPE ARCHITECTURAL FIRMS FOR UTILIZATION ON SMALL PROJECTS IN TRAVIS COUNTY, RFQ NO. Q090290-JT. (10:05 AM)

**Clerk's Note:** Item 18 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

19. APPROVE CONTRACT AWARD FOR CONSTRUCTION SERVICES FOR THE BLAKE MANOR AND BROWN CEMETERY ROAD IMPROVEMENTS, IFB NO. B090348-LP, TO THE LOW BIDDER, AUSTIN ENGINEERING COMPANY, INC. (10:05 AM)

**Clerk's Note:** Item 19 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

20. APPROVE CONTRACT AWARD FOR INSTALLATION OF REDUNDANT COOLING SYSTEM AT THE INFORMATION AND TELECOMMUNICATIONS SYSTEMS DATA CENTER, IFB NO. B100006-DG, TO THE LOW BIDDER, WATTINGER KEMNITZ, INC., D/B/A WK MECHANICAL. (10:05 AM)

**Clerk's Note:** Item 20 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

21. APPROVE CONTRACT WITH WORKSOURCE-GREATER AUSTIN AREA WORKFORCE DEVELOPMENT BOARD FOR FY 2010 CHILD CARE LOCAL MATCH TRANSFER AGREEMENT. (10:05 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.

**Clerk's Note:** The Court noted that this grant award was for \$692,000.00.

**TRANSPORTATION AND NATURAL RESOURCES DEPT. ITEMS**

22. CONSIDER AND TAKE APPROPRIATE ACTION ON LICENSE AGREEMENT WITH 360 WAKEBOARD CLUB, A NON-PROFIT ORGANIZATION, FOR A WAKEBOARDING COMPETITION EVENT TO BE HELD AT PACE BEND PARK. (COMMISSIONER HUBER) (10:05 AM)

**Clerk's Note:** Item 22 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

23. CONSIDER AND TAKE APPROPRIATE ACTION ON RESOLUTION DEDICATING 27.5 ACRES AS ENDANGERED SPECIES PRESERVE AND PROHIBITING SURFACE DRILLING AND MINING ON 779 ACRES OF PARKLAND AT MILTON REIMERS RANCH PARK. (COMMISSIONER HUBER) (11:47 AM)

**Members of the Court heard from:** Joe Gieselman, Executive Manager, TNR.

**Motion by** Commissioner Huber **and seconded by** Commissioner Gómez to approve Item 23.

**Motion carried:**

|  |     |
|--|-----|
| County Judge Samuel T. Biscoe              | yes |
| Precinct 1, Commissioner Ron Davis         | yes |
| Precinct 2, Commissioner Sarah Eckhardt    | yes |
| Precinct 3, Commissioner Karen Huber       | yes |
| Precinct 4, Commissioner Margaret J. Gómez | yes |

24. **REVISED LANGUAGE:** CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO AUTHORIZE THE PURCHASING OFFICE TO NEGOTIATE A MODIFICATION TO CONTRACT NO. PS070371JW WITH ESPEY CONSULTANTS, INC. FOR THE MULTI-PHASE CLEAN UP OF HAMILTON CREEK AND POOL, AND TO DETERMINE THE FUNDING SOURCE FOR PHASE ONE OF THE CLEAN UP. (11:49 AM)

**Members of the Court heard from:** John Hille, Assistant County Attorney; Marvin Brice, Construction Procurement Management, Purchasing; Rodney Rhoades, Executive Manager, PBO; and Diana Warner, First Assistant County Auditor.

**Motion by Judge Biscoe and seconded by Commissioner Eckhardt** that the source of funding be the Risk Management Fund, and that we will reimburse that fund once we have received the check that we have negotiated and agreed on. Also, to authorize Purchasing to negotiate with Espey Consulting Inc., to modify the contract to get Phase One work done.

**Motion carried:**

|  |     |
|--|-----|
| County Judge Samuel T. Biscoe              | yes |
| Precinct 1, Commissioner Ron Davis         | yes |
| Precinct 2, Commissioner Sarah Eckhardt    | yes |
| Precinct 3, Commissioner Karen Huber       | yes |
| Precinct 4, Commissioner Margaret J. Gómez | yes |

25. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING COMPREHENSIVE PLANS: (1:50 PM)

- A. A PROCESS TO APPOINT FOUR MEMBERS TO THE CITY OF AUSTIN COMPREHENSIVE PLAN CITIZENS ADVISORY COMMITTEE, INCLUDING DESIRED PROFESSIONAL BACKGROUND; AND
- B. SCOPE, PROCESS AND SCHEDULE FOR THE DEVELOPMENT OF A COMPREHENSIVE PLAN FOR THE UNINCORPORATED AREA OF TRAVIS COUNTY.

**Clerk's Note:** Items 25.A&B are associated with one another and were called for concurrent discussion.

**Members of the Court heard from:** Joe Gieselman, Executive Manager, TNR.

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez that each member of the Court, excluding the County Judge, nominate 2 residents, one representative and one alternate, from the Extra Territorial Jurisdiction (ETJ) in the following five areas: Land Use; Transportation; Storm Water Management and Water Quality; Natural Resources and Environmental Quality, Parks and Open Spaces; and Health and Human Services to serve on the City of Austin's Comprehensive Plan Citizens Advisory Committee.

**Motion carried:**

|  |     |
|--|-----|
| County Judge Samuel T. Biscoe              | yes |
| Precinct 1, Commissioner Ron Davis         | yes |
| Precinct 2, Commissioner Sarah Eckhardt    | yes |
| Precinct 3, Commissioner Karen Huber       | yes |
| Precinct 4, Commissioner Margaret J. Gómez | yes |

**Clerk's Note:** The Court expressed their intention to appoint members to the City of Austin's Comprehensive Plan Citizens Advisory Committee on October 27, 2009.

Item 25.B discussion only. No formal action taken.

Item 25.B to be reposted October 27, 2009.

26. CONSIDER AND TAKE APPROPRIATE ACTION TO APPOINT COUNTY REPRESENTATION TO THE BOARD OF DIRECTORS OF THE PARKE OWNERS ASSOCIATION FOR LAND WITHIN THE BALCONES CANYONLANDS PRESERVE. (10:05 AM)

**Clerk's Note:** Item 26 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

**Clerk's Note:** The Court noted that the Travis County appointee is Jennifer Brown, Environmental Specialist, TNR.

### OTHER ITEMS

27. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (10:05 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. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE COMPOSITION OF THE CAPITAL METROPOLITAN TRANSIT AUTHORITY BOARD OF DIRECTORS: (11:14 AM) (1:44 PM)

A. PROCESS TO COMPLY WITH NEW LAW, INCLUDING ADOPTION OF A PROCESS FOR FILLING COUNTY VACANCY; AND

B. DETERMINATION OF DESIRED PROFESSIONAL BACKGROUND TO COMPLEMENT OTHER MEMBERS OF THE BOARD, INCLUDING A CALL FOR APPLICATIONS.

**Clerk's Note:** Items 28.A&B are associated with one another and were called for concurrent discussion.

**Members of the Court heard from:** Deece Eckstein, Intergovernmental Relations Officer; Joe Gieselman, Executive Manager, TNR; and Ronnie Gjemre, Travis County Resident.

**Motion by Judge Biscoe and seconded by Commissioner Davis** that we select a resident, and indicate that no member of Commissioners Court would represent the County.

|  |         |
|--|---------|
| <b>Motion carried:</b> County Judge Samuel T. Biscoe | yes     |
| Precinct 1, Commissioner Ron Davis                   | yes     |
| Precinct 2, Commissioner Sarah Eckhardt              | yes     |
| Precinct 3, Commissioner Karen Huber                 | yes     |
| Precinct 4, Commissioner Margaret J. Gómez           | abstain |

**Clerk's Note:** The Court discussed the proposed process and timetable for the Capital Metro Board of Trustees Appointment. The County Judge recommended changing the interview date of candidates to Tuesday, December 15, 2009.

**Motion by Judge Biscoe and seconded by Commissioner Eckhardt** to approve recommendations.

|  |     |
|--|-----|
| <b>Motion carried:</b> County Judge Samuel T. Biscoe | yes |
| Precinct 1, Commissioner Ron Davis                   | yes |
| Precinct 2, Commissioner Sarah Eckhardt              | yes |
| Precinct 3, Commissioner Karen Huber                 | yes |
| Precinct 4, Commissioner Margaret J. Gómez           | yes |



**ITEM 28 CONTINUED**

**Clerk's Note:** Item 28.A was revisited at 1:44 PM.

**Clerk's Note:** The Court discussed the following Staff recommendations to adopt:

- Changes to the final list of qualifications
- Process for recruiting, screening and electing a member to the Capital Metro Board of Directors.

**Members of the Court heard from:** Deece Eckstein, Intergovernmental Relations Officer; and Maurice Priest, Travis County Resident.

**Motion by** Commissioner Eckhardt **and seconded by** Commissioner Gómez to approve Staff recommendations.

|  |     |
|--|-----|
| <b>Motion carried:</b> County Judge Samuel T. Biscoe | yes |
| Precinct 1, Commissioner Ron Davis                   | yes |
| Precinct 2, Commissioner Sarah Eckhardt              | yes |
| Precinct 3, Commissioner Karen Huber                 | yes |
| Precinct 4, Commissioner Margaret J. Gómez           | yes |

**Clerk's Note:** The Court discussed changing the interview date from December 10, 2009 to December 15, 2009.

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to approve date change.

|  |     |
|--|-----|
| <b>Motion carried:</b> County Judge Samuel T. Biscoe | yes |
| Precinct 1, Commissioner Ron Davis                   | yes |
| Precinct 2, Commissioner Sarah Eckhardt              | yes |
| Precinct 3, Commissioner Karen Huber                 | yes |
| Precinct 4, Commissioner Margaret J. Gómez           | yes |

## ITEM 28 CONTINUED

**Clerk's Note:** The Court discussed Staff recommendation to amend the application packet to reflect the changes made in the previous Motions.

**Motion by Judge Biscoe and seconded by Commissioner Gómez** to approve the recommendation.

**Motion carried:**

|  |     |
|--|-----|
| County Judge Samuel T. Biscoe              | yes |
| Precinct 1, Commissioner Ron Davis         | yes |
| Precinct 2, Commissioner Sarah Eckhardt    | yes |
| Precinct 3, Commissioner Karen Huber       | yes |
| Precinct 4, Commissioner Margaret J. Gómez | yes |

29. RECEIVE UPDATE AND TAKE APPROPRIATE ACTION ON TRAVIS COUNTY PARTICIPATION IN THE CENSUS 2010 COMPLETE COUNT COMMITTEE WITH THE CITY OF AUSTIN, INCLUDING CONSIDERATION AND ADOPTION OF TRAVIS COUNTY NOMINEES TO THE 2010 CENSUS AUSTIN-TRAVIS COUNTY STEERING COMMITTEE AND THE 2010 CENSUS AUSTIN-TRAVIS COUNTY LEADERSHIP COUNCIL. (11:10 AM)

**Clerk's Note:** The Court discussed a proposed set of appointments to the Leadership Council and the Steering Committee.

**Members of the Court heard from:** Deece Eckstein, Intergovernmental Relations Officer.

**Motion by Commissioner Davis and seconded by Commissioner Eckhardt** to approve the list of names.

**A Friendly Amendment to the previous Motion was offered by Judge Biscoe** to add the three Co-Chairs.

**Acceptance of the Friendly Amendment was made by Commissioner Davis and Commissioner Eckhardt.**

**Motion carried:**

|  |     |
|--|-----|
| County Judge Samuel T. Biscoe              | yes |
| Precinct 1, Commissioner Ron Davis         | yes |
| Precinct 2, Commissioner Sarah Eckhardt    | yes |
| Precinct 3, Commissioner Karen Huber       | yes |
| Precinct 4, Commissioner Margaret J. Gómez | yes |

## 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.

30. CONSIDER AND TAKE APPROPRIATE ACTION ON A COUNTER-OFFER SETTLEMENT PROPOSAL FROM TEXAS DISPOSAL SYSTEMS LANDFILL, INC. DATED SEPTEMBER 21, 2009, FOR POTENTIAL AMENDMENT TO AN EXISTING LICENSE AGREEMENT RELATED TO USE OF COUNTY-OWNED PROPERTY LOCATED ON R.M. 620 NEAR STATE HIGHWAY 71 WEST IN PRECINCT THREE. (COMMISSIONER HUBER) <sup>1 AND 2</sup> (3:26 PM) (5:48 PM)

**Clerk's Note:** Judge Biscoe announced that Item 30 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.

**Motion by Commissioner Huber and seconded by Commissioner Eckhardt** that we direct Legal to counter with Option 3.

**Motion carried:**

|  |     |
|--|-----|
| County Judge Samuel T. Biscoe              | yes |
| Precinct 1, Commissioner Ron Davis         | yes |
| Precinct 2, Commissioner Sarah Eckhardt    | yes |
| Precinct 3, Commissioner Karen Huber       | yes |
| Precinct 4, Commissioner Margaret J. Gómez | yes |

31. RECEIVE BRIEFING FROM RETAINED OUTSIDE COUNSEL AND TAKE APPROPRIATE ACTION REGARDING CAUSE NO. A-09-CA-280-LY; J. ADAN BALLESTEROS VS. TRAVIS COUNTY, TEXAS AND BOB VANN; IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS, AUSTIN DIVISION. <sup>1</sup> (3:26 PM) (5:48 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.

Discussion only. No formal action taken.

32. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING THE PENDING LITIGATION IN TRAVIS COUNTY, TEXAS AND STATE OF TEXAS VS. COLDWATER DEVELOPMENT LTD. AND RODMAN EXCAVATION, INC., ET. AL. <sup>1</sup> (3:26 PM) (5:49 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.

**Members of the Court heard from:** John Hille, Assistant County Attorney.

Discussion only. No formal action taken.

33. RECEIVE LEGAL BRIEFING AND TAKE APPROPRIATE ACTION REGARDING CLAIMS BY ALICIA PEREZ. <sup>1</sup> (3:26 PM) (5:49 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.

Discussion only. No formal action taken.

34. RECEIVE LEGAL BRIEFING AND TAKE APPROPRIATE ACTION REGARDING CLAIM BY LINDA MOORE SMITH. <sup>1</sup> (3:26 PM) (5:49 PM)

**Clerk's Note:** Judge Biscoe announced that Item 34 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Discussion only. No formal action taken.

35. CONSIDER AND TAKE APPROPRIATE ACTION ON ACQUISITION OF APPROXIMATELY 260.4 ACRES OF LAND OWNED BY NEW LIFE INTERNATIONAL IN CONNECTION WITH THE BALCONES CANYONLANDS CONSERVATION PLAN. (COMMISSIONER HUBER) <sup>1 AND 2</sup> (3:26 PM) (5:50 PM)

**Clerk's Note:** Judge Biscoe announced that Item 35 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.

**Clerk's Note:** The Court discussed a document prepared by the County Attorney's office that includes a counter-offer, plus a set of terms that provide for an action to be taken by December 31, 2009 and an initial deposit paid by the County with an eye to closing on this property on June 30, 2010.

**Members of the Court heard from:** John Hille, Assistant County Attorney.

**Motion by Judge Biscoe and seconded by Commissioner Gómez** that we approve the document, and authorize the County Judge to sign that document if the seller agrees.

**Motion carried:**

|  |     |
|--|-----|
| County Judge Samuel T. Biscoe              | yes |
| Precinct 1, Commissioner Ron Davis         | yes |
| Precinct 2, Commissioner Sarah Eckhardt    | yes |
| Precinct 3, Commissioner Karen Huber       | yes |
| Precinct 4, Commissioner Margaret J. Gómez | yes |

- 36. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE POTENTIAL PURCHASE OF REAL ESTATE ON AIRPORT BOULEVARD: <sup>1</sup> AND <sup>2</sup> (3:26 PM) (5:51 PM)

**Clerk's Note:** Judge Biscoe announced that Item 36 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.

**Motion by Judge Biscoe and seconded by Commissioner Davis** that we renew our offer to purchase this property for the sum of \$750,000.00, but we add a lease-back option for 18 months at the sum of \$1,000.00 per month.

**A Friendly Amendment to the previous Motion was offered by Commissioner Eckhardt** assuming a close by the end of the year, December, 2009.

**Acceptance of the Friendly Amendment was made by Judge Biscoe.**

**Motion carried:**

|  |     |
|--|-----|
| County Judge Samuel T. Biscoe              | yes |
| Precinct 1, Commissioner Ron Davis         | yes |
| Precinct 2, Commissioner Sarah Eckhardt    | yes |
| Precinct 3, Commissioner Karen Huber       | yes |
| Precinct 4, Commissioner Margaret J. Gómez | yes |

**ADDED ITEMS**

- A1. RECEIVE LEGAL BRIEFING FROM THE COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN HEATHER JOHNSON V. TRAVIS COUNTY AND SUSAN SPATARO IN HER INDIVIDUAL AND OFFICIAL CAPACITIES. (THIS ITEM MAY BE DISCUSSED IN EXECUTIVE SESSION PURSUANT TO GOV'T CODE ANN. 551.071, CONSULTATION WITH ATTORNEY) (3:26 PM) (5:51 PM)

Discussion only. No formal action taken.

Item A1 to be reposted when appropriate.

- A2. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A REQUEST FROM THE SHERIFF'S MEMORIAL AND BENEVOLENT SOCIETY OF TRAVIS COUNTY TO WAIVE ALL FEES IN CONNECTION WITH PROPOSED USE OF THE TRAVIS COUNTY EXPOSITION CENTER ARENA FOR THE GOLDEN GLOVES AMATEUR BOXING TOURNAMENT ON FEBRUARY 10 THROUGH 12, 2010. (COMMISSIONER DAVIS) (2:33 PM)

**Members of the Court heard from:** Art Cardenas, Captain, Travis County Sheriff's Office (TCSO); Tenley Aldredge, Assistant County Attorney; Roger El Khoury, Director, Facilities Management; Michael Norton, Director, Travis County Exposition Center; and Roger Wade, President, Sheriff's Memorial Benevolent Society (SMBS).

**Motion by** Commissioner Davis **and seconded by** Commissioner Gómez to approve this particular item, and also if possible for the Sheriff and also Facilities Management to get together on the necessary working relationships to clean up the facility, and all of the other things that we have discussed here; and we would like to see those fees basically reduced and done away with except for the utilities.

|  |     |
|--|-----|
| <b>Motion carried:</b> County Judge Samuel T. Biscoe | yes |
| Precinct 1, Commissioner Ron Davis                   | yes |
| Precinct 2, Commissioner Sarah Eckhardt              | yes |
| Precinct 3, Commissioner Karen Huber                 | yes |
| Precinct 4, Commissioner Margaret J. Gómez           | yes |

- A3. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING ENVIRONMENTAL COMPLIANCE ISSUES AT THE U.S. 290 EAST TRAVIS COUNTY LANDFILL SITE (TEXAS COMMISSION ON ENVIRONMENTAL QUALITY MUNICIPAL SOLID WASTE PERMIT NO. 684). (3:26 PM) (5:52 PM)

**Clerk's Note:** Judge Biscoe announced that Item A3 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

No action required on Item A3.

Item A3 will be reposted at the appropriate time.

A4. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE TRAVIS COUNTY VEHICLE USE POLICY, INCLUDING: (2:53 PM) (3:26 PM) (5:52 PM)

- A. EQUIPMENT ON CONSTABLES VEHICLES;
- B. MODIFICATION OF VEHICLE REPLACEMENT SCHEDULE;
- C. ASSIGNMENT AND USE OF NEW AND AUXILIARY VEHICLES; AND
- D. COMPOSITION OF VEHICLE USE COMMITTEE.

**Clerk's Note:** Items A4.A-D are associated with one another and were called for concurrent discussion.

**Members of the Court heard from:** Rodney Rhoades, Executive Manager, PBO; Mike Joyce, Fleet Manager, TNR; Stacy Suits, Chief Deputy, Constable Precinct 3; Adan Ballesteros, Constable Precinct 2; Danny Thomas, Constable Precinct 1; Richard McCain, Constable Precinct 3; and Cyd Grimes, Travis County Purchasing Agent.

**Clerk's Note:** Judge Biscoe announced that Items A4.A-D would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

**Clerk's Note:** The Court discussed the following recommendations:

- Approving the Vehicle Use Committee and charge on Tuesday, October 27, 2009
- Reducing the composition of the Committee to 6 or 7, representing the various categories of users
- A deadline of Friday, October 23, 2009 for suggestions regarding committee members.

**Members of the Court heard from:** Rodney Rhoades, Executive Manager, PBO.

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to approve the recommendations.

**Motion carried:**

|  |     |
|--|-----|
| County Judge Samuel T. Biscoe              | yes |
| Precinct 1, Commissioner Ron Davis         | yes |
| Precinct 2, Commissioner Sarah Eckhardt    | yes |
| Precinct 3, Commissioner Karen Huber       | yes |
| Precinct 4, Commissioner Margaret J. Gómez | yes |



**ITEM A4 CONTINUED**

**Motion by Judge Biscoe and seconded by Commissioner Gómez** that we draft an appropriate Charge for distribution by Friday, October 23, 2009 at 5:00 PM, and if any member of the Commissioners Court has ideas, or any user of vehicles at Travis County, if they will get those to the County Judge's Office.

|  |     |
|--|-----|
| <b>Motion carried:</b> County Judge Samuel T. Biscoe | yes |
| Precinct 1, Commissioner Ron Davis                   | yes |
| Precinct 2, Commissioner Sarah Eckhardt              | yes |
| Precinct 3, Commissioner Karen Huber                 | yes |
| Precinct 4, Commissioner Margaret J. Gómez           | yes |

Items A4.A-C discussion only. No formal action taken.

Items A4.A-D to be reposted November 3, 2004.

**ADJOURNMENT**

**Motion by Commissioner Davis and seconded by Commissioner Huber** to adjourn the Voting Session. (5:56 PM)

|  |     |
|--|-----|
| <b>Motion carried:</b> County Judge Samuel T. Biscoe | yes |
| Precinct 1, Commissioner Ron Davis                   | yes |
| Precinct 2, Commissioner Sarah Eckhardt              | yes |
| Precinct 3, Commissioner Karen Huber                 | yes |
| Precinct 4, Commissioner Margaret J. Gómez           | yes |

**MINUTES APPROVED BY THE COMMISSIONERS' COURT**

---

**Date of Approval**

---

**Samuel T. Biscoe, Travis County Judge**

# 43

Travis County Commissioners Court Agenda Request

Voting Session 11/03/09  
(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:

**Consider and take appropriate action on:**

**A. Approve setting a public hearing date for November 24, 2009, to receive comments regarding a plat for recording in Precinct 4: Resubdivision of Lot 9-B, Partition of Ida Mae Burch Subdivision – 4 Total Commercial Lot(s) – 5.767 acres – Burch Drive – No fiscal required – Sewage service to be provided by on-site septic facilities – City of Austin ETJ).**

B. Approved by:

Margaret J. Gomez <sup>use</sup>  
Commissioner Margaret Gomez, Precinct 4

- 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:

Jose Luis Arriaga: 854-7562      Dennis Wilson: 854-4217  
Anna Bowlin: 854-7561

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 JUDGES OFFICE  
09 OCT 28 AM 11:41

**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

October 27, 2009,

TO: Members of the Commissioners' Court

THROUGH: Joseph P. Gieselman, Executive Manager

FROM: Anna Bowlin, Director, Development Services

SUBJECT: Resubdivision of Lot 9-B, Partition of Ida Mae Burch

### ***PROPOSED MOTION:***

**Consider and take appropriate action on:**

**A. Approve setting a public hearing date for November 24, 2009, to receive comments regarding a plat for recording in Precinct 4: Resubdivision of Lot 9-B, Partition of Ida Mae Burch Subdivision – 4 Total Commercial Lot(s) – 5.767 acres – Burch Drive – No fiscal required – Sewage service to be provided by on-site septic facilities – City of Austin ETJ).**

### ***SUMMARY AND STAFF RECOMMENDATION:***

The property owner is requesting to resubdivide 1 lot into 4 total lots. The proposed use of this lot is for commercial uses. There are no new public or private streets proposed with this resubdivision plat. This plat is not subject parkland dedication because the applicant is not proposing any type of residential uses.

As this plat application meets all City of Austin/Travis County Single Office standards and has been approved by the City, TNR staff recommends approval of the plat.

### ***ISSUES AND OPPORTUNITIES:***

As part of Title 30 LDC public notification requirements for a resubdivision final plat in the City of Austin's ETJ, a notification letter was mailed to all residents within 500 feet of the proposed resubdivision to announce the date, time, and location of the public hearing for both city and county meetings. In addition, a notice of public hearing sign will be placed on the subject property to announce the date, time, and location of the public hearing. Should staff receive any inquiries from adjacent property owners as a result of the sign placement, an addendum to this back up memorandum will be provided to the Court prior to the public hearing. Lastly, the applicant sent the non-residential notice as (see attached) to all required parties because the applicant is proposing commercial uses.

***BUDGETARY AND FISCAL IMPACT:***

None.

***REQUIRED AUTHORIZATIONS:***

None.

***EXHIBITS:***

Existing Plat  
Proposed Plat  
Precinct map  
Location map  
Fire Marshall Letter

AMB: JLA

1109