Updated 6/1/2010, 9:46 a.m.

1

Travis County Commissioners Court Agenda Request

Voting Session: June 22, 2010 (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 comments regarding the proposed acquisition of 27 lots in the Gilbert Lane Subdivision in Eastern Travis County by Austin Habitat for Humanity as a part of the Travis County 2006, 2007 and 2008 Community Development Block Grant funds available through the U.S. Department of Housing and Urban Development.

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

_____
Signature of Commissioner(s) or County Judge

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

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

Mary Etta Gerhardt, Assistant County Attorney
Rodney Rhoades, PBO
Cyd Grimes, Travis County Purchasing Agent
Susan Spataro, Travis County Auditor
Jason Walker, Purchasing
Christy Moffett, HHSVS
Michael Willard, AHFH
Lee Turner, TNR
Travis Gatlin, PBO
Steven Manilla, TNR
Kathleen Haas, HHSVS
Janice Cohoon, Auditor's Office
Tara Thomason, AHFH

10 JUN 16 PM 2:28
COUNTY JUDGE'S OFFICE
RECEIVED

Required Authorizations: Please check if applicable.

Planning and Budget Office (854-9106)
___ Additional funding for any department or for any purpose
___ Transfer of existing funds within or between any line item budget
___ Grant

Human Resources Department (854-9165)
___ A change in your department's personnel (reclassifications, etc.)

Purchasing Office (854-9700)
___ Bid, Purchase Contract, Request for Proposal, Procurement

County Attorney's Office (854-9415)
___ Contract, Agreement, Policy & Procedure

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

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: June 15, 2010

To: Members of the Commissioners Court

Sherri E. Fleming

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

Subject: Community Development Block Grant (CDBG) Public Hearing: Land Acquisition Site Location

Proposed Motion:
Receive comments regarding the proposed acquisition of 27 lots in the Gilbert Lane Subdivision in Eastern Travis County by Austin Habitat for Humanity as a part of the Travis County 2006, 2007 and 2008 Community Development Block Grant funds available through the U.S. Department of Housing and Urban Development.

Summary and Staff Recommendations:
Travis County awarded $945,518 in CDBG funds from Program Years 2006, 2007 and 2008 to Austin Habitat for Humanity to purchase land to construct affordable housing in the unincorporated areas for low-to moderate income residents. In turn, Austin Habitat for Humanity has identified the following land as a potential site to build affordable homes: Approximately 27 finished buildable single-family lots known as Gilbert Lane Phase One, located on the east side of Gilbert Lane, Travis County, Texas.

Budgetary and Fiscal Impacts:
Site approval allows the project to continue so that federal funds may be expended prior to September 30, 2010.

Issues and Opportunities:
Gilbert Lane is a New Housing Development project, located approximately 2.4 km (1.5 miles) south of Walter E. Long Lake and 0.8 km (0.5 miles) east of SH 130 in eastern Travis County, Texas. It located off of FM 969 and is approximately .5 miles from SH 130. The nearest bus route is 3.37 miles at Decker and Loyola which is not walking distance, but is biking distance. Additionally, the Del Valle ISD serves this area with plans for a new Elementary across from the new development.

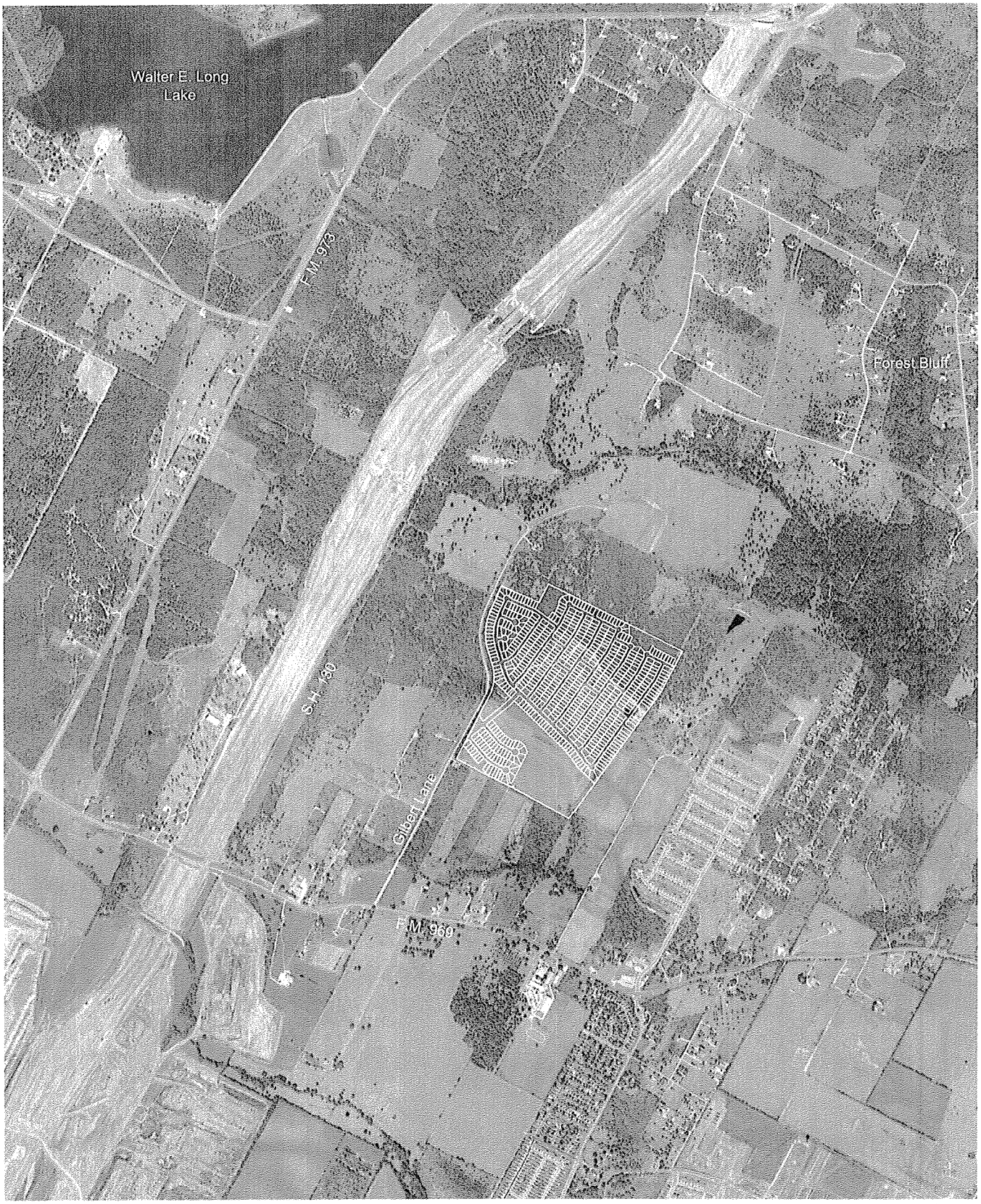
The TXI property is located approximately 1.5 miles from the development and the property is set back from FM 969 with some natural landscaping to buffer the property from FM 969 and the adjacent businesses. Additionally, the development is in an area that does not qualify for area of benefit projects without a primary survey: meaning that the low to moderate income percentage is less than 46.2%.

Comment may be received in writing beginning June 12, 2010 at 8:00 a.m. through on July 12, 2010 at 5:00 p.m. The public can present verbal comments via public hearings: on Tuesday, June 22, 2010 at the Travis County Granger Building, Commissioners Courtroom, 314 W. 11th St., Austin, TX 78701.

Background:
On 05/14/10, Travis County Commissioners Court approved the public comment period and public hearing dates. During the week of May 24, 2010, advertisements in English and in Spanish appeared in newspapers of general circulation announcing the dates, times, locations and purpose of the public hearings. A public hearing and 30 day comment period are being held to comply with public review requirements under the Citizen Participation Plan.

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

Updated 6/1/2010, 9:46 a.m.



Updated 6/1/2010, 9:46 a.m.

2

TRAVIS COUNTY PURCHASING OFFICE
Cyd V. Grimes, C.P.M., Purchasing Agent
314 W. 11th Street, Room 400 Austin, Texas 78701 (512) 854-9700 Fax (512) 854-9185

Approved by: Cyd V. Grimes 6/14/10

Voting Session: Tuesday, June 22, 2010

REQUESTED ACTION: APPROVE MODIFICATION NO. 4 TO CONTRACT NO. 08T00261RG, AARON CONCRETE LP, FOR ROAD RECYCLING. (TNR)

Points of Contact:

Purchasing: Rosalinda Garcia, 854-9700, Bonnie Floyd, 854-9700
Department: TNR, Joe Gieselman, Executive Manager, 854-9383
County Attorney (when applicable): John Hille
County Planning and Budget Office: Leroy Nellis
County Auditor's Office: Susan Spartaro And Jose Palacios
Other: Don Ward, Brunilda Cruz, TNR

- **Purchasing Recommendation and Comments:** Purchasing concurs with department and recommends approval of requested action. This procurement action met the compliance requirements as outlined by the statutes. This contract provides road recycling services.
- Modification No. 4 will add an item for parking lot planning/texturing at Airport Boulevard Office Building.
- Modification No. 3 approved by the Purchasing Agent on March 11, 2010, added an item.
- Modification No. 2, approved by Purchasing Agent on July 29, 2009, extended the contract.
- Modification No. 1 was an administrative modification to correct vendor name.
- **Contract Expenditures:** Within the last 9 months $92,231.80 has been spent against this contract.

☐ Not applicable

- **Contract Modification Information:**
  Modification Amount: Estimated Requirements, as needed basis

- **Funding Information:**
  ☒ Purchase Requisition in H.T.E.: 502082
  ☒ Funding Account(s): 40549968098122
  ☐ Comments:

Statutory Verification of Funding:

☐ Contract Verification Form: Funds Verified _ Not Verified ____ by Auditor.

APPROVED ( ) DISAPPROVED ( )

BY COMMISSIONERS COURT ON: _____
DATE

_____
COUNTY JUDGE

Note: Approval by Commissioners Court authorizes the Travis County Purchasing Agent to issue purchase order.

TRANSPORTATION AND NATURAL RESOURCES
JOSEPH P. GIESELMAN, EXECUTIVE MANAGER

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

RECEIVED
TRAVIS COUNTY
10 JUN 10 AM 8:34
PURCHASING
OFFICE

June 7, 2010

MEMORANDUM

TO: Cyd Grimes, Purchasing Agent

FROM: Joseph P. Gieselman, Executive Manager

SUBJECT: Modification #4 – Road Recycling Services
Contract #08T00261RG

TNR requests the approval of change order number four (4) for the above contract. This modification is to add a line to the above contract for 2" Milling at $2.60 per Square Yard for improvements at the Airport Boulevard Office Building.

This change order will add an additional $27,133.60 of services to the contract. The $27,133.60 is encumbered under requisition 502082. The account number is 405-4996-809-8122 and commodity/sub-commodity is 968/109.

If you have any questions or require additional information, please contact Brunilda Cruz at extension 47679 or Don Ward at extension 49317.

BC: JPG: bc

Copy: Lee Perry, Purchasing
Don Ward, TNR
Scott Lambert, TNR
Brunilda Cruz, TNR

MODIFICATION OF CONTRACT NUMBER: 08T00261RG, Road Recycling Page 1 OF 1 Pages

ISSUED BY:	PURCHASING AGENT ASST: Rosalinda Garcia	DATE PREPARED:
PURCHASING OFFICE 314 W. 11TH ST., RM 400 AUSTIN, TX 78701	TEL. NO: (512) 854-9700 FAX NO: (512) 854-9185	June 9, 2010
ISSUED TO: 33594 Aaron Concrete LP Attn: Aaron Cabaza P.O. Box 27107 Austin, Texas 78755-1107	MODIFICATION NO.: 0004	EXECUTED DATE OF ORIGINAL CONTRACT: September 9, 2008

ORIGINAL CONTRACT TERM DATES: September 24, 2008 to September 23, 2009 CURRENT CONTRACT TERM DATES: September 24, 2010 to September 23, 2011

FOR TRAVIS COUNTY INTERNAL USE ONLY:

Original Contract Amount: $ N/A Current Modified Amount $ N/A .

DESCRIPTION OF CHANGES: Except as provided herein, all terms, conditions, and provisions of the document referenced above as heretofore modified, remain unchanged and in full force and effect.

The above numbered Contract is hereby modified to exercise the option to extend the contract for an additional twelve (12) month period and add additional services.

ITEM/SERVICE	Est. QTY	UOM	UNIT PRICE	TOTAL PRICE
1. Planing/Texturing 2" Parking Lot	10,436.00	SY	$ 2.60	$ 27,133.60

2. Effective September 24, 2010 the Term of Contract as Shown on the "Contract Award" document is changed from September 24, 2009 through September 23, 2010, to: September 24, 2009 through September 23, 2011.

Note to Vendor:

[X] Complete and execute (sign) your portion of the signature block section below for all copies and return all signed copies to Travis County.

[ ] DO NOT execute and return to Travis County. Retain for your records.

LEGAL BUSINESS NAME: Aaron Concrete Contractors LP ☐ DBA ☐ CORPORATION ☒ OTHER

BY: _____
SIGNATURE

BY: Aaron Cabaza
PRINT NAME

TITLE: Sole Member of the Partnership
ITS DULY AUTHORIZED AGENT

DATE: 6-9-2010

TRAVIS COUNTY, TEXAS

BY: Cyd V. Grimes
CYD V. GRIMES, C.P.M., TRAVIS COUNTY PURCHASING AGENT

DATE: 6/15/10

TRAVIS COUNTY, TEXAS

BY: _____
SAMUEL T. BISCOE, TRAVIS COUNTY JUDGE

DATE:

GM200I13 **TRAVIS COUNTY** 6/09/10
Fiscal Year 2010 **Account Balance Inquiry** 09:19:49

Account number . . .	405-4996-809.81-22	
Fund	405	L/T CERT OF OBLIG 2006
Department	49	TNR (TRANS & NATRL RESRC)
Division	96	CAR VEHICLE CENTRAL
Activity basic . . .	80	CAPITAL PROJECTS
Sub activity	9	COMM&ECON DEV (PKS & REC)
Element	81	CAPITAL OUTLAY
Object	22	IMPROV OTHER THAN BLDG

Original budget	0		
Revised budget	145,851	05/27/2010	
Actual expenditures - current .	79,160.30		
Actual expenditures - ytd . . .	.00		
Unposted expenditures	.00		
Encumbered amount	37,623.38		
Unposted encumbrances	.00		
Pre-encumbrance amount	27,133.60		
Total expenditures & encumbrances:	143,917.28	98.7%	
Unencumbered balance	1,933.72	1.3	

F5=Encumbrances **F7=Project data** **F8=Misc inquiry**
F10=Detail trans **F11=Acct activity list** **F12=Cancel** **F24=More keys**

PURCHASE REQUISITION NBR: 0000502082

STATUS: BUYER PROCESSING

REQUISITION BY: BRUNILDA CRUZ 854-7679 REASON: 53933 ROADS-CIP CONT 08T00261RG DATE: 6/07/10

SHIP TO LOCATION: AS INDICATED BELOW SUGGESTED VENDOR: 33594 AARON CONCRETE CONTRACTORS LP DELIVER BY DATE: 6/07/10

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	PLANING/TEXTURING 2" CO #4. FOR ADDITIONAL QUANTITY NEEDED TO COMPLETE WORK AT AIRPORT BOULEVARD OFFICE BUILDING. COMMODITY: PUBLIC WORKS/CONSTRUCTION SUBCOMMOD: PAVING RDS & PARKING LOTS	27133.60	DOL	1.0000	27133.60	

REQUISITION TOTAL: 27133.60

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	40549968098122	CAPITAL OUTLAY IMPROV OTHER THAN BLDG	KBS001 RENOVATE 5501 AIRPORT BLG	100.00	27133.60
					27133.60

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

20100607 RT
****
REQUISITION WILL BE LOADED WITH CONTRACT LINE ITEM
ONCE APPROVED BY COURT

3

TRAVIS COUNTY PURCHASING OFFICE
Cyd V. Grimes, C.P.M., Purchasing Agent
314 W. 11th Street, Room 400 Austin, Texas 78701 (512) 854-9700 Fax (512) 854-9185

Approved by: Cyd V. Grimes 6/14/10 MB

Voting Session: Tuesday, June 22, 2010

REQUESTED ACTION: APPROVE ISSUANCE OF JOB ORDER NO. 70, MINOR CONSTRUCTION AND RENOVATION SERVICES, CONTRACT 07K00307RV, ARCHITECTURAL HABITAT OF AUSTIN, INC. (FMD)

Points of Contact:

Purchasing: Richard Villareal, Marvin Brice
Department: Facilities Management, Roger A. El Khoury, M.S., P.E., Director; Kim Nguyen, AIA, LEED AP, Architectural Associate
County Attorney (when applicable): John Hille
County Planning and Budget Office: Leroy Nellis
County Auditor's Office: Susan Spataro and Jose Palacios
Other: Health & Human Services (HHS), Sherri Fleming, Executive Manager

- **Purchasing Recommendation and Comments:** Purchasing concurs with department and recommends approval of requested action. This procurement action met the compliance requirements as outlined by the statutes.

  Facilities Management requests approval for issuance of Job Order No. 70 to Architectural Habitat of Austin, Inc. This job order is issued to renovate the 502 E. Highland Mall Boulevard Building-HHS Office Lease Space. Renovation will include the demolition of drywall and framing, millwork, painting, plumbing, electrical and fire alarm system installation, among other services.

  Upon approval, Job Order No. 70 will be issued at the total negotiated cost of $254,419.98.

- **Contract Expenditures:** Within the last 12 months, $1,878,458.11 has been spent against this contract.

- **Solicitation-Related Information:**

  Solicitations Sent: N/A Responses Received: N/A
  HUB Information: Vendor is a HUB % 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.: (Req. No. 501951)
  - ☒ Funding Account(s): 001-1405-525-8126
  - ☒ Total Project Budget: $485,008.00
  - ☒ Construction Budget: $254,419.98
  - ☒ Design Budget: $2,690.00
  - ☒ Contingency Budget: $227,898.02
  - ☐ Comments:

- **Statutory Verification of Funding:**
  - ☐ Contract Verification Form: Funds Verified ____ Not Verified ____ by Auditor.

Rich 6.8.10 MB

FACILITIES MANAGEMENT DEPARTMENT

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

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

RECEIVED TRAVIS COUNTY JUN 7 PM 2:16 PURCHASING OFFICE

MEMORANDUM

FMD Project: LHHS-01-10F-1R
FILE: 703

TO: Cyd V. Grimes, CPM, Purchasing Agent

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

FROM: Kim Nguyen, AIA LEEP AP, Sr. Architectural Associate KN

DATE: June 4, 2010

SUBJECT: 502 E. Highland Mall Blvd Building - HHS Office Lease Space Remodel
Contract No.: 07K00307RV – JOC #70

Facilities Management Department (FMD) recommends issuance of a purchase order under the Minor Construction and Renovation Contract for the 502 E. Highland Mall Blvd Building - HHS Office Lease Space Remodel in the amount of $254,419.98 to Architectural Habitat of Austin.

FMD has reviewed the proposal and determined that it is fair and reasonable. The construction schedule is 90 calendar days after issuance of the notice to proceed.

The project fund is located in the account number 001-1405-525-8126 and the requisition number is 501951. In accordance with the procedure to secure the approval of this contract award, this request is being forwarded along with the supporting documents for approval by the Commissioners Court on June 22, 2010. If approved, please issue a fully executed contract to Architectural Habitat of Austin. Please call me at extension 44569 if you have any questions.

ATTACHMENTS:
1. Supporting Documents
2. Project Budget vs. Cost Spreadsheet

COPY TO:

Marvin Brice, CPPB, Assistant Purchasing Agent, TCPO
Richard Villareal, Purchasing Agent Assistant IV, TCPO
Amy Draper, CPA, Financial Manager, FMD

PROJECT NAME HHS OFFICE SPACE
ATTN: KIM

ARCHITECTURAL HABITAT
1707 WEST KOENIG LANE
AUSTIN TX. 78756
458-2190

FILE HHSR1
DATE 4-29-10
REVISED 5-4-10
REVISED 5-25-10
REVISED 5-27-10

ITEM	AMOUNT	
SUPERVISION	$	12,000.09
PERMIT	B.O.	
DUMPSTERS	$	2,800.00
CLEAN UP	$	2,000.00
FINAL CLEAN	$	2,400.00
DEMO	IN DRYWALL	
ROOFING (ALLOWANCE)	$	-
MILLWORK	$	5,155.00
GLASS/MIRRORS	$	360.00
DRS/FRAMES/HDW	$	12,901.00
DRYWALL/ACOU.	$	51,023.00
PAINT	$	30,661.00
CARPET/VCT/CT/BASE	$	10,901.00
TOILET ACCS (ALLOWANCE)	$	400.00
FIRE EXT	$	200.00
PLUMBING	$	8,500.00
HVAC	$	29,869.00
ELECTRICAL	$	53,225.00
FIRE DETECTION	$	-
SUBTOTAL	$	222,395.09
O/P	$	22,239.51
SUBTOTAL	$	244,634.60
BOND	$	9,785.38
TOTAL	**$**	**254,419.98**
FIRE ALARM	$	8,127.00
SUBTOTAL	$	8,127.00
O/P	$	812.70
SUBTOTAL	$	8,939.70
BOND	$	357.59
TOTAL	**$**	**9,297.29**
ADDITIONAL SMOKES	$	3,305.00
SUBTOTAL	$	3,305.00
O/P	$	330.50
SUBTOTAL	$	3,635.50
BOND	$	145.42
TOTAL	**$**	**3,780.92**

CONTRACT NO. 07K00307RV

Job Order No. 70
Dated June 8, 2010

RECEIVED
TRAVIS COUNTY
2010 JUN -9 AM 9:51
PURCHASING
OFFICE

Architectural Habitat of Austin, Inc.
Attn.: Ms. Jan Cannaday
1707 West Koenig Lane
Austin, Texas 78756

A. JOB ORDER NO. 70, WHICH REQUIRES **ARCHITECTURAL HABITAT OF AUSTIN, INC.** TO PERFORM MINOR CONSTRUCTION AND RENOVATION SERVICES AT **502 E. HIGHLAND MALL BLVD. BUILDING-HHS OFFICE LEASE SPACE REMODEL** PER CONTRACT REQUIREMENTS, **ARCHITECTURAL HABITAT OF AUSTIN, INC.** ESTIMATE, SCOPE OF WORK, PLANS & SPECIFICATIONS, AND THE CONDITIONS DESCRIBED BELOW, IS HEREBY RELEASED.

B. THE OWNER SHALL PAY THE CONTRACTOR THE NOT-TO-EXCEED AMOUNT OF **$254,419.98** IN CONSIDERATION OF THE PERFORMANCE OF THE WORK.

C. PERFORMANCE PERIOD: **NINETY (90) CALENDAR DAYS AFTER ISSUANCE OF A NOTICE-TO-PROCEED FOR SUBSTANTIAL COMPLETION.**

ARCHITECTURAL HABITAT OF AUSTIN, INC.

Jan Cannaday 6-8-10
JAN CANNADAY DATE

Cyd V. Grimes 6/14/10
CYD V. GRIMES, C.P.M. DATE
TRAVIS COUNTY PURCHASING AGENT

SAMUEL T. BISCOE DATE
TRAVIS COUNTY JUDGE

Updated 6/1/2010, 9:46 a.m.

4

Travis County Commissioners Court Agenda Request

Voting Session 6/22/2010 (Date) Work Session _____ (Date)

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

B. Requested Text: **Consider and take appropriate action on a Cash Security Agreement with Streetman Homes for sidewalk fiscal for West Cypress Hills Sec 2 Lot 19 Block 7 in precinct 3.**

C. Approved by: _____
Commissioner Karen Huber, Precinct 3

II. A. Is backup material attached*: Yes X No
*Any backup material to be presented to the court must be submitted with this Agenda Request (original and 8 copies).

B. Have the agencies affected by this request been invited to attend the Work Session?

Yes X No _____ Please list those contacted and their phone numbers:

Anna Bowlin – 854-9383
Stacey Scheffel – 854-9383
Tim Pautsch – 854-9383

III. Required Authorizations: Please check if applicable:

Planning and Budget Office (473-9106)
____ Additional funding for any department or for any purpose
____ Transfer of existing funds within or between any line item budget
____ Grant

Human Resources Department (473-9165)
____ A change in your department's personnel (reclassifications, etc.)

Purchasing Office (473-9700)
____ Bid, Purchase Contract, Request for Proposal, Procurement

County Attorney's Office (473-9415)
____ Contract, Agreement, Policy & Procedure

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

TRANSPORTATION AND NATURAL RESOURCES

JOSEPH P. GIESELMAN, EXECUTIVE MANAGER

411 West 13th Street
Executive Office Building
PO Box 1748
Austin, Texas 78767
(512) 473-9383
FAX (512) 708-4649

MEMORANDUM

DATE: June 3, 2010

TO: Members of the Commissioners Court

THROUGH: Joseph P. Gieselman, Executive Manager

FROM: Anna M. Bowlin, Division Director, Development Services

SUBJECT: Cash Security Agreements for sidewalks on lots in West Cypress Hills.

Summary and Staff Recommendation:
Streetman Homes, proposes to use these Cash Security Agreement, as follows: Ph 1 Sec. 2 Lot 19 Block 7 $1,368.00 Permit #10-0975, to post sidewalk fiscal where the sidewalks have not been completed, in this subdivision.

Budgetary and Fiscal Impacts:
There are no budgetary and/or fiscal impacts as this is fiscal posted for a development.

Required Authorizations:
The form of the Cash Security Agreement is from the Standards for Construction of Streets and Drainage in Subdivisions that were in place before August 28, 1997.

Exhibits:
Cash Security Agreements (1)
Map

TP:AMB:tp

1102 West Cypress Hills Phase 1 Sec. 2

RECEIVED
MAY 28 2010
TNR

Request
from

STREETMAN HOMES, Ltd., L.L.P.
4407 Bee Cave Rd. #212
Austin, TX 78746

TO:	Travis County 411 West 13th 8Th Floor Austin, TX 78767 ATTN: Tim Pautsch	**FROM:**	Kathy Rhoades phone: (512) 329-9966 fax: (512) 329-9928
DATE:	5/25/10		

Message:

Please post for sidewalk fiscal for the following addresses in West Cypress Hills:

Street Address	Lot/Block/Phase/Section	Subdivision
21721 Agarito	19 / 7 / 1 / Sec. 2	W. Cypress Hills

You can call me at the above number if you need any additional information.

THANK YOU!
Kathy Rhoades

§ 82,1006. EXHIBIT 82.401 (C)

(c) CASH SECURITY AGREEMENT

TO:	Travis County, Texas
DEVELOPER/BUILDER:	Streetman Homes, Ltd., LLP
ESCROW AGENT:	Travis County Treasurer
AMOUNT OF SECURITY:	$1368.00
SUBDIVISION:	West Cypress Hills
DATE OF POSTING:	May 25, 2010
EXPIRATION DATE:	Three Years, or more from Date of Posting

The ESCROW AGENT shall duly honor all drafts drawn and presented in accordance with this Agreement. Travis County may draw on the account of the DEVELOPER/BUILDER up to the aggregate AMOUNT OF SECURITY upon presentation of a draft signed by the County Judge that the following condition exists:

The county considers such a drawing on this Security necessary to complete all or part of the SUBDIVISION Sidewalks. No further substantiation of the necessity of the draw is required by this Agreement.

This Agreement is conditioned on the performance of the duties of the DEVELOPER/ BUILDER to provide for the construction and completion of the Sidewalk Improvements in the SUBDIVISION to current Travis County Standards for Construction of Streets and Drainage in Subdivisions (the "Standards"), so that the Sidewalk Improvements are performing to the Standards upon the approval of the construction of the Sidewalk Improvements, and the acceptance of the Sidewalk Improvements by the Executive Manager of TNR or his designated representative. The DEVELOPER/ BUILDER shall prove that the sidewalk is built to Texas Accessibility Standards by submitting an approved inspection letter from a Registered Accessibility Specialist.

If this document needs to be renewed, it will be renewed at the then current rate for Sidewalks required by Travis County. In no case shall the amount of Security be less that the amount it would cost the County to complete the work if it becomes necessary.

Partial drafts and reductions in the amount of Security are permitted. Drafts will be honored within five calendar days of presentment. In lieu of drawing on the Security, the County, in its discretion, may accept a substitute Security in the then current amount of the estimated cost of constructing the Improvements. This Agreement may be revoked only by written consent of the DEVELOPER/BUILDER and the County.

The DEVELOPER/BUILDER must indicate by signing the appropriate line, below, whether or not he wishes the escrowed funds to be invested and interest paid at the rate Travis County receives for its 90-day accounts. If so, he will be charged $25.00 investment fee for every 90 days. The minimum amount of cash security that will be considered for investment is Two Thousand Dollars ($2,000.00).

DEVELOPER/BUILDER COMPANY NAME & ADDRESS

BY: Streetman Homes, Ltd., LLP 4407 Bee Cave Rd, Suite 212, Austin, TX 78746

PRINT: Kathy Rhoades

TITLE: Production Manager

PHONE: 512-329-9966

SIGN ONLY ONE

Invest funds with interest paid at the rate Travis County receives for its 90-day accounts and be charged a $25.00 investment fee for every 90 days.

Name Date

Funds shall not be invested and no interest shall be accrued to the Developer/Builder.

Kathy Rhoades 5/25/10

Name Date

APPROVED BY THE TRAVIS COUNTY COMMISSIONERS' COURT: _____

Date

COUNTY JUDGE, TRAVIS COUNTY, TEXAS

Date

Updated 6/1/2010, 9:46 a.m.

Vendor: 99689 TRAVIS COUNTY NATURAL Date: 05/24/2010 Check No: 00037488

Invoice	Date	Description	Gross Amt	Adjusts	Net Amount
21721agari	05/17/10	sidewalk fiscal	1368.00	0.00	1368.00
21721agari	21721 Agarito Lane	wch02 West Cypress Hills - 70's			
Check Subtotal	---------->>		1368.00	0.00	1368.00

STREETMAN HOMES, Ltd., L.L.P
4407 BEE CAVES ROAD, SUITE 212
AUSTIN, TEXAS 78746

Citibank TX, NA

No. 037488

DATE 05/24/2010

CHECK AMOUNT $*******1,368.00

PAY ONE THOUSAND THREE HUNDRED SIXTY-EIGHT DOLLARS AND ZERO CENTS**********

STREETMAN HOMES, Ltd., L.L.P

TO THE ORDER OF TRAVIS COUNTY NATURAL RESOURCES
P O BOX 1748
AUSTIN, TX 78767

⑈037488⑈ ⑆113193532⑆ 03 2961284 9⑈

Updated 6/1/2010, 9:46 a.m.

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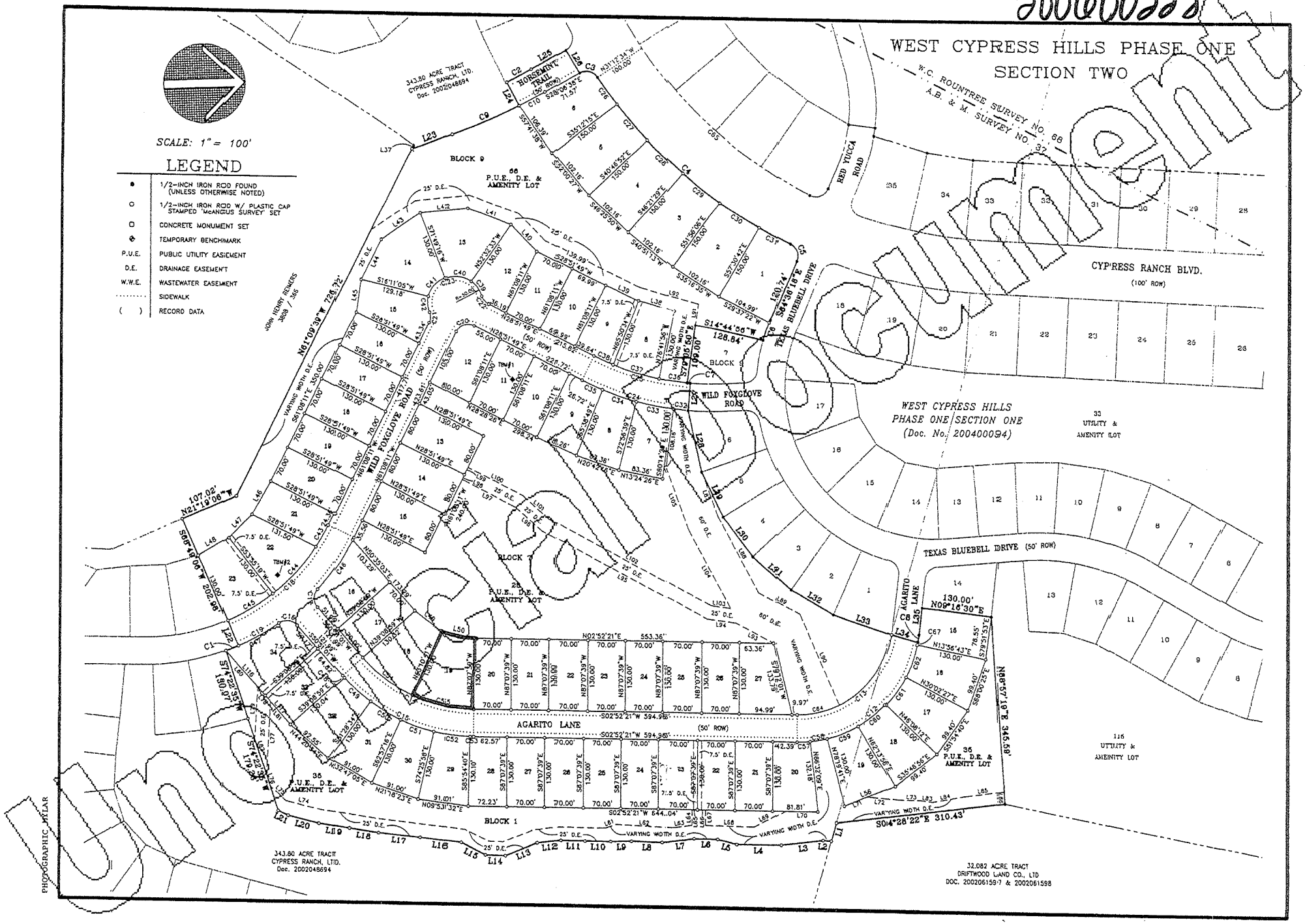

JOB No. 02-170 SHEET 2 of 4

Updated 6/1/2010, 9:46 a.m.

5

Travis County Commissioners Court Agenda Request

Voting Session 6/22/2010 (Date) Work Session _____ (Date)

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

B. Requested Text: **Consider and take appropriate action on a Cash Security Agreement with Streetman Homes for sidewalk fiscal for West Cypress Hills Sec 2 Lot 34 Block 1 in precinct 3.**

C. Approved by: _____
Commissioner Karen Huber, Precinct 3

II. A. Is backup material attached*: Yes X No
*Any backup material to be presented to the court must be submitted with this Agenda Request (original and 8 copies).

B. Have the agencies affected by this request been invited to attend the Work Session?

Yes X No _____ Please list those contacted and their phone numbers:

Anna Bowlin – 854-9383
Stacey Scheffel – 854-9383
Tim Pautsch – 854-9383

III. Required Authorizations: Please check if applicable:

Planning and Budget Office (473-9106)
____ Additional funding for any department or for any purpose
____ Transfer of existing funds within or between any line item budget
____ Grant

Human Resources Department (473-9165)
____ A change in your department's personnel (reclassifications, etc.)

Purchasing Office (473-9700)
____ Bid, Purchase Contract, Request for Proposal, Procurement

County Attorney's Office (473-9415)
____ Contract, Agreement, Policy & Procedure

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

TRANSPORTATION AND NATURAL RESOURCES

JOSEPH P. GIESELMAN, EXECUTIVE MANAGER

411 West 13th Street
Executive Office Building
PO Box 1748
Austin, Texas 78767
(512) 473-9383
FAX (512) 708-4649

MEMORANDUM

DATE: June 3, 2010

TO: Members of the Commissioners Court

THROUGH: Joseph P. Gieselman, Executive Manager

FROM: Anna M. Bowlin, Division Director, Development Services

SUBJECT: Cash Security Agreements for sidewalks on lots in West Cypress Hills.

Summary and Staff Recommendation:
Streetman Homes, proposes to use these Cash Security Agreement, as follows: Ph 1 Sec. 2 Lot 34 Block 1 $2,460.00 Permit #10-0709, to post sidewalk fiscal where the sidewalks have not been completed, in this subdivision.

Budgetary and Fiscal Impacts:
There are no budgetary and/or fiscal impacts as this is fiscal posted for a development.

Required Authorizations:
The form of the Cash Security Agreement is from the Standards for Construction of Streets and Drainage in Subdivisions that were in place before August 28, 1997.

Exhibits:
Cash Security Agreements (1)
Map

TP:AMB:tp

1102 West Cypress Hills Phase 1 Sec. 2

Updated 6/1/2010, 9:46 a.m.

CODE: 1102

RECEIVED
APR 21 2010
TNR

Request
from

STREETMAN HOMES, Ltd., L.L.P.
4407 Bee Cave Rd. #212
Austin, TX 78746

TO:	Travis County 411 West 13th 8Th Floor Austin, TX 78767 ATTN: Tim Pautsch	**FROM:**	Kathy Rhoades phone: (512) 329-9966 fax: (512) 329-9928
DATE:	4/19/10		

Message:

Please post for sidewalk fiscal for the following addresses in West Cypress Hills:

Street Address	Lot/Block/Phase/Section	Subdivision
21700 Agarito	34 / 1 / 1 / Sec. 2	W. Cypress Hills

You can call me at the above number if you need any additional information.

THANK YOU!
Kathy Rhoades

§ 82,1006. EXHIBIT 82.401 (C)

(c) CASH SECURITY AGREEMENT

TO:	Travis County, Texas
DEVELOPER/BUILDER:	Streetman Homes, Ltd., LLP
ESCROW AGENT:	Travis County Treasurer
AMOUNT OF SECURITY:	$2460.00
SUBDIVISION:	West Cypress Hills
DATE OF POSTING:	April 19, 2010
EXPIRATION DATE:	Three Years, or more from Date of Posting

The ESCROW AGENT shall duly honor all drafts drawn and presented in accordance with this Agreement. Travis County may draw on the account of the DEVELOPER/BUILDER up to the aggregate AMOUNT OF SECURITY upon presentation of a draft signed by the County Judge that the following condition exists:

The county considers such a drawing on this Security necessary to complete all or part of the SUBDIVISION Sidewalks. No further substantiation of the necessity of the draw is required by this Agreement.

This Agreement is conditioned on the performance of the duties of the DEVELOPER/ BUILDER to provide for the construction and completion of the Sidewalk Improvements in the SUBDIVISION to current Travis County Standards for Construction of Streets and Drainage in Subdivisions (the "Standards"), so that the Sidewalk Improvements are performing to the Standards upon the approval of the construction of the Sidewalk Improvements, and the acceptance of the Sidewalk Improvements by the Executive Manager of TNR or his designated representative. The DEVELOPER/ BUILDER shall prove that the sidewalk is built to Texas Accessibility Standards by submitting an approved inspection letter from a Registered Accessibility Specialist.

If this document needs to be renewed, it will be renewed at the then current rate for Sidewalks required by Travis County. In no case shall the amount of Security be less that the amount it would cost the County to complete the work if it becomes necessary.

Partial drafts and reductions in the amount of Security are permitted. Drafts will be honored within five calendar days of presentment. In lieu of drawing on the Security, the County, in its discretion, may accept a substitute Security in the then current amount of the estimated cost of constructing the Improvements. This Agreement may be revoked only by written consent of the DEVELOPER/BUILDER and the County.

The DEVELOPER/BUILDER must indicate by signing the appropriate line, below, whether or not he wishes the escrowed funds to be invested and interest paid at the rate Travis County receives for its 90-day accounts. If so, he will be charged $25.00 investment fee for every 90 days. The minimum amount of cash security that will be considered for investment is Two Thousand Dollars ($2,000.00).

DEVELOPER/BUILDER COMPANY NAME & ADDRESS

BY: Streetman Homes, Ltd., LLP 4407 Bee Cave Rd, Suite 212, Austin, TX 78746

PRINT: Kathy Rhoades

TITLE: Production Manager

PHONE: 512-329-9966

SIGN ONLY ONE

Invest funds with interest paid at the rate Travis County receives for its 90-day accounts and be charged a $25.00 investment fee for every 90 days.

Name Date

Funds shall not be invested and no interest shall be accrued to the Developer/Builder.

Kathy Rhoades 4/19/10

Name Date

APPROVED BY THE TRAVIS COUNTY COMMISSIONERS' COURT: _____

Date

COUNTY JUDGE, TRAVIS COUNTY, TEXAS

Date

Updated 6/1/2010, 9:46 a.m.

Vendor: 99689 TRAVIS COUNTY NATURAL Date: 04/16/2010 Check No: 00037053

Invoice	Date	Description	Gross Amt	Adjusts	Net Amount
21700agaSW	04/12/10	sidewalk fiscal	2460.00	0.00	2460.00
21700agaSW	21700 Agarito Lane	wch02 West Cypress Hills - 70's			

Check Subtotal ---------->>	2460.00	0.00	2460.00

STREETMAN HOMES, Ltd., L.L.P
4407 BEE CAVES ROAD, SUITE 212
AUSTIN, TEXAS 78746

Citibank TX, NA

No. 037053

DATE
04/16/2010

CHECK AMOUNT
$*******2,460.00

PAY TWO THOUSAND FOUR HUNDRED SIXTY DOLLARS AND ZERO CENTS**********

TO THE ORDER OF
TRAVIS COUNTY NATURAL RESOURCES
P O BOX 1748
AUSTIN, TX 78767

STREETMAN HOMES, Ltd., L.L.P

Donna L. Rogers

⑈037053⑈ ⑆113193532⑆ 03 296128491⑈

Updated 6/1/2010, 9:46 a.m.

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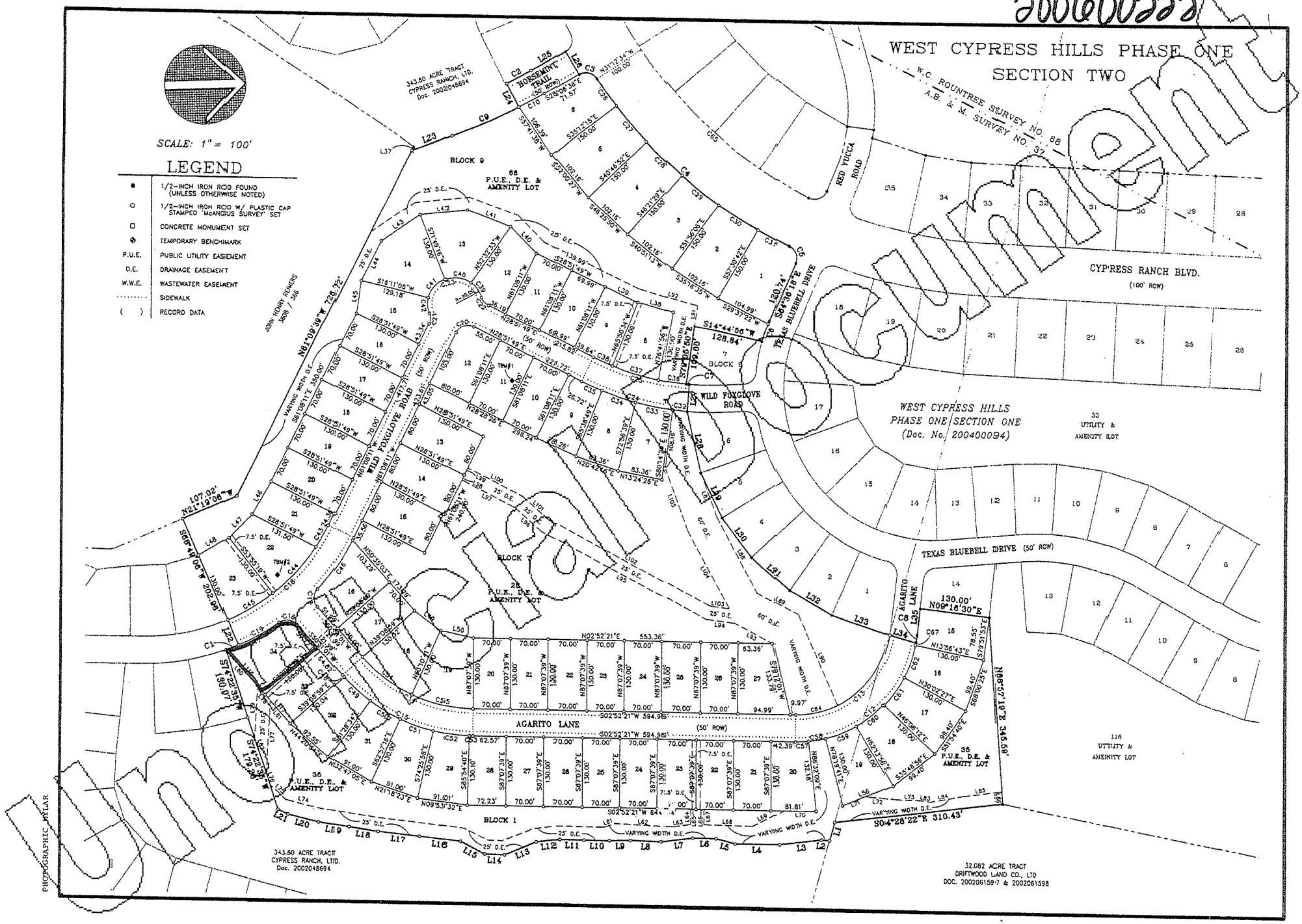


6

Travis County Commissioners Court Agenda Request

Voting Session 6/22/10 (Date) Work Session _____ (Date)

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

B. Requested Text:

Consider and take appropriate action on approving the acceptance of dedication of street and drainage facilities for Vaught Ranch Road, Precinct 3.

C. Approved by: _____
Commissioner Karen Huber, Precinct Three

II. A. Is backup material attached*? Yes X No _____
*Any backup material to be presented to the court must be submitted with this Agenda Request (original and 8 copies).

B. Have the agencies affected by this request been invited to attend the Work Session?

Yes X No _____ Please list those contacted and their phone numbers:

Donald W. Ward	- 854-9383	Anna Bowlin	- 854-9383
David Greear	- 854-9383	Howard Herin	- 854-9383
Scott Lambert	- 854-9383	Charles Allen	- 266-3314
Dave Fowler	- 854-9383		

III. Required Authorizations: Please check if applicable:

Planning and Budget Office (473-9106)
____ Additional funding for any department or for any purpose
____ Transfer of existing funds within or between any line item budget
____ Grant

Human Resources Department (473-9165)
____ A change in your department's personnel (reclassifications, etc.)

Purchasing Office (473-9700)
____ Bid, Purchase Contract, Request for Proposal, Procurement

County Attorney's Office (473-9415)
____ Contract, Agreement, Policy & Procedure

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

TRANSPORTATION AND NATURAL RESOURCES
JOSEPH P. GIESELMAN, EXECUTIVE MANAGER

411 West 13th Street
Executive Office Building
PO Box 1748
Austin, Texas 78767
(512) 854-9383
FAX (512) 854-4649

MEMORANDUM

DATE: June 2, 2010

TO: Members of the Commissioners' Court

THROUGH: Joseph P. Gieselman, TNR Executive Manager

FROM: Donald W. Ward, P.E., Division Director, Road Maintenance, Bridge and Fleet

SUBJECT: Approve the acceptance of dedication of Vaught Ranch Road, a street adjacent to Vaught Ranch Sec. 2, a subdivision in Precinct 3.

Summary and TNR Staff Recommendation:
A plat of Vaught Ranch Sec. 2, which is now annexed by the City of Austin, was approved in Commissioners Court May 25, 2006. The developers of said plat agreed to improve the adjacent street Vaught Ranch Road and posted fiscal for such with the City of Austin.

Vaught Ranch Road is a deed recorded at Vol. 2526 Pg. 166 and is accessed from R. M. 2222, a State maintained road. This street has been inspected for conformance with the approved construction documents. There are no items on the punch list to be corrected. The street dead ends into the Preece Cemetery and has a hammer head turn around. This action will add 0.26 miles to the Travis County road system. TNR staff recommends approval of the proposed motion.

Budgetary and Fiscal Impacts:
This action adds 0.26 miles to our road maintenance program. All fiscal will be released.

Issues and Opportunities:
This street is the only access to Preece Cemetery.

Required Authorizations:
None Required

Exhibits:
Approval of Construction
Engineer's Concurrence
List of streets
Attached maps

DV:DWW:dv

4100 Vaught Ranch Road

TRANSPORTATION AND NATURAL RESOURCES
JOSEPH P. GIESELMAN, EXECUTIVE MANAGER
411 West 13th Street
Executive Office Building
P.O. Box 1748
Austin, Texas 78767
tel 512-854-9383
fax 512-854-4649

APPROVAL OF CONSTRUCTION

DATE: May 26, 2010

TO:

DEVELOPER:
John W. Vaught
Jay Christopher Vaught
Kimberly Vaught
6501 Vaught Ranch Road
Austin, TX 78730-2318

ENGINEER:
Urban Design Group
c/o J. Segura
3660 Stonebridge Road #E101
Austin, TX 78746
Ph: 347-0047
Fx: 347-1311

SUBJECT: Vaught Ranch Road

Effective this date, street and drainage construction within this subdivision appear to be in conformance with the approval construction documents. All Performance Period maintenance punchlist items have been completed and/or corrected. The subdivision will be recommended for Accepted for Dedication in Travis County Commissioners Court.

BY: _____
TNR Construction Inspector – Charles Allen

_____ 5/27/10
TNR Engineering Specialist – Darla Vasterling

_____
TNR Road Maintenance – Don Ward

1102 Fiscal File
1105 Subdivision File

DATE: April 5, 2010

ENGINEER'S CONCURRENCE
OF
PROJECT COMPLETETION

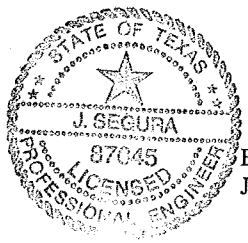
PROJECT: Vaught Ranch Section 2 (C8j-05-0160.0A)
Vaught Road Improvements

Owner's Name and Address
Vaught Ranch Holdings, LLP
4301 Westbank Drive
Building B, Suite 230
Austin, TX 78746

Consultant Engineer's Name and Address
Urban Design Group
3660 Stoneridge Road, Suite E101
Austin, TX 78746

On this day, April 5, 2010, I, the undersigned professional engineer, made a final visual inspection of the above-referenced project. I have also visited the site during construction and observed that the roadway surface improvements and drainage structures were constructed per the agreement with Mr. Don Ward, P.E. of Travis County, with insignificant deviation. I, therefore, verify the adequate completion of the project, including the following items:

- new 18" RCP culvert with Safety End Treatments
- clean out the roadside ditch
- seal roadway cracks and coat surface in Reclamite
- new yellow stripes on roadway



By: _____
J Segura, P.E. #87045

ACCEPTANCE OF DEDICATION OF STREETS AND DRAINAGE

SUBDIVISION Vaught Ranch Road **Pct.#** 3
Mapsco No. 493U **Atlas No.** L-07

RECORDED AT Vol. 2526, Pg. 166 IN THE DEED RECORDS OF TRAVIS COUNTY 10/22/62

CONTAINS **1** STREET AS LISTED BELOW:

#	STREET NAME	FROM - TO	L.F.	MILES	ROW	TYPE OF PVMNT	WIDTH OF PVMNT	CURB & GUTTER
1	Vaught Ranch Road	R. M. 2222 to end of hammerhead turn around	1388	0.26	50'	HMAC	20'	No
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								

N/A ADDITIONAL LOTS SOLD FOR DEVELOPMENT

CONSTRUCTION OF STREETS AND DRAINAGE EXCEEDS MINIMUM COUNTY STANDARD FOR STREETS NUMBERED **1**

IT IS RECOMMENDED THAT MAINTENANCE OF STREETS NUMBERED 1 TOTALING **0.26** MILES BE ACCEPTED BY THE TRAVIS COUNTY COMMISSIONERS' COURT IN PRECINCT **3.**

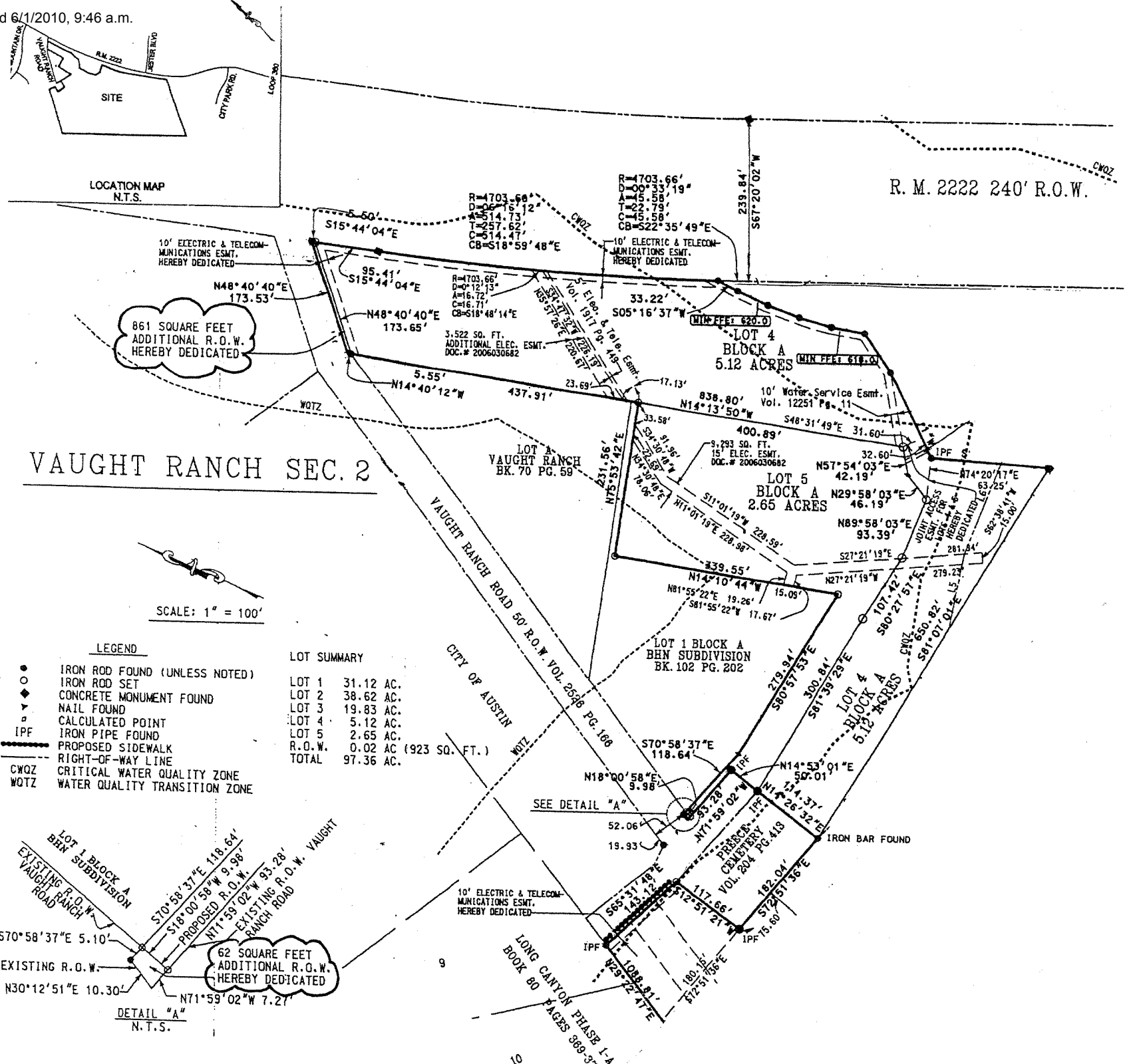
22-Jun-10
DATE

Don W. Ward 5/28/10
Don Ward, P. E., Division Manager, Road and Bridge
TRANSPORTATION AND ENGINEERING SERVICES

DP = DOUBLE PENETRATION
HMAC = HOT MIX ASPHALT
C = CONCRETE
UPP = UNPAVED, PIT RUN
UPS = UNPAVED, SELECT

APPROVED BY COMMISSIONERS' COURT DATE

Updated 6/1/2010, 9:46 a.m.



7

Travis County Commissioners Court Agenda Request

Voting Session: June 22, 2010 Work Session:

I. A. Request made by: Carol B. Joyce for Phone # 854 -9434
Joseph P. Gieselman, TNR Executive Manager

B. Requested Text:
Consider and take appropriate action on a request to approve an Interlocal Cooperation Agreement with the City of Austin for the completion of a sidewalk safety project in the unincorporated area along FM 1826 between Gallant Fox and Slaughter Lane, in Precinct 3

C. Approved by: Commissioner Karen Huber, Precinct 3

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:

III. Required Authorizations: Please check if applicable:

Planning and Budget Office (473-9106)
_____ Additional funding for any department or for any purpose
__X__ Transfer of existing funds within or between any budget line item
_____ Grant

Human Resources Department (473-9165):
_____ A change in your department's personnel (reclassifications, etc.)

Purchasing Office (473-9700)
_____ Bid, Purchase Contract, Request for Proposal, Procurement

County Attorney's Office (473-9415)
__X__ Contract, Agreement, Policy & Procedure

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

TRANSPORTATION AND NATURAL RESOURCES DEPARTMENT

JOSEPH P. GIESELMAN, EXECUTIVE MANAGER

411 W. 13th St.
Eleventh Floor
P.O. Box 1748
Austin, Texas 78767
(512) 854-9383
FAX (512) 854-4626

June 8, 2010

MEMORANDUM

TO: Members of the Commissioners Court

THROUGH: Joseph P. Gieselman, Executive Manager

FROM: Steve Manilla, P.E,. TNR Public Works Director

SUBJECT: Interlocal Agreement with City of Austin for Constructing Sidewalk on FM 1826

Proposed Motion:
Consider and take appropriate action on a request to approve an Interlocal Cooperation Agreement with the City of Austin for the completion of a sidewalk safety project in the unincorporated area along FM 1826 between Gallant Fox and Slaughter Lane, in Precinct 3.

Summary and Staff Recommendations:
In 2009 the Austin ISD opened a new middle school at the intersection of FM 1826 and Slaughter Lane. Before the school opened area residents raised concerns about the safety of children that cross FM 1826, which is a high speed roadway. TxDot investigated various alternatives and ultimately decided that a signalized pedestrian crossing would be the safest and least expensive solution. However, TxDot only has funds for the pedestrian crossing, leaving the cost of sidewalks needed to get to the crossing up to the local agencies. After numerous meetings with County staff, TxDot, City of Austin, AISD, and State elected officials it was agreed that the City would pay for the cost of constructing sidewalk within its corporate limits and the County would seek funds to pay for sidewalk in the unincorporated area. TxDot's right-of-way is in unincorporated Travis County. The total estimated cost of the sidewalk within County jurisdiction is $300,000. The estimated cost for the City portion is $175,000. TxDot's signal is estimated by TNR to cost $80,000 to $100,000. If approved the City has agreed to complete all of the sidewalk work using City and County funds and will maintain all of the sidewalk at its expense.. The attached Interlocal Cooperation Agreement has been approved by City Council and establishes City and County funding and management responsibilities for completing the project. If approved the County will have thirty days from the date the agreement is executed to provide its funds to the City. City staff has estimated that all work will be completed before the next school year starts. Staff recommends approval of

the Interlocal Cooperation Agreement with the City of Austin for the purposes of completing this sidewalk safety project.

Budgetary and Fiscal Impacts:
The City of Austin Bicycle and Pedestrian Sidewalk Program Manager has offered to construct the County sidewalk through an Interlocal Agreement and they have estimated the cost at $300,000 for engineering, construction, and project management. Staff from TNR Financial Services have spoken with PBO about possible fund sources and determined that there is $187,782 in account 099-4931-621-8165 that can be allocated to the project from the approved 2010 budget in Fund 099. The Court approved adding $120,000 to its final FY 10 CO list earlier this year. These funds will be issued in mid-June, making the total available $307,782.

The County's contribution is fixed at $300,000 in the Interlocal Agreement and TNR will have to go back to Court for approval of any increase. TxDOT will pay all costs associated with the installation of a traffic signal/pedestrian crossing at 1826/Slaughter. The City will pay all costs associated with constructing the sidewalk within its jurisdiction and the City will also be responsible for all costs associated with managing the non-TxDOT work and maintaining all of the sidewalk after it's been constructed. The requisition, account and commodity/sub-commodity code information is below:

Account Number	Funding Source	Com/Sub	Req. No.	Amount
099-4931-621-8165	Road and Bridge Fund	968/100	502150	$187,782
517-4931-808-8165	FY 2010 COs	968/100	502150	$112,218
				$300,000

Issues and Opportunities:
The AISD constructed a middle school at a location that is convenient for motorists dropping off or picking up students but not safe for students that may cross FM 1826 to get to the school.

The portion of the sidewalk that is in unincorporated Travis County is also located entirely within TxDot right-of-way. TxDot indicated early on that it has no funds for this sidewalk but did eventually agree to fund the traffic signal and pedestrian crossing features.

Through this Interlocal Agreement and a separate Agreement with TxDot the City of Austin agrees to design, build, and maintain the entire sidewalk, thereby requiring no long term commitment from the county.

TxDOT has the legal responsibility to make its R-O-W accessible however because of its on-going funding crisis it is not able to accommodate the request for this project by itself. As such, this evolved into a joint TxDot, COA, Travis Couty project.

The project was presented to TNR as an emergency safety situation triggered by the opening of a new AISD Middle School which the County had no say on location or access because it is in the City's corporate limits. TNR worked with the other entities to develop this partnership because of the safety issue. Since the County is funding the largest share of the project costs TNR requested that the City assume maintenance responsibility in order to reduce the County's life cycle costs of the sidewalk. To facilitate this agreement the City of Austin Public Works Director agreed that maintenance will be provided by the City Street & Bridge Division.

Background:
In 2009 the Austin ISD opened a new school (Gorzycki Middle School) at the intersection of FM 1826 and Slaughter Lane. Before the school opened area residents raised concerns about the safety of children that cross FM 1826, which is a high speed roadway. TxDot investigated various alternatives and ultimately decided that a signalized pedestrian crossing would be the safest and least expensive solution. Concerned citizens from the community enlisted assistance from Commissioner Huber's Office and State Representative Bolton (See attached Memo).

The project will include constructing approximately 1400' of sidewalks in western TxDot right-of-way for FM 1826; constructing approximately 1100' of sidewalk in northern City of Austin ROW for Slaughter Lane, and installing a traffic signal with pedestrian crossing pavement markings and attendant lights at the intersection of FM 1826 at Slaughter Lane. Included in the construction will be retaining walls, driveway aprons, utility adjustments, traffic control signing and striping, temporary and permanent re-vegetation, sidewalk, sidewalk ramps, hand railing, pavement markings, and signing constructed as required to meet ADA requirements. TxDot will be responsible for installing the traffic signal with pedestrian crossing lights, pavement markings, and signing at the intersection. Travis County, through an Agreement with COA. will pay the COA to construct the sidewalk in TxDot ROW between Summervale Drive and Slaughter Lane. The COA will be responsible for constructing the sidewalk in Slaughter Lane ROW.

The project will incorporate a signal at RM 1826 and Slaughter along with a combination of advanced warning technologies to address the sightline problem posed by the hill south of the intersection. Without the advanced warning technology, TxDOT would not be able to install a signal at this location. It's critical that drivers be alerted to the possibility of stopped traffic once they crest the hill. Because of the short distance available to warn drivers about stopped traffic, the use of a signal at this location was dismissed at the beginning of the process. However, TxDOT investigated best practices in states that have lots of hills to find innovative solutions to apply at this intersection to increase safety and allow for a signal to be erected.

Earlier this year the Court approved TNR's request to issue additional non-voter approved debt to fund this project. TNR could not present the request during the normal FY 10 budget process because a solution was not agreed upon at that time.. The attached correspondence from Representative Bolton's Office explains the issues and identifies some of the participants. The basics are that AISD opened a new Middle School at the intersection of FM 1826 at Slaughter Lane. Both roads are high speed and heavily traveled. There is no safe way for kids that walk to and from school to cross the roadways. After looking at various options TxDot (owner of FM 1826) agreed to install a traffic signal at the intersection if the appropriate local agencies construct the sidewalk needed to get to the intersection.

Required Authorizations:
Chris Gilmore and Julie Joe, County Attorney's Office
Jessica Rio, Planning and Budget

Attachments: Interlocal Cooperation Agreement
Correspondence from Representative Bolton

CC: Sean O'neal, Auditor's Office
Cynthia McDonald, Brunilda Cruz, and Donna Williams-Jones, TNR Financial Services
Carlos Lopez, P.E., TxDot District Engineer
Don Nyland, P.E., TxDot Area Engineer
Mike Curtis, City of Austin Bicycle and Pedestrian Sidewalk Program Manager

FM 1826 SLAUGHTER LANE SIDEWALK PROJECT
INTERLOCAL COOPERATION AGREEMENT
CITY OF AUSTIN AND TRAVIS COUNTY

This Interlocal Cooperation Agreement is made and entered into by and between the City of Austin, Texas (the "City") and Travis County, Texas (the "County"), hereinafter collectively referred to as the "Parties," upon the premises and for the consideration stated herein.

WHEREAS, the City and the County desire to develop and construct sidewalks and associated pedestrian improvements in a portion of the existing right-of-way of FM 1826 and Slaughter Lane adjacent to and in the vicinity of Gorzycki Middle School (hereinafter referred to as the "Project"); and

WHEREAS, approximately 1100 feet of the sidewalk Project is located within the corporate limits of the City (the "City portion") and approximately 1400 feet of the sidewalk Project is located within the unincorporated area of the County (the "County portion"); and

WHEREAS, the Project is more particularly described in attached **Exhibit A**; and

WHEREAS, the City will enter into an agreement with the Texas Department of Transportation ("TxDOT") for the design and construction of a traffic light at the intersection of FM 1826 and Slaughter Lane and for the installation and maintenance of the County portion of the Project, which is located within existing FM 1826 right-of-way; and

WHEREAS, for purposes of cost efficiency, scheduling, and transportation planning, the County and the City desire to combine the development and construction of their respective portions of the Project; and

WHEREAS, the Parties intend to conform to this Agreement in all respects with the Interlocal Cooperation Act, Texas Government Code Section 791.001, et seq.;

NOW, THEREFORE, the Parties agree as follows:

1. Project Management.

   (a) The City will provide the project management services for the development and construction of the Project, as set forth herein.

   (b) The Director of Public Works of the Travis County Transportation and Natural Resources Department (the "County's Director") will act on behalf of the County with respect to the Project, coordinate with the City and TxDOT, receive and transmit information and instructions, and will have complete authority to interpret and define the County's policies and

decisions with respect to the Project. The County's Director will designate a County Project Manager and may designate other representatives to act on behalf of the County with respect to the Project.

(c) The City's Public Works Director (the "City's Director") will act on behalf of the City with respect to the Project, coordinate with the County and TxDOT, receive and transmit information and instructions, and will have complete authority to interpret and define the City's policies and decisions with respect to the Project. The City's Director may designate a City Project Manager and may designate other representatives to act on behalf of the City with respect to the Project.

(d) If a disagreement between the Parties arises regarding engineering design, design and construction standards, plans and specifications, inspection and testing, deficiencies and remedial action, change orders, or any other requirement or provision of this Agreement, and the disagreement is not resolved by the Parties' Project Managers, it shall be referred as soon as possible to the Parties' Directors for resolution. If the Directors do not resolve the issue, it shall be referred as soon as possible to the Assistant City Manager responsible for public works and the Executive Manager of the Travis County Transportation and Natural Resources Department for resolution.

2. Project Development.

(a) The City will be responsible for the management of the development and construction of the Project, including (i) the development of the engineering design, plans and specifications for the sidewalks and associated improvements, (ii) the surveying, (iii) the construction, (iv) the inspection and testing and any required permitting and environmental assessments and clearances associated with the Project, and (vi) acceptance of the completed work on the City portion.

(b) The plans and specifications for the Project shall be in accordance with the design and construction standards applicable under Title 30, Austin City Code (Austin/Travis County Subdivision Regulations), unless otherwise agreed by the Parties. The plans and specifications will include the scope of design set forth in attached **Exhibit "A"**. In addition, the City will ensure that the plans and specifications will comply with the applicable Texas Accessibility Standards.

(c) The City will ensure that the design engineer provides insurance in accordance with the standard requirements of the City for such projects, and the City will have the County and TxDOT named as an additional insured with respect to such coverage. The City will select and contract for professional services with the most highly qualified engineering consultant

in accordance with the requirements of Chapter 2254 of the Texas Government Code, using City procurement procedures. The City will obtain the County's concurrence of the selection of the consultant prior to awarding the professional services agreement for the design engineer. Prior to awarding the professional services agreement, the Parties' Project Managers shall agree on a method for tracking County and City Project design costs. In the alternative, the Parties agree that the City may use an existing rotation list contract to fulfill the engineering requirements on this Project.

(d) The City and, to the extent set forth herein, the County and/or TxDOT will be responsible for the review and approval of the engineering design, plans and specifications and for construction inspection and testing for their respective portions of the Project. In addition, the City and, to the extent set forth herein, the County and/or TxDOT will be responsible for the review and approval of any modifications to the engineering design, plans, and specifications for their respective portions of the Project, during the development and construction of the Project.

(e) City permit and associated fees will be required only for the City portion of the Project, provided that any fees in lieu of compliance with City Standards will be required within any portion of the County's jurisdiction. The County shall coordinate the County's review of any permit application and issuance of any County or TXDOT permit concurrently with the County's review and approval of engineering design and plans and specifications for the Project.

(f) The Parties will participate in joint review meetings with representatives from all affected City and County Departments and/or TxDOT in order to avoid and resolve conflicts in review comments. The Parties will provide a designated review team to expedite the review process for their respective portions of the Project.

(g) The City shall require the consultant to take any appropriate remedial action to correct any deficiencies with the Project design identified by the County or TxDOT.

3. Project Bidding & Award of Construction Contract.

The City will be responsible for overseeing the solicitation of bids for the construction of the Project based on the approved plans and specifications. Bids shall be solicited by means of a competitive process and in accordance with the City's M/WBE policy. Prior to bids being solicited, the Parties' Project Managers shall agree on a method of tracking County and City construction costs. To the extent applicable, construction costs will be allocated to the separate construction in each Party's respective portion of the Project and, to the extent feasible, will be calculated on the basis of unit prices and actual

quantities of the work. The City will notify the County of the lowest responsible bid and the amount of the bid for the Parties respective portions of the Project and the County shall respond within five (5) working days. Upon written agreement of the County, the City will approve a firm unit-price or lump sum contract for the construction of the Project with the successful bidder. In the alternative, the Parties agree that the City may use its existing indefinite delivery indefinite quantity sidewalk construction contract to complete the construction.

4. Additional Management Duties of the City. City hereby covenants and agrees to provide:

(a) four sets of the construction plans and specifications for the Project at intervals to be agreed to by the Parties' Project Managers to the County for review and approval;

(b) written responses to the County's initial plan review comments within fourteen (14) working days of receipt from the County;

(c) written notice to the County of the schedule for design, and the advertisement for bids, award of contract, and construction of the Project;

(d) written notice to the County of the bid tabs for the Project;

(e) written copy to the County of all contracts affecting the Project, including information regarding compliance with the City's M/WBE policy;

(f) a monthly itemized statement to the County of all disbursements made and debts incurred during the preceding month relating to the County portion of the Project, including copies of invoices, statements, vouchers, or any other evidence of payment of debt and accompanying information regarding compliance with the City's M/WBE policy;

(g) executed change orders to the County, jointly approved by the County and the City, related to the County portion of the Project;

(h) sufficient notice, documentation and opportunity for the County to review and jointly approve the construction contractor's application for final payment with accompanying information regarding compliance with the City's M/WBE policy;

(i) a copy to the County's Project Manager of any change order request related to the County portion of the Project within two (2) working days of the City receiving them from the Contractor;

(j) copies of construction contractor pay requests and change order requests related to the County portion of the Project within five (5) days of

receiving the approved Pay Applications and Change Order documents from the County;

(k) coordination of utility relocations for the Project and funding to pay the costs of utility relocations that are required for the City portion of the Project and that are not legally the responsibility of the utility owner;

(l) to the extent required, TxDOT approval of the development and construction of the Project;

(m) acceptance of the portion of the Project which is located within the City upon satisfactory completion of construction and any applicable warranty or construction performance period;

(s) a copy to the County and TxDOT of the record drawings of the Project for the County's and TxDOT's records; and

(t) maintenance of the portion of the Project located within the County.

5. Management Duties of the County. The County hereby covenants and agrees to provide:

(a) reviews and approvals of the submitted plans and specifications for the County portion of the Project by providing any initial comments within fourteen (14) working days of submittal, and follow-up reviews and approvals of the City's responses to those initial comments within seven (7) working days, and work in good faith to resolve any outstanding issues;

(b) reviews for any applicable permit applications required by the County for the County portion of the Project and work in good faith to resolve any outstanding issues;

(c) reviews of any change order proposal for the County portion of the Project by returning the change order request to the City within seven (7) working days of its receipt by the County's Project Manager, with a written recommendation for its disposition;

(d) at the option and expense of the County, the County may perform any additional independent inspection and testing on its portion of the Project in coordination with the City's inspectors and as agreed to by the City and County Project Managers. Any such additional testing shall be scheduled to avoid delaying the construction of the Project to the maximum extent practical. In connection therewith, the County will designate inspectors to make any such inspections, including any joint final inspection of the completed County portion of the Project with the City; the County's

inspectors shall communicate any issues to the City's inspectors only, and City inspectors will in turn communicate those issues to the construction contractor;

(e) reporting of any deficiencies observed in the construction of the Project immediately to the City's Project Manager with an additional written report within two (2) working days;

(f) reviews and joint approvals of the construction contractor's application for partial and final payments by completing, executing, and returning pay requests related to the County portion of the Project within five (5) working days of receiving them from the City;

(g) attendance at meetings at the request of the City's Project Manager;

(h) design review comments on the County portion of the Project to the City at appropriate agreed-to intervals of design complete stages within one week of receiving design documents from the City;

(i) cooperation with the City to obtain any applicable permits and environmental clearances for the County portion of the Project;

(j) utility relocations that are required for the County portion of the Project that are not legally the responsibility of the utility owner;

(k) County approval of the construction of the County's portion of the Project upon satisfactory completion of construction and any applicable warranty or construction performance period and a recommendation to TxDOT for acceptance; and

(l) Consent to continued City maintenance of the Project.

6. Bond and Guarantee. All construction contracts affecting the Project shall include a payment and performance bond acceptable to and in favor of and benefiting the City, the County, and TxDOT for the full amount of the contract and a warranty by the contractor executed in favor of and benefiting the City, the County, and TxDOT for a period of one year from the date of acceptance of the Project. The City, the County, and TxDOT will be named as co-obligees on the bonds.

7. Liability. To the extent allowed by Texas law, the City and the County agree that each entity is responsible for its own proportionate share of any liability for its negligent acts or omissions. In addition, the construction contractor shall be required to provide workers compensation insurance, auto liability and general liability insurance in the standard amounts required by the City. The City, the County, and TxDOT will be included as an additional insureds on the general liability and auto insurance policies and

a waiver of subrogation will be provided on the auto liability, general liability and worker's compensation coverages.

8. Financial Obligations.

(a) The County and City will provide funding for the actual cost of design, regulatory permitting, utility relocations, construction, construction management, inspection, and testing for their respective portions of the Project as set forth in attached **Exhibit "A."**

(b) The County shall provide funding for the costs of the design and construction of the County portion of the Project up to the amount of Three Hundred Thousand Dollars ($300,000.00). The County will provide the funding to the City no later than thirty (30) days after the execution of this Agreement, unless otherwise agreed to by the County and the City in writing. Any additional funding will require the approval of the Travis County Commissioners Court.

(c) The City shall provide funding for the costs of the design and construction of the City portion of the Project up to the amount of One Hundred Seventy Five Thousand Dollars ($175,000.00). Any additional funding will require the approval of the City Council.

(d) County and City funds will be expended in proportion to the work performed on the County and City portions of the Project, respectively.

(e) The City shall obtain the written approval of the County for all change orders affecting the design and construction of the County portion of the Project prior to the City issuing the approved change order to the contractor, such approval not to be unreasonably withheld or delayed. The County's Project Manager shall meet with the City's Project Manager to review the contractor's progress reports and invoices for the Project before approval by the City.

(f) For any such change orders, which are the responsibility of the County, as described above, and which cause the actual costs of design and construction of specific elements of the County's portion of the Project to exceed the County's funding, the County shall make its funds available to the City within ninety (90) days of receipt of invoice by the City, such invoice to be accompanied by the change order request from the construction contractor, which has been recommended for approval by the City and the County's Inspector and Project Manager.

(e) The County agrees to pay delay damages, statutory interest, de-mobilization costs, Prompt Payment Act claims, re-mobilization costs, and any other associated costs incurred by the City under its construction

contract for the improvements by reason of the non-payment of any acceptable change order for the construction of a portion of the improvements which is the sole responsibility of the County and which has not been paid within 30 days of the date of submittal by the City

(f) The City shall promptly notify the County of any such claim for damages by the construction contractor for non-payment of any acceptable change order as described above and the City and the County shall negotiate with the construction contractor for the resolution of the claim. In the event that a decision is made to litigate such a claim, the County shall be solely responsible for any or all costs recited above, and the costs of litigation, including, but not limited to, attorney's fees, court costs, depositions, experts, the amount of any damages contained in a judgment or settlement, interest, and the costs of appeal.

(g) The City Treasurer shall act as Escrow Agent for the management of the County's funds and shall deposit the funds in an interest bearing escrow account. The City shall invest the funds in accordance with the Public Funds Investment Act, and any other applicable laws or bond covenants. The interest and any unused portion of the public funds provided by the County under this agreement shall be returned to the County within thirty (30) calendar days after the completion of the Project. The City shall provide the County with an accounting of the deposits to and disbursements from the County's escrow account. The City will make its records available, at reasonable times, to the County's auditors, or its independent financial advisors or other professionals who provide arbitrage rebate calculations to the County.

(h) The City Treasurer shall timely pay submitted invoices for the Project. The invoices for the Project will be paid on the basis of work completed in accordance with the approved plans and specifications.

9. Miscellaneous.

(a) Force Majeure. In the event that the performance by the City or the County of any of its obligations or undertakings hereunder shall be interrupted or delayed by any occurrence not occasioned by its own conduct, whether such occurrence be an act of God, or the common enemy, or the result of war, riot, civil commotion, sovereign conduct, or the act of conduct of any person or persons not a party or privy hereto, then it shall be excused from such performance for such period of time as is reasonably necessary after such occurrence to remedy the effects hereto.

(b) Notice. Any notice given hereunder by either party to the other shall be in writing and may be effected by personal delivery in writing or by

registered or certified mail, return receipt requested when mailed to the proper party, at the following addresses:

CITY:	Howard S. Lazarus, P.E., Director City of Austin Public Works Department 505 Barton Springs Road Austin, Texas 78704
WITH COPY TO:	Gordon Bowman (or successor) Assistant City Attorney City of Austin Law Department 301 W. 2nd Street Austin, Texas 78701
COUNTY:	Joe Gieselman Executive Manager, TNR P. O. Box 1748 Austin, Texas 78767
WITH A COPY TO:	David Escamilla Travis County Attorney P. O. Box 1748 Austin, Texas 78767

(c) Number and Gender Defined. As used in this Agreement, whenever the context so indicates, the masculine, feminine, or neuter gender and the singular or plural number shall each be deemed to include the others.

(d) Entire Agreement. This Agreement contains the complete and entire Agreement between the Parties respecting the matters addressed herein, and supersedes all prior negotiations, agreements, representations, and understanding, if any, between the parties respecting the construction of the Project. This Agreement may not be modified, discharged, or changed in any respect whatsoever except by a further agreement in writing duly executed by authorized representatives of the Parties. No official, representative, agent, or employee of Travis County, Texas has any authority to modify this Agreement, except pursuant to such express authority as may be granted by the Commissioners Court of Travis County, Texas. The recitals set forth above and the attached exhibits are incorporated herein.

(e) Effective Date. This Agreement takes effect upon the last date of execution of the Agreement by the City and the County. This Agreement will automatically renew from year to year until the completion of the warranty period for the Project and any litigation or other matters

surviving the completion of the Project, unless terminated earlier by the Parties.

(f) Other Instruments. The Parties covenant and agree that they will execute other and further instruments and documents as may become necessary or convenient to effectuate and carry out the purposes of this Agreement.

(g) Invalid Provision. Any clause, sentence, provision, paragraph, or article of this agreement held by a court of competent jurisdiction to be invalid, illegal, or ineffective shall not impair, invalidate, or nullify the remainder of this Agreement, but the effect thereof shall be confined to the clause, sentence, provision, paragraph, or article so held to be invalid, illegal, or ineffective.

(h) Current Funds. The party or parties paying for the performance of governmental functions or services shall make payments therefore from current revenues available to the paying party.

CITY OF AUSTIN, TEXAS

By: _____

Name: HOWARD S. LAZARUS

Title: DIRECTOR, PUBLIC WORKS DEPT
Authorized Representative

Date: 5/18/10

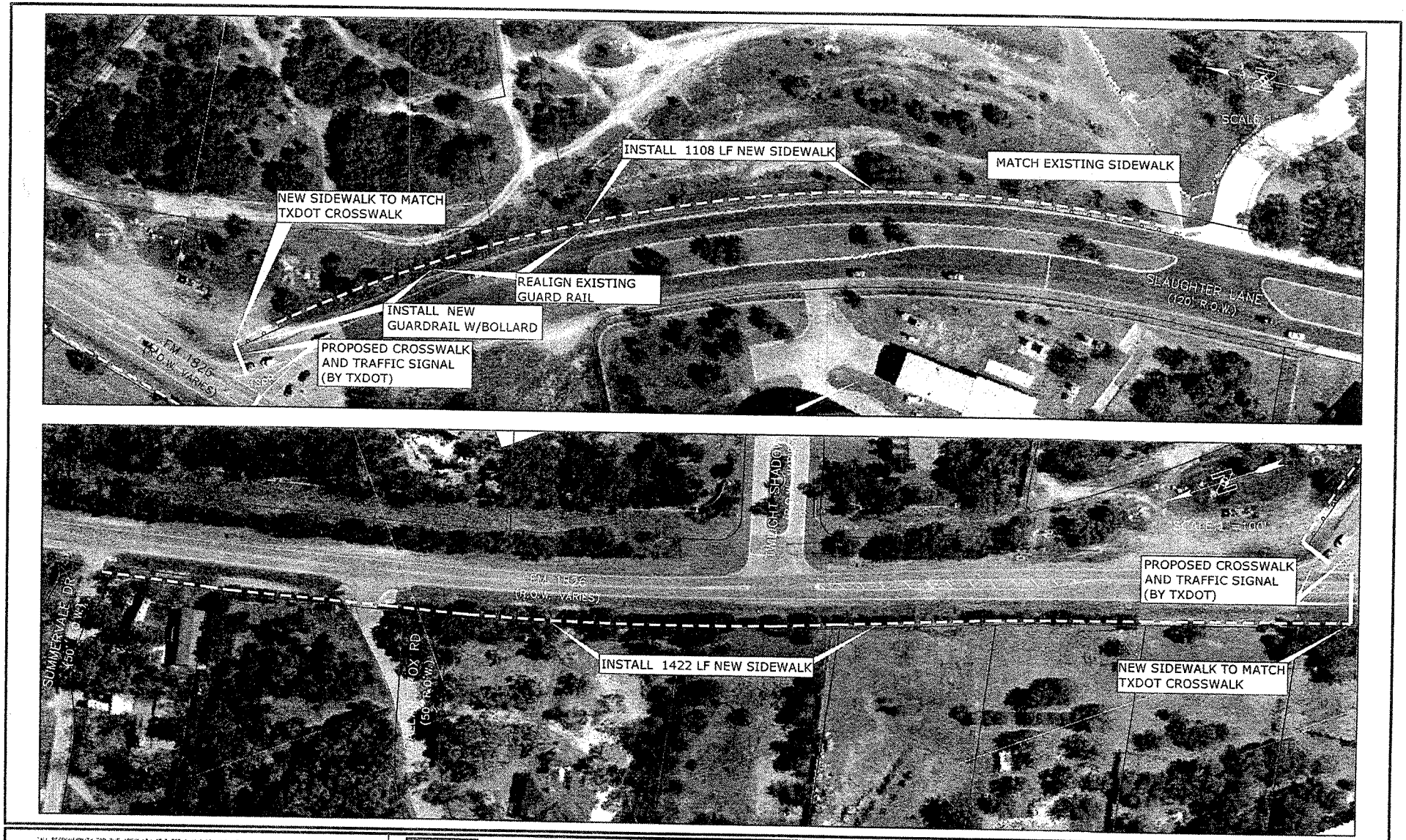
Approved as to Form:

_____
Assistant City Attorney

TRAVIS COUNTY, TEXAS

By: _____
Samuel T. Biscoe, County Judge

Date: _____



"ALL RESPONSIBILITY FOR THE ADEQUACY OF THESE PLANS REMAINS WITH THE ENGINEER/ARCHITECT/LANDSCAPE ARCHITECT (AS APPLIES) WHO PREPARED THEM. BY APPROVING THESE PLANS, THE CITY OF AUSTIN MUST RELY UPON THE ADEQUACY OF THE WORK OF THE ENGINEER/ARCHITECT/LANDSCAPE ARCHITECT."

I CERTIFY THAT THESE ENGINEERING DOCUMENTS ARE COMPLETE, ACCURATE AND ADEQUATE FOR THEIR INTENDED PURPOSES, INCLUDING CONSTRUCTION, BUT ARE NOT AUTHORIZED FOR CONSTRUCTION PRIOR TO FORMAL CITY APPROVAL

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF CITY REVIEW UNDER THE AUTHORITY OF

ENGINEER
NUMBER
DATE

IT IS NOT TO BE USED FOR BIDDING OR CONSTRUCTION PURPOSES

nwm Design Group
305 East Huntland Drive
Suite 200
Austin, Texas 78752
p: 512.453.0767
f: 512.453.1734

NO.	DATE	DESCRIPTION	BY

0 1/2"
The bar above measures one inch on the original drawing. Adjust scales accordingly.

SIDEWALK IMPROVEMENTS
SLAUGHTER LANE/FM 1826

DATE 03/10/10
JOB NO 023030
FILE SIDEWALK.dwg

1
1 OF 1

From: "Elizabeth Hartman" <Elizabeth.Hartman@house.state.tx.us>
To:
Date: 10/12/2009 12:40 PM
Subject: Good News from Rep. Bolton About RM 1826

Good News!

Safe Route Across RM 1826 is on the Horizon

Hi Folks,

Rep. Bolton asked me to give you an update and relay some good news regarding the progress we've made on RM 1826. As most of you know, the opening of Gorzycki Middle School put the spotlight on a longstanding problem - the lack of a safe route for folks in the community to cross RM 1826.

Often a single political entity is responsible for finding solutions to a particular problem. However, occasionally an issue arises where the interests of multiple political subdivisions overlap. This is one of those situations, and while communication can get a little muddled, the outcome here has been remarkable. Representatives from the State, Travis County, City of Austin, and AISD all sat together to discuss how we could best meet the needs of students and the community. While understandably AISD's primary responsibility is the safety of their students, the State and County have an additional responsibility - to also meet the needs of the community.

Representatives from State Representative Bolton's and Travis County Commissioner Huber's offices, TxDOT, AISD, and the City of Austin Public Works came together last week to explore potential solutions to the RM 1826 crossing problem. After an exhaustive review of the options (see additional info) it was determined that when we balance safety with timeliness and cost, the best solution is a tunnel under RM 1826. It will provide a safer route for students whose families would like them to walk to school and will also allow the residents access to hike and bike trails and neighborhoods across RM 1826.

The City of Austin has generously agreed to fund construction of the tunnel. TxDOT will work with the city on site selection, right of way issues, and maintenance, and Travis County is working to provide funding for sidewalks on RM 1826. The City will bring a preliminary plan for the tunnel back to the group in a little over a week. The exact location of the tunnel has not yet been determined, but the area between Twilight Shadow and Gallant Fox looks promising. Barring any unexpected complications, there could be a tunnel ready for use in less than one year. Sidewalks will be located to best access the tunnel from the school and the neighborhood.

There are many to be commended for the progress that has been made. Each of you who wrote to Rep. Bolton, Commissioner Huber, AISD, and TxDOT helped to move the ball forward. Thank you! It's especially noteworthy that all of the political subdivisions involved listened to you, joined together and diligently worked toward a solution that would meet multiple needs. You have been well represented by all.

Rep. Bolton will be asking Commissioner Huber, AISD, TXDOT, and the City of Austin to join her at the November 11th OHAN meeting and share the preliminary plan for the tunnel. This will be a great opportunity to present the plan, and explain how and why we arrived at this solution.

I will send you another update once we have reviewed the plan. So, keep your powder dry and be patient just a little longer - due in large part to your efforts we're almost there! If you need more information, please feel free to contact me at Elizabeth.hartman@house.state.tx.us or 463-0652.

Thanks to everyone who worked toward this solution!

Elizabeth

Elizabeth Hartman

Chief of Staff

Representative Valinda Bolton

Office of Rep. Valinda Bolton | address: P.O. Box 2910 Austin TX 78768 Rm. E2.716 | phone: 512.463-0652 | email: elizabeth.hartman@house.state.tx.us|

Additional Information

Rep. Bolton asked TxDOT to do a thorough review of all possible solutions, the safety pros and cons associated with each, the cost, and timelines for completion. TxDOT took the following steps:

* Conducted traffic counts at all the logical crossing points on RM 1826 to see if there was sufficient traffic to warrant a signal at some point on RM 1826. (Keep in mind that traffic warrants are not arbitrary rules that can be changed.)

* Measured the sightlines for each possible crossing location. RM 1826 is hilly, so it's vital that each location is carefully evaluated. If a signal is incorrectly located, it can cause multiple rear-end collisions as cars coming over the crest of a hill at 55 mph have

insufficient time to brake. 570 feet of sight distance is required to stop on wet pavement.

* Evaluated the feasibility of a crosswalk, roundabout, above-ground pedestrian bridge, and tunnel.

* Identified short-term, mid-term, and long-term solutions.

* Considered right-of-way issues, lower speed limits, and what projects would trigger extensive environmental studies.

* Evaluated sidewalk placement along RM 1826.

The results of all of the above studies indicated that:

* There is not enough traffic to warrant a signal at any location but Slaughter & RM 1826. Unfortunately, the insufficient sightline means a signal at that intersection would not be safe without extensive work. First, an environmental study would need to be conducted, followed by the hill being reduced to afford an adequate line of sight - all at a cost of $4 million and a likely time frame of 3 years.

* Sightlines are too short at all locations except Twilight Shadow. However, the intersection doesn't meet the traffic warrant standards.

* A crosswalk with flashers between Gallant Fox and Summervale would afford the adult community safer crossing.

* The speed cannot be further reduced without an increase in accidents. I know that's counterintuitive, but study after study shows it to be true.

* A roundabout would probably not meet the immediate needs.

Students will not use a bridge when they can dash across the road much faster.

Elizabeth

Elizabeth Hartman

Chief of Staff

Representative Valinda Bolton

Office of Rep. Valinda Bolton I address: P.O. Box 2910 Austin TX 78768 (Rm. E2.716) I phone: 512.463.0652 I email: elizabeth.hartman@house.state.tx.us
<mailto:elizabeth.hartman@house.state.tx.us>

Updated 6/1/2010, 9:46 a.m.

8

Travis County Commissioners Court Agenda Request

Voting Session: June 22, 2010 (Date) Work Session: _____ (Date)

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

B. Requested Text:

Consider and take appropriate action on the draft of the Program Year 2010 Action Plan for public comment related to the use of Community Development Block Grant funds available through the U.S. Department of Housing and Urban Development.

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

_____
Signature of Commissioner(s) or County Judge

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

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

Rodney Rhoades, PBO
Travis Gatlin, PBO
Susan A. Spataro, Auditor's Office
Mary Etta Gerhardt, County Attorney's Office
Lee Turner, TNR
Andrea Colunga Bussey, HHS/VS
Jane Prince Maclean, HHS/VS
Kathleen Haas, HHS/VS
Jessica Rio, PBO
Leroy Nellis, PBO
Jason Walker, Purchasing
Joe Gieselman, TNR
DeDe Bell, Auditor's Office
Cyd Grimes, Purchasing
Steven Manilla, TNR
Christy Moffett, HHS/VS
Cynthia McDonald, TNR
Janice Cohoon, Auditor's Office
Harvey Davis, TCHFC
Miguel Gonzales, TCHFC

RECEIVED
COUNTY JUDGE'S OFFICE
10 JUN 16 PM 2:28

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
___X Grant

Human Resources Department (854-9165)
___ A change in your department's personnel (reclassifications, etc.)

Purchasing Office (854-9700)
___ Bid, Purchase Contract, Request for Proposal, Procurement

County Attorney's Office (854-9415)
___ Contract, Agreement, Policy & Procedure

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

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: June 15, 2009
To: Members of the Commissioners Court
Sherri E. Fleming
From: Sherri E. Fleming, Executive Manager
Travis County Health and Human Services and Veterans Service
Subject: Community Development Block Grant (CDBG) PY 2010 Action Plan

Proposed Motion:
Consider and take appropriate action on the draft of the Program Year 2010 Action Plan for public comment related to the use of Community Development Block Grant funds available through the U.S. Department of Housing and Urban Development.

Summary and Staff Recommendations:

Staff recommends the approval of the attached draft of the Program Year 10 Action Plan. The draft includes the projects an alternate projects approved by the Travis County Commissioners Court on 6/15/10.. Approval of the draft allows for the document to be posted for public comment as advertised in newspapers of general circulation beginning June 23, 2010 through July 22, 2010.

Due to HUD regulation identified in 24 Code of Federal Regulations Part 91 and the Travis County Citizen Participation Plan, a 30-day comment period is required on the proposed uses of CDBG funds. Additionally, two public hearings will be held to receive comment on June 29, and July 13, 2010 at the Travis County Commissioners Court.

Budgetary and Fiscal Impacts:

Approving the draft for comment allows the timeline to move forward as identified in our Citizen Participation Plan. Not approving the draft will increase administrative expenses as the County will have to re-post the public notices for a different public comment period and not meet deadlines for an on-time submission.

Issues and Opportunities:

The CDBG grant brings dollars to the County that provides the ability to augment existing or develop new programming that supports the mutual goals of HUD and Travis County. For Program Year 2010, the total allocation of federal dollars available is $942,749.

The action plan draft and a summary document (both in English and Spanish) will be available on the Travis County website and at the seven Travis County Community Centers for public comment beginning June 23, 2010. Please note there may be a slight delay in the Spanish summary.

Background:

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

On 06/15/2010, the Travis County Commisisoners Court approved four projects and three alternate projects including: Lava Lane Street Improvements, Homebuyer Assistance, Public Services: Social Work Expansion and Administration and Planning costs. Alternate projects included: Homebuyer Assistance, Homeowner Rehabilitation and Street Improvements to Navarro Pass.

Travis County

Community Development Block Grant Program:

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

Summary of the Draft Annual Action Plan Program Year 2010

Prepared by Travis County Health & Human Services & Veterans Service

Travis County Commissioners Court

Samuel T. Biscoe
Travis County Judge

Ron Davis
County Commissioner, Precinct One

Sarah Eckhardt
County Commissioner, Precinct Two

Karen Huber
County Commissioner, Precinct Three

Margaret Gómez
County Commissioner, Precinct Four

Introduction

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

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

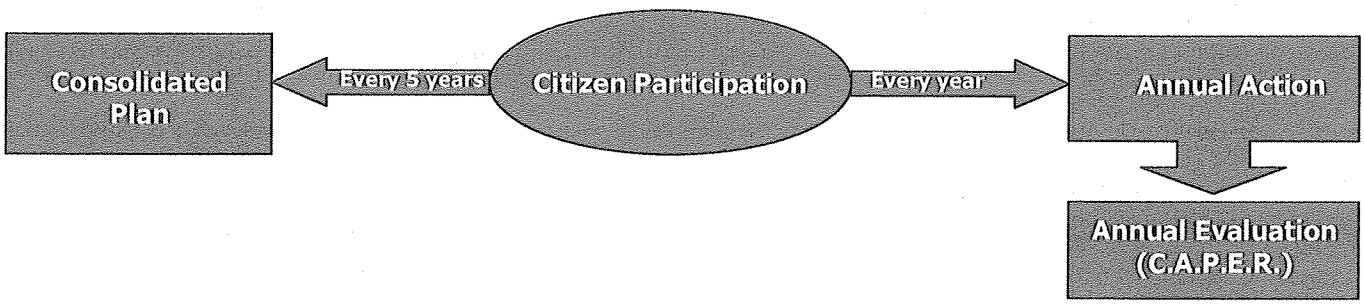
Usage of CDBG funds must meet a number of parameters set nationally by HUD and locally by the County. Federal regulation requires that a minimum of 70% of the CDBG funds focus on projects for low- to moderate- income residents. Additionally, Travis County's allocation specifically targets residents living in the unincorporated areas of the county and to be eligible, the activities must meet one of the following HUD's national objectives:

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

The administration of the CDBG program follows a cycle that includes the drafting of a Consolidated Plan, an Action Plan, and an annual evaluation. The Consolidated Plan (Con-Plan) identifies the County's community and housing needs and outlines the strategies to address those needs over a five year period. The Annual Action Plan (AP) defines the specific activities to be undertaken during each program year (PY) to address the priorities established in the Con-Plan. An evaluation is conducted annually to assess yearly accomplishments. The evaluation is called the Consolidated Annual Performance Report (CAPER).

The following figure is a simplified visual representation of the CDBG cycle. As shown, citizens have a central role in setting the priorities to be addressed and defining projects to tackle identified needs.

Figure 1: CDBG Cycle



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

Executive Summary

The Travis County Program Year 2010 (PY10) Action Plan lists the projects and activities the County will undertake beginning October 1, 2010 to meet the goals and objectives outlined in the 2006-2010 Consolidated Plan. The Action Plan details how the County will use the CDBG funds and describes other available resources to address the County's housing and non-housing community development needs.

Public Input

The Action Plan highlights different opportunities the public had to provide input on the usage of the CDBG funds for the program year 2010, different mechanisms used to outreach to the public as well as the results from the information gathered.

During the months of February and March the County held public hearings and solicited proposals for CDBG projects. Solicitation of input and invitation to participate in the public hearings were posted on the County's website and published in newspapers of general circulation. In addition, notifications by mail and e-mail were sent to service providers, to county residents who had previously attended public hearings, to the community liaison departments of schools districts and to neighborhood associations. The announcements and all the participation materials were available in English and Spanish.

Lastly, two public hearings will be held on June 29 and July 13, 2010 and a 30-day public comment period will occur from June 23 to July 22, 2010 to solicit final comment on the proposed uses of CDBG funds.

Proposed Activities for Program Year 2010

The CDBG award for Travis County is $ 942,749 for Program Year 2010. These funds will be used for the following activities:

1. **Street Improvements: Lava Lane: $ 400,000**
   Construction phase of improvements of the unaccepted portion of Lava Lane, a road in Precinct 4. This project will be administered by the Travis County Transportation and Natural Resources Department, Public Works Division. The project will directly benefit 20 households and indirectly benefit 1297 people who live in the block group.

2. **Homebuyer Assistance: $ 285,000**
   Financial assistance to households to purchase homes through Shared Appreciation Gap Financing and Down Payment Assistance. The project will be administered by the Travis County Housing Finance Corporation as a designated sub-recipient. The impact will be to increase the home affordability for 17 households.

3. **Public Services, Other: $ 69,295**
   Continuation of an internal HHS/VS program through the Family Support Services Division to expand social work services in the unincorporated areas of Precincts 1 & 4. This project will be administered by the Travis County HHS/VS, Family Support Services Division. The program will provide assistance to 120 people.

4. **Administration & Planning: $ 188,454**
   The funds allocated for administration will pay for the operating expenses associated with the grant including advertisement, offices supplies, training, contracted services, interpreting, and other business related expenses. Additionally, the funds will pay for a portion of the salary for the CDBG Planner and a portion of the salary of a TNR Senior Engineer who acts as a project manager for CDBG-funded street and water supply improvement projects.

The following figure summarizes the proposed projects and allocations for program year 2010, and the categories under which each project falls.

Figure 2: Proposed Projects for Program Year 2010

Project/Activities	Amount
Community Development	
Street Improvements: Lava Lane	$400,000
Homebuyer Assistance	$285,000
Public Services	
Public Services Other: Social Work Services	$69,295
Administration and Planning	
CDBG Administration & Planning	$188,454
Total PY10 Grant	$942,749

Past Performance

The 2009 program year marks the fourth year Travis County has received CDBG funds. During the first program year, no funds were spent given the numerous items needed for the initial grant start up, and due to an allocation error from HUD, which significantly delayed Travis County CDBG's operation. Funds from program years 2006, 2007, 2008 and 2009 are being spent concurrently. As the projects are implemented, internal monitoring is taking place to assure grant compliance and project effectiveness.

HUD monitored Travis County's CDBG program in April 2010 with no findings and one concern related to timely spending of funds.

Timely Spending of Funds

As part of the mandate from Congress to administer the CDBG program, HUD determines annually whether each CDBG entitlement is carrying out its activities "in a timely manner". HUD conducts an analysis of each entitlement's timeliness of spending 10 months into each grant year. For Travis County, the timeliness test started in August 2008, and will continue to occur every August. The threshold for compliance with timeliness is having no more than 1.5 times the current year's allocation unspent. Travis County's did not meet its timeliness ratio in August 2009, and the County does not anticipate meeting the 1.5 ratio in August 2010. Staff is updating HUD on a regular basis on the program expenditures and anticipates meeting the required spending ratio by September 30, 2010.

Alternate Project List for Program Year 2010

In the event that the projects identified for this program year are delayed, canceled, or performed at a lower cost than the budgeted amount, the Travis County CDBG program plans to pursue one or more of the projects listed in an Alternate Project List (See Appendix D). Planning for such incidents allows the CDBG program to utilize the funds in a timely manner toward pre-identified alternate projects, also saving resources that would otherwise be used to add or delete projects through the customary Substantial Amendment process described in the Citizen Participation Plan. The County is amending its Citizen Participation Plan to include the parameters of the use and adequate review of Alternate Projects.

Travis County

Community Development Block Grant Program:

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

Annual Action Plan for
Program Year 2010:
October 1, 2010 – September 30, 2011

Prepared by Travis County Health & Human Services & Veterans Service

Travis County Commissioners Court

Samuel T. Biscoe
Travis County Judge

Ron Davis
County Commissioner, Precinct One

Sarah Eckhardt
County Commissioner, Precinct Two

Karen Huber
County Commissioner, Precinct Three

Margaret Gómez
County Commissioner, Precinct Four

Table of Contents

STANDARD FORM 424 4
ACRONYMS 6
INTRODUCTION 7
EXECUTIVE SUMMARY 9

SECTION I: GENERAL QUESTIONS 12
ACTIVITIES TO BE UNDERTAKEN 13
ALTERNATE PROJECTS 19
CDBG CARRY OVER CHART 20
PERFORMANCE MEASUREMENTS 21
GEOGRAPHIC DISTRIBUTION OF PROJECTS 22
PUBLIC PARTICIPATION PROCESS 26
PROJECT SELECTION PROCESS 28
MANAGING THE PROCESS AND INSTITUTIONAL STRUCTURE 29

SECTION II: HOUSING AND SERVICES HOMELESS 34
CDBG HOUSING INVESTMENTS 35
OVERVIEW OF HOUSING SERVICES SUPPORTED BY TRAVIS COUNTY 36
BARRIERS TO AFFORDABLE HOUSING 39
FORECLOSURES 40
IMPEDIMENTS TO FAIR HOUSING CHOICE 43
SERVICES FOR THE HOMELESS 45
HOME/ AMERICAN DREAM DOWN PAYMENT INITIATIVE (ADDI) 46
EMERGENCY SHELTER GRANT (ESG) 47

SECTION III: NON- HOUSING COMMUNITY DEVELOPMENT AND OTHER ACTIONS 48
NON-HOUSING COMMUNITY DEVELOPMENT INVESTMENTS 49
ANTI-POVERTY STRATEGY 51
NON-HOMELESS SPECIAL NEEDS 53
LEAD-BASED PAINT 54
SPECIFIC HOPWA OBJECTIVES 54

APPENDIX A: INCOME ELIGIBILITY LIMITS 55
APPENDIX B: PUBLIC PARTICIPATION 57
APPENDIX C: LIST OF PRIORITIES FOR THE 2006-2010 PERIOD 73
APPENDIX D: LIST OF ALTERNATE PROJECTS 75
APPENDIX E: CERTIFICATIONS 81

Standard Form 424

Date Submitted	Applicant Identifier	**Type of Submission**	
Date Received by state	State Identifier	**Application**	**Pre-application**
Date Received by HUD **8/13/09**	Federal Identifier **746000192**	☒ Construction	☐ Construction
		☐ Non Construction	☐ Non Construction

Applicant Information

Name:	**Travis County**	**UOG Code:**	**TX489453**
Address:	**P.O. Box 1748**	**DUNS Number:**	**030908842**
		Travis County Commissioners Court	
City: **Austin**	**State: Texas**	**Health and Human Services**	
Zip Code: **78767**		**Executive Manager's Office**	
Employer Identification Number (EIN):		**County: Travis**	
74-6000192		**Grant Start Date: 10/01/10**	
Applicant Type:		**Specify Other Type if necessary:**	
Local Government: County			
Program Funding		**U.S. Department of Housing and Urban Development**	

Catalogue of Federal Domestic Assistance Numbers; Descriptive Title of Applicant Project(s); Areas Affected by Project(s) (cities, Counties, localities etc.); Estimated Funding

Community Development Block Grant	14.218 Entitlement Grant	
CDBG Project Titles **Homebuyer Assistance, Street Improvements Lava Lane, Public Services, Other: Social Work Services Expansion, and Grant Administration & Planning.**	Description of Areas Affected by CDBG Project(s) **Unincorporated areas of Travis County**	
$CDBG Grant Amount **942,749**	$Additional HUD Grant(s) Leveraged	Describe
$Additional Federal Funds Leveraged	$Additional State Funds Leveraged 0	
$Locally Leveraged Funds **$103,000**	$Grantee Funds Leveraged	
$Anticipated Program Income 0	Other (Describe)	
Total Funds Leveraged for CDBG-based Project(s)		

Home Investment Partnerships Program	14.239 HOME	
HOME Project Titles N/A	Description of Areas Affected by HOME Project(s)	
$HOME Grant Amount	$Additional HUD Grant(s) Leveraged	Describe
$Additional Federal Funds Leveraged	$Additional State Funds Leveraged	
$Locally Leveraged Funds	$Grantee Funds Leveraged	
$Anticipated Program Income	Other (Describe)	

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

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

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

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

Acronyms

Throughout this report, the reader will note the following acronyms:

ADA	Americans with Disabilities Act
AI	Analysis of Impediments to Fair Housing Choice
AP	Action Plan
CAPER	Consolidated Annual Performance Evaluation Report
CDBG	Community Development Block Grant
CFR	Code of Federal Regulation
Con-Plan	Consolidated Plan (governs CDBG Programs)
CPD	Community Planning and Development (part of HUD)
CPP	Citizen Participation Plan
EA	Environmental Assessment
ESG	Emergency Shelter Grant
FHA	Federal Housing Administration (part of HUD)
FSS	Family Support Services (a Travis County Social Service Program)
HACT	Housing Authority of Travis County
HHS/VS	Travis County Department of Health & Human Service and Veteran Services
HOME	HOME Investment Partnership Program (HUD's Program)
HOPWA	Housing Opportunities for Persons with AIDS (HUD's Program)
HTE	Accounting Software used by Travis County
HUD	United States Department of Housing and Urban Development
IDIS	Integrated Disbursement Information System (HUD's Financial Management System)
LMI	Low- and Moderate-Income (80% or below median household income)
MFI	Median Family Income
OMB	Office of Management and Budget
ORCA	Office of Rural Community Affairs
PY	Program Year
PY10	Program Year 2010
RFP	Request for Proposals
RFQ	Request for Qualifications
TC	Travis County
TCHFC	Travis County Housing Finance Corporation
TxDOT	Texas Department of Transportation
TNR	Travis County Department of Transportation and Natural Resources
URA	Uniform Relocation Act

Introduction

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

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

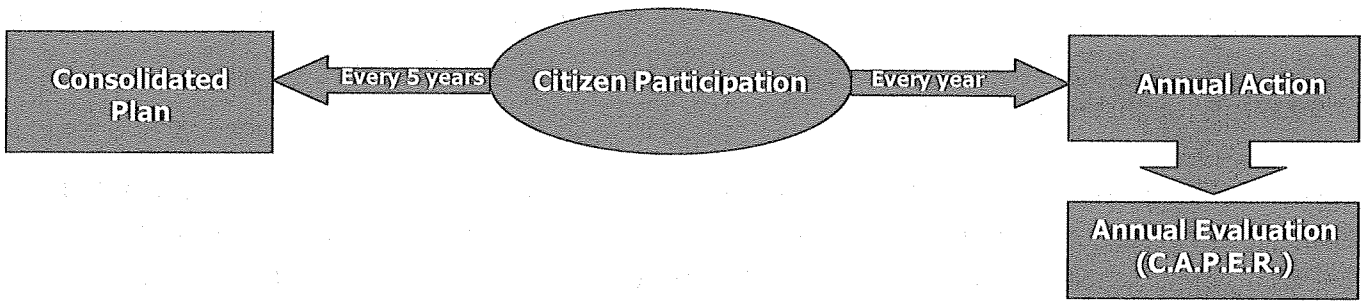
Usage of CDBG funds must meet a number of parameters set nationally by HUD and locally by the County. Federal regulation requires that a minimum of 70% of the CDBG funds focus on projects for low- to moderate- income residents. Additionally, Travis County's allocation specifically targets residents living in the unincorporated areas of the county and to be eligible, the activities must meet one of the following HUD's national objectives:

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

The administration of the CDBG program follows a cycle that includes the drafting of a Consolidated Plan, an Action Plan, and an annual evaluation. The Consolidated Plan (Con-Plan) identifies the County's community and housing needs and outlines the strategies to address those needs over a five year period. The Annual Action Plan (AP) defines the specific activities to be undertaken during each program year (PY) to address the priorities established in the Con-Plan. An evaluation is conducted annually to assess yearly accomplishments. The evaluation is called the Consolidated Annual Performance Report (CAPER).

The following figure is a simplified visual representation of the CDBG cycle. As shown, citizens have a central role in setting the priorities to be addressed and defining projects to tackle identified needs.

Figure 1: CDBG Cycle



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

Executive Summary

The Travis County Program Year 2010 (PY10) Action Plan lists the projects and activities the County will undertake beginning October 1, 2010 to meet the goals and objectives outlined in the 2006-2010 Consolidated Plan. The Action Plan details how the County will use the CDBG funds and describes other available resources to address the County's housing and non-housing community development needs.

Public Input

The Action Plan highlights different opportunities the public had to provide input on the usage of the CDBG funds for the program year 2010, different mechanisms used to outreach to the public as well as the results from the information gathered.

During the months of February and March the County held public hearings and solicited proposals for CDBG projects. Solicitation of input and invitation to participate in the public hearings were posted on the County's website and published in newspapers of general circulation. In addition, notifications by mail and e-mail were sent to service providers, to county residents who had previously attended public hearings, to the community liaison departments of schools districts and to neighborhood associations. The announcements and all the participation materials were available in English and Spanish.

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Travis County

Section I: General Questions

Annual Action Plan for
Program Year 2010:
October 1, 2010 – September 30, 2011

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

Activities to be Undertaken

Project # 1: Street Improvements: Lava Lane - $400,000

Project Description:
This project funds the construction for the improvement of the unaccepted portion of Lava Lane, a road in Precinct 4. This is the third phase of a three-phase project (design & environmental review, acquisition of right of way and construction) to complete the road improvement. The improvements to this substandard road will provide a new durable road that will allow property owners, school busses, mail service providers, and emergency service providers to have all-weather access to the properties. Additionally, the improvements will allow the road to meet County roadway standards so that it can be accepted onto the County system for future maintenance and traffic safety enforcement.

This project will be administered by the Travis County Transportation and Natural Resources Department, Public Works Division. The project will directly benefit 20 households and indirectly benefit 1297 people who live in the block group.

Project 1: General Project Information	
CDBG Funding:	$400,000 plus an additional $75,000 from project savings from Apache Shores PY 06 & PY 07 funding
Leverage Funding:	Not Applicable
Program Delivery:	Travis County Transportation and Natural Resource Department
Program Oversight:	Travis County Health and Human Service and Veteran Services
Expected Start/ Completion Date:	October 1, 2010 – September 30, 2011
Location:	Lava Lane, Precinct 4

Project 1: Priority and Performance Measurement Information (HUD -prescribed)			
Priority Need Category:	Infrastructure	**Project:**	Street Improvements
Eligible Activity:	Street Improvements	**Outcome Category**	Sustainability
Objective Category	Suitable Living Environment	**Specific Objective**	Improve quality of public improvements for lower income persons
Citation	570.201 (c)	**Accomplishment**	1297 Individuals
Eligibility	LMA	**Matrix Code**	03 K Street Improvements
Priority in the 2006-2010 Strategic Plan#	High	**Travis County HTE #:**	HCUE01

Project #2: Homebuyer Assistance - $285,000

Project Description:
In an effort to make housing affordable to "first-time home purchasing" families whose annual household income is at or below 80 percent of the Area Median Income (AMI), the Travis County Affordable Housing Ownership Program will make Shared Appreciation Gap Financing and Down Payment Assistance loans available. The project will be administered by the Travis County Housing Finance Corporation (TCHFC) as a designated sub-recipient. All program income will be reinvested into the Homebuyer Assistance program.

Shared Appreciation Gap Financing:
Households earning 80% or less of the area median income may obtain funds (up to $30,000) to reduce the sales price to an amount affordable to the household. Actual assistance amounts will be calculated based on actual family need. The loan is a 0 % interest, 30-year note with no required annual or monthly payments. Upon resale, refinancing, lease or other transfer of title, the loan must be repaid in full plus a percentage of the house's appreciation value.

Down Payment Assistance:
Households earning 80% or less of the area Median Family Income (MFI) may obtain funds ($8,000) to cover down payment and reasonable closing costs. The loan is a 0 % interest, 5 year-note with no required annual or monthly payments. The loan is forgiven at a pro-rata rate of 20% for each year of homeownership. The loan is fully forgiven at the end of 5 years. A minimum house hold investment of $500 is required.

All households who are interested in assistance through the Travis County Affordable Housing Ownership Program are required to participate in a minimum of eight (8) hours of HUD-certified housing counseling. At the time the homebuyer is approved for the program, the homebuyer must meet with TCHFC staff for a no cost one hour consultation providing a detailed review of the program.

Project 2: General Project Information	
CDBG Funding:	$285,000
Leverage Funding:	Not applicable
Project Delivery:	Travis County Housing Finance Corporation
Project Oversight:	Travis County Health and Human Services & Veteran Services
Expected Start/ Completion Date:	October 1, 2010 – September 30, 2011
Location:	Unincorporated areas of the County

Project 2: Priority and Performance Measurement Information (HUD –prescribed)			
Priority Need Category:	Homeownership	**Project:**	Homebuyer Assistance
Eligible Activity:	Direct Homeownership Assistance	**Outcome Category**	Availability/Accessibility
Objective Category	Decent Housing	**Specific Objective**	Increase the affordability of owner housing
Citation	24 CFR 570.201 (n)	**Accomplishment**	17 households
Eligibility	LMH	**Matrix Code**	13, Direct Home Ownership Assistance
Priority in the 2006-2010 Strategic Plan#:	Medium	**Travis County HTE #:**	HCBE02

Project # 3: Continuation of FSS Social Work Services Expansion Project - $69,295

Project Description:

This program is an internal Travis County Health and Human Services & Veterans Service expansion of existing services. The program will allow the continuation of the PY07 - PY09 expansion of social work services by one social worker, increasing capacity to provide case management, information and referral, non-clinical counseling, crisis intervention and outreach in the unincorporated areas of precincts 1 and 4. To reduce the transportation barriers many residents in the unincorporated areas face, the social worker provides the majority of service provision through home visits.

Project 3: General Project Information	
CDBG Funding:	$69,295
Leverage Funding:	Youth and Family Assessment Center (YFAC) Flex Funds – to be determined Best Single Source (BSS) Funds – to be determined
Program Delivery:	Family Support Services (FSS) Division of the Travis County Health and Human Services & Veteran Services
Program Oversight:	Travis County Health and Human Services & Veteran Services
Expected Start/ Completion Date:	October 30, 2010 – September 30, 2011
Location:	Households residing in precincts 1 & 4 of the unincorporated areas of TC

Project 3: Priority and Performance Measurement Information (HUD –prescribed)			
Priority Need Category:	Public Services, Other	**Project:**	Social Work Services Program
Eligible Activity:	Public Services	**Outcome Category**	Availability/ Accessibility
Objective Category	Suitable Living Environment	**Specific Objective**	Improve the availability of services for low/moderate income persons
Citation	570.201 (e)	**Accomplishment**	120 people
Eligibility	LMC	**Matrix Code**	05, Public Services (General)
Priority in the 2006-2010 Strategic Plan#:	High	**Travis County HTE #:**	HSOE03

Project # 4 Administration & Planning– $ 188,454

Project Description:
The funds allocated for administration will pay for the operating expenses associated with the grant including office supplies, training, contracted services, interpreting, membership and other business related expenses. Additionally, the funds will pay for a portion of the salary for the CDBG Planner and a portion of the salary of a TNR Senior Engineer who acts as a project manager for CDBG-funded street and water supply improvement projects. The Senior engineer also coordinates the preparation of project scopes, eligibility, cost estimates and project design.

Project 4: General Project Information	
CDBG Funding:	$188,454
Leverage Funding:	Travis County General Fund = Approximately $103,000
Program Delivery:	Travis County Health and Human Service & Veteran Services
Program Oversight:	Travis County Health and Human Service & Veteran Services
Expected Start/ Completion Date:	October 1, 2009 – September 30, 2010
Location:	Not Applicable

Project 4: Priority and Performance Measurement Information (HUD –prescribed)			
Priority Need Category:	Not Applicable	**Project:**	Program Administration
Eligible Activity:	Administration and Planning	**Outcome Category**	Not Applicable
Objective Category	Not Applicable	**Specific Objective**	Not Applicable
Citation	570.206	**Accomplishment**	Other, Effective administration of the grant
Eligibility	Not Applicable	**Matrix Code**	21A, General Program Administration
Priority in the 2006-2010 Strategic Plan#:	Not Applicable	**Travis County HTE #:**	HAGE04 & HPWE05

Alternate Projects

In June 2010, the Travis County Commissioners Court approved the draft of an amendment to the Citizen Participation Plan to allow for a list of alternate projects to be provided in the Annual Action Plan. This amendment provides the framework to allow the opportunity to have a list of projects that have the potential to be implemented quickly should a funded CDBG project experience cost savings, delays or a barrier to completing it.

Alternate Projects will contain the same level of information that funded projects contain in the Annual Action Plan to ensure appropriate review by the public. Approval by the Travis County Commissioners Court will be necessary to replace a funded project with an alternate or to fund an alternate with cost savings from a completed project regardless of whether or not the increase or decrease exceeds 25%. These actions will not require a substantial amendment since the alternate projects will have gone through a public review process saving 60 to 90 days to reallocate funds.

In the event that the projects identified for this program year are delayed, canceled, or are performed at a lower cost than the budgeted amount, the Travis County CDBG program plans to pursue one or more of following projects: homebuyer assistance, homeowner rehabilitation, or design of Navarro Creek Street Improvements *(Refer to Appendix D for details on each alternate project)*.

Figure 3: Proposed Alternate Projects for Program Year 2010

Project/Activities	Amount
Community Development	
Homebuyer Assistance	**Up to an additional $300,000**
Homeowner Rehabilitation	**Up to $200,000**
Street Improvements: Navarro Pass	**Up to $125,000**

CDBG Carry Over Chart

This chart represents the estimated total CDBG dollars available for use during PY10 including carry over estimated amounts from PY06 through PY09. The percentages of the areas of investments for public services and administration and planning were calculated to demonstrate the amounts allocated in each area do not exceed the program caps of 15 % for public service and 20 % for administration and planning.

Figure 4: CDBG Carry Over Chart

CDBG Area of Investment	CDBG Activity	PY 2010 Funds by Activity	Carry Over From PY06-PY09	TOTAL	Percent of Activity Investment	Percent of CDBG Area Investment
Community Development	1. Street Improvements: Apache Shores	$0	$75,000	$75,000		
	2. Street Improvements: Lava Lane	$400,000	$69,159	$469,159		
	3. Owner Occupied: Home Rehabilitation	$0	$236,136	$236,136		
	4. Homebuyer Assistance	$285,000	$485,000	$770,000		
Public Services	5. Public Services, Other: Social Work Expansion	$ 69,295	$0	$69,295	7.3%	7.3%
Administration & Planning	6. Administration & Planning	$188,454	$0	$188,454	20%	20%
TOTAL		**$942,749**	$865,295	$1,808,044		

Performance Measurements

A total of 1434 households will benefit from the projects proposed in the PY 2010 Action Plan. The following figure presents each proposed project with the corresponding outcome objective and performance indicator as prescribed by HUD's performance measurement framework.

Figure 5: Performance Indicators for the Proposed PY 2010 Projects

Specific Objectives	Outcome Objectives	Sources of Funds	Performance Indicators	Expected #	Actual #	Percent Completed
DH-2 Affordability of Decent Housing						
Homebuyer Assistance	Improve the affordability of decent housing by providing homebuyer assistance to very low to moderate income households	CDBG	▪ Number of households who will purchase homes	17	To be determined	
SL-1 Availability/Accessibility of Living Environment						
Public Services, Other	Improve the access to a suitable living environment by increasing the availability of services to low/mod income persons	CDBG	▪ Number of people assisted with expanded access to a service	120	To be determined	
SL-1 Sustainability of Living Environment						
Street Improvements Lava Lane	Improve the living environment by improving a road	CDBG	▪ Number of people who will benefit from improved road	1297	To be determined	
Not Applicable						
Administration & Planning	Not applicable	CDBG	▪ Other – effective grant administration	Not Applicable	To be determined	

The coding system used in Figure 4 follows the numbering system established in the CDBG Community Planning and Development Outcome Performance Measurement System developed by HUD. The outcome/objective numbers stand for the following:

Figure 6: Numbering System for Outcome and Objective Coding

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

Geographic Distribution of Projects

Travis County CDBG program does not have any designated target areas, however, one of the projects, the Social Service Project, focuses on the county precincts 1 & 4 based on the concentration of low to moderate income residents. These precincts also have a larger minority concentration than other parts of the County. The goal for focusing services in those areas is to improve access to services and quality of life for residents.

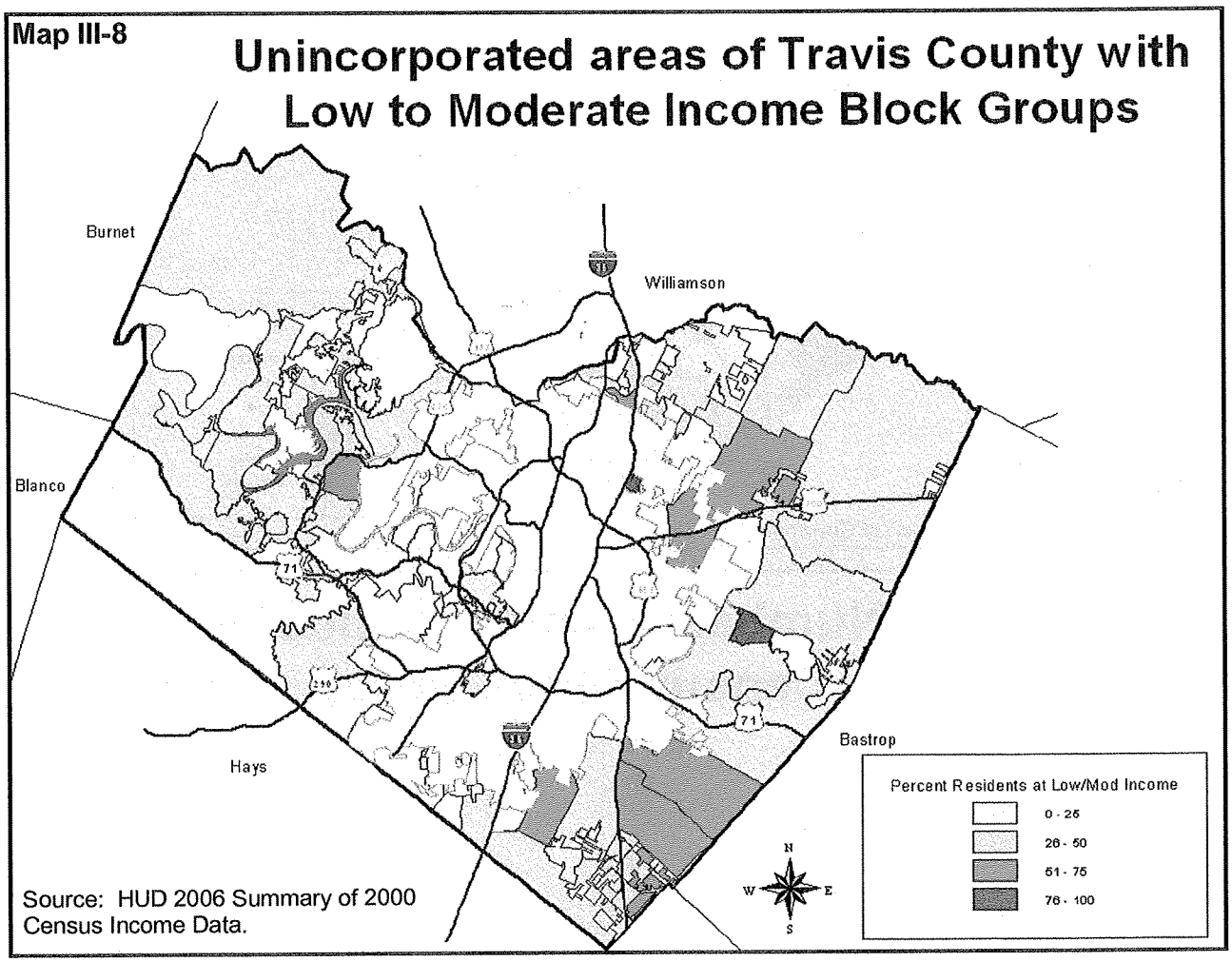
For additional information regarding the low to moderate income and minority concentration in the county, please refer to the maps included at the end of this section: 1) Map of the unincorporated areas of Travis County with low to moderate income block groups, 2) Number of African American Residents by Census Block Group, 3) Number of Asian Residents by Census Block Group, 4) Number of Hispanic Residents by Census Block Group and 5) Number of Residents Identified as "Other Race" by Census Block Group

The road improvements projects (Projects 1 & 2) will occur on Lava Lane and Navarro Creek, both located in Precinct 4. The homebuyer assistance project (Project 3), will help households purchase homes located in the unincorporated areas of the county. The following figure summarizes the locations for the PY10 projects.

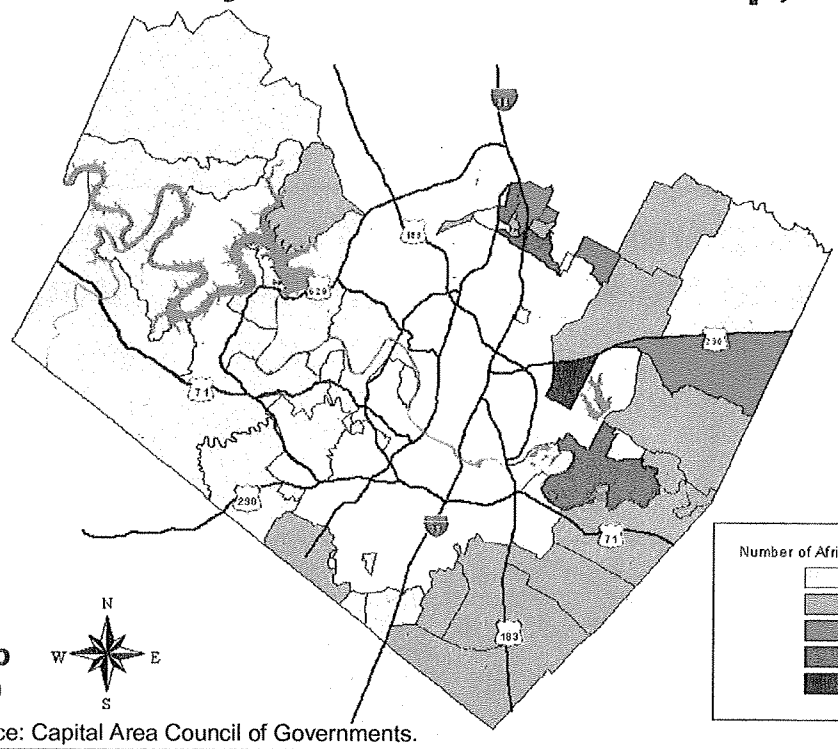
The following figure summarizes the locations for all the PY10 projects.

Figure 7: Geographic Distribution of Grant Activity for the Program Year 2010

PY10 Projects	Location in Travis County
Project 1: Streets Improvements	Lava Lane, Precinct 4
Project 3: Homebuyer Assistance	Households residing in the unincorporated areas of the county
Project 4: Public Services, Other	Households residing in the unincorporated areas of Precincts 1 & 4
Project 5: Administration & Planning	Not Applicable


Map III-8
Unincorporated areas of Travis County with Low to Moderate Income Block Groups
Burnet
Williamson
Blanco
Hays
Bastrop
71
35
Percent Residents at Low/Mod Income
0 - 25
26 - 50
51 - 75
76 - 100
N
W
E
S
Source: HUD 2006 Summary of 2000 Census Income Data.

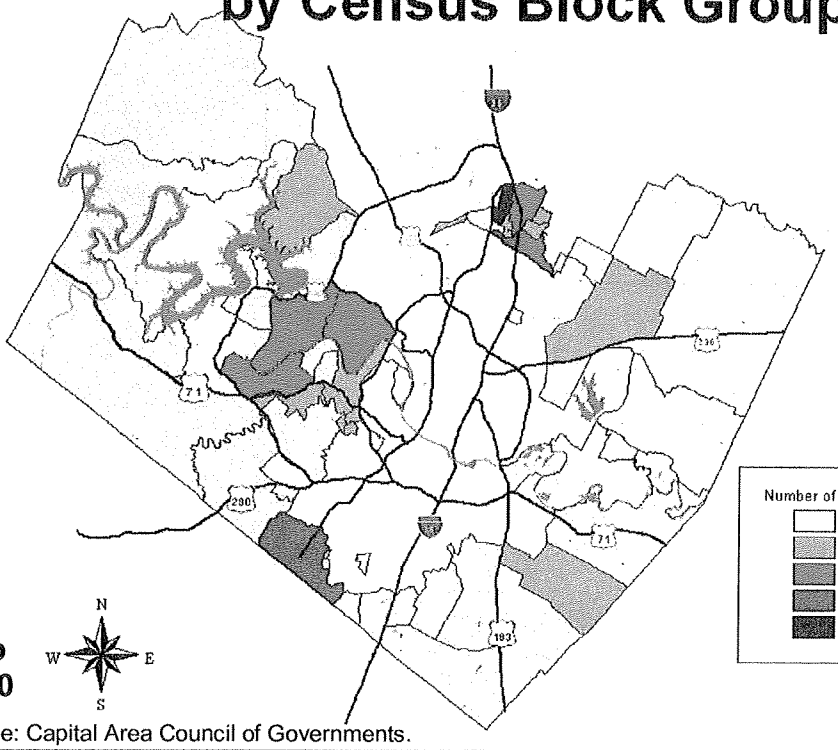
Number of African American Residents by Census Block Group, 2005



Map III-9

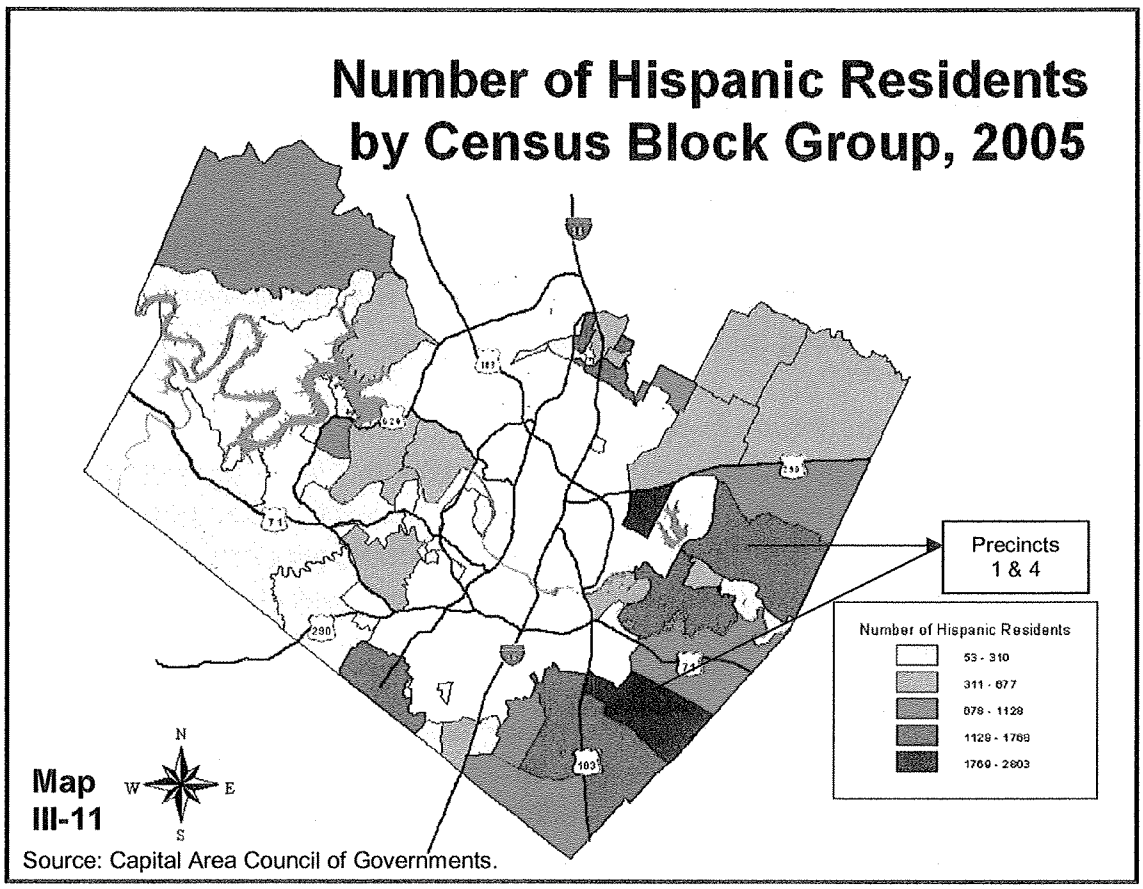
Source: Capital Area Council of Governments.

Number of Asian Residents by Census Block Group, 2005



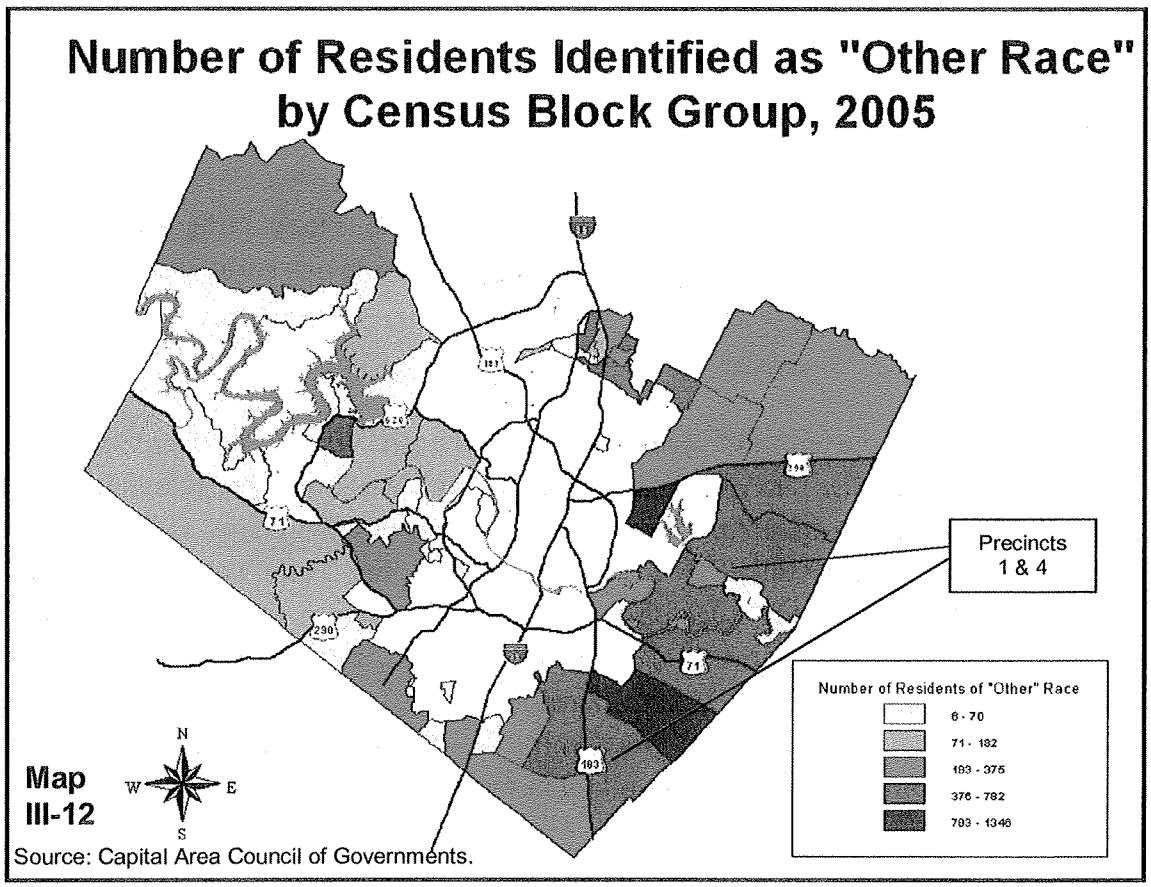
Map III-10

Source: Capital Area Council of Governments.



Map III-11

Source: Capital Area Council of Governments.



Map III-12

Source: Capital Area Council of Governments.

Public Participation Process

SUMMARY OF PARTICIPATION PROCESS

During the months of February and March 2010, the public had an opportunity to identify the needs of the unincorporated areas by 1) attending one of five public hearings, 2) turning in a Participation Form or 3) turning in a Project Proposal form.

Public Hearings and Participation Forms

The purpose of the hearings and participation forms was to obtain the public's input on the community development, housing, and public service needs, as well as potential project ideas to address those needs. The first hearing, held at the Commissioner Courtroom, followed a traditional hearing format, while those held in each of the precincts had an information session followed by facilitated discussion.

The public that could not participate in public hearings had the choice of providing their input by filling out a Participation Form or a Project Proposal Form. These forms were provided to interested parties upon request and were available in both English and Spanish on the Travis County CDBG website.

Technical Assistance to Neighborhoods

Organized residents who identified CDBG eligible projects received technical assistance from CDBG staff in the form of site visits, guidance on project proposals and guidance on understanding CDBG eligible activities and eligible beneficiaries. Specifically CDBG staff provided technical assistance to residents of Cardinal Hills, Hazy Hills and residents from different neighborhoods in the Del Valle area. This marked the second year CDBG staff met with neighborhoods for site/office visits.

Advertising

The opportunity to participate was advertised on the Travis County website (www.co.travis.tx.us/CDBG), the seven community centers and the television channel of Travis County. Advertisements also appeared in newspapers of general circulation including the Manor Messenger, Pflugerville Pflag, Hill Country News, Lake Travis View, North Lake Travis Log, West Lake Picayune, Oak Hill Gazette, The Austin Chronicle and the Spanish language newspapers *Ahora Si* and *El Mundo*. In addition, notifications by mail and e-mail were sent to service providers, to county residents who had previously attended public hearings, to the community liaison departments of schools districts and to neighborhood associations. The announcements were available in English and Spanish.

Efforts to broaden Public Participation

The following efforts were made to broaden public participation:

- Public notices presented the option of requesting an American Sign Language or Spanish interpreter.
- The CDBG website stayed current with documents and announcements of the different participation opportunities.
- The website was re-organized to provide clarity and better navigation for the public.
- The public that could not attend the public hearings had the option to provide their input by filling out a Participation Form or Project Proposal Form.
- To increase the access to information of Spanish-speakers, all the participation forms were available in Spanish, and selected sections of the website were translated into Spanish.
- Notices of opportunities to participate were sent to all neighborhood associations in the unincorporated areas and to school district community liaison departments.

Summary of Public Participation

- A total of 28 people attended the five public hearings
- 34 Participation Forms were submitted
- Technical assistance was provided by CDBG staff in the forms of site visits or office visits and steps to follow to the neighborhood Cardinal Hills and Hazy Hills and one community organizer in the Del Valle area.
- 3 project proposals were submitted by: Catholic Charities of Central Texas, VDC Travis Reserve I, LP and Girlstart.
- 4 proposals were submitted by Travis County Departments: 2 from the Family and Support Service (FSS) division of the Health and Human Service and Veteran Service Department (HHS&VS), one from the Transportation and Natural Resources Department (TNR) and one from the Travis County Housing Finance Corporation (TCHFC).

PUBLIC COMMENT PERIOD

Every year during the development of the Annual Action Plan, a 30-day public comment period is held to receive comments on the proposed uses of CDBG funds. The comment period includes two public hearings held at the Travis County Commissioners Court. For the development of the PY10 Action Plan, the 30-day public comment period will commence on June 23, 2010 and will end on July 22, 2010 and the two public hearings will occur on June 29, 2010, and July 13, 2009.

The public comment period was advertized on the County's website and on newspapers of general circulation. In addition, notifications by mail and e-mail were sent to service providers, to citizens who had previously attended public hearings, to the community liaison departments of schools districts and to neighborhood associations. The announcements were available in English and Spanish.

Summary of Public Comments Received for Draft of PY10 Action Plan

Comments will be added after the public comment period, and included in the final draft.

Project Selection Process

Travis County CDBG staff considered and weighed all potential projects identified by the public. First, the CDBG Office staff assessed whether potential projects met one of HUD's national objectives, were eligible CDBG activities, and were feasible to complete in a timely manner.

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

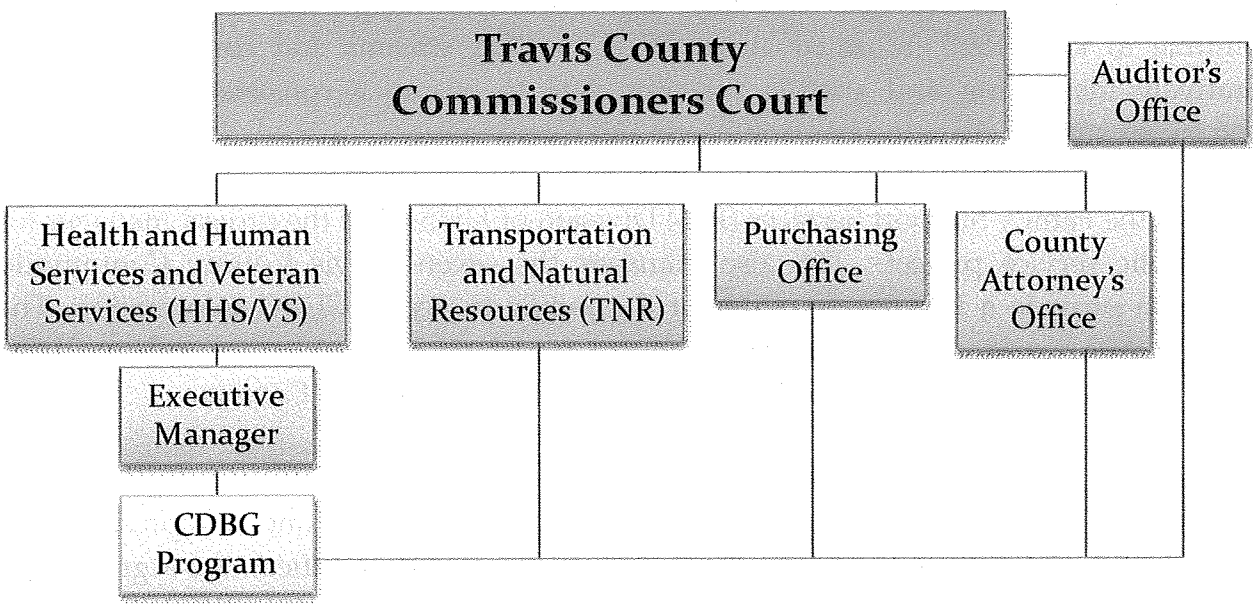
- **Addresses a high priority goal of the Strategic Plan**: Projects addressing one of the seven high priority categories identified in the consolidated plan were given a priority. Refer to Appendix C for a list of high, medium and low priorities.
- **Feasibility of project**: Projects that have the ability to be implemented and completed within 18 months received a more favorable review. Phased projects for which 12 - 18 months of work would leave an incomplete project with little to no impact were considered with less priority.
- **Impacts a significant number of households**: Project scope and the number of persons benefiting were considered to determine the level of project impact.
- **Benefit to low/moderate-income persons**: Projects that benefit low- and moderate income households received a more favorable review.
- **Leverages/matches with funding from another source:** Projects that utilize other funds (federal, state, local, private) and public/private joint efforts received more favorable review.

Staff also reviewed submitted projects in the context of the economic downturn and weakened housing market. Consideration of medium priorities such as homebuyer assistance was made if data or trends suggested it was prudent.

Managing the Process and Institutional Structure

Effective implementation of the PY10 Action Plan will involve a variety of key stakeholders. Coordination and collaboration within the Travis County departments and between agencies will be instrumental in meeting community needs effectively. The departments within Travis County anticipated to be involved in the implementation of projects are described below.

Travis County CDBG Program
Internal Institutional Structure



Internal Travis County Departments

As done during the implementation of CDBG projects in the past, the CDBG office will continue collaborating with several Travis County departments to ensure efficient and effective project planning, management, and implementation. The departments that are anticipated to play key roles in the execution of the projects include the Health and Human Services & Veterans Service Department (HHS/VS), the Commissioners Court, the

Transportation and Natural Resources Department (TNR), the County Attorney's Office, the County Auditor's Office and the Purchasing Office.

Health and Human Services & Veterans Service Department

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

The CDBG office works with the Research and Planning Division (R&P) within HHS/VS in the areas of community planning, data collection, and resource development. The CDBG office will continue to keep R&P informed about HUD funding streams and continue to work collaboratively identifying and sharing relevant data to ensure a consistent message on emerging issues such as changing housing needs and foreclosure.

Additionally, the Family Support Services (FSS) Division of HHS/VS is the project manager for a CDBG public service project. FSS also manages the seven Travis County Community Centers which provide a key access point for the public to access CDBG information. The CDBG office thus works closely with the Division to ensure the public's access to CDBG documents and encourage outreach and citizen engagement through the Centers.

Travis County Commissioners Court

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

Transportation and Natural Resources Department

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

In addition, as part of the project funded with PY06 - PY09 funds, the CDBG office is working closely with a CDBG-funded Senior Engineer that the TNR office has hired to finalize a preliminary assessment of areas that need water/wastewater improvements. The CDBG office and the Senior Engineer will coordinate the preparation of project scopes, eligibility, cost estimates, and project design. The Senior Engineer also plays an active role in the implementation of CDBG & CDBG-R projects that are managed by TNR such as the street improvement projects of Apache Shores, Lava Lane and Plain View Estates.

County Attorney's Office

The County Attorney's Office creates and reviews legal agreements as well as provides legal advice and consultation. They have created templates to assist with CDBG procurement procedures, related consultant services, construction documents, and templates for sub-recipient agreements. This type of collaboration is expected to continue during the implementation of the PY10 Action Plan.

Purchasing Office

The Purchasing Office manages the CDBG procurement processes for commodities, professional services and construction. The office received a position funded by the Travis County general fund in 2006 to support CDBG and programs of the Texas Department of Transportation (TxDOT) - two new streams of federal funding. This approach supports compliance with common federal standards and promotes efficiencies within the County. In addition, this position ensures compliance with required labor standards and submits related reports to the CDBG office. The collaboration between the two offices is also expected to continue during the implementation of the PY10 Action Plan.

Public Sector and Non-Profits

During the implementation of the PY10 Action Plan, the Travis County CDBG office anticipates coordinating with a variety of local non-profits and governmental entities activities related to grant management and community planning. The following list provides some examples of the type of engagements the CDBG office anticipates to build:

- Partnerships with local Community Housing and Development Organizations (CHDOs), non-profits, and other community development and housing providers to explore options for community development and public service projects and leverage other federal, state, local and private funding.
- Coordination of planning efforts with the Travis County Housing Authority and Travis County Housing Finance Corporation for affordable housing programs in the unincorporated areas of the county.

- Engagement of other municipalities in Travis County for future collaboration in the areas of community development and housing activities.
- Coordination of planning efforts with different entities in the Austin metropolitan region such as of the City of Austin and other cities in the county, for areas such as combining future efforts in the development of documents such as comprehensive Analysis of Impediments to Fair Housing Choice and a comprehensive Housing Market Study for the county/region.

In addition, the CDBG office will continue the following engagements:

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

Monitoring

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

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

Sub-Recipients

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

1. All invoices and reports will be routed via HHS/VS CDBG staff prior to final approval by financial services and the Auditor's Office.
2. All new sub-recipients will be monitored quarterly until no findings occur.

3. After two consecutive monitoring reports with no findings, semi-annual visits will occur.
4. Monitoring visits may occur on an annual basis if a sub-recipient has a long-standing record (three or more years) with no substantial findings.

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

Contractors

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

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

Internal Travis County Departments

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

Project Files

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

Travis County

Section II: Housing and Services Homeless

Program Year 2010:
(October 1, 2010 – September 30, 2011)
Annual Action Plan

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

CDBG Housing Investments

The Travis County CDBG program has supported projects that seek to preserve and expand the supply of decent affordable housing units. For the combined program years 2006 - 2009, CDBG is supporting the construction of affordable single family homes by providing funds for the land acquisition and infrastructure that will be used to build 41 homes for low- to-moderate income families. Additionally, PY08 and PY09 funds target home rehabilitation. These services are building upon and expand existing Travis County efforts in home repair and weatherization. Moreover, PY09 & PY10 funds target homebuyer assistance. Figure 8 summarizes the overall CDBG housing investments.

Figure 8: Overview of Travis County CDBG Investment in Housing

Housing Activities	CDBG Housing Investments	Impact
PY06: Land acquisition for the production of new owner housing units	$250,000	27 Households
PY07: Land acquisition for the production of new owner housing units	$195,518	
PY08: Land acquisition for the production of new owner housing units	$500,000	
PY08: Home rehabilitation	$106,136	20 households
PY09: Home rehabilitation	$130,000	5 households
PY09: Homebuyer assistance	$528,000	35 households
PY10: Homebuyer assistance	$285,000	17 households
Total CDBG Housing Investments	$1,994,654	**104 households**

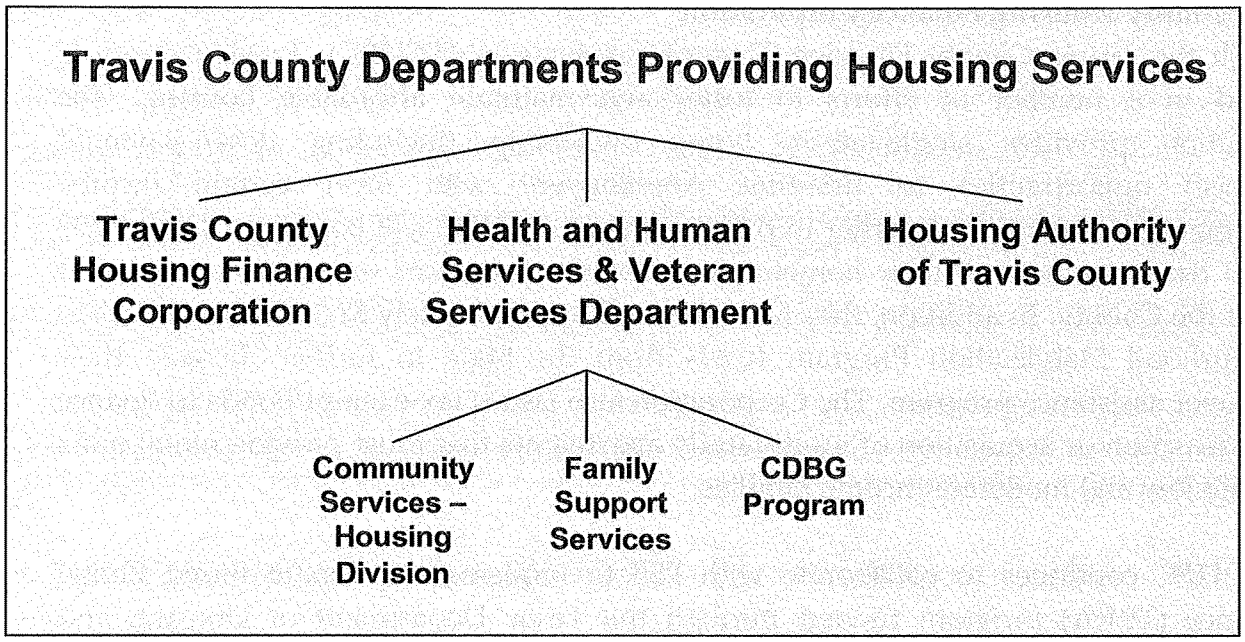
The following figure presents the Housing Priority Needs Summary Table prescribed by HUD.

Figure 9: Housing Priority Needs and Goals

Housing Priority Needs and Accomplishments Summary									
Priority Housing Needs (Households)		Priority Need Level (High, Medium, Low)		5-Year Goals	Yearly Estimates				
					PY06	PY07	PY08	PY09	PY10
Renter	Small Related	0-30%	High	2	0	0	0	0	0
		31-50%	High	1	0	0	0	0	0
		51-80%	High	2	0	0	0	0	0
	Large Related	0-30%	Medium	0	0	0	0	0	0
		31-50%	High	1	0	0	0	0	0
		51-80%	High	1	0	0	0	0	0
	Elderly	0-30%	High	1	0	0	0	0	0
		31-50%	High	0	0	0	0	0	0
		51-80%	Medium	0	0	0	0	0	0
	All Other	0-30%	High	1	0	0	0	0	0
		31-50%	High	1	0	0	0	0	0
		51-80%	High	2	0	0	0	0	0
Owner		0-30%	High	20	0	0	5	0	0
		31-50%	High	15	10	7	15	5	0
		51-80%	High	31	0	10	0	35	17
Total Goals				78	0	0	0	40	17
Total Renter Goals				12	0	0	0	0	0
Total Owner Goals				66	10	17	20	40	17

Overview of Housing Services supported by Travis County

In addition to CDBG, Travis County addresses the housing needs of its residents through diverse strategies that include the support of homeless and emergency shelters; transitional, public, assisted, and rental housing; first-time homebuyer programs and owner-occupied assistance programs. These services are either directly delivered by county departments, affiliate entities or by contracted not-for-profit agencies. The following chart is a visual representation of the different departments/affiliate entities of the County working on a variety of housing services.



Travis County HHS/VS Housing Services

The Travis County Housing Services performs weatherization and home repairs on houses occupied by county residents to improve energy efficiency, the physical living conditions, and safety in these homes. Funding for services comes from the Texas Department of Housing and Community Affairs, the City of Austin and the Travis County General Fund. Currently, 225 households are on the waiting list for these needed services. This division is also working with weatherization and home repair service funds received through the American Recovery and Reinvestment Act.

Travis County HHS/VS Family Support Services Division

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

Other Travis County HHS/VS Divisions

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

Travis County Housing Finance Corporation

Through the Travis County Housing Finance Corporation (TCHFC), Travis County is engaged in a number of efforts to foster and maintain affordable housing. The Corporation provides single-family home ownership (including down-payment assistance) opportunities to first-time homebuyers who meet certain income requirements. As mentioned earlier in this document, TCHFC will be using CDBG PY09 & PY10 funds to increase their homebuyer assistance programs in the unincorporated areas of the County. In addition, they have received approximately $1.3 million dollars in Neighborhood Stabilization Program funds from the State to further increase their homebuyer assistance program. The Corporation also issues tax-exempt bonds to finance the construction or acquisition of multi-family apartments that must provide rental units to certain low and moderate-income families.

The TCHFC continues to collaborate with FSS to implement a Tenant Based Rental Assistance (TBRA) program funded through the Texas Department of Housing and Community Affairs to provide rental assistance and case management for up to 24 months for certain low income households.

The Housing Authority of Travis County

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

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

In the unincorporated areas, HATC administers the Section 8 Housing Choice Voucher Program, assisting very low income, disabled and elderly families or individuals. HATC also operates a Lease-Purchase program, to provide homeownership opportunities for prospective homebuyers who can afford monthly mortgage payments, but do not have funds for a down payment and/or closing costs or the credit standing to qualify for a loan.

Barriers to Affordable Housing

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

Lack of Funding for Affordable Housing

Travis County's Housing Finance Corporation currently has funding and programs in place to increase affordable home ownership through first-time homebuyers down payment assistance and bond programs. While this funding creates opportunities to increase housing affordability, poor credit scores and other factors make it difficult for low to moderate-income families to qualify for mortgage loans. The majority of Travis County residents with a housing cost burden are renters. Not enough funding exists to subsidize renters to make rents more affordable. The newly funded tenant based rental assistance collaborative between TCHFC and FSS, provides additional dollars to make rental housing more affordable while moving families towards self-sufficiency.

High Cost of Housing, Land and Infrastructure

The high cost of housing, land and infrastructure makes homeownership and rents unaffordable to many of Travis County's low income families. For residents with low- to moderate-income, the availability of homes at affordable prices is dwindling. The execution of the CDBG land acquisition and infrastructure project will assist in addressing this barrier.

Building Codes, Zoning Provisions, Growth Restrictions and Fees

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

rehabilitate existing homes and move them towards Housing Quality Standards with the ultimate goal of improving the quality of the housing stock.

Environmental Regulations

Several state and federal regulations exist to protect the environment including the Endangered Species Act, the National Pollutant Discharge Elimination System and the Wetland regulations. Texas rules include regulations for the installation of septic systems and for development over the Edwards Aquifer. These regulations may increase costs for development, affecting affordability. When possible, land identified for purchase will target areas where environmental costs will not substantially increase the cost of housing.

Addressing Barriers to Affordable Housing

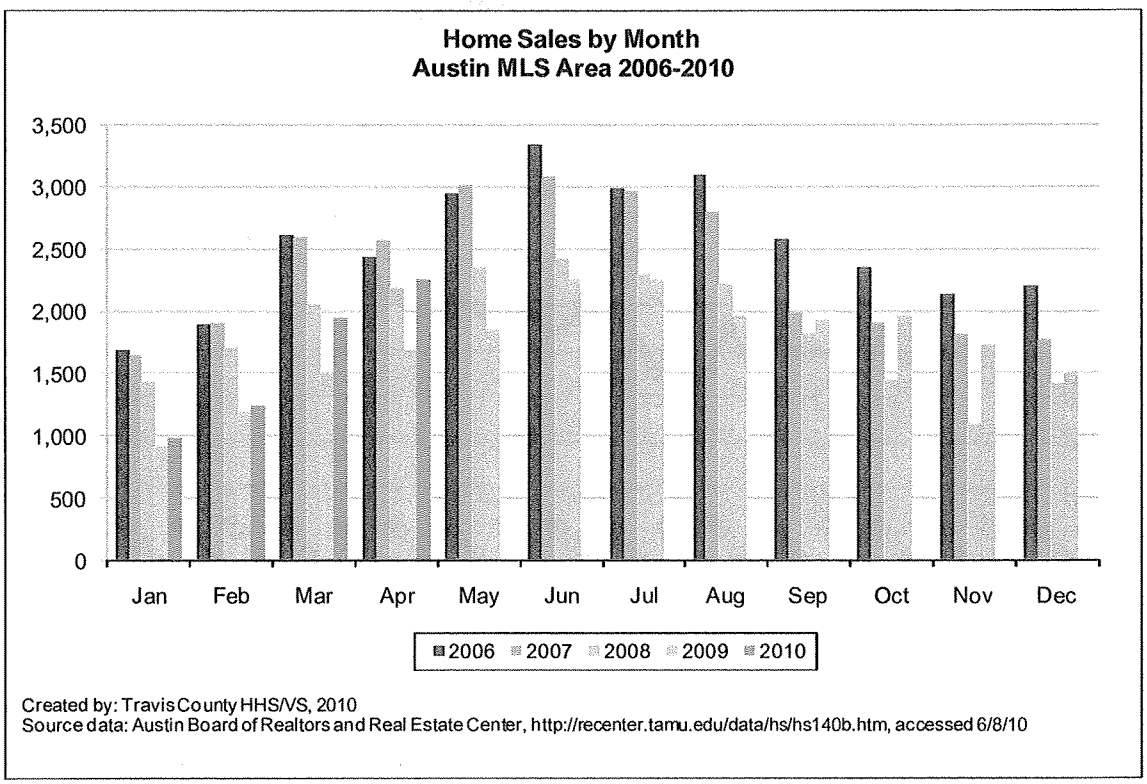
Refer to previous section to see Travis County's investments in promoting affordable housing.

Foreclosures

An additional housing barrier has been the inability of homeowners to keep their homes due to mortgage foreclosures. Even though foreclosures in Travis County have not been as high as other parts of the country, they continue to be significantly higher than several years ago, especially in certain areas of the County.

Related data and trends are as follows:

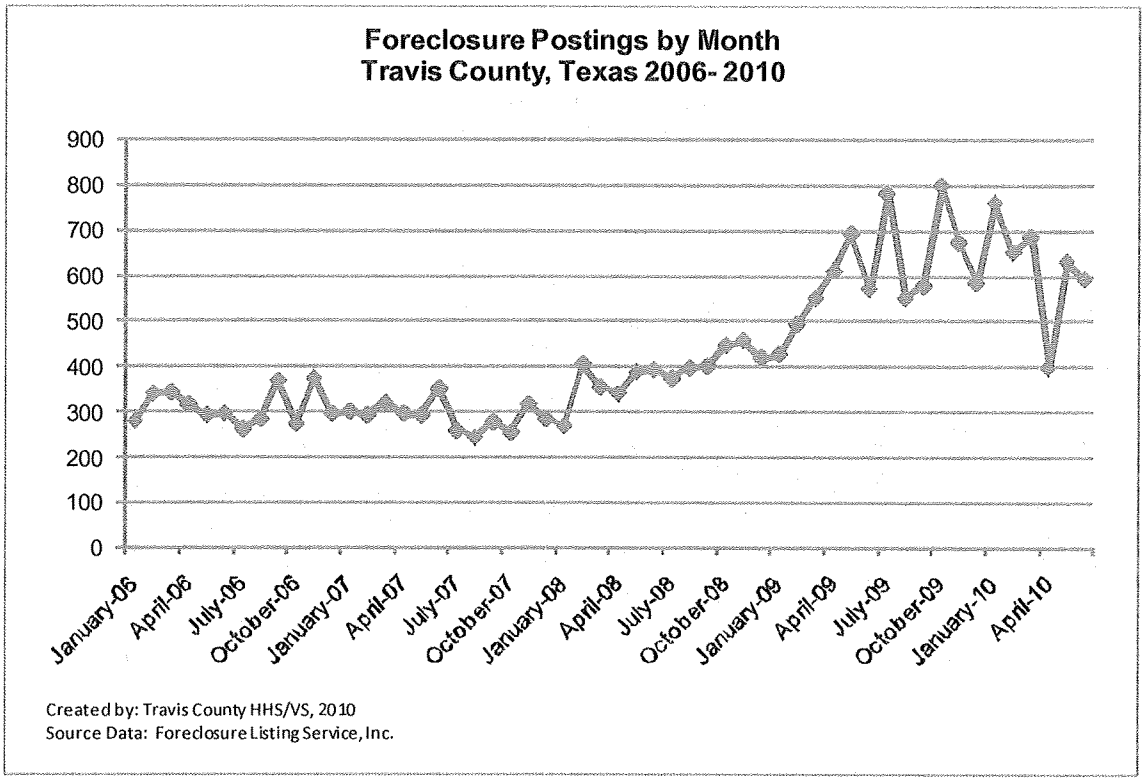
- Travis County started to see a trend of declining home sales in September 2007 with a 23% decrease of unit sales from 2,586 units in September 2006 to 1,948 units in September 2007. While this decline in the housing market does appear to be slowly reversing— since September 2009 unit sales have remained steady or increased when compared to the year before—unit sales remain significantly lower than prior to the start of the decline.



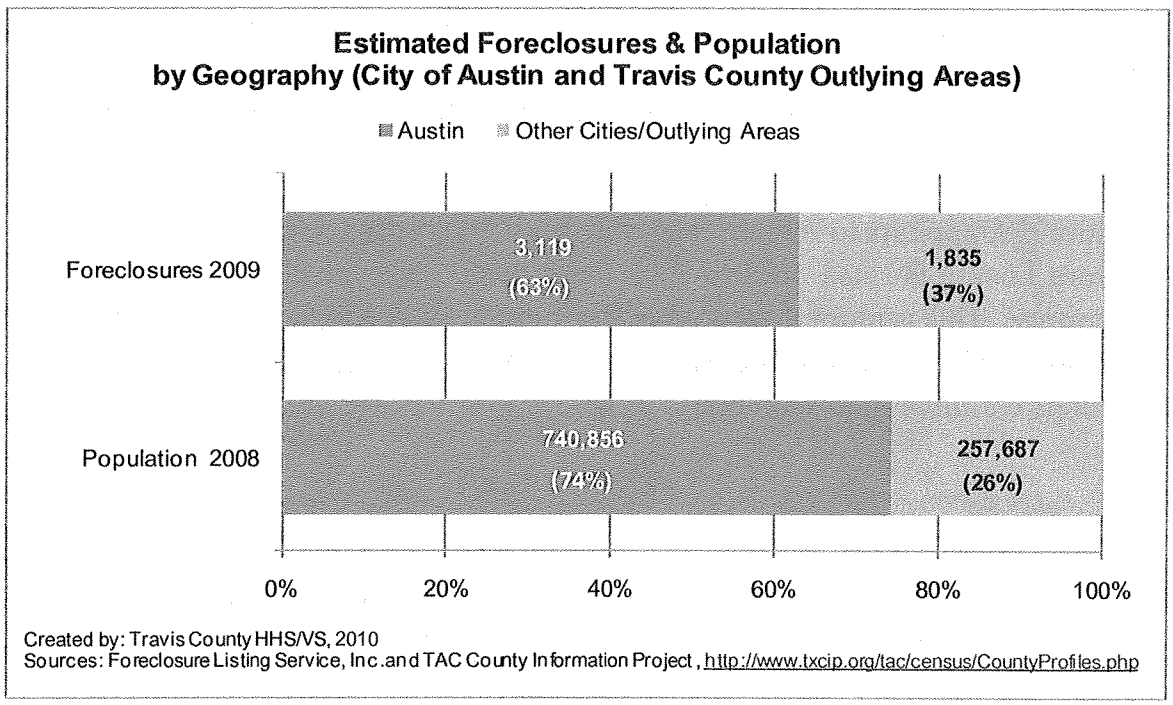
- According to the Austin Board of Realtors and Real Estate Center, (http://recenter.tamu.edu/data/hs/hs140b.htm, accessed 6/8/10), the months of home inventory for the Austin MLS has increased by 77% since 2006. The annual average for 2006 was 3.6 months of inventory, while the annual average for 2009 was 6.4 months of inventory.

- Foreclosure risk appears to remain relatively high. According to data obtained from Foreclosure Listing Service, Inc., in 2009 there were 7,309 foreclosure postings[1] in Travis County. This is more than double the number of postings (3,482) in 2007. As shown below, this significant increase in foreclosure postings began in early 2009, and postings continue to remain high.

[1] This number reflects properties posted for auction (posted for auction indicates pre-foreclosure status, and reflects a risk of foreclosure). A foreclosure posting may or may not result in an actual foreclosure. The same property may be included in the list for foreclosure auction multiple times over a series of months or even years. Therefore some duplication does exist within these foreclosure postings annual totals; duplicate postings would indicate households finding themselves at risk of foreclosure multiple times.



- A review of unduplicated foreclosure postings (about 4,954) for 2009 indicates that a greater share of foreclosure activity is occurring in the outlying areas of Travis County (rather than in the urban core/City of Austin).



In an effort to assist and prevent families from experiencing foreclosures, the Travis County Housing Finance Corporation awarded $50,000 to Frameworks, a non-profit organization, for foreclosure prevention counseling and case management services to assist a total of 112 families who reside within Travis County, but outside the City of Austin, last year.

For Program Year 2010, additional monies will be allocated to homebuyer assistance through down payment assistance and shared appreciation gap financing. The gap financing is a mechanism to ameliorate the consequences of the tightened credit market ensuring that households can receive the financial support to make homeownership affordable and sustainable for years to come. This investment will continue to support the need in the unincorporated areas and support the slowing improving housing market.

Impediments to Fair Housing Choice

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

As an entitlement county receiving CDBG funds from HUD, Travis County must fulfill its fair housing responsibilities by developing an analysis of impediments to fair housing choice and by taking actions to overcome the identified impediments. Given the County's limited history administering the grant (since October 2006), the complexities of conducting a thorough analysis, and the limited staff resources, the CDBG office of Travis County developed a preliminary analysis to lay the ground for a more comprehensive analysis to be conducted by a consultant with PY08 funds. The scope of work has been drafted and the request for proposals process will take place during the PY09.

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

- Lack of accessible housing to meet the need of the disabled community throughout the county
- Lack of affordable housing
- Discrimination of minorities in housing rental and sales market

- Misconception by property managers concerning family occupancy standards
- Predatory lending practices
- Disparity in lending practices
- Failure of mortgage lenders to offer products and services to very low income and minority census tracts people
- Insufficient financial literacy education
- Insufficient income to afford housing

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

Travis County currently addresses fair housing issues in the following manner:

- The CDBG webpage on the Travis County website now has a page focused solely on fair housing and referrals to report fair housing violations. www.co.travis.tx.us/health_human_services/CDBG/FairHousing/fair_housing.asp
- A TV ad is continuously run by the Travis County television channel referring those that have felt they have experienced housing discrimination to contact the CDBG office for further information.
- Part of the CDBG investments are aimed to increase affordable owner housing.
- CDBG and Travis County General Fund investments are made in basic needs and case management which can address issues such as financial literacy, underemployment, and access to federal benefits. All of these areas can help residents with opportunities to increase their income and their access to housing.
- Funding of social services from the Austin Tenant's Council (ATC) and Texas Rio Grande Legal Aid, Inc. ATC provides information about housing rights and advocacy to protect the housing rights of low income and minority residents of Travis County. Texas Rio Grande Legal Aid, Inc. provides legal assistance to obtain or preserve safe, decent, and affordable housing for clients facing eviction and/or homelessness.
- The Family Support Services Division, which operates within HHS/VS, addresses issues of possible fair housing discrimination by referring clients to these organizations.

In spite of these efforts, the County needs to develop a comprehensive action plan to identify and address all of the impediments. The Analysis of Impediments study will allow the County to target efforts to reduce discrimination and barriers to affordable housing through advocacy, policy change and strategic investments.

Services for the Homeless

Planning Efforts to End Homelessness (ECHO)

Travis County is a member of the Ending Chronic Homelessness (ECHO) Coalition whose mission is to identify specific strategies and oversee ongoing planning and implementation of a plan to end chronic homelessness in Austin and Travis County. The coalition is comprised of four committees: Planning & Evaluation, Prevention, Exiting, and Event/Community Education. These committees in turn have subcommittees. Regular monthly meetings for each committee/subcommittee are held, and plenary meetings for all ECHO members are held quarterly. Currently, a new structure under review for ECHO, and as such, Travis County will adjust participation where needed.

Travis County CDBG staff joined ECHO's Planning and Evaluation Committee during PY07 and since then has participated in a number of subcommittees including the Count and Survey sub-committee in charge of the annual homeless count, the Continuum of Care (CoC) Sub-committee and Independent Review Team that reviews and ranks CoC applications and provides feedback to contracting agencies. Refer to the next section for further details on CoC.

In addition to participating in ECHO's efforts, the expansion of the FSS Social Work project has provided CDBG staff an opportunity to learn about pockets of homelessness in the unincorporated areas of the county. CDBG staff has shared this knowledge with ECHO forwarding to them information on new areas for inclusion in the annual count that took place in January 2010. CDBG staff will continue to participate in this coalition though committee work.

HUD Continuum of CARE (CoC) Funding

Continuum of Care is a funding mechanism by which HUD awards national competition grants for the Supportive Housing Program (SHP), Shelter Plus Care (S+C) and the Section 8 Moderate Rehabilitation Single-Room Occupancy (SRO) Program to states, localities and non-profits organizations.

The SHP program provides funding for the development of transitional housing for homeless individuals with disabilities. The S+C program provides rental assistance for homeless people with chronic disabilities (usually severe mental illness, HIV/AIDS, and chronic drug and/or alcohol dependency). All grantees are required to match their federal funding for rental assistance with equal funding for supportive services. The SRO

program provides project-based rent subsidies for occupants of single-room occupancy facilities that have undergone moderate rehabilitation.

The Austin/Travis County received approximately $5 million in HUD Continuum of Care (CoC) funding for the 2008/2009. Part of the funding will focus on projects that qualify as part of the SHP program while the other part will target projects under the S+C programs. Additionally, the CoC received a Samaritan bonus to increase funds for permanent supportive housing.

Homeless Services

During the 2010 program year, Travis County will not target the use of CDBG funds toward homeless efforts. During calendar year 2010, Travis County is investing general fund dollars in contracts with social service providers targeting the homeless in conjunction with the Austin/Travis County ESG grant administration and the Austin/Travis County Plan to End Chronic Homelessness.

Homelessness Prevention

A variety of homeless prevention efforts are made through the Travis County General Fund and other grant sources. HHS/VS invests directly through its Family Support Services (FSS) division to address housing stability issues including rent, mortgage and utility assistance. Annually, FSS provides homeless prevention services funded through the General Fund and grant assistance dollars. For PY2010, purchased service investments with non-profits will continue as well as the County's direct services.

Homelessness Prevention and Rapid Re-Housing Program (HPRP)

On February 17, 2009, President Obama signed the American Recovery and Reinvestment Act of 2009, which includes a $1.5 billion for a Homelessness Prevention Fund. Funding for this program, called the Homelessness Prevention and Rapid Re-Housing Program (HPRP), is being distributed based nationally. In Austin, non-profits received 2.3 million dollars in HPRP funds through the State.

HOME/ American Dream Down Payment Initiative (ADDI)

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

Emergency Shelter Grant (ESG)

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

Travis County

Section III: Non- Housing Community Development and Other Actions

Program Year 2010:
October 1, 2010 – September 30, 2011
Annual Action Plan

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

Non-Housing Community Development Investments

Non-Housing Community Development projects include infrastructure, public facilities and public service projects. Out of these three categories Travis County identified infrastructure and public services in their high priorities for the 2006-2010 period. Within the infrastructure category, water and wastewater projects and street improvement projects were prioritized. For public services, youth services and "Other Public Service Needs" were prioritized. Other public service needs encompasses most public services except youth services, senior services, employment training, child care services, transportation services, substance abuse services, health services and lead hazard screening.

During the past four years, CDBG dollars have supported the improvement of a water delivery system, the improvement of substandard roads, the planning of water and wastewater projects and expansion of public services. The figure below summarizes the CDBG community development investments planned with funds from PY06 – PY10.

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

Table 2B: Community Development Needs/Projects		
Community Development Needs/Projects	**Priority Need Level**	**CDBG Investments**
INFRASTRUCTURE		
Water Improvements PY06 Northridge Acres	High	$ 200,000
Street Improvements PY 06 Apache Shores	High	$ 305,000
Street Improvements PY 07 Apache Shores	High	$ 500,000
Street Improvements PY 06 Lava Lane	High	$83,659
Street Improvements PY 09 Lava Lane	High	$ 60,000
Street Improvements PY 10 Lava Lane	High	$ 400,000
	Total Infrastructure	**$1,548,659**
PUBLIC SERVICE		
Other Public Service Needs PY 07	High	$ 64,000
Other Public Service Needs PY 08	High	$ 64,877
Other Public Service Needs PY 09	High	$ 35,000
Youth Services PY 09	High	$ 32,100
Other Public Service Needs PY 10	High	$69,295
	Total Public Service	**$265,272**
ECONOMIC DEVELOPMENT	Low	$ 0
PUBLIC FACILITY	Medium and Low	$ 0
PLANNING		
Water/Wastewater Improvement Planning PY 07	Not applicable	$ 88,727
Water/Wastewater Improvement Planning PY 08	Not applicable	$ 108,704
Water/Wastewater Improvement Planning PY 10	Not applicable	$ 68,000
	Total Planning	**$ 265,431**
TOTAL CDBG Dollars Invested in Community Development:		**$2,079,362**

In addition to CDBG investments, the County's infrastructure department, Transportation and Natural Resources, conducts community development activities in the form of public parks, bridge and drainage projects, storm water management, road maintenance, on-site sewage facilities, transportation planning, and various other projects, approximately totaling $ 57,057,134 in PY 2009.

Water and Wastewater Needs

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

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

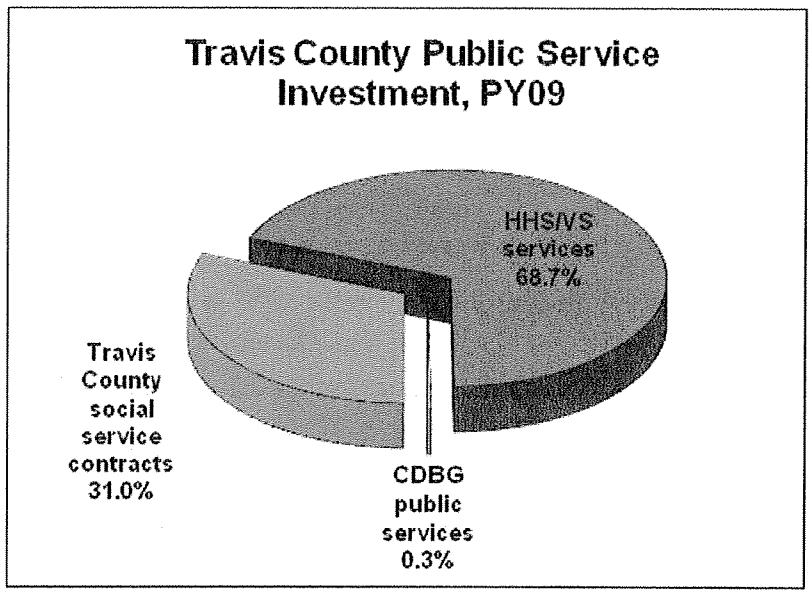
Anti-Poverty Strategy

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

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

stakeholders in facilitating anti-poverty efforts, and supports public policy initiatives that prevent and ameliorate conditions of poverty.

HHS/VS contracts annually with over 40 non-profits in the form of social service contracts. During the 2009 program year, approximately $ 8,319,403 will be invested through social service contracts. In addition, during the 2009 program year HHS/VS will provide approximately $ 18,425,752 in direct public services. The following figure compares the percentages of Travis County public service investments in PY09 broken down by those contracted out, the CDBG investments and the direct investments delivered by HHS/VS.



CDBG is funding an expansion of a social service program in the unincorporated areas which served 137 clients during PY08 and 71 clients during PY07. The work of the social services program has helped identify the needs specific to the unincorporated areas and will serve as a starting point for a more thorough needs assessment to be conducted during the development of the next CDBG Consolidated Plan. Some of the most pressing needs identified so far include:

- Lack of affordable home repair, particularly septic tank repairs, for low income clients. There are many low income residents whose septic systems need to be repaired or replaced, and don't have the funds to maintain them. The cost for cleaning and repair can vary anywhere from a couple of hundreds dollars to thousands of dollars.
- Lack of basic services nearby including grocery stores, pharmacies and clinics.

- While people are moving to new affordable developments in the unincorporated areas, some are facing higher utility bills and transportation costs.

Non-Homeless Special Needs

HUD identifies non-homeless special needs populations as elderly, frail elderly, those with severe mental illness, the developmentally disabled, the physically disabled, persons with alcohol and other drug addictions, victims of domestic violence, and persons living with HIV/AIDS. Over the five-year strategic direction of the 2006-2010 Consolidated plan, no specific goals for CDBG are targeted to address non-homeless special needs.

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

Services for Elderly & Frail Elderly

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

Services for Persons with Physical Disabilities or Developmental Delays

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

Services for Victims of Domestic Violence

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

Services for Persons Living with HIV/AIDS

Travis County funds services for persons living with HIV/AIDS through social service contract investments. Services center around advocacy, crisis management, emergency shelter, transitional housing, counseling, case management, primary medical care retention, client advocacy, medication adherence assistance, food bank assistance,

nutritional counseling, home health, prevention, and support groups. Additionally, Travis County provides other services through health and public health inter-local agreements.

Lead-Based Paint

The CDBG program has developed lead-based paint procedures to guide the implementation of the owner-occupied rehabilitation program funded with CDBG PY08 and PY09 funds and the homebuyer assistance program funded with PY09 funds. The CDBG office will ensure all the guidelines are followed by the program implementers.

HHS/VS Housing Services Division, which receives funds through State grant funds and the Travis County General Fund, provides limited lead-based paint remediation on houses built before 1978. The Housing Services Division did not conduct any lead based paint remediation during the 2008 program year.

Specific HOPWA Objectives

Travis County does not receive HOPWA funds at this time.

Travis County

Appendix A: Income Eligibility Limits

Program Year 2010:
(October 1, 2010 – September 30, 2011)
Annual Action Plan

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

2010 Income Eligibility Limits

To qualify to receive CDBG-funded services, the income of the household must not exceed the maximum income limits established by the U.S. Department of Housing and Urban Development (HUD). The income limits applicable to Travis County, the ones for the Austin-Round Rock Metropolitan Statistical Area, are as follows:

Income Limits for the Austin - Round Rock Metropolitan Statistical Area (MSA)

INCOME LIMITS BY HOUSEHOLD SIZE			
	Very Low Income (30 % Limits)	Low Income (50 % Limits)	Moderate Income (80 % Limits)
1 Person	$15,550	$25,850	$41,350
2 Person	$17,750	$29,550	$47,250
3 Person	$19,950	$33,250	$53,150
4 Person	**$22,150**	**$36,900**	**$59,050**
5 Person	$23,950	$39,900	$63,800
6 Person	$25,700	$42,850	$68,500
7 Person	$27,500	$45,800	$73,250
8 Person +	$29,250	$48,750	$77,950

Effective as of May 14, 2010

Note: The income limits are provided for reference purpose only as they are updated by HUD on an annual basis and only the most current limits are used when determining program eligibility.

Travis County

Appendix B: Public Participation

Program Year 2010:
(October 1, 2010 – September 30, 2011)
Annual Action Plan

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

Attachment A: Summary of Public Participation

- A total of 28 people attended five public hearings
- 34 Participation Forms were submitted
- Technical assistance was provided by CDBG staff in the forms of site visits or office visits and steps to follow to the neighborhood Cardinal Hills and Hazy Hills
- 3 project proposals were submitted by VDC Travis Reserve 1, LP, Catholic Charities of Central Texas and Girlstart.
- 4 proposals were submitted by Travis County Departments: 2 from the Family and Support Service (FSS) division of the Health and Human Service and Veteran Service Department (HHS&VS), one from the Transportation and Natural Resources Department (TNR) and one from the Travis County Housing Finance Corporation (TCHFC).

In this section we will summarize the results from the public hearings and citizen participation forms.

The hearings held in each of the precincts consisted of an informational section and two interactive exercises. The informational section contained background information on CDBG eligible activities, citizen participation processes, and project selection criteria. During the first exercise, participants were asked to rank the CDBG priorities for the 2010 program year. During the second exercise, residents were asked to identify their community needs and potential project ideas to address those needs. Residents that filled out a Citizen Participation Form had access to the same information via the form and a power point presentation.

Ranking of CDBG Priorities

Staff provided a list of the CDBG priorities on large pieces of paper on the wall. Participants were asked to rank the priorities by assigning dots with numerical values next to the ones they consider most significant. They were specifically asked to 1) assign 5 points, to the priority that represents to them the most urgent need or most urgent area of investment, 2) assign three points, to a priority that represents to them an urgent need, but not necessarily the most urgent need, and 3) assign 1 point, to the priority that represents to them an important need, but not as urgent need. To provide additional emphasis, participants were allowed to assign more than one dot to a priority area. The results of the ranking for the residents that participated through the precinct public hearings and citizen participation forms were as follows:

Table 1: Ranking of CDBG Priorities by the Public, Spring 2010

High Priorities for the 2006-2010 Period	Dots Assigned			Total Points
	Most Urgent (5-point dots)	Urgent (3- point dots)	Important (1-point dots)	
Water/Sewer Improvements	13	11	5	103
Youth Services	9	6	5	68
Other Public Service Needs*	5	8	4	47
Street/Road Improvements	5	4	7	44
Owner Occupied Housing Rehabilitation	2	1	5	18
Infrastructure for New Housing Developments	-	-	3	8
Production of New Owner Housing Units through Land Acquisition	-	2	3	9

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

Table 2: Top-three Needs Ranked by Precincts

Precinct	Ranking of High-Priority Needs
Precinct 1	**No attendance at the Manor Public Hearing**
Precinct 2	**1. Owner Occupied Housing Rehabilitation**
	2. Street/Road Improvements
	3. Production of New Owner Housing Units through Land Acquisition
Precinct 3	**1. Street/Road Improvements**
	2. Water/Sewer Improvements
	3. Other Public Service Needs
Precinct 4	**1. Water/Sewer Improvements**
	2. Youth Services
	3. Other Public Service Needs*

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

Table 3: Needs/Projects identified by the Public Spring 2010

High Priority Needs/Projects Identified	Precinct
Street/Road Improvements	
• Street improvements in Cardinal Hills, Stormy Dr., Ullman Dr., and Pyramid Dr. (Subdivision Units 13, 14, & 15)	3
• Street improvements in Wolf Ln, Elroy Rd, Fangerquist Rd, McAngus Rd & Ross Rd	4
• Streets & sidewalks: Burleson Rd & Smith School Dr.	4
Water/Sewer Improvements	
• Wastewater needs in Plainview Estates	1
• Water and wastewater infrastructure needed in Cardinal Hills	3
• Water line needed in Wolf Lane	4
Housing Needs	
• Low income housing needed in Pflugerville	2
• Home repairs programs for low income needed	3
Youth Services	
• Youth services needed in the Ross Rd Area	4
• Proposed project idea: community/cultural arts programs for youth, public art (murals, sculpture, etc.) at the Richard Moya Park	4
• Teen driver education	4

Other Issues Raised	Precinct
Recreational Centers, Community Centers, Parks, Library • Recreational Hall: 969/Hornsby Bend area • Recycling bins, Community Hall, Recreational Hall – 969, Hornsby Bend • Public Library needed in the following areas: 969	1

• Community Center: FM 973
• Recreational Center need for the areas:
  o Wolf, Pearce Ln, Ross Rd., Stoney Pt
  o Mckenney Falls – East Del Valle
  o 812/183
• Park with play equipment, Creedmore, trails south east
• Park in Creedmore
• Community garden needed in Ross rd
• Public Library needed in Creedmore
	4

Security • Increased police presence needed in Plainview/Hornsby Bend • Neighborhood watch available for all	1
Medical • Medical Clinic – 969 (Transportation)	1
• EMS/ Hospital closer to Ross rd	4
Others • Community Cleanup – Plainview/ Hornsby Bend	1
• Over-run community center in Pflugerville. Need for medical, emotional, mental health, housing, and employment services.	2
• Transportation barriers: without public transportation it is difficult for families that have one car or where both parents work and children/youth cannot take public transportation to go to school.	2, 3 & 4
Access to Food • Need for grocery stores that are close to communities in Creedmore. • W/Any CC – Kitchens for nutrition	4
• Community Cleanup – Plainview/ Hornsby Bend • Band With • Teen – Drivers CD • Green Energy for Public Services • Watler Line - Wolf Ln • Slum – Wolf Ln – dumping • Need for Street lighting in Saddle Circle and Reata Dr. In the morning children have to wait for the school bus in the dark and residents are afraid of animals (e.g. snakes) that may bite the children.	4

Attachment B: Testimonies Received during Public Hearing at Commissioners Court 02/16/10

No comments were presented at the public hearing held at the Commissioners Court held on February 16, 2010.

Attachment C: Ad to Participate in the Spring

Help Identify Community Needs in Travis County

Travis County invites the public to participate in community forums where residents will have an opportunity to present community needs and recommend projects for Community Development Block Grant (CDBG) funds for usage in the unincorporated areas of Travis County. The information collected in the forums will guide the selection of CDBG projects for the Program Year 2010 (October 2010 – September 2011) and help determine the priorities for the funding of the next three program years (October 2011 – September 2014).

The Community Development Block Grant (CDBG) program is funded by the United States Department of Housing and Urban Development (HUD) to benefit Travis County low- to moderate-income residents who live outside any city limit. The program supports community development activities aimed at revitalizing neighborhoods, improving affordable housing options, and providing improved community facilities and services. For program year 2010, Travis County anticipates to receive approximately $866,380.

The forums will be held according to the following schedule:

Tuesday, February 16, 2010 @ 9:00 am	**Monday, February 22, 2010 @ 6:30 pm**	**Wednesday, February 24, 2010 @ 6:30 pm**	**Wednesday, February 24, 2010 @ 6:30 pm**	**Thursday, February 25, 2010 @ 6:30 pm**
Travis County Granger Building Commissioners Courtroom: 314 W. 11th St. Austin, Texas, 78701	East Rural Community Center: 600 W. Carrie Manor St. Manor, Texas, 78653	Travis County Community Center: 15822 Foothill Farm Loop, Bldg D Pflugerville, Texas, 78660	West Rural Community Center: 8656-A Hwy 71 W., Suite A Oak Hill, Texas, 78735	South Rural Community Center: 3518 FM 973 Del Valle, Texas, 78617

If you can not attend any of the forums, you can participate by filling out a Participation Form found at the Travis County Website at www.co.travis.tx.us/CDBG/, at one of the seven Travis County Community Centers or by requesting that it be mailed to you by calling 512-854-3460.

For additional information contact Christy Moffett, at christy.moffett@co.travis.tx.us or call 512-854-3460. To request that an American Sign Language or Spanish interpreter be present at any of the public hearings, please contact staff at least five business days in advance.

Attachment D: Ad to Participate in the Spring (Spanish Version)

Ayuda a Identificar las Necesidades Comunitarias del Condado de Travis

El Condado de Travis invita al público a participar en foros comunitarios donde residentes tendrán la oportunidad de identificar necesidades comunitarias y de recomendar proyectos para el uso de los fondos del Programa de Subsidios Globales de Desarrollo Comunitario (CDBG) que se enfoca en las áreas no incorporadas del condado. La información recaudada en los foros guiará la selección de proyectos CDBG para el Año Programático 2010 (de Octubre 2010 a Septiembre 2011) y ayudará a determinar la prioridades de los fondos para los próximos tres Años Programáticos (de Octubre 2011 a Septiembre 2014).

El Programa de Subsidios Globales de Desarrollo Comunitario (CDBG) recibe fondos del Departamento de Vivienda y Desarrollo Urbano de los EE.UU. para beneficiar a residentes de bajos y medianos ingresos que viven en las áreas no incorporadas del condado. El programa apoya actividades de desarrollo comunitarias que tienen como propósito revitalizar comunidades, mejorar opciones de viviendas asequibles y proporcionar servicios e instalaciones comunitarias mejoradas. Para el Año Programático 2010, el Condado de Travis anticipa recibir aproximadamente $866,380 en fondos CDBG.

Los foros públicos se llevarán a cabo de acuerdo al siguiente horario:

Martes, Feb. 16, 2010 a las 9:00 am	**Lunes, Feb. 22, 2010 a las 6:30 pm**	**Miércoles, Feb. 24, 2010 a las 6:30 pm**	**Miércoles, Feb. 24, 2010 a las 6:30 pm**	**Jueves, Feb. 25, 2010 a las 6:30 pm**
Edificio Granger de la Corte Comisionada del Condado 314 W. 11th St. Austin, Texas, 78701	Centro Comunitario Rural del Este: 600 W. Carrie Manor St. Manor, Texas, 78653	Centro Comunitario del Condado de Travis: 15822 Foothill Farm Loop, Bldg D Pflugerville, Texas, 78660	Centro Comunitario Rural del Oeste: 8656-A Hwy 71 W., Suite A Oak Hill, Texas, 78735	Centro Comunitario Rural del Sur: 3518 FM 973 Del Valle, Texas, 78617

Si no puedes asistir a los foros, puedes participar llenando una Planilla de Participación ubicada en la página web www.co.travis.tx.us/CDBG/, en uno de los siete Centros Comunitarios del Condado de Travis, o puede solicitarse para ser enviado por correo llamando al (512) 854-3460.

Para mayor información comuníquese con Christy Moffet a través del e-mail christy.moffett@co.travis.tx.us o llamando al 512-854-3460. Para solicitar que haya un intérprete en español o de lenguaje americano de señas en alguna de estas reuniones, por favor contacte al personal por lo menos con cinco días hábiles de anterioridad.

Attachment E: Public Comment Summary

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

During the week of May 31, 2010 Travis County published a Public Notice announcing and summarizing the proposed PY10 Action Plan. A copy of the public notices in both English and Spanish can be found on Attachments F and G of this section.

The notice appeared in several area newspapers that target the unincorporated areas of Travis County. The 30-day public comment period will commence on June 23, 2010 and will end on July 22, 2010. Two public hearings will be held at the Travis County Commissioners Courtroom during the 30—day public comment period on June 30, 2009, and July 14, 2009, to receive testimony for the PY10 Action Plan.

A summary of the comments and interests will be included in this section at the end of the comment period.

Attachment F: Ad for Public Comment

Travis County Community Development Block Grant (CDBG) Program
Public Notice: Invitation to Comment on the
Proposed CDBG Projects for Program Year 2010

Travis County is eligible to receive an estimated $942,749 in Community Development Block Grant (CDBG) funds from the U.S. Department of Housing and Urban Development (HUD) to benefit Travis County low- to moderate-income residents who live in the unincorporated areas of the county. The funds are for the program year 2010 which goes from October 1, 2010 to September 30, 2011.

CDBG activities are aimed at revitalizing neighborhoods, improving affordable housing options and providing improved community facilities and services. You can comment on the proposed CDBG projects for program year 2010 by attending one of two public hearings or by sending your comments in writing via postal mail or e-mail.

Comment Period and Draft Document

Comments will be accepted for 30 days beginning June 23, 2010 at 8:00 a.m. and ending July 22, 2010 at 5:00 p.m. Beginning June 23, 2010, a draft and a summary of the CDBG Action Plan with the list of projects will be available for download on the Travis County CDBG page www.co.travis.tx.us/CDBG or available for review at any of the seven Travis County Community Centers:

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

Public Hearings

You can provide your comment by attending any of two Public Hearings scheduled for Tuesday, June 29, 2010 at 9:00 AM or Tuesday, July 13, 2010 at 9:00 AM at Travis County Granger Building, Commissioners Courtroom, 314 W. 11th St, Austin, TX.

Mailing your Comments

You can mail your comments to: CDBG Program, Travis County, HHSVS P.O. Box 1748, Austin, TX 78767 or e-mail them to Christy Moffett at christy.moffett@co.travis.tx.us

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

Attachment G: Ad for Public Comment in Spanish

Condado de Travis
Programa de Subsidios Globales para el Desarrollo Comunitario
Aviso Público: Invitación para comentar sobre los Proyectos Propuestos para el Año Programático 2010

El Condado de Travis está calificado para recibir una suma estimada de $942,749 en fondos del Programa de Subsidio Globales para el Desarrollo Comunitario (CDBG) del Departamento de Vivienda y Desarrollo Urbano de Estados Unidos (HUD) destinados a beneficiar a residentes de ingresos bajos o medianos que residen en las áreas no incorporadas del condado.

Las actividades CDBG tienen como propósito revitalizar comunidades, mejorar opciones de viviendas asequibles y proporcionar servicios e instalaciones comunitarias mejoradas. El público puede realizar comentarios sobre los proyectos propuestos para el Año Programático 2010 asistiendo a uno de dos audiencias públicas o enviando sus comentarios por escrito a través del correo postal o de un correo electrónico.

Periodo de Comentario y Documento Preliminar

Los comentarios públicos se aceptarán por un período de 30 días a partir del 23 de Junio de 2010 a las 8:00 a.m. hasta el 22 de Julio de 2010 a las 5:00 p.m. La versión preliminar y un resumen del Plan estarán disponibles para ser revisados a partir del 23 de junio de 2010 en la página web www.co.travis.tx.us/CDBG o en los siguientes centros comunitarios:

Centro Comunitario Rural del Sur	3518 FM 973, Del Valle
Centro Comunitario del Condado de Travis	15822 Foothills Farm Loop, Bldg D, Pflugerville
Centro Comunitario Rural del Oeste	8656-A Hwy 71 W., Suite A, Oak Hill
Centro Comunitario Rural del Noroeste	18649 FM 1431, Jonestown
Centro Comunitario Rural del Este	600 W. Carrie Manor, Manor
Centro Comunitario de Palm Square	100 N. IH-35, Suite 1000, Austin
Centro Comunitario de Post Road	2201 Post Road, Suite 101, Austin

Audiencia Pública

El público puede suministrar sus comentarios asistiendo a cualquiera de dos Audiencias Públicas planificadas para el Martes 29 de Junio de 2010 a las 9:00 AM y el Martes 13 de Julio de 2010 a las 9:00 AM en la Sala de la Corte Comisionada ubicada en el Edificio Granger del Condado de Travis, en la dirección 314 W. 11th St, Austin, TX.

Envío de Comentarios

El público puede enviar sus comentarios por correo postal a la dirección: CDBG Program, Travis County HHSVS P.O. Box 1748, Austin, TX 78767 o por e-mail a Christy Moffett al correo electrónico christy.moffett@co.travis.tx.us

El Condado de Travis está comprometido a cumplir con la Ley de Americanos con Discapacidades (ADA) y con la Sección 504 de la Ley de Rehabilitación de 1973, según su enmienda. Al solicitarlo, se proporcionarán modificaciones razonables e igual acceso a comunicaciones. Si necesita ayuda, por favor llame al 854-3460.

Travis County

Appendix C: List of Priorities for the 2006-2010 Period

Program Year 2010:
(October 1, 2010 – September 30, 2011)
Annual Action Plan

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

CDBG Priorities for the 2006-2010 Period

Housing			
OWNER HOUSING GOALS	**PRIORITY LEVEL**	**RENTAL HOUSING GOALS**	**PRIORITY LEVEL**
Production of new units	High	Production of new units	Medium
Infrastructure to support affordable housing development	High	Rental Assistance	Medium
Rehabilitation of existing units	High	Acquisition of existing units	Medium
Acquisition of existing units	Medium	Rehabilitation of existing units	Medium
Homebuyer Assistance	Medium		
Community Development			
PUBLIC SERVICE NEEDS	**PRIORITY LEVEL**	**PUBLIC FACILITY**	**PRIORITY LEVEL**
Other Public Service Needs	High	Senior Centers	Medium
Youth Services	High	Handicapped Centers	Medium
Employment Training	Medium	Homeless Facilities	Medium
Child Care Services	Medium	Youth Centers	Medium
Transportation Services	Medium	Child Care Centers	Medium
Substance Abuse Services	Medium	Other Public Facility Needs	Medium
Health Services	Medium	Health Facilities	Low
Senior Services	Medium	Neighborhood Facilities	Low
Lead Hazard Screening	Low	Parks and/or Recreation Facilities	Low
Crime Awareness	Low	Parking Facilities	Low
		Non-Residential Historic Preservation	Low
INFRASTRUCTURE	**PRIORITY LEVEL**	**ECONOMIC DEVELOPMENT**	**PRIORITY LEVEL**
Water/Sewer Improvements	High	ED Assistance to For-Profits	Low
Street Improvements	High	ED Technical Assistance	Low
Sidewalks	Medium	Micro-Enterprise Assistance	Low
Solid Waste Disposal Improvements	Medium	Rehab; Publicly- or Privately Owned Commercial/Industrial	Low
Flood Drain Improvements	Medium	C/I Infrastructure Development	Low
Other: Litter Abatement/clearance	Medium	Other C/I Improvements	Low
Other: Erosion Abatement	Medium		
Parks and/or Recreation Facilities	Low		

Travis County

Appendix D:
List of Alternate Projects

Program Year 2010:
(October 1, 2010 – September 30, 2011)
Annual Action Plan

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

Alternate Project List for Program Year 2010

In the event that the projects identified for this program year are delayed, canceled, or are performed at a lower cost than the budgeted amount, the Travis County CDBG program plans to pursue one or more of following projects: homebuyer assistance, homeowner rehabilitation, or design of Navarro Creek Street Improvements.

Planning for such incidents allows the CDBG program to utilize the funds in a timely manner toward pre-identified alternate projects, also saving resources that would otherwise be used to add or delete projects through the customary Substantial Amendment process described in the Citizen Participation Plan. Approval by the Commissioner's Court would be required to use an alternate project.

Alternate Project Priority #1: Homebuyer Assistance -

Project Description:
In an effort to make housing affordable to "first-time home purchasing" families whose annual household income is at or below 80 percent of the Area Median Income (AMI), the Travis County Affordable Housing Ownership Program will make Shared Appreciation Gap Financing and Down payment Assistance loans available. The project will be administered by the Travis County Housing Finance Corporation (TCHFC) as a designated sub-recipient.

Shared Appreciation Gap Financing:
Households earning 80% or less of the area median income may obtain funds (up to $30,000) to reduce the sales price to an amount affordable to the household. Actual assistance amount will be calculated based on actual family need. The loan is a 0 % interest, 30-year note with no required annual or monthly payments. Upon resale, refinancing, lease or other transfer of title, the loan must be repaid in full plus a percentage of the house's appreciation value.

Down Payment Assistance:
Households earning 80% or less of the area Median Family Income (MFI) may obtain funds ($8,000) to cover down payment and reasonable closing costs. The loan is a 0 % interest, 5 year-note with no required annual or monthly payments. The loan is forgiven at a pro-rata rate of 20% for each year of homeownership. The loan is fully forgiven at the end of 5 years. A minimum house hold investment of $500 is required.

All households who are interested in assistance through the Travis County Affordable Housing Ownership Program are required to participate in a minimum of eight (8) hours of HUD-certified housing counseling. At the time the homebuyer is approved for the program, the homebuyer must meet with TCHFC staff for a no cost one hour consultation providing a detailed review of the program.

Alternate Project Priority 1: General Project Information	
CDBG Funding:	**Depends on available funds, but up to an additional $300,000**
Leverage Funding:	Not applicable
Project Delivery:	Travis County Housing Finance Corporation
Project Oversight:	Travis County Health and Human Services & Veteran Services
Expected Start/ Completion Date:	October 1, 2010 – September 30, 2011
Location:	Unincorporated areas of the County

Alternate Project 1: Priority and Performance Measurement Information (HUD – prescribed)			
Priority Need Category:	Homeownership	**Project:**	Homebuyer Assistance
Eligible Activity:	Direct Homeownership Assistance	**Outcome Category**	Availability/Accessibility
Objective Category	Decent Housing	**Specific Objective**	Increase the affordability of owner housing
Citation	24 CFR 570.201 (n)	**Accomplishment**	**Approximately 1 house per $15,000 invested**
Eligibility	LMH	**Matrix Code**	13, Direct Home Ownership Assistance
Priority in the 2006-2010 Strategic Plan#:	Medium	**Travis County HTE #:**	TBD

Alternate Project Priority # 2: Home Rehabilitation

Project Description:
This project will fund minor home repair services to move homes towards Housing Quality Standards to low and moderate income homeowners in the unincorporated areas of Travis County. The program seeks to improve the energy efficiency, physical living conditions, and safety in owner-occupied homes. A 0% interest, forgivable 5-year loan up to $24,999 with no required annual or monthly payments is available. The loan is forgiven at a pro-rata rate of 20% for each year of home ownership. Examples of potential improvements include connections of houses to long-term viable sources of water (not part of a stand-alone infrastructure project), complementing weatherization services of other funding sources, septic tank repairs, and electrical and plumbing repairs. In the event that program income is created, it will be reinvested into the Home Rehabilitation project.

These funds are targeted to homeowners at or below 80% MFI in the unincorporated areas of the county. This project will be either administered by a non-profit, designated as a sub-recipient, identified through a formal application process or by the HHS/VS department.

Alternate Project Priority #2: General Project Information	
CDBG Funding:	**Depends on available funds, but up to $200,000**
Leverage Funding:	To be determined
Program Delivery:	Designated sub-recipient or Travis County Health and Human Service and Veterans Service
Program Oversight:	Travis County Health and Human Service and Veteran Services
Estimated Start/ Completion Date:	Contract in place by November 2009 Program delivery begins January 2010
Location:	Homes in the unincorporated areas of Travis County

Alternate Project Priority 2: Priority and Performance Measurement Information (HUD –prescribed)			
Priority Need Category:	Owner Occupied Housing	**Project:**	Rehabilitation of existing units
Eligible Activity:	Rehabilitation	**Outcome Category**	Availability/ Accessibility
Objective Category	Suitable Living Environment	**Specific Objective**	Improve the quality of owner housing
Citation	570.202	**Accomplishment**	**1 unit for every $24,999 funded**
Eligibility	LMH	**Matrix Code**	14A, Rehabilitation, Single Unit Residential
Priority in the 2006-2010 Strategic Plan#	High	**Travis County HTE #:**	TBD

Alternate Project Priority # 3: Navarro Creek Drive Substandard Road Improvement Project

Project Description:

This project funds the design phase, environmental review, and project management time to support the improvement of the unaccepted portion of Navarro Creek, a road in Precinct 4. This will be the first phase of a three-phase project to complete the road improvement. This project will be administered by the Travis County Transportation and Natural Resources Department, Public Works Division.

Alternate Project Priority 3: General Project Information	
CDBG Funding:	Up to $125,000
Leverage Funding:	Not Applicable
Program Delivery:	Travis County Transportation and Natural Resource Department
Program Oversight:	Travis County Health and Human Service and Veteran Services
Expected Start/ Completion Date:	Dependent upon when or if funded – approximately 6 months from funding approval date
Location:	Navarro Creek road, Precinct 4

Alternate Project Priority 3: Priority and Performance Measurement Information (HUD – prescribed)			
Priority Need Category:	Infrastructure	**Project:**	Street Improvements
Eligible Activity:	Street Improvements	**Outcome Category**	Sustainability
Objective Category	Suitable Living Environment	**Specific Objective**	Improve quality of public improvements for lower income persons
Citation	570.201 (c)	**Accomplishment**	1239 Individuals
Eligibility	LMA	**Matrix Code**	03 K Street Improvements
Priority in the 2006-2010 Strategic Plan#	High	**Travis County HTE #:**	TBD

Travis County

Appendix E: Certifications

Program Year 2010:
(October 1, 2010 – September 30, 2011)
Annual Action Plan

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

ACTION PLAN CERTIFICATION

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

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

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

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

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

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

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

9. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
10. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of Jurisdiction -- The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with plan -- The housing activities to be undertaken with CDBG, HOME, ESG, and HOPWA funds are consistent with the strategic plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968, and implementing regulations at 24 CFR Part 135.

	__/__/09
Signature/Authorized Official	Date

Samuel T. Biscoe

Name

County Judge

Title

P.O. Box 1748

Address

Austin, Texas 78767

City/State/Zip

512/854-9555

Telephone Number

Specific CDBG Certifications

The Entitlement Community certifies that:

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

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

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

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

11. Maximum Feasible Priority - With respect to activities expected to be assisted with CDBG funds, it certifies that it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available);

12. Overall Benefit - The aggregate use of CDBG funds including section 108 guaranteed loans during program year(s) 2009(a period specified by the grantee consisting of one, two, or three specific consecutive program years), shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period;

13. Special Assessments - It will not attempt to recover any capital costs of public improvements assisted with CDBG funds including Section 108 loan guaranteed funds by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

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

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

Excessive Force -- It has adopted and is enforcing:

14. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

15. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction;

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

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

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

Signature/Authorized Official	Date
	__/__/2009

Samuel T. Biscoe

Name

County Judge

Title

P.O. Box 1748

Address

Austin, TX 78767

City/State/Zip

512/854-9555

Telephone Number

APPENDIX TO CERTIFICATIONS

Instructions Concerning Lobbying and Drug-Free Workplace Requirements

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

Drug-Free Workplace Certification

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

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

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

Note that by signing these certifications, certain documents must completed, in use, and on file for verification. These documents include:

1. Analysis of Impediments to Fair Housing
2. Citizen Participation Plan
3. Anti-displacement and Relocation Plan

08/07/07

Signature/Authorized Official Date

Samuel T. Biscoe

Name

County Judge

Title

P.O. Box 1748

Address

Austin, TX 78767

City/State/Zip

512/854-9555

Telephone Number

10

BUDGET AMENDMENTS AND TRANSFERS
FY 2010

COUNTY JUDGE'S OFFICE
10 JUN 17 AM 8:44

6/22/2010

AMENDMENTS

BA#	Project Code	FUND	DEPT/DIV	ACT	ELM/ OBI	Dept.	Line Item	Increase	Decrease	Pg #
A1		001	9800	981	9892	Reserves	Allocated Reserves		$ 4,729	1
		001	1030	521	0701	Gen. Admin.	Reg Sal-Permnt Empl	$ 2,764		
		001	1030	521	0801	Gen. Admin.	Reg Salaries- Temp Empl	$ 1,200		
		001	1030	521	2002	Gen. Admin.	FICA Tax - OASDI	$ 246		
		001	1030	521	2005	Gen. Admin.	Retirement Contribution	$ 454		
		001	1030	521	2006	Gen. Admin.	Worker's Compensation	$ 8		
		001	1030	521	2007	Gen. Admin.	FICA Tax - Medicare	$ 57		

OTHER

Consider and take appropriate action on request to approve a cell phone allowance for EMS. 3

AUTOMATED BUDGET ADJUSTMENT FORM

<< Back

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Budget Adjustment: 21688

Fyr _ Budget Type: 2010-Reg | Author: 1 - VELASQUEZ, MELISSA | Created: 6/10/2010 1:18:03 PM
PBO Category: Amendment | Court Date: Tuesday, Jun 22 2010 | Dept: RESERVES
Just: Other | terminal pay costs and temporary back fill of Admin position in Intergovernmental Relations

From Account	Acct Desc	Project	Proj Desc	Amount
001-9800-981-9892	ALLOCATED RESERVES			4,729
				4,729

To Account		Project	Amount
001-1030-521-0701	REG SALARIES-PERMNT EMPL		2,764
001-1030-521-0801	REG SALARIES-TEMP EMPL		1,200
001-1030-521-2002	FICA TAX - OASDI		246
001-1030-521-2005	RETIREMENT CONTRIBUTION		454
001-1030-521-2006	WORKER'S COMPENSATION		8
001-1030-521-2007	FICA TAX - MEDICARE		57
			4,729

Approvals	Dept	Approved By	Date Approved
Originator	1	MELISSA VELASQUEZ	6/10/2010 1:18:15 PM
DepOffice	1	MELISSA VELASQUEZ	6/10/2010 1:18:17 PM

Approved 6-15-10
Wm. Dougherty (See PBO Memo)
Leroy Nellis 6/16/10

PLANNING AND BUDGET OFFICE
TRAVIS COUNTY, TEXAS

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

MEMORANDUM

TO: Members of the Commissioners Court

FROM: Bill Derryberry, Senior Planning and Budget Analyst Wm. Derryberry

DATE: June 15, 2010

SUBJECT: Intergovernmental Relations Office Transition Budget Amendment

The Intergovernmental Relations Office (IGR) is requesting a budget amendment totaling $4,729 from the Allocated Reserve (001-9800-981-9892). This amount will provide 3 weeks of funding for a Temporary Employee slot beginning June 28th, and the termination pay of the incumbent whose last day on the payroll system will be July 12. About 73% of this request is actually related the termination pay and related fringe benefit costs of the incumbent under long-standing Court policy. Termination pay is not included in any County departmental budget and is usually funded by leaving the position vacant for the period necessary to fund it with salary savings. In this case, it would be necessary to leave this important support position for IGR vacant for a period of about 2 months, with no transition opportunity possible with the current incumbent.

The IGR budget is included in the General Administration Budget along a variety of County Wide expenses such as County memberships, funding for the Outside Annual Audit, the Travis Central Appraisal District, Bond Issuance expenses, arbitrage expenses, and the Waller Creek TIF costs. It also includes the budget for the Special Assistant to the Commissioners Court (Special Assistant). General Administration's budget is effectively a County department, which is managed by the County Judge. It is one of the most tightly budgeted areas of the County budget, typically with little to no flexibility in any given line-item or its bottom line. As such after a careful scrubbing review, it is necessary for IGR to make this budget amendment request.

Please see the IGR supporting memo for this request for further information.

PBO recommends approval of this amendment for IGR request. If you have any questions, please call me at 4-4741.

Cc: Deece Eckstein, IGR Officer
Rodney Rhoades, Executive Manager-PBO
Leroy Nellis, Budget Director, PBO

Y

Rev. 11-13-2008

Travis County Monthly Cellular Service Allowance
REQUEST FORM

RECEIVED
10 JUN 16 AM 10:46
TRAVIS COUNTY
PLANNING & BUDGET OFFICE

Pursuant to Travis County Code, Chapter 39, Wireless Communications Policy, I am submitting this request for additions (A) or changes (C) of monthly cellular service allowances within my Office/Department.

6/14/2010 — *Official/Department Head Signature and Date*

6/14/2010 — *effective date*

NOTE: All requests for new monthly allowances or increases to previously approved monthly allowances must first go through PBO, then be processed through the Auditor's Office. Along with this request form, a budget transfer sheet must be completed for a transfer of funds into line items 2002 (6.2%), 2005 (9.64%), 2006 (1.95 POPS positions), 2007 (1.45%), and the remaining into 4107. Unless the allowance is for a limited time, the budget transfer used to fund the allowance can only be made on an annualized permanent basis.

A cellular service monthly allowance is requested for (A or C, Employee ID #, position title and slot number):	**$10/mo**	**$20/mo**	**$30/mo**
This is an amended request. Mr. Goss should receive $20 per month, $10 per pay period.	☐	☐	☐
Goss, Bruce: 33483, Helicopter Mechanic, Slot 14	☐	X	☐
	☐	☐	☐
	☐	☐	☐
	☐	☐	☐
	☐	☐	☐

Comments:

Funding already resides in required line items

Reviewed by PBO — 6/16/10
signature and date

Approved by Commissioner's Court _____
Date

Processed by Auditor's Office _____
signature and date

Return a copy to: Chuck Brotherton, Emergency & Wireless Communications Manager
Travis County Emergency Services
Phone 854-4895
Fax 854-4786
Email Charles.Brotherton@co.travis.tx.us

Updated 6/1/2010, 9:46 a.m. ***Allocated Reserve Status (001-9800-981-9892)***

Amount	Dept Transferred Into	Date	Explanation
$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
($2,578,800)	TNR	10/28/09	Reimbursement Resolution for Vehicles
($250,000)	TNR	11/17/09	Comprehensive Plan
($93,003)	Sheriff	11/24/09	SWAP
($516,000)	Juvenile Probation	12/1/09	Family Preservation Contract
($16,000)	Facilities	12/22/09	Reimbursement Resolution - Real Estate
($325,000)	Facilities	12/22/09	Reimbursement Resolution - Real Estate
($25,000)	TNR	3/23/10	Envision Central Texas
($20,000)	Facilities	3/23/10	Reimbursement Resolution-Due Diligence Insp
($250,000)	Facilities	3/30/10	Reimbursement Res.- 700 Lavaca Bldg
($485,009)	Facilities	3/30/10	Construction/FFE/ITS/moves for HHS Lease
($11,177)	Facilities	3/30/10	New HHS lease for one month
($43,497)	Purchasing	4/6/10	FTE - Purchasing Agent IV
($1,200)	Purchasing	4/6/10	FTE - Office Equip, Furn & Supp
($29,771)	PBO	4/13/10	Reimbursement Resolution - Broaddus Mod.6
$11,375	HHS	4/16/10	Canceled Purchase Orders
($93,565)	County Attorney	4/27/10	New Atty. & Legal Secretary/Land Use Issues
($42,907)	General Adminstration	4/27/10	Waller Creek TIF
$99,688	Various Dept.	4/22/2010	Canceled Purchase Orders
-$32,055	Gen. Admin	5/4/2010	Bond Issuance Cost
$1,940	Various Dept.	5/3/2010	Canceled Purchase Orders
$914	TNR	5/3/2010	Canceled Purchase Orders
$12,999	Various Dept.	5/17/2010	Canceled Purchase Orders
-$562,902	County Clerk	5/25/2010	Expenses - Primary Election Runoff
-$55,000	TNR	5/25/2010	Utilities
-$405,000	Facilities	5/25/2010	Professional Services - 700 Lavaca
-$9,638	JP Pct. 3	5/25/2010	Temporary Salaries
$11,675	Various Dept.	5/27/2010	Canceled Purchase Orders
$20,940	Various Dept.	6/4/2010	Canceled Purchase Orders
$765	Facilities	6/10/2010	Liquidate Prior Year Purchase Order
$986,546	**Current Balance**		

Possible Future Expenses Against Allocated Reserve Previously Identified:

Amount	Explanation
($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
($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

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

($8,268)	Overtime for FACTS Training/Implementation
($7,300)	Miscellaneous Recurring Expenses-Operating
($1,731,688)	**Total Possible Future Expenses (Earmarks)**
($745,142)	***Remaining Allocated Reserve Balance After Possible Future Expenditures***

Updated 6/1/2010, 9:46 a.m.

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

Amount	Dept Transferred Into	Date	Explanation
$454,223			Beginning Balance
($11,205)	Sheriff	11/24/09	SWAP
($2,215)	Facilities	12/22/09	Real Estate
($29,995)	TNR	12/22/09	Sidewalk Maintenance Program
($13,395)	TNR	1/8/10	Motorcycle Replacement
($2,403)	ITS	4/6/10	Office Equip, Furn & Supp - Purchasing FTE
($357)	ITS	4/6/10	Educ,Com, Eq & Supp - Purchasing FTE
$394,653	**Current Reserve Balance**		

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

Amount	Explanation
($95,500)	Failing Vehicles
($95,500)	**Total Possible Future Expenses (Earmarks)**

$299,153 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
$4,950,000	**Current Reserve Balance**		

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

Amount	Dept Transferred Into	Date	Explanation
$1,000,000			Beginning Balance
$1,000,000	**Current Reserve Balance**		

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

Amount	Dept Transferred Into	Date	Explanation
$250,000			Beginning Balance
$250,000	**Current Reserve Balance**		

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

Amount	Dept Transferred Into	Date	Explanation
$500,000			Beginning Balance
$500,000	**Current Reserve Balance**		

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

Amount	Dept Transferred Into	Date	Explanation
$43,092			Beginning Balance
($22,288)	Facilities	5/25/10	Maintenance of Bldg.
$20,804	**Current Reserve Balance**		

Updated 6/1/2010, 9:46 a.m.

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

Amount	Dept Transferred Into	Date	Explanation
$43,812,685			Beginning Balance
($2,161,824)	ITS	12/15/09	Reimbursement Resolution-Computer Equip.
($50,000)	Tax	12/15/09	Reimbursement Resolution - Web Browser Software
($2,264,000)	Facilities	12/15/09	Reimbursement Resolution - AHU/HVAC upgrades at Gault and EOB
($7,189,337)	EMS	2/23/10	Reimbursement Resolution - purchase & completion of new SF aircraft and 2 aircraft contracts
($735,000)	Facilities	4/6/10	Reimbursement Resolution - Airport Blvd. Property Purchase
$31,412,524	**Current Reserve Balance**		

12

TRAVIS COUNTY COMMISSIONERS COURT AGENDA REQUEST

COUNTY JUDGE'S OFFICE
10 JUN 16 PM 1:25

Please consider the following item for:

06-22-10

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) Annual application to the U.S. Department of Justice and related Interlocal Agreement with the City of Austin for the Travis County Sheriff's Office to receive resources to replace aging citation writers with new tablet computers used by highway enforcement units under the 2010 Byrne Justice Assistance Grant: and,

b) Contract amendment with the Corporation for National and Community Service (through OneStar Foundation) for Health and Human Services to reduce the overall grant award for the FY 10 AmeriCorps Grant based on savings generated from members leaving before completing their program hours and staff turnover.

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

6/22/2010

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	FTEs	PBO Notes	Auditor's Assessment	Page #	ARRA
Applications												
a	37	2010 Byrne Justice Assistnce Grant	10/1/2010 - 9/30/2013	$114,285	$0	$0	$114,285	0	R	MC	15	
Contracts												
b	58	AmeriCorps	8/1/2009 - 7/31/2010	$278,239.01	$269,446.00	$10,160.00	$557,845.01	20	R	C	22	

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. 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
49	CAPCOG FY10 Solid Waste Enforcement Grant	12/15/2009 - 08/31/2010	$8,517	$0	$0	$8,517	0	10/6/2009
24	Formula Grant - Indigent Defense Grants Program	10/1/2009 - 9/30/2010	$430,945	$0	$0	$430,945	0	10/6/2009
14	***American Recovery and Reinvestment Act (ARRA) Competitive Grant for Distributable Renewable Energy Power Generation***	***12/4/2009-4/30/2011***	***$2,000,000***	***$360,000***	***$40,000***	***$2,400,000***	***0***	***10/27/2009***
58	RSVP	10/1/2009 - 9/30/2010	$61,281	$6,128	$0	$67,409	0	11/24/2009
12	BJA Federal SAVNS - Courts Only	11/30/2009 - 3/31/2011	$22,972	$0	$0	$22,972	0	12/8/2009
49	Transportation Enhancement Program	FY 2011 - FY 2014	$3,419,066	$854,766	$0	$4,273,832	0	12/8/2009
37	***Recovery Act - STOP Violence Against Women Act (ARRA) TC Expedited Victim Restoration Grant***	***4/1/2010 - 3/31/2011***	***$10,080***	***$0***	***$0***	***$10,080***	***0***	***12/15/2009***
37	***Recovery Act - STOP Violence Against Women Act (ARRA) Amended 12/15/09 application TC Expedited Victim Restoration Grant***	***4/1/2010 - 3/31/2011***	***$64,599***	***$0***	***$0***	***$64,559***	***1***	***12/22/2009***

47	Emergency Management Performance Grant	10/1/2009 - 9/30/2010	$67,200	$67,200	$0	$134,400	0	12/29/2009
58	AmeriCorps	8/1/2010 - 7/31/2011	$295,290	$164,583	$104,598	$564,471	0	1/19/2010
45	JABG (Local) Juvenile Assessment Center	9/1/2010 - 8/31/2011	$110,115	$12,235	$0	$122,350	1.37	1/26/2010
24	Formula Grant - Indigent Defense Grants Program	10/1/2009 - 9/30/2010	$430,945	$0	$0	$430,945	0	2/2/2010
45	Juvenile Drug Court and In-Home Family Services	9/1/2010 - 8/31/2011	$178,200	$19,800	$0	$19,800	0.24	2/9/2010
Multiple	Family Violence Protection Team	10/1/2010 - 9/30/2012	$699,507	$168,239	$0	$867,746	4.5	2/9/2010
45	Grant to Expand Substance Abuse Treatment Capacity for Juvenile Treatment Drug Court	10/1/2010 - 9/30/2011	$324,830	$48,289	$0	$273,119	3	2/23/2010
24	Travis County Veteran's Court	4/1/2010 - 8/31/2010	$48,895	$0	$0	$48,895	1	3/2/2010
19	Family Violence Accelerated Prosecution Program	9/12010 - 8/31/2011	$88,948	$31,220	$16,675	$136,843	1.5	3/2/2010
45	Front End Therapeutic Services Program	9/1/2010 - 8/31/2011	$28,000	$0	$0	$28,000	0	3/2/2010
45	Eagle Resource Project	09/1/2010 - 8/31/2011	$49,844	$0	$0	$49,884	0	3/2/2010
45	Travis County Eagle Re-Entry Program	10/1/2010 - 9/30/2011	$382,685	$0	$382,685	$765,370	6.45	3/2/2010
37	TCSO Child Abuse Victim Services Personnel	10/1/2010 - 9/30/2011	$39,926	$9,982	$0	$49,908	1	3/2/2010

58	Emergency Food and Shelter Program - Phase 28	1/1/2010 - 12/31/2010	$122,573	$0	$0	$122,573	0	3/9/2010
40	OVW FY 2010 Safe Havens: Supervised Visitation and Safe Exchange	10/1/2010 - 9/30/2013	$400,000	$0	$0	$400,000	0	3/9/2010
39	Grants to Expand Substance Abuse Treatment Capacity for Adult Drug Courts RFA No. T1-10-011	10/1/2010 - 9/1/2013	$619,356	$0	$0	$619,365	0	3/9/2010
22	Family Drug Treatment Court (Grant #1974704)	9/1/2010 - 8/31/2011	$184,981	$0	$0	$184,981	2	3/16/2010
24	Drug Diversion Court	9/1/2010 - 8/31/2011	$188,422	$0	$0	$188,422	1	3/16/2010
24	Travis County Veteran's Court	9/1/2010 - 8/31/2011	$206,003	$0	$0	$206,003	2	3/30/2010
39	Travis County Adult Probation DWI Court	9/1/2010 - 8/31/2011	$234,391	$0	$0	$234,391	1	3/30/2010
55	***Mental Health Public Defender Expansion Grant***	***09/01/2010 - 8/31/2012***	***$200,000***	***$50,000***	***$0***	***$250,000***	***2***	***4/6/2010***
45	Travis County COPE (Collaborative Opportunities for Positive Experiences) Expansion Program	10/1/2010 - 9/30/2012	$199,986	$0	$49,998	$249,984	1.38	4/6/2010
45	Leadership Academy Dual Diagnosis Unit - Residential Substrance Abuse Treatment Program	10/01/2010 - 9/30/2011	$142,535	$47,512	$0	$190,047	1.82	4/6/2010
37	Target & Blue Law Enforcement Grant	10/1/2010 - 9/30/2011	$2,000	$0	$0	$2,000	0	4/13/2010
58	Parenting in Recovery	9/30/2010 - 9/29/2011	$500,000	$0	$0	$500,000	1	4/20/2010

37	State Criminal Alien Assistance Program - SCAAP 10	7/1/2008 - 6/30/2009	$39,278,809	$0	$0	$39,278,809		4/20/2010
58	Travis County Family Drug Treatment Court - Children's Continuum	10/1/2010 - 9/30/2013	$350,000	$80,000	$36,667	$466,667	1.5	4/27/2010
45	Access and Visitation -Cooperative Parent Program	09/01/2010 - 8/31/2011	$29,870	$2,987	$0	$32,857	0	5/4/2010
37	SCATTF - Sheriff's Combined Auto Theft Task Force	9/1/2010 - 8/31/2011	$655,899	$319,936	$0	$975,835	11	5/4/2010
45	The National School Lunch/Breakfast Program and USDA School Commodity Program	7/1/2010 - 6/30/2011	$262,600	$0	$0	$262,600	0	5/11/2010
55	Travis County Mental Health Public Defenders Office	10/1/2010 - 9/30/2011	$125,000	$500,000	$0	$625,000	8	5/11/2010
37	Walmart Local Community Contribution Program	5/26/2010 - 9/30/2010	$500	$0	$0	$500	0	6/1/2010
49	FY 11 CAPCOG Travis County Expo Center Recycling Grant	9/1/2010 - 7/31/2011	$29,590	$0	$0	$29,590	0	6/8/2010
49	CAPCOG FY 11 Solid Waste Enforcement Grant	9/1/2010 - 7/31/2011	$11,723	$0	$0	$11,723	0	6/8/2010
			$52,506,083	$2,742,877	$630,623	$55,601,392	52.76	

Updated 6/1/2010, 9:46 a.m.

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***	***$0***	***$0***	***$2,207,900***	***0***	***10/6/2009***
49	TX DoT Advanced Funding Agreement - Howard Lane @ SH130	7/28/2009	$6,000,000	$1,575,000	$0	$7,575,000	0	10/6/2009
58	**2009 Phase 27 ARRA Emergency Food and Shelter Program**	**04/01/2009 - 12/31/2009**	**$41,666**	**$0**	**$0**	**$41,666**	**0**	**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	$0	$134,400	0	10/13/2009
58	Comprehensive Energy Assistance Program (CEAP) Amendment 1	1/1/2009 - 12/31/2009	$3,198,032	$0	$0	$3,198,032	0	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	0	10/27/2009
39	Travis County Adult Probation DWI Court	9/1/2009 - 8/31/2010	$210,315	$0	$0	$210,315	1	11/3/2009
22	Family Drug Treatment Court	9/1/2009 - 8/31/2010	$108,350	$0	$0	$108,350	1	11/3/2009
45	Drug Court/In-Home Family Services Grant	9/1/2009 - 8/31/2010	$157,500	$17,500	$0	$175,000	0	11/10/2009
45	Residential Substance Abuse Treatment Program	10/1/2009 - 9/30/2010	$102,888	$34,296	$0	$137,184	1.58	11/10/2009
37	2009 Byrne Justice Assistance Grant - Non ARRA	9/17/2009 - 9/30/2012	$100,000	$0	$0	$100,000	0	11/17/2009

6

Updated 6/1/2010, 9:46 a.m.

37	***2009 Byrne Justice Assistance Grant (ARRA)***	***3/1/2009 - 2/28/2013***	***$495,000***	***$0***	***$0***	***$495,000***	***0***	***11/17/2009***
23	Texas Commission on Environmental Quality Intergovernmental Cooperative Reimbursement Agreement with Travis County	11/09 - 8/31/2012	$590,797	$0	$0.00	$590,797	1.75	11/17/2009
49	Onion Creek Greenway, Phase 1 - Urban Outdoor Recreation Grant	8/21/2008 - 8/20/2011	$1,000,000	$1,000,000	$0.00	$2,000,000	0	11/17/2009
58	RSVP - Texas Department of Aging and Disability Services (TDADS)	9/1/2009 - 8/31/2010	$23,800	$23,800	$0	$47,600	0	11/17/2009
58	Veterans' Employment and Training Service (Stand Down Grant)	10/24/2009 - 10/25/2009	$7,000	$0	$0.00	$7,000	0	11/17/2009
37	2007 Homeland Security Grant Program - LETPP	10/12/2007 - 2/28/2010	$106,905	$0	$0	$106,905	0	11/24/2009
49	Flood Mitigation Assistance - Planning Grant	8/28/2009 - 8/31/2011	$30,000	$10,000	$0	$40,000	0	12/1/2009
37	State Criminal Alien Assistance Program - SCAAP 09	7/1/2007 - 6/30/2008	$988,279	$0	$0	$988,279	0	12/15/2009
37	Human Trafficking Law Enforcement Task Force	12/1/2009 - 9/30/2010	$20,000	$0	$0	$20,000	0	12/15/2009
23	Project Safe Neighborhoods	12/1/2009 - 12/31/2010	$29,410	$0	$0	$29,410	1	1/5/2010
58	RSVP	10/1/2009 - 9/30/2010	$61,281	$6,128	$0	$67,409	0.5	2/2/2010
58	Atmos Energy Keeping the Warmth Program	2/12/2010 - 1/31/2010	$25,000	$0	$0	$25,000	0	2/9/2010
49	CAPCOG FY 10 Solid Waste Enforcement Grant	2/16/2010 - 12/31/2010	$8,517.96	$0	$0	$8,517.96	0	2/16/2010
58	***Parenting in Recovery***	***9/30/2009 - 9/29/2010***	***$508,690.70***	***$80,000.00***	***$45,000.00***	***$633,690.70***	***1***	***2/23/2010***

2

Updated 6/1/2010, 9:46 a.m.

55	***Information Management Strategy for Criminal Justice Edward Byrne Memorial Justice Assistance Formula Grant (ARRA)***	***10/1/2009 - 9/30/2010***	***$487,359***	***$0***	***$0***	***$487,359***	***0***	***2/23/2010***
58	Comprehensive Energy Assistance Program (CEAP)	1/1/2010 - 12/31/2010	$2,934,664	$0	$0	$2,934,664	0	3/2/2010
58	***ARRA WAP - Weatherization Assistance Program***	***9/1/2009 - 8/31/2011***	***$2,311,350***	***$0***	***$0***	***$2,311,350***	***0***	***3/2/2010***
49	Low Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program Local Initiative Projects Contract with Texas Commission on Environmental Quality	5/6/2008 - 8/31/2010	$1,259,730.11	$0	$0	$1,259,730.11	0	3/9/2010
55	Office of Child Representation	10/1/2009 - 9/30/2010	$239,662	$443,338	$0	$673,000	8	3/16/2010
55	Office of Parental Representation	10/1/2009 - 9/30/2010	$190,160	$482,840	$0	$673,000	8	3/16/2010
58	SVCI (Seniors and Volunteers for Childhood Immunization)	9/1/2009 - 8/31/2010	$8,845.20	$0	$0	$8,845.20	0.25	3/30/2010
58	Casey Family Programs Community and	1/1/2010 -	$80,000	$0	$0	$80,000	1	3/30/2010
58	RSVP	10/1/2009 - 9/30/2010	$63,119	$6,312	$0	$69,431	0.5	3/30/2010
37	2007 LETTP	10/12/2007 - 2/28/2010	$99,240	$0	$0	$99,240	0	3/30/2010
58	SVCI (Seniors and Volunteers for Childhood Immunization) Advisiory Council	10/1/2009 - 9/30/2010	$4,000	$0	$0	$4,000	0.25	4/13/2010
58	ARRA WAP - Weatherization Assistance Program	9/1/2009 - 8/31/2011	$2,311,350	$0	$0	$2,311,350	0	4/13/2010
37	Auto Theft Prevention Authority Supplemental Grant	4/1/2010 - 8/31/2010	$37,300	$0	$0	$37,300		4/27/2010
58	LIHEAP Weatherization Assistance Program	4/1/2010 - 3/31/2011	$840,144	$0	$0	$840,144	0	5/25/2010

Updated 6/1/2010, 9:46 a.m.

58	2010 Emergency Food and Shelter Program - Phase 28	1/1/2010 - 12/31/2010	$111,839	$0	$0	$111,839	0	6/1/2010
	State Case Registry and Local Customer Service Contract	9/1/2008 - 8/31/2010	$80,000	$0	$0	$80,000	0.5	6/15/2010
	Travis County Veteran's Court	4/1/2010 - 8/31/2010	$48,895	$0	$0	$48,895	1	6/15/2010
	Travis County Expedited Victim Restoration Grant	4/1/2010 - 3/31/2011	$64,599	$0	$0	$64,599	1	6/15/2010
			$27,586,898	$3,782,129	$164,504	$31,523,531	32.33	

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	11/3/2009	Yes
45	Residential Substance Abuse Treatment	$8,994	$8,994	$17,988	1	9/22/2009	11/10/2009	Yes
22	Drug Court (State) Program	$5,084	$5,084	$10,168	1	10/6/2009	11/3/2009	Yes
58	Casey Family Programs Community and Family Reintegration Project	$9,726	$9,726	$19,452	1	12/22/2009	3/30/2010	Yes
58	*Comprehensive Energy Assistance Grant Program			$430,000		1/19/2010	3/2/2010	Pending
58	*Department of Energy (DOE) Weatherization Program			$20,000		5/11/2010	Awaiting Contract	No

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?
58	*Low-Income Energy Assistance Program (LIHEAP)			$30,000		5/11/2010	5/25/2010	No
	Totals	$28,888	$28,888	$537,776	4			

* Request is not a traditional permission to continue. Budget and expenditures will remain in the department's General Fund Budget until the contract is in place and reclassifications against the grant are processed.

Updated 6/1/2010, 9:46 a.m.

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

		FY 09		FY 10		FY 11		FY 12		FY 13		FY 14	
Dept	Grant Title	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 any potential costs/savings to indigent attorneys fees that are centrally budgeted.*	$ 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 any potential costs/savings to indigent attorneys fees that are centrally budgeted.*	$ 300,000	$ 301,812	$ 100,000	$ 102,358	$ 50,000	$ 152,359	$ -	$ 152,359	$ -	$ 152,359	$ -	$ 152,359
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, County Attorney's Office, District Attorney's Office and Manor Police Department).***	$ -	$ -	$ 487,359	$ -	$ -	$ 26,432	$ -	$ 26,432	$ -	$ 26,432		$ 26,432
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		$ -		$ -		$ -		$ -
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	$ -	$ 165,000	$ -	$ 165,000	$ -	$ -	$ -		$ -
Travis County Sheriff's Office/County Attorney's Office	Recovery Act - STOP Violence Against Women Act. TC Expedited Victims Restoration Grant (ARRA). ***One-time ARRA funding for laptops for TCSO and one-time funding for a Victim Counselor, laptop computer, and operating expenses for the County Attorney's Office. Grant ends March 2011, but for simplification purposes the award is shown fully in 2010. No County match or commitment after grant ends.***	$ -	$ -	$ 64,599	$ -		$ -		$ -		$ -		$ -
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	$ -	$ -	$ -	$ -	$ -	$ -	$ -

12

Updated 6/1/2010, 9:46 a.m.

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	$ -	$ -	$ -	$ -	$ -	$ -	$ -		
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	**ARRA Texas Weatherization Assistance Program. Provide weatherization services to low income households**		$ -	$ 2,311,350	TBD	$ 2,187,544	TBD		$ -		$ -		$ -
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
	Totals	**$ 3,070,731**	**$ 1,161,189**	**$ 8,619,525**	**$ 2,175,626**	**$ 4,728,764**	**$ 1,135,059**	**$ 2,172,470**	**$ 1,260,059**	**$ 1,507,470**	**$ 1,760,059**	**$ 1,490,480**	**$ 1,760,059**

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 (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)	$ -	$ -	$ 2,100,000	$ 385,000	$ 100,000	$ 25,000	$ -	$ 125,000	$ -	$ 125,000	$ -	$ 125,000
Approved Contracts	$ 3,070,731	$ 1,161,189	$ 8,619,525	$ 2,175,626	$ 4,728,764	$ 1,135,059	$ 2,172,470	$ 1,260,059	$ 1,507,470	$ 1,760,059	$ 1,490,480	$ 1,760,059
Combined Totals	**$ 3,070,731**	**$ 1,161,189**	**$ 10,719,525**	**$ 2,560,626**	**$ 4,828,764**	**$ 1,160,059**	**$ 2,172,470**	**$ 1,385,059**	**$ 1,507,470**	**$ 1,885,059**	**$ 1,490,480**	**$ 1,885,059**

Updated 6/1/2010, 9:46 a.m.

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

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

		FY 09		FY 10		FY 11		FY 12		FY 13		FY 14	
Dept	Grant Title	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
Facilities Management	American Recovery and Reinvestment Act (ARRA) Competitive Grant for Distributable Renewable Energy Power Generation. *Grant is for one-time capital purchases to install solar panels at the Expo Center. Grant ends in 2011, but amounts shown assume full expenditures in FY 10. Expenditures for FY 11 will be updated based on progress of the program.*	$ -	$ -	$ 2,000,000	$ 360,000	$ -	$ -	$ -	$ -	$ -	$ -		$ -
Criminal Justice Planning	Mental Health Public Defender Expansion Grant Will add two FTE, an attorney and case worker to the office. *Travis County would assume the full cost of the FTE after the grant period has ended. This grant is in addition to the current $625,000 grant with the Texas Task Force on Indigent Defense*	$ -	$ -	$ 100,000	$ 25,000	$ 100,000	$ 25,000	$ -	$ 125,000	$ -	$ 125,000		$ 125,000
	Totals	$0	$0	$2,100,000	$385,000	$100,000	$25,000	$0	$125,000	$0	$125,000	$0	$125,000

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

Check One:	Application Approval: ☒	Permission to Continue: ☐
	Contract Approval: ☐	Status Report: ☐

Department/Division:	Travis County Sheriff's Office - 37
Contact Person/Title:	Michael Hemby - Planning Manager
Phone Number:	854-4924

Grant Title:	2010 Byrne Justice Assistance Grant			
Grant Period:	From:	10/1/2010	To:	9/30/2013
Grantor:	US Department of Justice			
American Recovery and Reinvestment Act (ARRA) Grant			Yes: ☐	No: ☒

Check One:	New: ☐	Continuation: ☒	Amendment: ☐
Check One:	One-Time Award: ☒	Ongoing Award: ☐	
Type of Payment:	Advance: ☐	Reimbursement: ☒	

Grant Categories/ Funding Source	Federal Funds	State Funds	Local Funds	***County Match***	In-Kind	**TOTAL**
Personnel:						
Operating:						
Capital Equipment:	$114,285			$0		$114,285
Indirect Costs:						
Total:						$114,285
FTEs:	0					0

Department	Review	Staff Initials	Comments
County Auditor	X	MN	
County Attorney	X	JC	

Performance Measures	**Projected FY 10**	**Progress To Date:**				**Projected FY 11**
Applicable Depart. Measures	**Measure**	12/31/09	3/31/10	6/31/10	9/30/10	**Measure**
Number of Citations Written	50,000					55,000
Measures For Grant						
Outcome Impact Description	To increase citations by 10%					
Increase Citations	10%					
Outcome Impact Description						
Outcome Impact Description						

15

PBO Recommendation:

PBO concurs with proceeding with this long-term City of Austin Interlocal Agreement for participation in the 2010 Byrne Justice Assistance grant for this replacement equipment.

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?

This proposal is to replace aging e-citation handheld ticket writers with tablet-type computers that will also allow for deputies to access the county and state systems without having two devices. The units will also replace the vehicle-mounted mobile data computers in the vehicles and allow for the deputies to complete crash reports that are required by the state for traffic accident reporting. This proposal will be to place twelve units in the HEAT (Highway Enforcement And Traffic) unit.

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

This is a replacement program and would not require additional funding requirements for the county.

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 grant is required.

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

This grant does not have an indirect cost allocation.

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.

This program will continue upon discontinuance of the grant and serves to assist in replacing aging capital assets without impacting local resources. This is a one-time equipment purchase and uses existing ongoing funding that is already in place for operating expenditures.

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

This is not a new program but a consolidation of systems and resources already in place.

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.

Our goal is to provide consolidated devices for the traffic units and thus allow for increased productive time. Deputies currently must use several different devices to perform their jobs and this proposal would consolidate those into one unit.

JIM SYLVESTER
Chief Deputy

GREG HAMILTON
TRAVIS COUNTY SHERIFF
P.O. Box 1748
Austin, Texas 78767
(512) 854-9770
www.tcsheriff.org

DARREN LONG
Major - Corrections

PHYLLIS CLAIR
Major - Law Enforcement

MARK SAWA
Major - Administration & Support

June 8, 2010

MEMORANDUM

TO: **Honorable Sam Biscoe, County Judge**
Honorable Ron Davis, Commissioner, Precinct 1
Honorable Sarah Eckhardt, Commissioner, Precinct 2
Honorable Karen Huber, Commissioner, Precinct 3
Honorable Margaret Gomez, Commissioner, Precinct 4

FROM: **Michael G Hemby 783, Research and Planning**

SUBJECT: **2010 Justice Assistance Grant (JAG) - Interlocal**

Attached you will find the memorandum of understanding for the **Federal Bureau of Justice Assistance Justice Assistance Grant for 2010**. This grant is the replacement for the Local Law Enforcement Block Grant (LLEBG) that has supplied funding for various law enforcement projects within the Sheriff's Office for several years.

Travis County and the City of Austin are set to receive $457,140 combined from this fund for FY 2010. Travis County was originally slated to be allocated $30,967, however as a disparate county we are entitled to negotiate the allocation between the effected jurisdictional partners. Thus, as in the past, the Austin Police Department and Travis County Sheriff's Office have been in discussions concerning this year's allocations. Based on those discussions, the agreed upon allocations are as follows;

City of Austin	**$342,855.00**
Travis County	**$114,285.00**

This grant will be used to replace handheld citation writers with twelve newer tablet computers for use by highway enforcement units within the Travis County Sheriff's Office Patrol Bureau. These replacements are necessary as the previously grant funded units are wearing out. Our goal is to also combine the current handheld unit technology with the officer's mobile data computer and replace both with a single tablet-style unit. This will not only enhance the officer's productivity but reduce service and maintenance requirements from the IT staff of TCSO and the county. These new units will also enable our deputies to meet the reporting requirements of the State of Texas new crash reporting system which is currently being implemented and requires electronic submission of the CR-3 forms.

After several months of discussion with the City of Austin, the Austin Police Department advises that they will utilize their share of the funding to similarly provide their officers with automated ticket writers.

Thus, the internet based application process will be for a total **Travis County award of $114,285.00**

The only action required is execution of the interlocal agreement as the City of Austin is the primary grant applicant.

If I can be of any assistance in this matter, please feel free to contact me at 854-4924.

Cc: PBO, Co Atty, Co Auditor

18

GMS APPLICATION NUMBER_____

THE STATE OF TEXAS

COUNTY OF TRAVIS

INTERLOCAL AGREEMENT
BETWEEN THE CITY OF AUSTIN AND COUNTY OF TRAVIS

2010 BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD
Grant Funds

This Agreement is made and entered into by and between the COUNTY of TRAVIS, acting by and through its governing body, the Commissioners Court, hereinafter referred to as COUNTY, and the CITY of AUSTIN, acting by and through its governing body, the City Council.

WHEREAS, this Agreement is made under the authority of the Interlocal Cooperation Act, Chapter 791 of the Government Code;

WHEREAS, each governing body, in performing governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments from current revenues legally available to that party; and

WHEREAS, each governing body finds that the performance of this Agreement is in the best interests of all parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or functions under this agreement; and

WHEREAS, CITY OF AUSTIN, acting as fiscal agent for the grant, agrees to provide the COUNTY $114,285 from the 2010 Justice Assistance Grant (JAG) award; and

NOW THEREFORE, the COUNTY and the CITY OF AUSTIN agree as follows:

Section 1.

CITY agrees to pay COUNTY a total of $114,285 of 2010 Non-Recovery JAG funds.

GMS APPLICATION NUMBER_____

Section 2.

COUNTY agrees to use $114,285 for the JAG Program, during the grant period that ends on September 30, 2013.

Section 3.

As joint applicants for JAG funding, the COUNTY agrees to provide the financial and programmatic information required by the Bureau of Justice Assistance for the CITY OF AUSTIN to meet federal reporting requirements. Upon receipt of an invoice, the CITY OF AUSTIN will reimburse the COUNTY for JAG project expenses in an amount not to exceed 114,285.

Section 4.

Nothing in the performance of this Agreement shall impose any liability for claims against COUNTY other than claims for which liability may be imposed by the Texas Tort Claims Act.

Section 5.

Nothing in the performance of this Agreement shall impose any liability for claims against the CITY OF AUSTIN other than claims for which liability may be imposed by the Texas Tort Claims Act.

Section 6.

Each party to this agreement will be responsible for its own actions in providing services under this agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by the other party.

Section 7.

The parties to this Agreement do not intend for any third party to obtain a right by virtue of this Agreement.

Section 8.

By entering into this Agreement, the parties do not intend to create any obligations express or implied other than those set out herein; further, this Agreement shall not create any rights in any party not a signatory hereto.

CITY OF AUSTIN

City Manager, Marc Ott

Date

COUNTY OF TRAVIS

County Judge, Samuel Biscoe

Date

GRANT SUMMARY SHEET

Check One:	Application Approval: ☐ Contract Approval: ☒	Permission to Continue: ☐ Status Report: ☐

Department/Division:	Travis County Health and Human Services and Veterans Service
Contact Person/Title:	John C. Bradshaw/ Contract Specialist
Phone Number:	854-4277

Grant Title:	AmeriCorps			
Grant Period:	From:	8/1/09	To:	7/31/10
Grantor:	Corporation for National and Community Service (through the OneStar Foundation)			
American Recovery and Reinvestment Act (ARRA) Grant			Yes: ☐	No: ☒

Check One:	New: ☐	Continuation: ☐	Amendment: ☒
Check One:	One-Time Award: ☐	Ongoing Award: ☒	
Type of Payment:	Advance: ☐	Reimbursement: ☒	

Grant Categories/ Funding Source	Federal Funds	State Funds	Local Funds	***County Match***	In-Kind	**TOTAL**
Personnel:	276,732.01			175,271		452,003.01
Operating:	1,507			43,462		44,969
Capital Equipment:					10,160	10,160
Indirect Costs:				50,713		50,713
Total:	$278,239.01[1]	$0	$0	$269,446	$10,160	$557,845.01
FTEs:	20					20

Department	Review	Staff Initials	Comments
County Auditor	☒	MG	
County Attorney	☒	EH	

Performance Measures Applicable Department Measures[2]	**Projected FY 10 Measure**	**Progress To Date:** 12/31/09	3/31/10	6/31/10	9/30/10	**Projected FY 11 Measure**

[1] This is the revised amount of grant funds going to Travis County. The OneStar Foundation will receive a revised administrative fee of $2,795.99. Therefore, the total amount of the revised grant award is $281,035.

[2] Data on the department measure are compiled after the fiscal year ends.

Educational Program Participants	77,000					77,000
Measures For Grant[3]						
AmeriCorps members successfully completing national service training	32		32			32
Outcome Impact Description	The training gives AmeriCorps members knowledge about national service and their job duties that allows them to competently perform their AmeriCorps service activities. The training develops an ethic of service among the members. All members must complete the training in order to serve in the program.					
AmeriCorps member service hours	34,800		16,174			34,800
Outcome Impact Description	This output measure does not affect an outcome measure. (It is included to show the number of service hours the AmeriCorps members are providing to the community.)					
Students enrolled in after-school programs for a minimum of one year	1,500		1,015			1,500
Outcome Impact Description	This output measure does not affect an outcome measure. (It is included as an indicator of the number of students participating in the after-school program on a regular basis.)					
Percentage of AmeriCorps members who complete training and their terms of service and report gaining skills that they will use in the future	75%					75%
Outcome Impact Description	Members who complete the training and their term of service answer a written survey about their experience and the likelihood of them using the skills they have learned in the future. The outcome measure is that at least 75% of survey respondents state that they will use the skills they have developed in future education, service, or employment opportunities.					
Percentage of students enrolled in the after-school program for a minimum of one year who score as well or better than their peers in the science section of a standardized assessment tool	20%					20%

[3] Data on the first three grant measures are compiled in April and September. Data on the final two measures are compiled in the late summer and fall.

Outcome Impact Description	At least 300 students in FY'10 will score as well or better than their peers in the science section of a standardized assessment tool. (AISD provides the assessment scores.)

PBO Recommendation:

HHS has requested Commissioners Court approval of an amendment to the FY 10 AmeriCorps grant. The amendment reduces the overall award by $20,201 and is based on savings generated from unused member stipend money from members leaving before completing their required number of hours and staff turnover. These savings cannot be reallocated towards other grant expenses. The grantor will use the deobligated money to help fund future grants.

PBO recommends approval of this request.

1. Brief Narrative - Summary of Grant: What is the goal of the program? How does the grant fit into the current activities of the department? Is the grant starting a new program, or is it enhancing an existing program?

Travis County 4-H CAPITAL uses the AmeriCorps members to expand its after-school programs.

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

There are no county funding requirements once the grant ends. There is a cash and in-kind match required while the grant is in progress.

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.

The grant requires a cash and in-kind match totaling $269,446. These matches will come from 4-H CAPITAL, the Texas AgriLife Extension Service, and TCHHSVS. The grant is revenue neutral. It will not increase the General Fund budget.

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

The grant allows for a 4% indirect cost allocation for the county and 1% for the OneStar Foundation. The county is not claiming its 4% allocation because this would raise the cost per FTE from its current $14,972 to $15,606 and make it uncompetitive.The OneStar Foundation must maintain an average cost per FTE of $12,600 across all AmeriCorps programs in the state.

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.

Travis County 4-H CAPITAL will continue to offer after-school programs once the grant ends but not at as many locations.

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

NA

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 grant allows 4-H CAPITAL to increase the number of sites where it offers after-school programs without increasing General Fund expenditures. This increases the departmental performance measure for educational program participants.

RECEIVED
10 JUN -8 PM 3:21
TRAVIS COUNTY
PLANNING & BUDGET OFFICE

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

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

DATE: June 3, 2010
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: AmeriCorps grant contract amendment

Proposed Motions:
Consider and take appropriate action to approve an amendment reducing the amount of AmeriCorps grant funds awarded to Travis County in FY'10 by $20,201.

Summary and Staff Recommendations:
The OneStar Foundation administers the AmeriCorps grant which Travis County 4-H CAPITAL uses to expand its after-school programs and summer camps in the Austin Independent School District. The Travis County 4-H CAPITAL AmeriCorps Program has served more than 16,000 area youth since its inception in FY'04. During this time, 123 AmeriCorps members have received career and professional development while contributing more than 128,000 service hours.

The FY'10 AmeriCorps grant runs from 8/1/09 – 7/31/10. Due to three AmeriCorps members leaving early and staff turnover, all of the grant money budgeted for AmeriCorps member stipends and staff salaries will not be spent. The $20,201 cannot be used for other grant expenses. The amendment de-obligates this money so that OneStar can use it elsewhere.

TCHHSVS staff recommends approving this amendment.

Budgetary and Fiscal Impact:
The FY'10 grant will be reduced from $301,236 to $281,035.

Issues and Opportunities:
Studies show that students who participate in after-school programs have fewer behavior problems, handle conflict better, show improved social skills and enhanced academic performance. AmeriCorps members provide much-needed staff to increase the number of after-school programs and summer camps in Travis County as well as enhance existing programs. Travis County 4-H CAPITAL programs differ from more traditional programs by offering hands-on activities that reinforce key concepts in the curriculum.

Background:
Travis County 4-H CAPITAL is a non-profit organization affiliated with the Texas AgriLife Extension Service. The Extension Service provides a variety of educational programs for county youth and adults.

Cc: Robert Richter, Director, Texas AgriLife Extension Service
Susan A. Spataro, CPA, CMA, Travis County Auditor
Jose Palacios, Chief Assistant County Auditor
Ellen Heath, Financial Analyst, Travis County Auditor's Office
Mary Etta Gerhardt, Assistant County Attorney
Rodney Rhoades, Executive Manager, Planning and Budget Office
Travis Gatlin, Analyst, Planning and Budget Office
Cyd Grimes, C.P.M., Travis County Purchasing Agent
Elizabeth Corey, Purchasing Agent Assistant, Travis County Purchasing Office

onestar foundation

Amendment
May 18, 2010

Sub-Grantee Information

Legal Applicant

Travis County through the Travis County Health and Human Services and Veterans Service
PO Box 1748
Austin, TX 78767-1748

EIN: 74-6000192

Program Name

Travis County CAPITAL AmeriCorps Project

Primary Contact

Robert "Skip" Richter
512-854-9600
rrichter@ag.tamu.edu

Award Information

CFDA Number	94.006		
eGrants Grant Number	06AFHTX0010051	Project Period	8/1/2009-7/31/2012
OneStar Award Number	11.0912.015-1	Budget Period	8/1/2009-7/31/2010

Amendment Information

With Formula dollars, OneStar has the flexibility, and is expected to use this flexibility, to de-obligate and re-allocate funds in order to fully utilize the Formula dollars granted to Texas. This amendment is to reduce the total CNCS Share amount reimbursable to the sub-grantee by the total amount listed below. This amendment does not change previously required and approved matching percentages.

The amount listed below represent the total funds that the sub-grantee has indicated it will not utilize for the 2009-2010 budget period.

2009-10 CNCS Share Deobligated Amount	
Reimbursable to Sub-Grantee	$19,998.99
Commission Fixed Amount	$202.01
Total Reduction	$20,201.00

2009-10 CNCS Share Originally Awarded	2009-10 CNCS Share Amended
$301,236	$281,035

Terms of Acceptance

All terms and conditions stated in the original "Notice of Grant Award", including all attachments are still valid and effective. Only items specifically stated under the Amendment Information section have changed.

Signature Authority

The person signing this Amendment on behalf of the Sub-Grantee or representing himself/herself as signing this amendment on behalf of the Sub-Grantee, hereby agrees that he/she has been duly authorized by the Sub-Grantee to certify this amendment on behalf of the Sub-Grantee and to validly and legally bind Sub-Grantee to all the terms of this amendment.

Grantee

Rosa Moreno-Mahoney
Vice President,
Civic Engagement and Social Responsibility
OneStar Foundation

Date

Sub-Grantee

BY:

Samuel T. Biscoe
Travis County Judge

Travis County through the Travis County Health and Human Services and Veterans Service

Date

13

Travis County Commissioners Court Agenda Request

Voting Session June 22, 2010 (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 $728,194.42, for the period of June 4, 2010 to June 10, 2010.

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

RECEIVED
COUNTY JUDGE'S OFFICE
10 JUN 15 PM 4:15

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)

TRAVIS COUNTY
RECOMMENDATION FOR TRANSFER OF FUNDS

DATE:	June 22, 2010
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:	June 4, 2010 to June 10, 2010
REIMBURSEMENT REQUESTED FOR THIS PERIOD:	$728,194.42
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 $728,194.42.

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

JUNE 4, 2010 TO JUNE 10, 2010

-

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.

Updated 6/1/2010, 9:46 a.m.

TRAVIS COUNTY
RECOMMENDATION FOR TRANSFER OF FUNDS

DATE: June 22, 2010
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: June 4, 2010
TO: June 10, 2010

REIMBURSEMENT REQUESTED: $ 728,194.42

SUPPORTING DETAIL FOR REIMBURSEMENT REQUESTED:

NOTIFICATION OF AMOUNT OF REQUEST FROM UHC*:	$	1,404,635.64
bank withdrawal correction	$	(2,850.00)
LESS: REIMBURSEMENTS PREVIOUSLY APPROVED BY COMMISSIONERS COURT: June 15, 2010	$	(673,591.39)
Adjust to balance per UHC	$	0.17
TOTAL REIMBURSEMENT REQUESTED BY UHC FOR THIS WEEK**:	$	728,194.42
PAYMENTS DEEMED NOT REIMBURSABLE	$	-
TRANSFER OF FUNDS REQUESTED:	$	728,194.42

The claims have been audited for eligibility and all were eligible in the period covered by the claim.

All claims over $25,000 (0 this week totaling $0.00) 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 ($110,734.10) 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 $21,642.36.

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, Risk Manager — Date 6-15-10

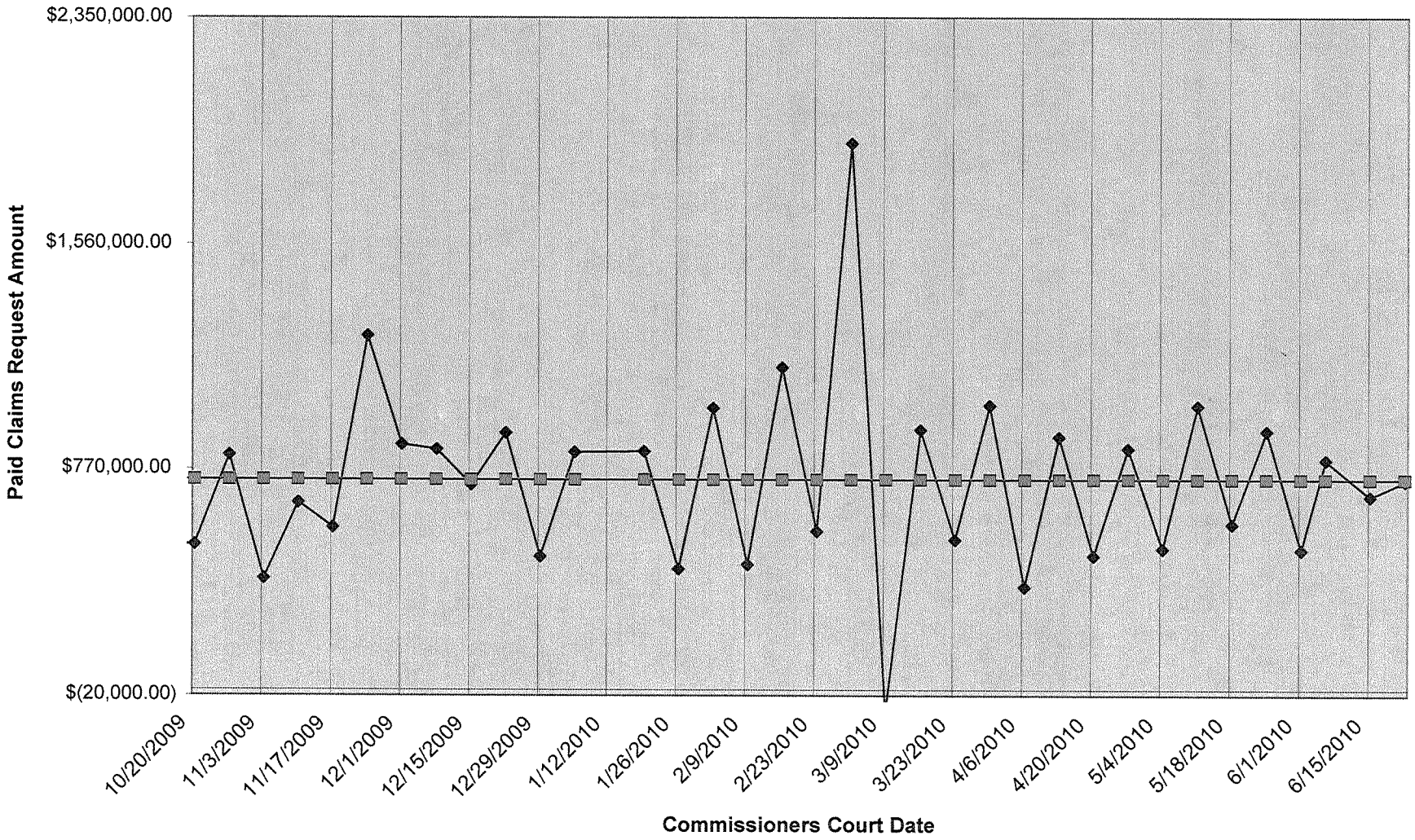
Cindy Purinton, Benefit Contract Administrator — Date 6/15/10

Norman McRee, Financial Analyst — Date 6/14/10

** 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.

Updated 6/1/2010, 9:46 a.m.

TRAVIS COUNTY EMPLOYEE BENEFIT PLAN
FY10 PAID CLAIMS vs WEEKLY CLAIMS BUDGET OF $734,980.88



Updated 6/1/2010, 9:46 a.m.

TRAVIS COUNTY EMPLOYEE BENEFIT PLAN
FY10 WEEKLY PAID CLAIMS VS WEEKLY BUDGETED AMOUNT

Period	Voting Session Date	Pd Claims Request Amount	Budgeted Weekly Claims	# of Large Claims	Total of Large Claims
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
10/23/09-10/29/09	11/10/2009	$ 653,822.83	$ 734,960.88	2	$ 58,028.60
10/30/09-11/5/09	11/17/2009	$ 567,206.00	$ 734,960.88	0	$ -
11/6/09-11/12/09	11/24/2009	$ 1,238,417.14	$ 734,960.88	3	$ 185,593.04
11/13/09-11/19/09	12/1/2009	$ 857,273.45	$ 734,960.88	3	$ 185,891.08
11/20/09-11/26/09	12/8/2009	$ 839,621.97	$ 734,960.88	2	$ 55,007.00
11/27/09-12/03/09	12/15/2009	$ 715,804.02	$ 734,960.88	4	$ 148,691.08
12/04/09-12/10/09	12/22/2009	$ 897,384.47	$ 734,960.88	4	$ 202,013.76
12/11/09-12/17/09	12/29/2009	$ 464,771.71	$ 734,960.88	0	$ -
12/18/09-12/24/09	1/5/2010	$ 829,110.94	$ 734,960.88	1	$ 28,410.00
12/25/09-12/31/09	1/12/2009	$ 570,023.00	$ 734,960.88	2	$ 74,273.56
1/1/10-1/7/10	1/19/2010	$ 831,839.27	$ 734,960.88	1	$ 74,273.56
1/08/10-1/14/10	1/26/2010	$ 421,088.38	$ 734,960.88	0	$ -
1/15/10-1/21/10	2/2/2010	$ 984,912.81	$ 734,960.88	3	$ 212,163.43
1/22/10-1/28/10	2/9/2010	$ 437,127.76	$ 734,960.88	0	$ -
1/29/10-2/4/10	2/16/2010	$ 1,127,243.08	$ 734,960.88	4	$ 300,506.33
2/5/10-2/11/10	2/23/2010	$ 553,376.57	$ 734,960.88	2	$ 130,929.00
2/12/10-2/18/10	3/2/2010	$ 1,911,218.40	$ 734,960.88	10	$ 921,042.22
2/19/10-2/25/10	3/9/2010	$ (79,012.21)	$ 734,960.88	3	$ 116,905.73
2/26/10-3/4/10	3/16/2010	$ 908,089.12	$ 734,960.88	2	$ 75,714.11
3/5/10-3/11/10	3/23/2010	$ 522,919.47	$ 734,960.88	1	$ 54,720.32
3/12/10-3/18/10	3/30/2010	$ 993,708.79	$ 734,960.88	4	$ 122,081.44
3/18/10-3/25/10	4/6/2010	$ 358,684.00	$ 734,960.88	0	$ -
3/26/10-4/1/10	4/13/2010	$ 882,871.37	$ 734,960.88	3	$ 122,334.64
4/2/10-4/8/10	4/20/2010	$ 466,721.73	$ 734,960.88	1	$ 34,670.68
4/9/10-4/15/10	4/27/2010	$ 841,261.29	$ 734,960.88	2	$ 54,607.82
4/16/10-4/22/10	5/4/2010	$ 491,330.89	$ 734,960.88	0	$ -
4/23/10-4/29/10	5/11/2010	$ 991,213.23	$ 734,960.88	3	$ 146,388.40
4/30/10-5/6/10	5/18/2010	$ 576,874.07	$ 734,960.88	2	$ 72,832.36
5/7/10-5/12/10	5/25/2010	$ 902,612.71	$ 734,960.88	1	$ 32,865.00
5/14/10-5/20/10	6/1/2010	$ 486,551.40	$ 734,960.88	1	$ 26,004.75
5/21/10-5/27/10	6/6/2010	$ 801,226.70	$ 734,960.88	0	$ -
5/28/10-6/3/10	6/15/2010	$ 673,591.39	$ 734,960.88	2	$ 97,381.00
6/4/10-6/10/10	6/22/2010	$ 728,194.42	$ 734,960.88	0	$ -
	Paid and Budgeted Claims - to date	**$ 26,161,722.08**	**$ 26,458,631.68**		
	Amount of Difference from Budget		**$ (296,909.60)**		

Not predictive of impact on reserve, intended to show relationship of weekly budget to weekly claims cost.

From: <SIFSFAX@UHC.COM>
To: <NORMAN.MCREE@CO.TRAVIS.TX.US>
Date: 6/11/2010 5:06 AM
Subject: UHC BANKING REPTS/C

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: 2010-06-11 REQUEST AMOUNT: $1,404,635.64

CUSTOMER ID: 00000701254
CONTRACT NUMBER: 00701254 00709445
BANK ACCOUNT NUMBER: 0475012038 ABA NUMBER: 021000021
FUNDING ADVICE FREQUENCY: DAILY
FREQUENCY: FRIDAY INITIATOR: CUST METHOD: ACH BASIS: BALANCE

CALCULATION OF REQUEST AMOUNT

+ ENDING BANK ACCOUNT BALANCE FROM: 2010-06-10	$572,884.31
- REQUIRED BALANCE TO BE MAINTAINED:	$1,938,718.00
+ PRIOR DAY REQUEST:	$00.00
= UNDER DEPOSIT:	$1,365,833.69
+ CURRENT DAY NET CHARGE:	$38,801.95
+ FUNDING ADJUSTMENTS:	$00.00
REQUEST AMOUNT:	$1,404,635.64

ACTIVITY FOR WORK DAY: 2010-06-04

CUST PLAN	CLAIM	NON CLAIM	NET CHARGE
0632	$363,831.90	$00.00	$363,831.90
TOTAL:	$363,831.90	$00.00	$363,831.90

ACTIVITY FOR WORK DAY: 2010-06-07

CUST PLAN	CLAIM	NON CLAIM	NET CHARGE
0632	$113,780.58	$00.00	$113,780.58

UNITED HEALTHCARE CHECK REGISTER FOR TRAVIS COUNTY SUBMITTED 2010_06_10

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	-207.92	NN	1133303	AI	3	6/10/2010	200	6/7/2010	6/10/2010
701254	632	-211.03	NN	1454835	AH	1	6/10/2010	200	6/7/2010	6/10/2010
701254	632	-248.01	NN	1671647	AA	1	6/10/2010	200	6/7/2010	6/10/2010
701254	632	-252.29	NN	SSN0000(	AL	0	6/4/2010	600	6/10/2010	6/10/2010
701254	632	-273.57	NN	SSN0000(	AL	0	6/7/2010	600	6/11/2010	6/10/2010
701254	632	-281.73	NN	SSN0000(	AL	0	6/2/2010	600	6/8/2010	6/10/2010
701254	632	-328.76	NN	959627	AF	3	6/10/2010	200	6/7/2010	6/10/2010
701254	632	-401.68	NN	963773	AI	16	6/10/2010	200	6/7/2010	6/10/2010
701254	632	-407.43	NN	1616262	AH	1	6/10/2010	200	6/7/2010	6/10/2010
701254	632	-409.81	NN	SSN0000(	AL	0	6/4/2010	600	6/10/2010	6/10/2010
701254	632	-415.65	NN	1616261	AH	1	6/10/2010	200	6/7/2010	6/10/2010
701254	632	-451.49	NN	SSN0000(	AL	0	6/1/2010	600	6/7/2010	6/10/2010
701254	632	-477.93	NN	SSN0000(	AL	0	6/2/2010	600	6/8/2010	6/10/2010
701254	632	-496.08	NN	1838450	AA	1	6/10/2010	200	6/7/2010	6/10/2010
701254	632	-600.54	NN	1828653	AA	5	6/10/2010	200	6/7/2010	6/10/2010
701254	632	-655.01	RH	32844800	AH	6	5/29/2010	50	6/7/2010	6/10/2010
701254	632	-1247.92	NN	SSN0000(	AL	0	6/7/2010	600	6/11/2010	6/10/2010
701254	632	-2601.87	NN	SSN0000(	AL	0	6/1/2010	600	6/7/2010	6/10/2010
701254	632	-3164.76	NN	SSN0000(	AL	0	6/1/2010	600	6/7/2010	6/10/2010

728,194.42

5

Travis County Hospital and Insurance Fund - County Employees

UHC Payments Deemed Not Reimbursable

For the payment week ending: 06/10/2010

CONTR_#	*TRANS_AMT*	*SRS*	*CHK_#*	*GRP*	*CLAIM ACCT#*	*ISS_DATE*	*TRANS CODE*	*TRANS_DATE*

Total: $0.00

Travis County - Hospital and Self Insurance Fund (526)

Journal Entry for the Reimbursement to United Health Care

For the payment week ending: 6/10/2010

TYPE	MEMBER TYPE	TRANS_AMT	
CEPO			
	EE		
	526-1145-522.45-28	**75,093.28**	
	RR		
	526-1145-522.45-29	**20,532.29**	
Total CEPO			$95,625.57
EPO			
	EE		
	526-1145-522.45-20	**168,608.48**	
	RR		
	526-1145-522.45-21	**42,689.10**	
Total EPO			$211,297.58
PPO			
	EE		
	526-1145-522.45-25	**370,558.25**	
	RR		
	526-1145-522.45-26	**50,713.02**	
Total PPO			$421,271.27
Grand Total			$728,194.42

14

Travis County Commissioners Court Agenda Request

Voting Session 6/22/10 (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.

Roger Jefferies, Executive Manager, Justice and Public Safety Phone # 854-4759

III. Required Authorizations: Please check if applicable:

_____Planning and Budget Office (854-9106)

_____Human Resources Management Department (854-9165)

_____Purchasing Office (854-9700)

_____County Attorney's Office (854-9415)

_____County Auditor's Office (854-9125)

Human Resources Management Department

1010 Lavaca Street, 2nd Floor • P.O. Box 1748 • Austin, Texas 78767 • (512) 854-9165 / FAX(512) 854-4203

June 22, 2010

ITEM # :

DATE: June 11, 2010

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

FROM: Tracey Calloway, Interim Director, HRMD

SUBJECT: Weekly Personnel Amendments

Attached are Personnel Amendments for Commissioners Court approval.

Routine Personnel Actions – Pages 2 – 5.

If you have any questions or comments, please contact Tracey Calloway at 854-9170 or Todd L. Osburn at 854-2744.

RAE/TC/TLO

Attachments
cc: Planning and Budget Department
County Auditor
County Auditor-Payroll (Certified copy)
County Clerk (Certified copy)

WEEKLY PERSONNEL AMENDMENTS --- ROUTINE

NEW HIRES

Dept.	Slot	Position Title	Dept. Requests Level/Salary	HRMD Recommends Level/Salary
Juvenile Probation	64	Juvenile Probation Ofcr I**	14 / Level 1 / $32,510.40	14 / Level 1 / $32,510.40
Juvenile Probation	563	Psychologist	23 / Level 5 / $66,726.40	23 / Level 5 / $66,726.40

*** Temporary to Regular** **** Actual vs Authorized**

TEMPORARY APPOINTMENTS

Dept.	Slot	Position Title	Dept. Requests Grade/Salary	HRMD Recommends Grade/Salary	**Temporary Status Type Code
Comm Pct 3	20003	Executive Asst – Elctd Official*	18 / $24.04	18 / $24.04	02
District Atty	50030	Law Clerk II	18 / $19.88	18 / $19.88	05
Fac Mgmt	20025	Groundskeeper	7 / $10.00	7 / $10.00	02
HRMD	20035	Human Resources Assistant I	12 / $15.00	12 / $15.00	02
HRMD	20041	Benefits Assistant I	12 / $15.00	12 / $15.00	02
Tax Collector	20110	Office Asst	8 / $10.10	8 / $10.10	02
Tax Collector	20111	Office Asst	8 / $10.10	8 / $10.10	02
TCCES	50035	Counselor	15 / $16.23	15 / $16.23	05
TNR	20078	Park Tech I	8 / $11.00	8 / $11.00	02
TNR	20089	Park Tech I	8 / $11.00	8 / $11.00	02
TNR	20109	Natural Resources Tech	16 / $17.37	16 / $17.37	02

***Regular to Temporary** ****Temporary Status Type Codes:** (Temporary less than 6 mos. = 02) (Project Worker more than 6 mos. = 05, includes Retirement Benefits).

CAREER LADDERS – POPS						
Dept.	**Slot**	**Current Position Title/Grade**	**New Position Title/Grade**	**Current Annual Salary**	**Proposed Annual Salary**	**Comments Current HRMD Practice**
Sheriff	483	Cadet* / Grd 80	Corrections Officer* / Grd 81	$33,750.91	$38,737.92	Career Ladder. Peace Officer Pay Scale (POPS).
Sheriff	1428	Cadet* / Grd 80	Corrections Officer* / Grd 81	$33,750.91	$38,737.92	Career Ladder. Peace Officer Pay Scale (POPS).
*** Actual vs Authorized**						

CAREER LADDERS – NON-POPS						
Dept.	**Slot**	**Current Position Title/Grade**	**New Position Title/Grade**	**Current Annual Salary**	**Proposed Annual Salary**	**Comments Current HRMD Practice**
District Atty	156	Attorney V* / Grd 27	Attorney VI / Grd 28	$81,159.89	$85,217.88	Career Ladder. Pay is between min and midpoint of pay grade.
District Atty	246	Attorney V* / Grd 27	Attorney VI / Grd 28	$81,159.89	$85,217.88	Career Ladder. Pay is between min and midpoint of pay grade.
District Atty	247**	Attorney III* / Grd 24	Attorney IV* / Grd 26	$62,086.34	$71,084.42	Career Ladder. Pay is at minimum of pay grade.
Pretrial Services	35	Pretrial Officer II / Grd 16	Pretrial Officer II / Grd 16	$37,063.97	$38,917.17	Career Ladder. Pay is between min and midpoint of pay grade.
Pretrial Services	48	Pretrial Officer II / Grd 16	Pretrial Officer II / Grd 16	$37,211.20	$39,071.76	Career Ladder. Pay is between min and midpoint of pay grade.
Pretrial Services	56	Pretrial Officer II / Grd 16	Pretrial Officer II / Grd 16	$38,917.18	$40,863.04	Career Ladder. Pay is between min and midpoint of pay grade.
Sheriff	664	Telecomm 9-1-1 Spec* / Grd 14	Telecomm 9-1-1 Spec Sr / Grd 15	$36,399.38	$38,219.35	Career Ladder. Pay is between min and midpoint of pay grade.
Sheriff	942	Telecomm 9-1-1 Spec* / Grd 14	Telecomm 9-1-1 Spec Sr / Grd 15	$34,449.79	$36,172.28	Career Ladder. Pay is between min and midpoint of pay grade.
Sheriff	1172	Telecomm 9-1-1 Spec* / Grd 14	Telecomm 9-1-1 Spec Sr / Grd 15	$39,816.94	$41,807.79	Career Ladder. Pay is between min and midpoint of pay grade.
*** Actual vs Authorized**						**** Authorized slot is green-circled. PBO confirmed funding.**

PROMOTIONS / SALARY ADJUSTMENTS / LATERAL TRANSFERS / VOLUNTARY REASSIGNMENTS / TEMPORARY ASSIGNMENTS				
Dept. (From)	**Slot – Position Title – Grade – Salary**	**Dept. (To)**	**Slot – Position Title – Grade – Salary**	**Comments**
Comm Pct 3	Slot 4 / Executive Asst / Grd 16 / $50,000.00	**Comm Pct 3**	Slot 2 / Executive Asst – Elctd Official / Grd 18 / $50,000.00	Promotion. Pay is between min and midpoint of pay grade, retains current pay.
Comm Pct 3	Slot 60001 / Executive Asst / Grd 16 / $45,000.00	**Comm Pct 3**	Slot 4 / Executive Asst / Grd 16 / $45,000.00	Lateral transfer. Employee transferred to different slot, same position, same department, same pay grade, retains current pay.
County Atty	Slot 168 / Attorney III / Grd 24 / $67,510.89	**County Atty**	Slot 31 / Attorney VII / Grd 29 / $87,088.56	Promotion. Pay is at minimum of pay grade.
County Clerk	Slot 51 / Court Clerk Asst / Grd 11 / $28,100.80	**County Clerk**	Slot 104 / Court Clerk I / Grd 13 / $32,156.80	Promotion. Pay is between min and midpoint of pay grade.
District Atty	Slot 141 / Attorney VI / Grd 28 / $88,500.90	**District Atty**	Slot 165 / Attorney VI / Grd 28 / $88,500.90	Lateral transfer. Employee transferred to different slot, same position, same department, same pay grade, retains current pay.
District Atty	Slot 165 / Attorney VI / Grd 28 / $83,824.00	**District Atty**	Slot 141 / Attorney VI / Grd 28 / $83,824.00	Lateral transfer. Employee transferred to different slot, same position, same department, same pay grade, retains current pay.
HRMD	Slot 8 / Human Resources Spec Sr / Grd 22 / $64,899.82	**HRMD**	Slot 8 / Human Resources Spec Sr / Grd 22 / $66,423.51	Salary adjustment. Pay is between min and midpoint of pay grade.
Sheriff	Slot 1673 / Planner / Mgmt / Res Spec Sr* / Grd 18 / $58,435.73	**Sheriff**	Slot 471 / Planner Sr / Grd 20 / $61,357.52	Promotion. Pay is between midpoint and max of pay grade.
*** Actual vs Authorized**				

PROMOTIONS / SALARY ADJUSTMENTS / LATERAL TRANSFERS / VOLUNTARY REASSIGNMENTS / TEMPORARY ASSIGNMENTS				
Dept. (From)	**Slot – Position Title – Grade – Salary**	**Dept. (To)**	**Slot – Position Title – Grade – Salary**	**Comments**
Tax Collector	Slot 122 / Office Specialist Sr / Grd 12 / $28,392.00	**Tax Collector**	Slot 121 / Tax Compliance Ofcr Lead / Grd 14 / $31,556.51	Promotion. Pay is at minimum of pay grade.
* Actual vs Authorized				

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

15

Travis County Commissioners Court Agenda Request

Voting Session 6-22-2010 (Date) **Work Session**

A. Request made by Roger El Khoury -Facilities Management Director. Phone 854-9661
Signature of Elected Official/Appointed Official/Executive Manager/County Attorney

B. Requested Text

A. Consider and take appropriate action to renew United Healthcare as the Third Party Administrator for the Travis County Employee Benefit Plan. Approve administrative rates as shown.

B. Consider and take appropriate action to renew United Healthcare Cobra and Retiree Billing administration. No increase in rates for FY11.

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

I. 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:

Roger Jefferies: Executive Manager Justice and Public Safety 854-4759

II. Required Authorizations: Please check if applicable:

__x____Planning and Budget Office (854-9106)

__x____Human Resources Department (854-9165)

__x____Purchasing Office (854-9700)

__x____County Attorney's Office (854-9415)

__x`____County Auditors Office (854-9125)

10 JUN 14 PM 4:36
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Human Resources Management

1010 Lavaca Street, Suite 200 • P.O. Box 1748 • Austin, Texas 78767 • (512) 854-9165 / FAX(512

Backup Memorandum

DATE: June 22, 2010

TO: Members of the Commissioners Court

FROM: Roger El-Khoury, Facilities Management Director
Dan Mansour, Risk and Benefits Manager
Cindy Purinton, Benefit Administrator

Subject: United Healthcare – FY11 Plan renewal

Proposed Motion

A. Consider and take appropriate action to renew United Healthcare as the Third Party Administrator for the Travis County Employee Benefit Plan. Approve administrative rates as shown.
B. Consider and take appropriate action to renew United Healthcare Cobra and Retiree Billing administration. No increase in rates for FY11.

Summary

United Healthcare is the Third Party Administrator that is contracted to administer the Travis County Employee Health Plan, which includes many services to the County. They have administered the plan for the County since the inception of the current self-funded plan 10-1-2001. Human Resources and United Healthcare work together in a partnership to maintain the highest quality of plan administration, while diligently trying to manage the cost of the plan on many levels. Human Resources has found UHC to be a strong partner, always working toward what is best for Travis County, and supporting us in our wellness efforts, and our activities for our employees.

Staff Recommendation:
A. Staff recommends approval of the FY11 UHC administrative rates
B. Staff recommends approval of the FY11 UHC Cobra Administration and Retiree billing rates.

Note:
The increase in the individual stoploss amount to $200,000 and the resulting premium increase of 9.9% (vs the 19% increase if stoploss remained at $175,000) was approved 5/11/10.

The following bulleted items are the important points or changes for the plan renewal with UHC.

- **The Plan will be seeing a 1.5% increase in the Plan administration fee**. The original increase was 3% but was negotiated down to 1.5% based on the strength and long term partnership between the County and UHC.
- **UHC has also agreed to cap any administrative fee increases to 5% for FY12 and FY13.**
- **Due to negotiation there will not be an increase in the Aggregate stoploss coverage for FY11.**
- **The administrative rates for Cobra Administration, and Retiree Billing Administration will remain the same for FY11.**
- **This year we are increasing the individual stoploss amount from $175,000 per individual to $200,000 per individual.** (Court approved 5-11-10)

These other items are value added at no charge from UHC

- **Personal Health Support (PHS) 2.0 Nurse Team (value added by UHC at no additional cost.)**
  - **The PHS Nurse team** will be assigned to Travis County. There will be a Clinical Lead who can work directly with Travis County Benefit Staff to resolve members care management/health issues.
    - Customer specific predictive modeling results;
    - Enhanced member-specific wellness mailings and messaging

- **Treatment Decision Support (value added items by UHC at no additional cost)** They have added these two services in an effort to help us with our ongoing high claimants and specifically high cost back surgery claims.
  - **The Treatment Decision Support program** is designed for members facing surgical treatment decisions for nine conditions with high practice variations or outcomes, including:
    - **Musculoskeletal**: back pain / Knee and hip replacement
    - **Women's Health:** benign uterine conditions / hysterectomy
    - **Men's Health:** Benign prostate disease
    - **Heart Disease**: Coronary disease / CABG / Angioplasty
    - **Obesity:** Bariatric surgery (note: Travis County plan does not cover Bariatric Surgery.

Budgetary and Fiscal Impact

The monthly fixed costs of the plan will increase 5.7% instead of the original 12.4% increase due to negotiations and the increase in the individual stoploss amount.

	Current FY10	FY11
Monthly fixed cost	$391,719	$414,039
Annual fixed cost	$4,700,629	$4,968,464
		5.7% increase

Authorizations

X	Planning and Budget Office (854-9106)
X	Human Resources Management Department (854-9165)
X	Purchasing Office (854-9700)
X	County Attorney's Office (854-9415)
X	County Auditor's Office (854-9125)

Page #

Attachment 1..... United Healthcare renewal exhibit.....4

Attachment 2 ..... United Healthcare COBRA and Retiree Direct Billing renewal exhibit.....5

UnitedHealthcare
ASO / Individual Stop Loss Renewal Exhibit

Proposed for **Travis County**
Policy # **701254 & 709445 (Clinic Plan)**
Date Issued: **4/7/2010**

	Plan	Enrollment	Current	Renewal	Alternate 1	Alternate 2
ISL Deductible			**$175,000**	**$175,000**	**$200,000**	**$225,000**
Current # of Employees			4,689	4,689	4,689	4,689
			2,000,000 Limit	**Unlimited**	**Unlimited**	**Unlimited**
Fixed Costs:						
ISL Contract			**PAID W/ TL**	**PAID W/ TL**	**PAID W/ TL**	**PAID W/ TL**
ISL Premium PSPM - Excludes Commissions			**$41.86**	**$51.64**	**$46.02**	**$39.21**
% Increase over Current				**23.4%**	**9.9%**	**-6.3%**
ASL Premium PSPM - Excludes Commissions			**$1.78**	**$1.78**	**$1.78**	**$1.78**
% Increase over Current				**0.0%**	**0.0%**	**0.0%**
Administration PSPM by Plan	Choice/+,Select/+	4,363	**$39.90**	**$40.50**	**$40.50**	**$40.50**
	MED	326	**$39.90**	**$40.50**	**$40.50**	**$40.50**
	COMPOSITE	4,689	**$39.90**	**$40.50**	**$40.50**	**$40.50**
% Increase over Current Administration Fee				**1.5%**	**1.5%**	**1.5%**
Monthly Fixed Cost			$391,719	$440,391	$414,039	$382,107
Annual Fixed Cost			$4,700,629	$5,284,691	$4,968,464	$4,585,279
% Increase over Current Annual Fixed Cost				**12.4%**	**5.7%**	**-2.5%**
Variable Costs:						
Aggregate Contract			**PAID W/ TL**	**PAID W/ TL**	**PAID W/ TL**	**PAID W/ TL**
Expected Claim PSPM			**$711.03**	**$796.10**	**$796.10**	**$810.29**
Aggregate Corridor			125%	125%	125%	125%
Aggregate Factor PSPM			**$888.79**	**$995.12**	**$995.13**	**$1,012.86**
% Increase over Current				**12.0%**	**12.0%**	**14.0%**
Projected Monthly Aggregate Liability			$4,167,525	$4,666,119	$4,666,141	$4,749,312
Projected Annual Aggregate Attachment Point			$50,010,295	$55,993,424	$55,993,694	$56,991,747
Monthly Maximum Liability (Fixed + Variable)			$4,559,244	$5,106,510	$5,080,180	$5,131,419
Annual Maximum Liability (Fixed + Variable)			$54,710,924	$61,278,114	$60,962,158	$61,577,026
% Increase over Current				**12.0%**	**11.4%**	**12.5%**

Comments:

UnitedHealthcare
A UnitedHealth Group Company

COBRA and Direct Billing Fees

Travis County

Effective Date: 10/1/2010

Rates Effective 10/1/2010 - 9/30/2011

COBRA and/or Direct Billing Set Up and Maintenance

Group Setup Fee (one time fee at implementation)	N/A
On-going Maintenance Fee (annual fee in subsequent years after implementation)	Waived

COBRA Services

COBRA Continuant Takeover Charge (one-time charge per current continuant from previous COBRA administrator)	$16.54
Ongoing COBRA Continuant Per Month Charge	$11.25
Outside Carrier Eligibility Feeds and Premium Remittance (per carrier per month)	$0.00
Qualifying Event: Qualifying Event Services (fee per Qualifying Event -- includes distribution of Qualifying Event notices and election forms via proof of mail with instructions, and processing of enrollment forms returned so as to set up those individuals for premium billing services)	$30.00
COBRA Initial Rights Notifications (per notice)	$4.46
Retro COBRA Initial Rights Notices (per notice)	$4.46
Texas State Continuation Notification (per notice)	$0.00
Past Due Notices to Continuants (per notice)	$0.00

Direct Billing Services

Retiree Direct Billing (per continuant per month)	$7.35
Past Due Notices to Continuants (per notice)	$0.00

Note: The 2% COBRA administration portion from premium collected from continuants is remitted to the customer.

The following are Optional Services Available to customers purchasing COBRA/Direct Bill Services

Employee Notification Services

HIPAA Initial Rights Notifications (per notice)	No Charge Included if COBRA Initial Rights is Contracted
Retro HIPAA Initial Rights Notifications (per notice)	No Charge Included if Retro COBRA Initial Rights is Contracted
Post-COBRA HIPAA Certificates of Coverage on **outside** COBRA members (per certificate)*	$6.25
HIPAA Privacy Notices (per notice)	$6.00
Women's Health Cancer Rights Act (WHCRA) Notices (per notice)	No Charge Included if COBRA Initial Rights is Contracted

Open Enrollment Services

Partial Open Enrollment Service (per person). Includes custom letter and plan change form	$11.75
Full Open Enrollment Service (per person) Same as partial service PLUS packaging and distribution of all related benefit materials and/or informational documents as designated by and provided by the client	$23.50 plus postage

16

Travis County Commissioners Court Agenda Request

Voting Session June 22, 2010 **Work Session**
(Date)

A. Request made by Roger El Khoury, Facilities Management Director . Phone 854-9661
Signature of Elected Official/Appointed Official/Executive Manager/County Attorney

B. Requested Text

Consider and take appropriate final action on FY11 Group Benefit Health Plan changes and rates, If approved, all changes will be effective October 1, 2010.

Proposed Motion

A. Approve all Option 1 benefit changes shown on page 2 including making Nexium ineligible on the pharmacy plan.
B. Approve Rate Changes as shown on attachment 1 for both employees and County.
C. Approve Revised Definitions of Dependents shown on attachment 2.
D. Approve documentation required to substantiate dependent coverage shown on attachment 3.

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

I. 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:
Roger Jefferies: Executive Manager Justice and Public Safety 854-4759

II. Required Authorizations: Please check if applicable:

__x____Planning and Budget Office (854-9106)

__x____Human Resources Department (854-9165)

__x____Purchasing Office (854-9700)

__x____County Attorney's Office (854-9415)

__x`____County Auditors Office (854-9125)

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Human Resources Management Department

1010 Lavaca #200 • P.O. Box 1748 • Austin, Texas 78767 • (512) 854-9626 / FAX(512) 854-3128

Backup Memorandum

DATE: June 22, 2010

TO: ***Members of the Commissioners Court***

FROM: Roger El-Khoury, Facilities Management Director
Dan Mansour, Risk and Benefits Manager
Cindy Purinton, Benefit Administrator

Subject: FY11 Plan Changes and Revised Definition of Dependents and Dependent Audit

Proposed Motion

A. Approve all Option 1 benefit changes shown on page 2 including making Nexium ineligible on the pharmacy plan.
B. Approve Rate Changes as shown on attachment 1 for both employees and County.
C. Approve Revised Definitions of Dependents shown on attachment 2.
D. Approve documentation required to substantiate dependent coverage shown on attachment 3.

Summary:

The Commissioners Court tentatively approved the plan design changes and the rates on April 11, 2010 pending the Employee Hearing. The Employees and Retirees have been given the proposed plan and rates, and at least 15 employee information sessions have been held in all the major locations. A retiree mailing was sent to all retirees on the plan. In summary, the actuary recommended 17% rate increase for FY11 if the plan remained the same. If the indicated plan design changes were implemented, they would reduce the expected claims for FY11 by $2.6 million, thus reducing the needed rate increase to 8.2% for employees and retirees.

Staff Recommendations:
Staff recommends approval of the motion items A through D for FY11, effective 10-1-2010.

Option 1 - Changing all of the plans slightly

	EPO	PPO	CEPO
Employee only premium	**98**	0	0
Cal yr deductible (indiv/family) in network	**100/300**	**300/900**	**500/1500**
Cal yr deductible (indiv/family) out of network	n/a in network services only	**900/indiv**	n/a in network services only
Co-insurance in network Out of network	100 n/a	90/10 70/30	80/20 n/a
Out of pocket in network	1000	**2000/4000**	**2000/4000**
Out of pocket out of network	**n/a**	**2500/7500**	**n/a**
Office visit co-pay- primary care	**30**	**25**	**20**
Office visit co-pay- specialist	**45**	**40**	**35**
Hospital Admit	**200**	**200**	**200**
ER	**125**	**125**	**125**
RX co-pays All Three Plans	**Generic (remains the same) $10** **Name Brand no generic available $30** **Name Brand with generic available $50** Note: retiree$35 co-pay increases to $50 **Mail Order- 90 day supply for 2 co-pays** **Generic (remains the same) $20** **Name Brand no generic available $60** **Name Brand with generic available $100**		
Nexium All Three Plans	**ineligible**		

Option One: There will be an impact to the County composite funding amount. Note the new Healthcare Reform Act may cause us to change how we handle the composite amount. We will update the Court if that is the case.

Budgetary and Fiscal Impact

Projected General Fund increase for Employees	**$3,314,821**
Projected General Fund Increase for Retirees	**$1,162,218**
General Fund total	**$4,477,039**

Summary of FY 11 Health Plan Costs			
	General Fund Cost to County	**% Increase to County**	**% Increase to Employees/ Retirees**
Plan Without Any Design Changes	$6.71 million	17% for Emps 15% for Retirees	14% for Emps/Retirees
Plan With Recommended Changes	$4.47 million	11% for Emps 9% for Retires	8% for Emps/Retirees

	Current FY10 Monthly Composite Rate	**Projected Monthly Composite Rate- FY11**	**Annual increase amount for each employee and retiree**	**County % increase**
Actives	**$629.00**	**$696.08**	**$804.96**	**10.66%**
Under 65 Retiree	**$1,170.00**	**$1,273.45**	**$1,241.40**	**8.84%**
Over 65 Retiree	**$3,39.00**	**$368.43**	**$353.16**	**8.68%**

Authorizations

X	Planning and Budget Office (854-9106)
X	Human Resources Management Department (854-9165)
X	Purchasing Office (854-9700)
X	County Attorney's Office (854-9415)
X	County Auditor's Office (854-9125)

		Pages
Attachment 1	Proposed rates for Actives and Retirees	4-6
Attachment 2	Proposed Definitions of Dependents	7-8
Attachment 3	Documentation of Eligibility Requirements	9-14

ATTACHMENT 1
RATE SHEETS

PROPOSED FY2011 RATES- ACTIVES

FY2011 County Subsidy -	Employee subsidy	dependent subsidy	dependent subsidy	dependent subsidy	dependent subsidy	dependent subsidy
EPO	85%	65%	76%	69%	62%	60%
PPO	100%	79%	90%	84%	75%	73%
Coinsured EPO	100%	84%	96%	89%	80%	77%

FY2011 Total Premium- *per employee per month*	Emp only	Emp+1 Adult	Emp+1 Child	Emp+ Children	Emp+adult +Child	Emp+adult +Children
EPO	636.00	1352.00	868.00	1213.00	1717.00	2063.00
PPO	538.00	1121.00	725.00	1007.00	1422.00	1704.00
Coinsured EPO	538.00	1054.00	682.00	947.00	1335.00	1600.00

County Cost *(per employee per month)*	Emp only	Emp+1 Adult	Emp+1 Child	Emp+ Children	Emp+adult +Child	Emp+adult +Children
EPO	538.00	881.00	656.00	842.00	1065.00	1237.00
PPO	538.00	881.00	656.00	842.00	1065.00	1237.00
Coinsured EPO	538.00	881.00	656.00	842.00	1065.00	1237.00

Employee Contributions- Proposed *(per employee per month)*	Emp only	Emp+1 Adult	Emp+1 Child	Emp+ Children	Emp+adult +Child	Emp+adult +Children
EPO	98.00	471.00	212.00	371.00	652.00	826.00
PPO	0.00	240.00	69.00	165.00	357.00	467.00
Coinsured EPO	0.00	173.00	26.00	105.00	270.00	363.00

FY10 Employee Premiums (prior year)	Emp only	Emp+1 Adult	Emp+1 Child	Emp+ Children	Emp+adult +Child	Emp+adult +Children
EPO	91.00	436.00	196.00	343.00	603.00	764.00
PPO	0.00	222.00	64.00	153.00	331.00	432.00
Coinsured EPO	0.00	160.00	24.00	97.00	250.00	336.00

Amount of Monthly Increase to Employee	Emp only	Emp+1 Adult	Emp+1 Child	Emp+ Children	Emp+adult +Child	Emp+adult +Children
EPO	7.00	35.00	16.00	28.00	49.00	62.00
PPO	0.00	18.00	5.00	12.00	26.00	35.00
Coinsured EPO	0.00	13.00	2.00	8.00	20.00	27.00
Employee Percent of change						
EPO	7.69%	8.03%	8.16%	8.16%	8.13%	8.12%
PPO	0.00%	8.11%	7.81%	7.84%	7.85%	8.10%
Coinsured EPO	0.00%	8.13%	0.00%	8.25%	8.00%	8.04%

Proposed County Composite Rate per emp per month	$	696.08

Proposed FY2011 RATES- UNDER AGE 65 Retirees

FY2010 County Subsidy -	Retiree subsidy	dependent subsidy	dependent subsidy	dependent subsidy	dependent subsidy	dependent subsidy
EPO	79%	65%	75%	71%	60%	54%
PPO	86%	76%	84%	81%	70%	64%
Coinsured EPO	91%	81%	90%	87%	75%	69%
FY2010 Total Premium- *per retiree per month*	**Emp only**	**Emp+1 Adult**	**Emp+1 Child**	**Emp+ Children**	**Emp+adult +Child**	**Emp+adult +Children**
EPO	1540.00	2183.00	1755.00	2020.00	2397.00	2663.00
PPO	1404.00	1881.00	1563.00	1760.00	2040.00	2238.00
Coinsured EPO	1325.00	1753.00	1466.00	1643.00	1894.00	2070.00
County Cost- *(per retiree per month)*	**Emp only**	**Emp+1 Adult**	**Emp+1 Child**	**Emp+ Children**	**Emp+adult +Child**	**Emp+adult +Children**
EPO	1211.00	1428.00	1320.00	1428.00	1428.00	1428.00
PPO	1211.00	1428.00	1320.00	1428.00	1428.00	1428.00
Coinsured EPO	1211.00	1428.00	1320.00	1428.00	1428.00	1428.00
Retiree Contributions-FY 2011 *(per retiree per month)*	**Emp only**	**Emp+1 Adult**	**Emp+1 Child**	**Emp+ Children**	**Emp+adult +Child**	**Emp+adult +Children**
EPO	329.00	755.00	435.00	592.00	969.00	1235.00
PPO	193.00	453.00	243.00	332.00	612.00	810.00
Coinsured EPO	114.00	325.00	146.00	215.00	466.00	642.00
Previous FY10 retiree Premiums	**Emp only**	**Emp+1 Adult**	**Emp+1 Child**	**Emp+ Children**	**Emp+adult +Child**	**Emp+adult +Children**
EPO	304.00	698.00	402.00	547.00	896.00	1142.00
PPO	178.00	419.00	225.00	307.00	566.00	749.00
Coinsured EPO	105.00	301.00	135.00	199.00	431.00	594.00
Retiree	**Emp only**	**Emp+1 Adult**	**Emp+1 Child**	**Emp+ Children**	**Emp+adult +Child**	**Emp+adult +Children**
EPO	25.00	57.00	33.00	45.00	73.00	93.00
PPO	15.00	34.00	18.00	25.00	46.00	61.00
Coinsured EPO	9.00	24.00	11.00	16.00	35.00	48.00
Percent of change						
EPO	8.22%	8.17%	8.21%	8.23%	8.15%	8.14%
PPO	8.43%	8.11%	8.00%	8.14%	8.13%	8.14%
Coinsured EPO	8.57%	7.97%	8.15%	8.04%	8.12%	8.08%
				Proposed Annual County Composite Rate <65	**$**	**1,273.45**

PROPOSED FY2011 RATES- OVER AGE 65 RETIREES

FY2011 County Subsidy	Retiree subsidy	dependent subsidy	dependent subsidy	dependent subsidy	dependent subsidy	dependent subsidy
EPO	72%	62%	65%	54%	52%	45%
PPO	86%	76%	79%	67%	65%	56%
Coinsured EPO	91%	82%	84%	72%	70%	61%
Pharmacy only Plan	86%	0%				
FY2011 Total Premium- *per retiree per month*	**Emp only**	**Emp+1 Adult**	**Emp+1 Child**	**Emp+ Children**	**Emp+adult +Child**	**Emp+adult +Children**
EPO	491.00	637.00	614.00	736.00	760.00	883.00
PPO	413.00	521.00	505.00	596.00	614.00	704.00
Coinsured EPO	389.00	487.00	473.00	553.00	569.00	650.00
Pharmacy only Plan	265.00	302.00				
County Cost- *(per retiree per month)*	**Emp only**	**Emp+1 Adult**	**Emp+1 Child**	**Emp+ Children**	**Emp+adult +Child**	**Emp+adult +Children**
EPO	354.00	397.00	397.00	397.00	397.00	397.00
PPO	354.00	397.00	397.00	397.00	397.00	397.00
Coinsured EPO	354.00	397.00	397.00	397.00	397.00	397.00
Pharmacy only Plan	228.00	228.00				
Retiree Contributions- FY2011 *(per retiree per month)*	**Emp only**	**Emp+1 Adult**	**Emp+1 Child**	**Emp+ Children**	**Emp+adult +Child**	**Emp+adult +Children**
EPO	137.00	240.00	217.00	339.00	363.00	486.00
PPO	59.00	124.00	108.00	199.00	217.00	307.00
Coinsured EPO	35.00	90.00	76.00	156.00	172.00	253.00
Pharmacy only Plan	37.00	74.00				
Previous FY10 Retiree Premiums	**Emp only**	**Emp+1 Adult**	**Emp+1 Child**	**Emp+ Children**	**Emp+adult +Child**	**Emp+adult +Children**
EPO	127.00	222.00	201.00	313.00	336.00	449.00
PPO	55.00	115.00	100.00	184.00	201.00	284.00
Coinsured EPO	33.00	83.00	70.00	144.00	159.00	234.00
Pharmacy only Plan	37.00	74.00				
Amount of Monthly Increase to Retiree	**Emp only**	**Emp+1 Adult**	**Emp+1 Child**	**Emp+ Children**	**Emp+adult +Child**	**Emp+adult +Children**
EPO	10.00	18.00	16.00	26.00	27.00	37.00
PPO	4.00	9.00	8.00	15.00	16.00	23.00
Coinsured EPO	2.00	7.00	6.00	12.00	13.00	19.00
Pharmacy only Plan	0.00	0.00	N/A	N/A	N/A	N/A
Retiree Percent of change						
EPO	7.87%	8.11%	7.96%	8.31%	8.04%	8.24%
PPO	0.00%	7.83%	8.00%	8.15%	7.96%	8.10%
Coinsured EPO	0.00%	8.43%	8.57%	8.33%	8.18%	8.12%
Pharmacy only Plan	0.00%	0.00%				
				Proposed County Composite Rate >65	**$**	**368.43**

ATTACHMENT 2
PROPOSED DEPENDENT DEFINITIONS

Editorial comments shown in Blue Yellow highlighted indicate changes from Summary Plan Description

PROPOSED DEPENDENT DEFINITIONS

Legal Spouse: **Spouse was not previously defined**
Defined for the purposes of this plan as:
A spouse of the opposite sex legally married to the employee.
Spouse must share the same permanent residence and the common necessities of life and who is unmarried by either formal marriage or common law to anyone other than the employee;
Includes the eligible surviving legal spouse of a deceased Travis County retiree.

An Employee may only cover one other adult as a dependent.

Common Law Spouse:
(previously was "grouped with Domestic Partner", and removed much criteria but added the Declaration and Registration wording)
Defined for the purposes of this plan as:
A spouse of the opposite sex who has provided a copy of a completed and filed Declaration and Registration of an Informal Marriage for the State of Texas.
Spouse must share the same permanent residence and the common necessities of life and who is unmarried by either formal marriage or common law to anyone other than the employee; Includes the eligible surviving legal spouse of a deceased Travis County retiree.

An Employee may only cover one other adult as a dependent.

Domestic Partner *(same or opposite sex)* of an eligible employee
Defined for the purposes of this plan as:

Shares the same permanent residence and the common necessities of life ; and
Has provided the Plan Sponsor with a completed Affidavit of Domestic Partnership that includes the names and any required information for any unmarried eligible children of the domestic partner for who coverage is sought.

A Domestic Partner or a Domestic Partners child is not eligible for COBRA or dependent life insurance coverage. (see definition of eligible child)
An Employee may only cover one other adult as a dependent.
(The Domestic Partner is considered the other adult)

Sponsored Dependent of an eligible employee

(previously was "grouped with Domestic Partner" but criteria is the same)

Defined for the purposes of this plan as:

- Related by blood to the employee (such as overage dependent child, or an unmarried parent of employee) and
- Is at least 18 years old: and
- Is unmarried by either formal marriage or common law; and
- Is not related to the eligible employee by marriage; and
- Is not employed by Travis County or the eligible employee; and
- Is not in active service in the armed forces; and
- 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; and
- Shares the same permanent residence and the common necessities of life ; and
- Has provided the Plan Sponsor with an Affidavit of Domestic Partnership

A Domestic Partner is not eligible for COBRA or dependent life insurance coverage.
An Employee may only cover one other adult as a dependent.
(The Sponsored Dependent is considered the other adult)

Child of eligible employee/spouse/Domestic Partner

Definition change required by Healthcare Reform Act. Revised wording 5-11-10 based on additional info avail from Healthcare Reform Act)

Eligible child is defined as:

- eligible age is from birth through age 25
  - Child includes any of the following:
    - A natural child (child of the employee);
    - A stepchild who resides in the eligible employees home;
    - A legally adopted child or a child placed in the home for adoption;
    - 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, and for whom a completed guardianship document has been obtained;
    - A child for whom the employee/spouse/Domestic Partner is the legal guardian;
    - A child for whom the employee /spouse/Domestic Partner is required by a qualified medical child support order (QMCSO) or court order to provide coverage for his or her children;
    - A child of an employee's Domestic Partner who resides in the home and is mainly dependent on the employee/Domestic Partner for care and support;
    - A grandchild of the employee/spouse/Domestic Partner for whom a completed guardianship document has been obtained;

ATTACHMENT 3
PROPOSED REQUIRED DOCUMENTATION

Chart of Characteristics and Documentation Required to Enroll a Dependent by Category

The addition of any dependent to the Travis County Health Plan requires certification by Employee that the dependent information is true and correct. Any false information will result in loss of coverage of the dependent in question and the requirement to reimburse the plan for any claims paid on an ineligible dependent covered after October 1, 2010.

Category of Dependent	Characteristics to be verified	Acceptable Proof
Spouse (formal ceremony) *opposite sex from participant *shares a permanent residence with participant *married participant in a formal ceremony	Age more than 18 home address same as participant relationship	Birth certificate Driver's license Marriage certificate
Spouse (common law) *opposite sex from participant *shares a permanent residence with participant *completed and filed a Declaration and Registration of an Informal Marriage	Age more than 18 and sex home address same as participant relationship	Birth certificate Driver's license Copy of filed Declaration and Registration of Informal Marriage
Domestic Partner (same or opposite sex) *over 18 years of age; *shares a permanent residence, including shared expenses and responsibilities for the common necessaries of life, with the participant; *is not married to anyone; *has provided the Plan Sponsor with a Certification of Domestic Partnership by the Participant	Age more than 18 home address same as participant Relationship status	Birth certificate Driver's license Completion of online Electronically signed Certificate of Domestic Partnership in form set by HRMD.

Sponsored Dependent (same or opposite sex) *related to participant within three degrees of blood (This would include parent, child, grandparent, grandchild, great grandparent, great grandchild, sibling, niece, nephew, aunt, uncle) does not include children of aunt or uncle. *over 18 years of age; *shares a permanent residence, including shared expenses and responsibilities for the common necessaries of life, *living with the participant at least six consecutive months; *is not married to anyone; *not in active service in the armed forces.	Both Blood relation and Age more than 18 home address same as participant Duration of stay at Participant's permanent residence Marital status Military status	Birth certificates that show family tree as needed, i.e. for parent; participant's birth certificate is enough. For child, child's birth certificate is enough. For grandparent both participant's birth certificate and parent's birth certificate would be needed. For aunt or uncle participant's birth certificate, parent's birth certificate and aunt or uncle's birth certificate would be required. Completion of online Electronically signed Certificate of Sponsored Dependent in form set by HRMD for all the rest of the characteristics:
All Children – *less than 26 years of age *who is not eligible for other employer sponsored coverage from the child's employer. **PLUS PROOF OF QUALIFYING RELATIONSHIP**—SEE RELATIONSHIP CATEGORIES BELOW	Age less than 26	Birth certificate Proof child is not eligible for other coverage (by child's employer) if requested by HRMD. Note: Documentation requirements for covering children will be determined by HRMD.
Child – **Natural child of Participant**	Parental Relationship	Birth certificate of child showing participant as one of child's parents—if participant's name has changed need verification that prior name is participant or Court Declaration of Paternity.

Child – Natural child of Participant's Spouse	Spousal Relationship Parental Relationship	Marriage certificate for Participant and Spouse or Declaration and Registration of Informal Marriage for Participant and Spouse and Birth certificate of child showing participant's spouse as one of child's parents—if participant's partner's name has changed need verification that prior name is participant or Court Declaration of Paternity
Child – Natural child of Participant's Domestic Partner	Domestic Partner Relationship Parental Relationship	Completion of online Electronically signed Certificate of Domestic Partnership in form set by HRMD and Birth certificate of child showing participant's domestic partner as one of child's parents—if participant's partner's name has changed need verification that prior name is participant. or Court Declaration of Paternity
Any other child who is related by blood to Participant within three degrees of blood (this would include child, grandchild, niece, nephew) for whom a valid guardianship document has been submitted to HRMD	Blood Relationship Guardianship/ /Conservatorship document	Birth certificates that show family tree as needed, i.e. for parent, participant's birth certificate is enough for child, child's birth certificate is enough For grandchild both participant's birth certificate and parent's birth certificate would be needed. Court Declaration of Guardianship/Conservatorship of the Person naming Participant as guardian.
A natural grandchild of Participant's Spouse for whom a valid guardianship document has been submitted to HRMD.	Grandparent Relationship Spousal Relationship Guardianship/	Birth certificate of parent of grandchild showing participant's spouse as parent of one of grandchild's parents and Birth certificate of grandchild showing child of participant's spouse as one of grandchild's parents —if any names have changed need verification that prior name is person it should be or Court Declaration of Paternity and

	/Conservatorship document	Marriage certificate for Participant and Spouse or Declaration and Registration of Informal Marriage for Participant and Spouse and Court Declaration of Guardianship/Conservatorship of the Person naming Participant's Spouse as guardian.
A natural grandchild of Participant's Domestic Partner for whom a valid guardianship document has been submitted to HRMD.	Grandparent Relationship Domestic Partner Relationship Guardianship/Conservatorship document	Birth certificate of parent of grandchild showing participant's domestic partner as parent of one of grandchild's parents and Birth certificate of grandchild showing child of participant's domestic partner as one of grandchild's parents —if any names have changed need verification that prior name is person it should be or Court Declaration of Paternity and Completion of online Electronically signed Certificate of Domestic Partnership in form set by HRMD and Court Declaration of Guardianship/Conservatorship of the Person naming Participant's Spouse as guardian.
A legally adopted child of Participant.	Parental Relationship	Final order of adoption of child showing participant as child's parent.
A legally adopted child of Participant's Spouse.	Parental Relationship Spousal Relationship	Final order of adoption of child showing participant's spouse as child's parent—if participant's spouse's name has changed need verification that prior name is participant and Marriage certificate for Participant and Spouse or Declaration and Registration of Informal Marriage for Participant and Spouse

A legally adopted child of Participant's Domestic Partner.	Parental Relationship Domestic Partner Relationship	Final order of adoption of child showing participant's domestic partner as child's parent—if participant's partner's name has changed need verification that prior name is participant's partner and Completion of online Electronically signed Certificate of Domestic Partnership in form set by HRMD
A child placed with Participant for adoption.	Prospective parental relationship	Adoption documentation
A child placed with Participant's Spouse for adoption.	Parental Relationship Spousal Relationship	Adoption documentation And Marriage certificate for Participant and Spouse or Declaration and Registration of Informal Marriage for Participant and Spouse
A child placed with Participant's Domestic Partner for adoption.	Parental Relationship Domestic Partner Relationship	Adoption documentation And Completion of online Electronically signed Certificate of Domestic Partnership in form set by HRMD
A child for whom Participant is required to provide health care coverage through a 'Qualified Medical Child Support Order' or other court or administrative order.	Court Ordered Responsibility to provide health care coverage	Court order requiring Participant to provide health care coverage for a child if Plan Sponsor determines that order meets the criteria of a Qualified Medical Child Support Order.
A child for whom Participant's Spouse is required to provide health care coverage through a 'Qualified Medical Child Support Order' or other court or administrative order.	Spousal Relationship Court Ordered Responsibility to provide health care coverage	Marriage certificate for Participant and Spouse or Declaration and Registration of Informal Marriage for Participant and Spouse and Court order requiring Participant's Spouse to provide health care coverage for a child if Plan Sponsor determines that order meets the criteria of a Qualified Medical Child

		Support Order.
A child for whom Participant's Domestic Partner is required to provide health care coverage through a 'Qualified Medical Child Support Order' or other court or administrative order.	Domestic Partner Relationship Court Ordered Responsibility to provide health care coverage	Completion of online Electronically signed Certificate of Domestic Partnership in form set by HRMD and Court order requiring Participant's Domestic Partner to provide health care coverage for a child if Plan Sponsor determines that order meets the criteria of a Qualified Medical Child Support Order.

Updated 6/1/2010, 9:46 a.m.

TRAVIS COUNTY COMMISSIONERS COURT
AGENDA REQUEST

17

Voting Session: June 22, 2010

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:

Roger El Khoury

Consider and take appropriate action on request from the Capital Area Quarter Horse Association for reduced fees to use the Travis County Exposition Center Show Barn on June 26, 2010 and August 7, 2010.

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:

Amy Draper, CPA, Sr. Financial Analyst, Facilities Management Department (4-9040)

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

10 JUN 14 PM 4:35
COUNTY JUDGE'S OFFICE
RECEIVED

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: Exposition Center
FILE: 101

TO: Members of the Commissioners Court

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

DATE: June 14, 2010

SUBJECT: Exposition Center Show Barn – Reduced Fees
Capital Area Quarter Horse Association

Proposed Motion:

Consider and take appropriate action on request from the Capital Area Quarter Horse Association for reduced fees to use the Travis County Exposition Center Show Barn on June 26, 2010 and August 7, 2010.

Summary and Staff Recommendation:

Ms. Donna Arnett with the Capital Area Quarter Horse Association has requested use of the Show Barn on June 26, 2010 and on August 7, 2010 for horse shows (Exhibit One). The dates have been reserved for their use. The Association is a 501 (c)(3) (see attached Certificate of Incorporation from the Texas Secretary of State dated February 7, 1984 (Exhibit Two)) that uses proceeds to provide awards to contestants and scholarships. The Association has historically paid $450 of the $900 rental fee for the Show Barn, a 50% discount. The Association does pay for rental of stalls and custodial services for the events. Facilities Management Department has no objection to approval of the discount for these events.

Budgetary and Fiscal Impact:

FY 10 Budget impact: $450 reduction in Exposition Center revenue for each of these events.

Background:

On December 8, 2009, the Commissioners Court approved the same level of reduction for the Capital Area Quarter Horse Association for their January 23, 2010 event. These shows are important to the Associations purpose:

a. To promote interest in the American Quarter Horse
b. To develop friendship and fellowship among horsemen
c. To exchange ideas, practices, and methods of operation for the education of the Association's members.

Required Authorizations:

Legal: N/A
Budget: N/A
Purchasing: N/A

Exhibit:
1. Ms. Arnett letter, June 14, 2010
2. Certificate of Incorporation

June 14, 2010

From: Donna Arnett, Treasurer
Capitol Area Quarter Horse Association

To: Travis County Expo Center

Re: Non Profit Rate for Equine Events

Capitol Area Quarter Horse Association has scheduled horse shows for June 26 and August 7, 2010 and request that the non-profit rates that were approved by the Travis County Commissioner's Court in January 2010 be allowed for these events. Specifically, a 50% discount was granted for the arena and fees for dragging the arena and usage of bleachers were waived for the events.

Thank you for your consideration of this request. Our shows were scheduled at the beginning of the year with the understanding that the fees for non profit organizations would be established by the Commissioner's Court for a long term period.

If Capitol Area Quarter Horse Association members can be of assistance in this matter, please do not hesitate to contact me or our Board of Directors.

—Profit

The State of Texas

SECRETARY OF STATE

CERTIFICATE OF INCORPORATION
OF

CAPITOL AREA QUARTERHORSE ASSOCIATION, INC.
CHARTER NO. 690510

The undersigned, as Secretary of State of the State of Texas, hereby certifies that Articles of Incorporation for the above corporation duly signed and verified pursuant to the provisions of the Texas Non-Profit Corporation Act, have been received in this office and are found to conform to law.

ACCORDINGLY the undersigned, as such Secretary of State, and by virtue of the authority vested in him by law, hereby issues this Certificate of Incorporation and attaches hereto a copy of the Articles of Incorporation.

Dated Feb. 07 19 84

Secretary of State

dak

Travis County Commissioners Court Agenda Request #18

Voting Session: June 22, 2010 (Date) Work Session_____ (Date)

I. **Request**

A. Request made by: **Roger Jefferies, Exec. Manager, Justice and Public Safety, Phone # 854-4759**
Signature of Elected Official/Appointed Official/Executive Manager/ County Attorney

B. Requested text:

CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE ORGANIZATIONAL PLANNING TEAM'S RECOMMENDATION OF A PERSON TO FILL THE DIRECTOR OF THE HUMAN RESOURCES MANAGEMENT DEPARTMENT

C. Approved by: _____
Signature of Commissioner 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.

Sherri Fleming, Executive Manager
HHS – 854-4100

Joe Gieselman, Executive Manager
TNR – 854-9383

Rodney Rhoades, Executive Manager
PBO – 854-9106

Danny Hobby, Executive Manager
Emergency Services – 854-9367

Cyd Grimes, Purchasing Agent
854-9700

Susan Spataro, County Auditor
854-9125

III. Required Authorizations: Please check if applicable:

__X__ **Planning and Budget Office (854-9106)**

__X__ **Human Resources Management Department (854-9165)**

__X__ **County Attorney's Office (854-99415)**

_____ **County Auditor's Office (854-9125)**

_____ **Purchasing Department (854-9700)**

Updated 6/1/2010, 9:46 a.m.

Human Resources Management Department

1010 Lavaca Street, 2nd Floor • P.O. Box 1748 • Austin, Texas 78767 • (512) 854-9165 / FAX(512) 854-4203

VOTING SESSION June 22, 2010 **ITEM #** _____

BACKUP MEMORANDUM

DATE: June 17, 2010

TO: Members of the Commissioners Court

FROM: Roger Jefferies, liaison to HRMD from Organizational Planning Team

SUBJECT: Update from the OPT on the Selection of a Director for HRMD

Proposed Motion

CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE ORGANIZATIONAL PLANNING TEAM'S RECOMMENDATION OF A PERSON TO FILL THE DIRECTOR OF THE HUMAN RESOURCES MANAGEMENT DEPARTMENT

Background

The Organizational Planning Team (OPT) has completed an extensive search for the Director of the Human Resources Management Department of Travis County.

Over 350 applicants applied for the position. From that pool, over 20 were screened during an initial screen process with the interim HRMD Director. From the initial screen, seven semi-finalists were identified and participated in a management-style assessment and semi-final panel interviews. This process resulted in 3 finalists.

On June 11, 2010, these 3 finalists toured the HRMD area, participated in a case study, visited with the HRMD team and met with the OPT members for a final panel interview.

Of the three finalists, the OPT is recommending Ms. Diane Blankenship be approved as the new Director of HRMD. Ms. Blankenship's resume is attached for your information. We recommend that she receive a salary of $113,000/year based on the pay determination guide completed by HRMD. We are also currently negotiating relocation costs and will bring that recommendation for your approval under separate cover.

Forwarded for your consideration and approval.

Diane Elizabeth Blankenship
[redacted]
Baytown, Texas 77520
[redacted]

Objective

To work in a senior-level Human Resources Management position that utilizes my skills and experience and offers an opportunity for professional growth.

Education

AA-Liberal Arts; Lee College, Baytown, TX
BBA-Management; University of Houston, Clear Lake, TX
MBA-HR concentration; University of Houston, Clear Lake, TX

Awards

HR Impact Award (2009 HR Service Technology for Archdiocese of Galveston-Houston), HRHouston
Graduated Summa cum Laude, University of Houston-Clear Lake
Dean's List, University of Houston-Clear Lake
Outstanding Student of the Year (Economics), Lee College
Outstanding Student of the Year (Geology), Lee College
Gertrude Teter Award (given to graduate with the highest GPA), Lee College
Certificate of Achievement (English), Lee College

Certifications

PHR-Certified Professional in Human Resources, Human Resources Certification Institute

Professional Associations

Member, Society for Human Resource Management
Member, HR Houston

Work History

The Archdiocese of Galveston-Houston—06/07 to present
Houston, Texas
Director of Human Resources
Responsibilities and Highlights

- Overall administration of Human Resources Department (Compensation, Benefits, Recruitment, Payroll, Employee Relations)
- Re-design and implementation of new salary structure
- Implementation of merit raise and merit bonus program
- Design of compensation procedures
- Implementation of new group health and dental plan including conversion from indemnity to a POS plan with three tiers of coverage and conversion

to a new TPA (Third Party Administrator) which increased participation and reduced per participant cost (national averages were showing an 11-14% increase in healthcare costs)
- Design and implementation of Paid Time Off plan (previously vacation, sick, and personal time)
- Re-design of benefit billing system for 210 field locations from a paper-driven to an on-line system (HR Impact Award received from HRHouston)
- Implementation of New Employee Orientation
- Design and implementation of Diaconate Enrichment Training for Human Resources at St. Mary Seminary (University of St. Thomas)
- Administration of pension plans; both traditional defined-benefit and 403b

Houston Community College System—05/06 to 06/07
Houston, Texas
Director of Compensation & Benefits
Responsibilities and Highlights
- Overall administration of Compensation and Benefits program
- Implementation of Compensation Redesign
- Liaison between Human Resources and various stakeholders including Board of Trustees, executives, Faculty Compensation Committee and others
- New benefits design, implementation and maintenance including Bus Pass program and Short-term disability redesign
- Revision of Compensation and Benefits procedures to comply with new HR policies passed by the Board of Trustees

The Methodist Hospital—06/03 to 05/06
Houston, Texas
Director of Human Resources – MWH
Sr. HR Generalist – SJMH
Responsibilities and Highlights:
- Consultation with all levels of management concerning employee relations issues, staffing, compensation, benefits, development, organizational structure, risk management, and change management issues
- Consultation with all levels of employees for all HR-related initiatives and services including Compensation, Performance Management, Benefits, Risk Management, and Disability Services
- Implementation and management of Recruitment activities and initiatives
- Management of HR records and competencies to include compliance with Federal and State agencies and JCAHO
- Service on various HR and Risk-related committees (Staffing Effectiveness Advisory Council, chair; System HR council, Performance Improvement Oversight Committee, Environment of Care Committee, Marketing & Advertising Advisory Council)
- Facilitation of ICARE values and Service Pride training sessions

- Implementation of Benefits Open Enrollment and Benefits Training Sessions
- Restructure New Employee Orientation from a two-day to a one-day program (SJMH)
- Implementation and on-going support of Nursing Salary Restructure program, Pharmacist Salary Restructure program, and Secretarial/Clerical Salary Restructure program
- Oversight, Investigation and Resolution of Ethics Line Complaints
- Establishment of oversight of budget for the HR department
- Co-facilitation of the Leadership Development Series
- Delivery of training on HR programs and policies

University of Houston, Central Campus—04/02 to 01/03
Houston, Texas
Staff Development and Training Manager
Responsibilities and Highlights:

- Management of Staff Development and Training Department for an organization with 9000+ employees
- Oversight of Training Department employees
- Oversight of University's H-1B program
- Administration of the State Employees' Incentive Program for the University
- Organization and coordination of training for other departments
- Design and implementation of New Supervisor's Training Program
- Design and implementation of New Employee's Orientation Program
- Design and implementation of Summer Enrollment Benefits Training Program
- Oversight of Staff Excellence Awards Program

USDatalink, Inc.—09/89 to 04/02
Baytown, Texas
Human Resources/Operations Director
Responsibilities and Highlights:

- Establishment of Human Resources Department for a new organization
- Design and implementation of procedures, policies and employee handbook
- Management of all hiring functions in conjunction with department heads including job analysis, recruitment, screening, hiring, and orientation
- Design and implementation of a background screening network to check criminal records for client companies' applicants
- Implementation of geographically competitive compensation system for in-house and contract workers
- Implementation, oversight, and management of a comprehensive benefits program including medical insurance, dental, vision, accidental death and dismemberment, long-term disability, short-term disability, defined

contribution retirement program (401k), health care reimbursement program, dependent care reimbursement program, Section 125 cafeteria plan, workers' compensation insurance, vacation, holidays, sick leave, and other pay for time not worked, tuition reimbursement, and discounts on goods and services

- Coordination of company-sponsored charity and social events including Baytown Goodfellows family sponsorship, Relay for Life, Baytown Blood Drive, company voters' registration drive, company softball team, company bowling league, company Christmas Parties, and company summer parties
- Management of all Employee and Labor Relations issues including addressing policy issues, conflict resolution, grievances, surveys, facilitation, and exit interviews
- Management of Training and Development including needs assessment, intervention method selection, implementation, and evaluation
- Management of all Human Resources related legal requirements including implementing a voluntary Affirmative Action Plan, maintaining EEOC compliance data (EEO-1's), maintaining OFCCP data, maintenance of unemployment claim data, maintenance of employee files, and response to local, state, and federal government inquiries
- Management of in-house staff of up to 40 individuals
- Management of 800+ contract researchers
- Consultation with clients regarding pre-employment screening, employee relations issues, and performance/productivity improvement initiatives

Other Skills

Excellent oral and written presentation skills
Excellent management and team-building skills
Excellent people skills
Highly customer service oriented
Proficient with Microsoft Office (Word, Excel, and PowerPoint)
Proficient with PeopleSoft
Proficient with Webhire
Proficient with ADP Payroll System
Proficient with on-line and traditional forms of research

Charitable/Non-Profit Organizations

American Cancer Society, Relay-for-Life Team Coordinator
GCCISD, Instructional Leadership Team member, District Rezoning Committee member

Updated 6/1/2010, 9:46 a.m.

19

TRAVIS COUNTY COMMISSIONERS COURT
AGENDA REQUEST

Voting Session: June 22, 2010

Roger El Khoury

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 on request from the Boy Scouts of America Capitol Area Council for a reduced fee to use the Travis County Exposition Center facilities and grounds

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:

Amy Draper, CPA, Sr. Financial Analyst, Facilities Management Department (4-9040)

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

10 JUN 11 PM 4:55
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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: Exposition Center
FILE: 101

TO: Members of the Commissioners Court

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

DATE: June 14, 2010

SUBJECT: Exposition Center – Non-standard Fee Request
100th Anniversary Celebration of the Boy Scouts of America

Proposed Motion:

Consider and take appropriate action on request from the Boy Scouts of America Capitol Area Council for a reduced fee to use the Travis County Exposition Center facilities and grounds.

Summary and Staff Recommendation:

The Boy Scouts of America Capitol Area Council (BSACAC) requests a reduced fee for the use of the Exposition facilities and grounds for their 100th anniversary this year. As described in their request at Exhibit One, the highlight of the centenary celebrations will be a scouting jamboree at the Exposition Center from October 8, 2010 though October 10, 2010. Facilities Management Department (FMD) has met with representatives of BSACAC and developed a recommendation for the Commissioners Court consideration and approval, which would be a 40% reduction in the total facilities rental fees and a total estimated cost of $10,110 for the entire event. The facilities and grounds have been reserved for this event. FMD recommend approval of the non-standard fee contract.

Budgetary and Fiscal Impact:

FY 10 Budget impact: Impact is $5,240 reduction in Exposition Center revenue for rental of facilities and grounds.

Background:

The Boy Scouts of America are expecting to have 10,000 Cubs, Boy Scouts, Venture Scouts, Explorers and adults in attendance at this centennial event at the Exposition Center, and many of the Scouts will be camping on-site. They anticipate that this will be the largest gathering of Scouts ever in Central Texas. Activities will include large arena shows, low level military

flyovers, helicopter landings and many young Scouts demonstrating the skills they have learned in the Scouting program. BSACAC is requesting the reduction in fees for two principal reasons:

1. to keep the entrance fees to the lowest possible price for the participants and,
2. to provide scholarships to all those Scouts who want to come but cannot afford even a modest fee.

The reduction in fees will allow youth from all over Travis and other Counties to attend this exciting event irrespective of their family's financial condition.

Required Authorizations:

Legal: N/A
Budget: N/A
Purchasing: N/A

Exhibit:
1. BSACAC Letter, June 8, 2010

CAPITOL AREA COUNCIL
BOY SCOUTS OF AMERICA

June 8, 2010

The Honorable Sam Biscoe, County Judge
Travis County
PO Box 1748
Austin, TX 78767

RE: 100th Anniversary Celebration of the Boy Scouts of America
Travis County Expo Center

Dear Judge Biscoe:

The Boy Scouts of America are celebrating their 100th anniversary this year. The local council, Capitol Area Council (BSACAC), serves almost 22,000 youth in 15 Central Texas Counties. The BSACAC highlight of these centenary celebrations, will be a scouting jamboree at the Travis County Expo Center, October 8 - 10.

We are planning to have 10,000 Cubs, Boy Scouts, Venture Scouts, Explorers and adults, many of them camping on-site. We believe it will be the largest gathering of Scouts ever in Central Texas. Our committees have worked many months on this effort . There will be large arena shows, low level military flyovers, helicopter landings and most importantly: many, many young Scouts, girls and boys, demonstrating the skills they learn in the program. The activities can be found on our special web site www.scoutjam2010.org.

We have worked with your Expo staff coordinating all of these activities for several months. We have come to terms on the contract with regard to the special conditions allowing camping on-site, parking and the like.

This letter is a follow-up to one written several months ago seeking a reduction in fees for your facility. With a previous manager we had agreed on a fee of $10,100, recognizing it needed the support of you and the County Commissioners Court. We have reviewed this fee line by line with Roger El Khoury of your staff. We are seeking this reduction for two principal reasons: (1) to keep the entrance fees to the lowest possible price for the participants and, (2) to provide scholarships to all those Scouts who want to come but cannot afford even a modest fee. This will allow all our youth from all over Travis and other Counties to attend this exciting event irrespective of their family's financial resources.

Mr. El Khoury and his staff have been especially helpful in recent weeks. I believe he is ready to execute the contract as are we. We have the required deposit ready to submit immediately to Mr. El Khoury so that we might move quickly to finalize all arrangements.

The many Scouts of Central Texas appreciate the consideration of you and your Commissioners Court.

With best wishes, we remain
Sincerely,

Ben Turner, Jr.
Vice President , Operations
Executive Board

J.T. Dabbs III
CEO/Scout Executive

cc: Roger El Khoury, P.E.

Scout JAM 2010 CAPITOL AREA COUNCIL

J:ben/scouts/traviscorequest

EXHIBIT A

Travis County Exposition Center - Event Costing Schedule

Customer: J.T.Dabbs

Event: *Boy Scouts of America 100th Anniversary Camporee* **Date of Event:** Oct. 8,9,10, 2010

Item	Details	Unit	Qty	Rate	Amount
Facility Rental Fees	Luedecke Arena - Rental Period is 16 Hours	Day	**2**	$ 3,000.00	$ 6,000.00
	Luedecke Arena for Each Additional Hour	Hour		$ 100.00	$ -
	Luedecke Arena Dressing Room	Day		$ 100.00	$ -
	Skyline Club - Rental Period is 8 Hours	Day	**1**	$ 1,200.00	$ 1,200.00
	Skyline Club for Each Additional Hour	Hour		$ 100.00	$ -
	Banquet Hall - Rental Period is 8 Hours	Day	**1**	$ 1,800.00	$ 1,800.00
	Banquet Hall for Each Additional Hour	Hour		$ 100.00	$ -
	Show Barn - Rental Period is 12 Hours	Day	**1**	$ 900.00	$ 900.00
	Show Barn for Each Additional Hour	Hour		$ 50.00	$ -
	Outside Show Barn Equestrian horse Arena	Day	**1**	$ 200.00	$ 200.00
	All Grounds - Non-Concert Event	Day	**3**	$ 1,000.00	$ 3,000.00
	Portion of the Grounds - Non-Concert Event	Day		$ 500.00	$ -
	All or Portion of the Grounds - Concert Event	Day		$ 2,000.00	$ -
	40% Discount to be approved by the CC	Day	**-0.40**	$ 13,100.00	$ (5,240.00)
	Total Facility Rental Fees				$ 7,860.00
Equipment Rental Fees	Tables	Each		$ 6.00	$ -
	Chairs	Each		$ 1.50	$ -
	Portable Bleachers	Each		$ 20.00	$ -
	Stalls	Each		$ 15.00	$ -
	Pens	Each		$ 2.00	$ -
	Cattle Ties	Each		$ 2.00	$ -
	50 stalls free if total stalls >100	Each		$ 15.00	$ -
	Other	Each			
	Total Equipment Rental Fees				$ -
Custodial Fees	Luedecke Arena	Day		$ 600.00	$ -
	Skyline Club	Day		$ 200.00	$ -
	Luedecke Arena Including Skyline	Day		$ 775.00	$ -
	Luedecke Arena Dressing Rooms	Day		$ 75.00	$ -
	Banquet Hall	Day		$ 200.00	$ -
	Grounds	Day		$ 260.00	$ -
	Show Barn - One day horse show event	Day		$ 200.00	$ -
	Show Barn - Two days horse show event	2-Day		$ 250.00	$ -
	Show Barn - Three days horse show event	3-Day		$ 300.00	$ -
	Show Barn - All Events Except Horse Show	Day		$ 200.00	$ -
	Custodial Services During Event per Custodian	Hour		$ 25.00	$ -
	Stall Cleaning	Each		$ 5.00	$ -
	Total Custodial Fees				$ -
Other Fees	HVAC - Luedecke Arena	Hour	**18**	$ 125.00	$ 2,250.00
	Forklift - with Driver	Hour		$ 35.00	$ -
	Moving and Placing Dirt	Hour		$ 200.00	$ -
	RV Parking with Hook-Ups	Each		$ 35.00	$ -
	RV Parking without Hook-Ups	Each		$ 20.00	$ -
	Electrical Hook-Ups for 110V duplex outlet	Each		$ 20.00	$ -
	Electrical Hook-Ups for 220V duplex outlet	Each		$ 25.00	$ -
	Water Connection	Each		$ 30.00	$ -
	Other	Each		$ -	$ -
	Total Other Fees				$ 2,250.00
ORIGINAL CONTRACT SUM					**$ 10,110.00**
DEPOSIT	Non-Refundable = Percent of Original Contract Sum	1		**20%**	**$ 2,022.00**
BALANCE	To Be Adjusted for Additional Services, If Applicable	2		**80%**	**$ 8,088.00**
DAMAGES DEPOSIT	Refundable = Percent of Facilities Rental	3		**20%**	**$ 1,572.00**
PARKING SURCHARGE	One-Third of Parking Fees Collected by Licensee	4			

1. Due at the Time the License Agreement is Signed by the Licesnsee
2. Due 30 Days Prior to Commencement of the Event
3. Due One Day Prior to Commencement of the Event
4. Due upon Event Conclusion

20

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COUNTY JUDGE'S OFFICE
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TRAVIS COUNTY COMMISSIONERS COURT AGENDA REQUEST

Please consider the following item for:

Voting Session: **June 22, 2010**

I. A. Request made by:

Leroy Nellis, Budget Director, Planning & Budget (49106)

Receive briefing and take appropriate action on Local Tax Policy Working Group Recommendations on Group's Charge, Membership, and Reporting schedule.

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

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

PLANNING AND BUDGET OFFICE
TRAVIS COUNTY, TEXAS

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

To: Judge Sam Biscoe & the Travis County Commissioners Court

From: Travis County Tax Policy Working Group

Date: June 22, 2010

RE: Local Tax Policy Working Group Charge and Schedule

On June 8, 2010 the Travis County Commissioners Court instructed the Tax Policy Working Group to meet and refine the charge and schedule for reviewing tax policy. The group met on June 11th and per the Courts directions suggests the following.

- **Appoint a working group**
  The Working Group suggests the following Travis County staff be appointed by the Court to serve as voting members:
  1. Leroy Nellis – Chairperson
  2. Susan Spataro
  3. Dusty Knight
  4. Elliott Beck
  5. Harvey Davis
  6. Deece Eckstein

  In addition, the group suggests the following outside experts be asked to participate as voting members:
  1. Billy Hamilton
  2. Joe Thrash
  3. Dick Lavine
  4. Brian Rodgers

- **Charge the Working Group with the following:**
  1. Identify all options under current law that are currently deployed or could be deployed to better align property owners' wealth with tax burden;
  2. Develop a way to educate taxpayers about how their tax bill breaks down, and develop methodology for presenting their tax bill so that it clearly outlines how each taxing jurisdiction approaches the various exemptions.
  3. Analyze how deployment of existing tools (whether currently utilized or not) could better alleviate the burdens on those least able to afford it, including but not limited to:
     a. Homestead exemption

b. Over 65 discount
c. Disability discount
d. Historic exemption
e. Any other tools that are available to county government

4. Make practical and politically mindful recommendation to the Court for near term policy implementation to better align wealth with burden;
5. Identify possible legislative action to improve or add to the tools available to better align wealth with burden; and.
6. Make recommendation to the Court for consideration of long range policy goals with regard to better alignment between wealth and burden.

- **Timeframe** –

The Working Group suggests the following timeframe:

1. Charges 1-3, updating the Court periodically (beginning with the attached draft) with a final recommendation completed by September 15th.
2. Charge 4, to enable incorporation in the list of Travis County legislative priorities as draft by Intergovernmental Relations and adopted by the Court, November 1st.
3. Charge 5 by February 1st.

June 11

2010

Local Tax Policy

Aligning property owners' wealth with tax burden

Property Tax Defined

A property tax is an ad valorem tax that an owner of property pays in proportion to the value of the property being taxed.

Policy Focus

While evaluating the viability of relief initiatives for those least able to pay their taxes, we must also evaluate and address the resultant decrease in tax revenue. The two immediately apparent modes by which to accommodate such a decrease are:

1. Reduce the budget
2. Shift the property tax burden from one group of taxpayers to another group of taxpayers

Statutory Allowances for Tax Relief

Optional

Homestead Exemption: A resident homestead owner may receive an exemption of at least $5,000 and up to 20 percent from their homestead's value. (Sec. 11.13)

65 or Over Exemption: An age 65 or older resident homestead owner may receive an exemption of at least $3,000 from their homestead's value.

Disabled Exemption: An age 65 or older resident homestead owner may receive an exemption of at least $3,000 from their homestead's value.

Tax Ceiling: An age 65 or older and/or disabled resident homestead owner may limit the amount of taxes assessed to the amount of tax imposed in the year the homestead owner qualified for the 65 or older and/or disabled person exemption.

Historic Exemption: A property designated as a Recorded Texas Historic Landmark or as a historically or archeologically significant site in need of tax relief to encourage its preservation may receive an exemption of part or all of the assessed value of both the structure and the land.

Split Payment of Taxes: A taxpayer who pays one-half of the taxes before December 1 may pay the remaining one-half of the taxes without penalty or interest before July 1 of the following year.

Performance of Service in Lieu of Payment on Homestead of Elderly Person: An age 65 or older resident homestead owner may enter into a contract with the County to perform service in lieu of paying taxes. The County shall determine the maximum number of hours of service that a property owner may perform at the federal hourly minimum wage rate.

Mandated

10% Appraisal Cap: The appraised value of a resident homestead may not increase more than 10 percent per year.

Disabled Veteran's Exemption: Veterans with a service-connected disability may reduce their property taxes in an amount determined according to their percentage of service-connected disability (see chart below).

Disability Rating	Exemption Amount
10% to 29%	$5,000 from the property's value
30% to 49%	$7,500 from the property's value
50% to 69%	$10,000 from the property's value
70% to 100%	$12,000 from the property's value

100% Disabled Veteran Homestead Exemption: Veterans classified by the U.S. Department of Veterans Affairs as being unemployable or having 100 percent disability rating qualify for 100 percent exemption from their homestead's value.

Letter of Intent: An age 65 or older and/or disabled resident homestead owner may pay current taxes in four payments without incurring additional penalties and interest by signing a letter of intent.

Residence Homestead Tax Deferral: A resident homestead owner may file a tax deferral affidavit and pay the property taxes on 105 percent of the preceding year's appraised value of their homestead, plus the taxes on any new improvements to the homestead. The remaining taxes are postponed with interest accruing at 8 percent per year as opposed to the standard penalty and interest rate (24% for the first year and 12% for subsequent years) imposed without the tax deferral.

Tax Deferral for 65 or Over or Disabled: An age 65 or older and/or disabled resident homestead owner may postpone the payment of both current and delinquent taxes by signing a tax deferral affidavit. Taxes continue to be assessed with interest accruing at 8 percent per year as opposed to the standard penalty and interest rate (24% for the first year and 12% for subsequent years) imposed without the tax deferral.

Optional Statutory Allowance Comparison (Big 5)

	Optional Homestead	Optional 65 or Over	Optional Disabled	Tax Ceiling	Split Payment	Service in Lieu of Payment	Historic			
							Residences		Non-Residences	
							Structure	Land	Structure	Land
Travis County	5000/20%	65000	65000	N	N	N	50%	100%	25%	50%
City of Austin	0	51000	51000	N	N	N	50%*	100%*	25%	50%
Austin ISD	0	25000	15000	Mandated	N	N	25%*	50%*	13%	25%
Austin Community College	5000/1%	105000	105000	N	N	N	50%	100%	25%	50%
Travis County Healthcare	5000/20%	65000	65000	N	N	N	50%	100%	25%	50%

*Austin ISD State Mandated: 15000 Homestead, 10000 65 or Older or Disabled

*Cap of the greater of 5000 or 50% tax levy

Optional Statutory Allowance Comparison (Counties)										
							Historic			
							Residences		Non-Residences	
	Optional Homestead	Optional 65 or Over	Optional Disabled	Tax Ceiling	Split Payment	Service in Lieu of Payment	Structure	Land	Structure	Land
Travis	5000/20%	65000	65000	N	N	N	50%	100%	25%	50%
Harris	5000/20%	160000	160000	N	N	N	N	N	N	N
Dallas	5000/20%	69000	69000	Y	N	N	N	N	N	N
Bexar	0	50000	5000	Y	Y	N	N	N	N	N
El Paso	5000	20000	20000	Y	N	N	N	N	N	N
Tarrant County	0	50000	10000	Y	Y	Y	Case by case; 25% to 75% of tax bill			

Travis County Value/Exemption Trends			
	Average Appraised Value	Average Taxable Value	Over 65 or Disabled Exemption % of Appraised
2000	153,668	122,934	42.3%
2001	172,669	138,135	37.6%
2002	189,796	151,837	34.2%
2003	191,240	152,992	34.0%
2004	197,874	158,299	32.8%
2005	203,526	162,080	31.9%
2006	225,014	180,011	28.9%
2007	243,800	195,040	26.7%
2008	282,894	211,388	23.0%
2009	287,732	218,761	22.6%

Appraisal Methods

Cost: Appraised value is determined using the direct costs of the subject property and adjusts for physical, functional or economic obsolescence.

Market Data Comparison: Appraised value is determined using comparable sales data and adjusts the comparable sales to the subject property.

Income: Appraised value is determined using rent or income potential, expense data, historical information and trends, current supply and demand factors, and anticipated competition from similar properties.

74% of properties are valued by a Cost method, 25% are valued by a Market Data Comparison method, and 1% is valued by an Income method of appraisal.

There are 16 historical exempted properties appraised using the income method. These properties comprise $90,859,652 in appraised value and $49,470,912 in taxable value.

Historical Properties Appraised Using the Income Method

Parcel	Owner	Situs	Market		Appraised	Taxable
			Land	Structure		
02040505160000	THIRD COAST STUDIOS LTD	501 N INTERSTATE HY 35 TX 78702	459,780	921,713	1,381,493	805,691
02050201050000	HOSPITAL HOUSEKEEPING SYSTEMS	320 N CONGRESS AVE TX 78701	736,000	1,769,246	2,505,246	1,436,623
02050201060000	SMITH W B BUILDING LTD	316 N CONGRESS AVE TX 78701	752,000	1,969,259	2,721,259	1,548,629
02050202100000	BEARS & SONS USA LLC	412 N CONGRESS AVE TX 78701	736,000	2,491,538	3,227,538	1,797,769
02050207070000	BAHRAMI BEHZAD	105 E 5 ST TX 78701	496,860	1,775,262	2,272,122	1,260,276
02050207080000	F & J HEIERMAN BUILDING LTD	115 E 5 ST TX 78701	229,080	1,103,562	1,332,642	723,591
02060114040000	LONE STAR CHAPTER 6 ROYAL ARCH	311 W 7 ST TX 78701	408,000	974,650	1,382,650	204,000
02060121930000	710 COLORADO LLC	710 COLORADO ST TX 78701	118,231	2,632,480	2,750,711	1,404,913
02060301080000	HVP AUSTIN SCARBROUGHT L P	522 N CONGRESS AVE TX 78701	4,435,200	14,715,154	19,150,354	10,683,977
02060302050000	NALLE GEORGE S & ASSOCIATES LTD	620 N CONGRESS AVE TX 78701	784,300	1,935,127	2,719,427	1,555,788
02060303120000	712 CONGRESS LIMITED	712 N CONGRESS AVE TX 78701	736,000	1,698,541	2,434,541	1,401,270
02060304070000	804 CONGRESS LP	804 N CONGRESS AVE TX 78701	1,104,000	5,091,966	6,195,966	3,373,983
02060307010000	HVP AUSTIN SCARBROUGHT L P	106 E 6 ST TX 78701	2,235,600	14,227,677	16,463,277	8,790,538
02060309010000	FINLEY COMPANY	801 N CONGRESS AVE TX 78701	688,000	1,676,978	2,364,978	1,354,489
02060312140000	HANNIG ROW PARTNERSHIP	200 E 6 ST TX 78702	1,240,320	4,787,539	6,027,859	3,324,009
02060321030000	NORWOOD TOWER L P	114 W 7 ST 2 TX 78701	3,362,286	14,567,303	17,929,589	9,805,366
	Totals		18,521,657	72,337,995	90,859,652	49,470,912

Alternative Allowance for Tax Relief: The Circuit Breaker Program

The state establishes a maximum percentage of income that a qualifying household is expected to pay in property taxes. If the household's property tax bill exceeds this limit, the state rebates either all or a portion of tax payments made above this limit. As of 2008, 34 states had one or more circuit breaker programs.

Basic Programs

Single-Threshold: The simplest circuit breaker uses one threshold percentage of income; the higher the threshold set, the less generous the tax relief and the less expensive the program in terms of potential lost tax revenue.

Multiple-Threshold: This circuit breaker employs several threshold percentages that are applied incrementally; a different threshold applies to each block of a taxpayer's income.

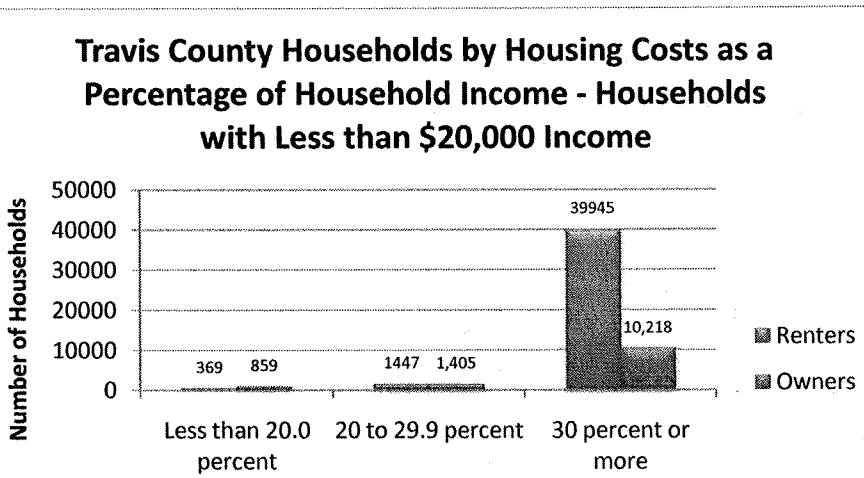
Sliding-Scale: This circuit breaker defines several income brackets, and all claimants within an income bracket qualify for the same percentage reduction in taxes, regardless of how high or low their property

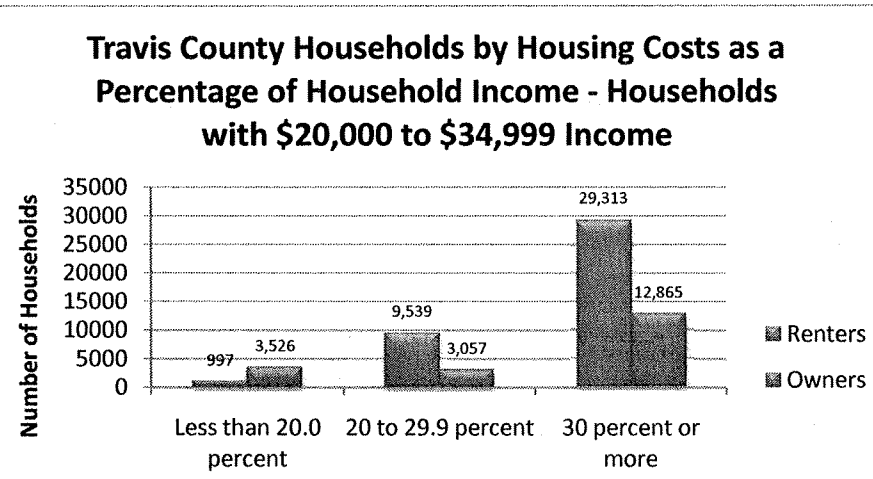
tax bills. The relief percentages decline with each step to a higher income bracket, so low-income households receive the highest percentage reduction in property taxes.

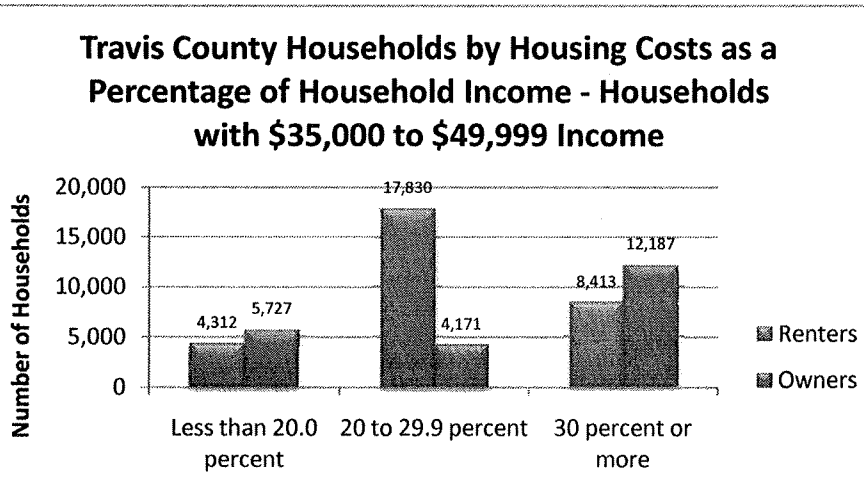
Benefit Determination Examples, Assuming Property Tax Bill Equal to 10 Percent of Income for each Household			
	Low Income $10,000	Moderate Income $20,000	Middle Income $40,000
Each household's property taxes without circuit breaker			
Property Tax	$1,000	$2,000	$4,000
Single-Threshold – Property tax capped at 5% of income			
Tax Due	$500	$1,000	$2,000
Tax Relief	$1,500	$1,000	$0
Tax as % of Income	5.0	5.0	5.0
Multiple Threshold – No property tax allowed for first $5,000 income; capped at 2% of income for income from $5,001–$10,000; capped at 4% for $10,001–$20,000 income; capped at 6% for $20,001–$40,000 income			
Tax Due	$100	$500	$1,700
Tax Relief	$1,900	$1,500	$300
Tax as % of Income	1.0	2.5	4.25
Sliding Scale – Credit = (Property Tax) x (Relief Percentage)			
Relief Percentage	75.0	50.0	25.0
Tax Due	$500	$1,000	$1,500
Tax Relief (Credit)	$1,500	$1,000	$500
Tax as % of Income	5.0	5.0	3.75

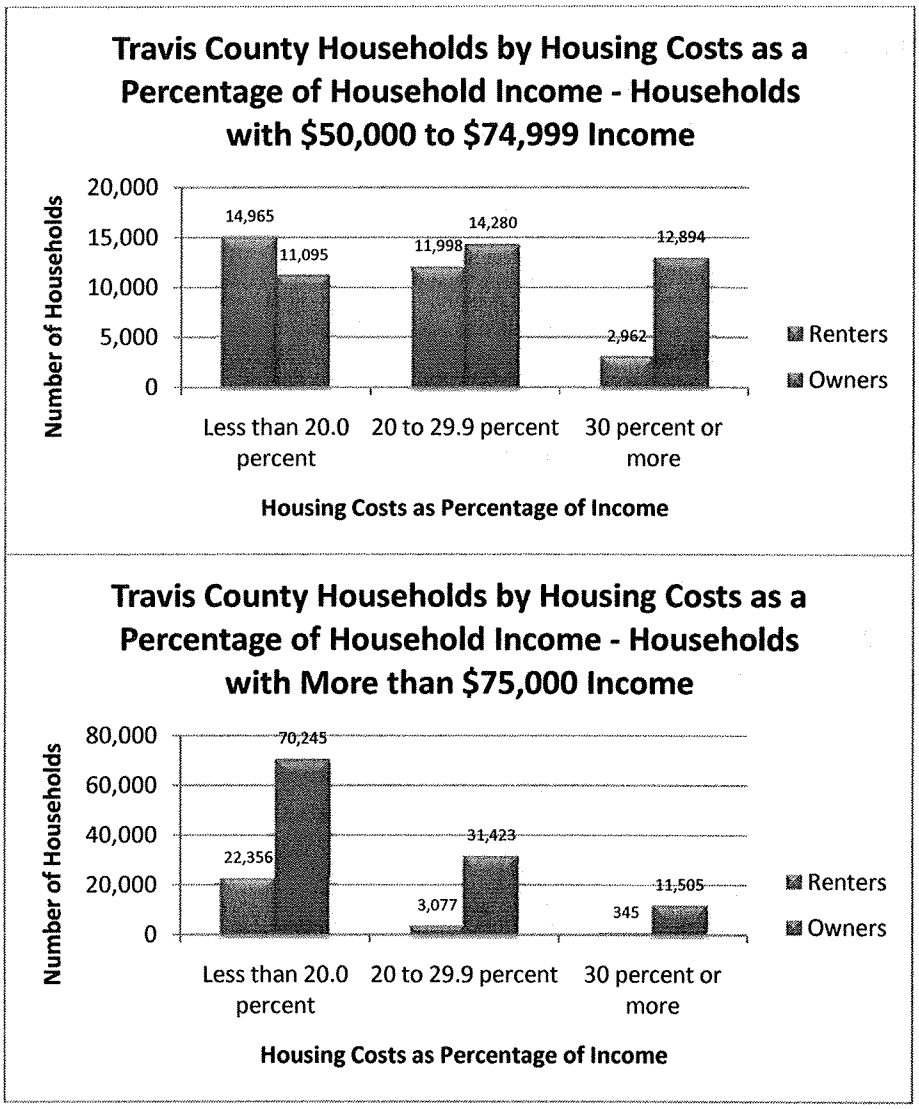
Eligibility

Benefits can further be limited by eligibility conditions. These may include homeowners, renters, income groups, special treatment for the elderly, disabled, veterans, and other groups such as those taxpayers actively serving in the military.

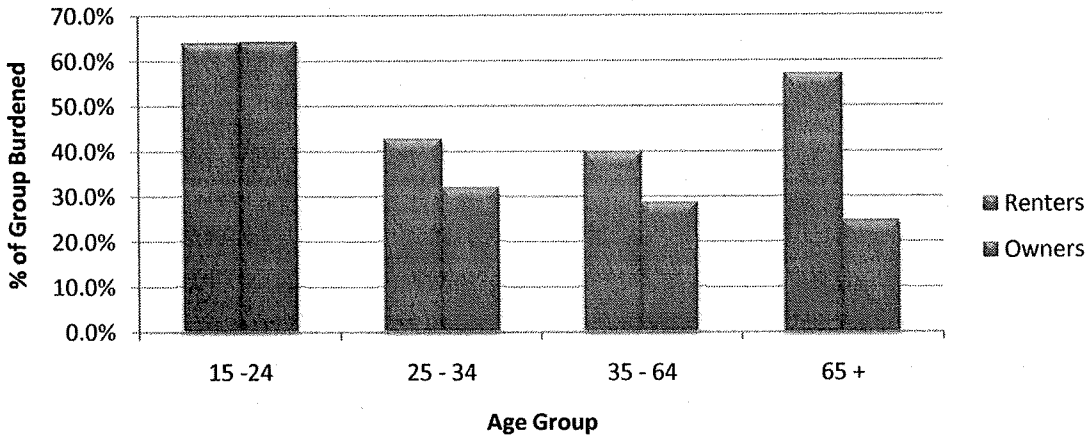

Travis County Households by Housing Costs as a Percentage of Household Income - Households with Less than $20,000 Income
Number of Households
50000
40000
30000
20000
10000
0
369
859
1447
1,405
39945
10,218
Renters
Owners
Less than 20.0 percent
20 to 29.9 percent
30 percent or more
Housing Costs as Percentage of Income


Travis County Households by Housing Costs as a Percentage of Household Income - Households with $20,000 to $34,999 Income
Number of Households
35000
30000
25000
20000
15000
10000
5000
0
997
3,526
9,539
3,057
29,313
12,865
Renters
Owners
Less than 20.0 percent
20 to 29.9 percent
30 percent or more
Housing Costs as Percentage of Income


Travis County Households by Housing Costs as a Percentage of Household Income - Households with $35,000 to $49,999 Income
Number of Households
20,000
15,000
10,000
5,000
0
4,312
5,727
17,830
4,171
8,413
12,187
Renters
Owners
Less than 20.0 percent
20 to 29.9 percent
30 percent or more
Housing Costs as Percentage of Income

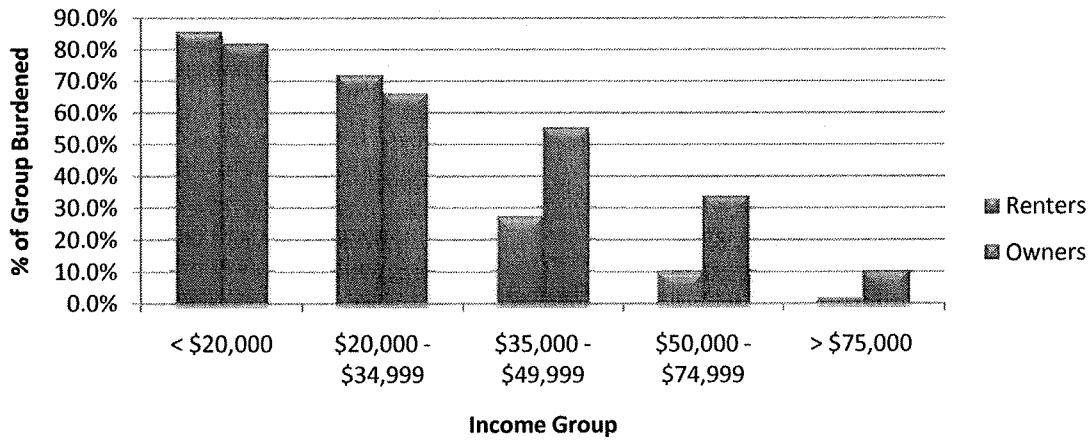

Travis County Households by Housing Costs as a Percentage of Household Income - Households with $50,000 to $74,999 Income
Number of Households
20,000
15,000
10,000
5,000
0
14,965
11,095
11,998
14,280
2,962
12,894
Renters
Owners
Less than 20.0 percent
20 to 29.9 percent
30 percent or more
Housing Costs as Percentage of Income
Travis County Households by Housing Costs as a Percentage of Household Income - Households with More than $75,000 Income
Number of Households
80,000
60,000
40,000
20,000
0
22,356
70,245
3,077
31,423
345
11,505
Renters
Owners
Less than 20.0 percent
20 to 29.9 percent
30 percent or more
Housing Costs as Percentage of Income

Percent of Travis County Owners and Renters with Housing Costs Greater than Thirty Percent of Income By Age Group



*2006 - 2008 American Community Survey 3-Year Estimates

Percent of Travis County Owners and Renters with Housing Costs Greater than Thirty Percent of Income By Income Group



*2006 - 2008 American Community Survey 3-Year Estimates

Possible Tax Burdened Groups (# Properties Delinquent , % of Total Properties Delinquent) on 2009 Tax Roll					
Entity	Total Residences	Total Residences			
		Owned		Rental	
		Homestead Only	Over 65 or Disabled	Small Units	Complex
Travis County	6461, 2.51%	3026, 2.04%	577, 1.57%	2833, 4.16%	25, 1.72%
City of Austin	4767, 2.70%	2031, 2.11%	541, 2.03%	2170, 4.14%	25, 1.78%
Austin ISD	4376, 2.79%	1881, 2.29%	408, 1.63%	2063, 4.30%	24, 1.82%
Austin Community College	5362, 2.60%	2467, 2.14%	401, 1.46%	2493, 4.21%	1, .07%
Travis County Healthcare	6438, 2.50%	3027, 2.05%	577, 1.57%	2833, 3.98%	1, .07%

Renters

In most rental situations, landlords pass on some portion of their property taxes in the form of higher rent. Since renters bear property tax burdens and are generally less well-off than homeowners, in terms of both income and assets, they should be included in needs-based property tax relief programs. In order to provide renters with tax relief rebates, it must be assumed about how much of the rent payment constitutes the property tax; the actual amount of property tax that owners pass on to renters through higher rent is unknown. This "property tax equivalent" is usually expressed as a percentage of rent paid and ranges from six percent to 25 percent.

Gross Rent in Travis County	
Occupied units paying rent	171,556
Less than $200	1,777
$200 to $299	1,665
$300 to $499	5,623
$500 to $749	47,118
$750 to $999	56,939
$1,000 to $1,499	43,332
$1,500 or more	15,102
Median (dollars)	871
No rent paid	3,581

Program Cost

Existing circuit breaker program costs range from .004 percent to 6.27 percent of total property tax collections. Based on 2009 Travis County total collections of $410,720,468, the stated percentages would yield a cost ranging anywhere from $16,429 to $25,752,173.

Estimated Cost of Basic Four Basic Programs *dollar amounts based on 2009 Travis County Collections				
			Portion of Total Cost	
Program	Formula	Total Cost	Homeowner	Renters
Single-Threshold	Credit offsets any property tax above 5% of income property's value	7.3% $29,982,594	72.6% $21,767,363	27.4% $8,215,231
Multiple-Threshold	Credit offsets any property tax for first $5,000 of income; offsets property tax above 2% of income for $5,001 to $10,000; above 4% for $10,001 to $20,000; above 6% for $20,001 to $40,000; above 8% for $40,001 to $60,000; above 10% for $60,001 and above*	7.8% $32,036,197	63.1% $20,214,840	36.9% $11,821,357
Sliding-Scale	Credit equals property tax multiplied by relief percentage, which varies by income bracket as follows: 75% for $0 to $10,000; 50% for $10,001 to $20,000; 25% for $20,001 to $40,000; 10% for $40,001 to $60,000; 5% over $60,001	5.2% $21,357,464	59.1% $12,622,261	40.9% $8,735,203

Program Administration

There are two arrangements by which the administering body may deliver property tax relief to circuit breaker participants; direct rebate check or property tax exemption credit.

Direct Rebate Check – Refund process by which participants complete a form determining eligibility on Adjusted Gross Income (AGI) from the federal income tax.

Property Tax Exemption or Credit – Process that may act as an exemption to reduce the property's assessed value or as a credit to reduce the tax bill based on full assessed value.

Either of the above arrangements require verification of income. If the local property tax office is expected to do more than simply receive circuit breaker applications, it could place significant additional demands on that office, as applications require income information that otherwise would not be of concern for property tax administration. Of the 34 states that have circuit breaker programs, 4 do not impose a state income tax. These states carry an additional burden in verifying income since state income tax data does not exist.

Alternative Sources of Income Data

City of Austin Method – The City of Austin provides for many programs in which they must verify income. Participants of these programs are required to bring proof of income in the form of current check stubs, signed statements from employers, current W-2's, and, or benefit letters from social security, Medicaid, TANF or Food Stamps.

Texas Workforce Commission – The TWC administers the unemployment insurance program. A public official may enter into a contract to obtain online access to unemployment compensation information (including wage records, unemployment compensation benefits information and employer tax information) for an annual subscription fee.

Maximum Number of Authorized Users	Annual Subscription Rate
1-10	$1,500
11-25	$2,000
26-50*	$3,500
51-100*	$6,000
101-500*	$25,000
501-1,000*	$50,000
1,001-2,000*	$100,000
2,001-3,000*	$150,000
Over 3,000*	$200,000

Tax Relief Impact on the Tax Bill

Any additional tax relief that Travis County could realistically afford its taxpayers would be less effectual on a property owner's entire tax bill in comparison to another taxing unit providing that same tax relief.

Tax Bill Proportion	
*On all properties each taxing unit imposes a tax, the following is the percentage of their portion of the tax bill	
Austin ISD	54.3%
City of Austin	20.5%
Travis County	18.6%
Travis County Healthcare	4.49%
Austin Community College	2.98%

Examples

Current Optional Homestead Exemptions Versus Maxed Out Optional Homestead Exemptions on Average Homestead

	Mandated Homestead Exemption	Optional: Current Homestead Exemption	Optional: Example Homestead Exemption	Assessed Value	Current Taxable Value	Example Taxable Value	Tax Rate	Current Tax	Example Tax	% of Current Bill	% of Example Bill	Savings to Taxpayer
Austin ISD	15,000	0%	20%	287,732	272,732	215,186	1.2020	3,278.24	2,586.53	55.71%	52.80%	691.71
City of Austin	0	0%	20%	287,732	287,732	230,186	0.4209	1,211.06	968.85	20.58%	19.78%	242.21
Travis County	0	20%	20%	287,732	230,186	230,186	0.4215	970.23	970.23	16.49%	19.81%	0.00
TC Healthcare	0	20%	20%	287,732	230,186	230,186	0.0674	155.15	155.15	2.64%	3.17%	0.00
Aus. Comm. College	0	1%	20%	287,732	284,855	230,186	0.0946	269.47	217.76	4.58%	4.45%	51.72
							Totals	**5,884.15**	**4,898.52**	**100.00%**	**100.00%**	**985.64**

* The assessed value of this property is equal to TCAD's average appraised value of properties with a homestead in Travis County

Current Over 65 Exemption Versus Travis County Over 65 Exemption Change from $65,000 to $70,000 on Avg. Homestead

	Mnd Hmstd + Over 65 Exempt.	Optional											
		Current Homestead Exemption	Current Over 65 Exemption	Example Over 65 Exemption	Assessed Value	Current Taxable Value	Example Taxable Value	Tax Rate	Current Tax	Example Tax	% of Current Bill	% of Example Bill	Savings to Taxpayer
Austin ISD	25,000	0%	25,000	25,000	287,732	237,732	237,732	1.2020	2,857.54	2,857.54	59.44%	59.70%	0.00
City of Austin	0	0%	51,000	51,000	287,732	236,732	236,732	0.4209	996.40	996.40	20.73%	20.82%	0.00
Travis County	0	20%	65,000	70,000	287,732	165,186	160,186	0.4215	696.26	675.18	14.48%	14.11%	21.07
TC Healthcare	0	20%	65,000	65,000	287,732	165,186	165,186	0.0674	111.34	111.34	2.32%	2.33%	0.00
Aus. Comm. College	0	10%	105,000	105,000	287,732	153,959	153,959	0.0946	145.65	145.65	3.03%	3.04%	0.00
								Totals	**4,807.18**	**4,786.11**	**100.00%**	**100.00%**	**21.07**

* The default assessed value of this property is equal to TCAD's average appraised value of properties with a homestead in Travis County

Travis County Over 65 Exemption Increase

	$65,000 Over 65 Exemption		$100,000 Over 65 Exemption	
	202,261	**Total Assessed Value**	**202,261**	
-	40,452	20% Optional Homestead Exemption	40,452	-
-	65,000	Over 65 Optional Homestead Exemption	100,000	-
=	96,809	Total Taxable Value	61,809	=
x	0.4215	Tax Rate	0.4215	x
=	408.05	Taxes Due Travis County	260.52	=
,	18.6%	Travis County Portion		
=	**2,193.81**	**Total Tax Bill**	**2,046.29**	=
		Taxpayer Savings	**147.53**	

Circuit Breaker Capped at 3% of Income on Low-Income Household $10,000

	No Cap		With Cap	
	202,261	**Total Assessed Value**		
-	40,452	20% Optional Homestead Exemption		
-	65,000	Over 65 Optional Homestead Exemption		
=	96,809	Total Taxable Value		
x	0.4215	Tax Rate		
=	408.05	Taxes Due Travis County		
		3% Cap Income of $10,000	300	
,	18.60%	Travis County Portion		
=	**2,193.81**	**Total Tax Bill**	**2,085.76**	=
		Taxpayer Savings	**108.05**	

Tax Relief Impact on Tax Revenue

Any additional tax relief that Travis County affords its taxpayers would result in a significant decrease in tax revenues vital to funding the County.

# of Properties on 2009 Tax Roll

Entity	Total Residences	Total Residences			
		Owned		Rental	
		Homestead Only	Over 65 or Disabled	Small Units	Complex
Travis County	254,355	148,008	36,851	68,039	1,457
City of Austin	176,697	96,185	26,642	52,467	1,403
Austin ISD	156,599	82,311	24,995	47,974	1,319
Austin Community College	203,614	115,538	27,494	59,157	1,425
Travis County Healthcare	257,529	148,007	36,851	71,214	1,457

Taxable Value on 2009 Tax Roll

Entity	Total Residences	Total Residences			
		Owned		Rental	
		Homestead Only	Over 65 or Disabled	Small Units	Complex
Travis County	62,444,596,153	33,468,731,120	5,879,120,974	15,282,316,812	7,814,427,247
City of Austin	48,187,923,443	25,161,421,605	5,438,696,487	10,436,898,434	7,150,906,917
Austin ISD	41,522,274,259	20,666,921,629	5,321,128,725	9,748,958,878	5,785,265,027
Austin Community College	54,549,542,420	30,448,485,278	4,718,187,695	11,893,501,465	7,489,367,982
Travis County Healthcare	62,436,109,777	33,468,731,120	5,870,637,598	15,282,316,812	7,814,424,247

Tax Levies on 2009 Tax Roll

Entity	Total Residences	Total Residences			
		Owned		Rental	
		Homestead Only	Over 65 or Disabled	Small Units	Complex
Travis County	263,203,973	141,070,702	24,780,495	64,414,965	32,937,811
City of Austin	203,112,097	106,055,392	22,924,106	43,991,527	30,141,073
Austin ISD	175,016,386	87,111,075	22,428,558	41,091,862	24,384,892
Austin Community College	229,926,321	128,340,365	19,887,161	50,131,109	31,567,686
Travis County Healthcare	263,168,203	141,070,702	24,744,737	64,414,965	32,937,798

Examples

Big 5 Comparison

	Austin ISD	City of Austin	Travis County	Travis County Healthcare	Austin Community College	
Exemptions						
Mandated Homestead	15,000	0	0	0	0	
Madated Over 65	10,000	0	0	0	0	
Mandated Disabled	10,000	0	0	0	0	
Optional Homestead	0%	0%	20%	20%	1%	
Optional Over 65	25,000	51,000	65,000	65,000	105,000	
Optional Disabled	15,000	51,000	65,000	65,000	105,000	
Property Count						
Homestead Only	84,760	98,816	155,703	155,702	120,987	
Over 65 Homestead	23,009	24,383	34,757	34,757	28,496	
Disabled Homestead	2,430	2,654	3,962	3,962	3,295	
Other	99,224	110,521	188,059	187,998	138,198	
Total	209,423	236,374	382,481	382,419	290,976	
Assessed Value						
Homestead Only	22,297,398,233	25,589,603,943	42,809,623,472	42,809,348,472	31,767,589,422	
Over 65 Homestead	6,194,868,216	6,417,753,755	9,812,206,841	9,812,206,841	7,573,009,387	
Disabled Homestead	418,242,491	452,172,352	691,025,808	691,025,808	549,657,083	
Other	38,148,037,449	48,087,673,783	61,313,713,022	61,295,196,953	52,785,347,163	
Total	67,058,546,389	80,547,203,833	114,626,569,143	114,607,778,074	92,675,603,055	
Exempt Amount						
Homestead Only	1,334,303,445	108,886,717	8,642,515,251	8,642,460,251	754,181,964	
Over 65 Homestead	1,167,850,068	1,269,874,484	4,188,996,500	4,188,996,500	3,039,006,606	
Disabled Homestead	96,396,101	133,234,572	375,693,936	375,693,936	320,735,431	
Other	346,915,913	1,465,547,998	2,044,664,008	1,886,815,641	584,814,959	
Total	2,945,465,527	2,977,543,771	15,251,869,695	15,093,966,328	4,698,738,960	
Taxable Value						
Homestead Only	20,936,434,392	25,465,127,914	34,154,944,012	34,154,724,012	30,989,300,099	
Over 65 Homestead	5,014,854,160	5,137,395,748	5,609,460,356	5,609,460,356	4,518,387,435	
Disabled Homestead	321,438,874	318,440,850	314,060,185	314,060,185	227,629,146	
Other	37,579,099,795	46,232,140,191	59,028,332,584	59,167,516,697	51,802,777,409	
Total	63,851,827,221	77,153,104,703	99,106,797,137	99,245,761,250	87,538,094,089	
Tax Rate	1.2020	0.4209	0.4215	0.0674	0.0946	
Calculated Tax						
Homestead Only	251,655,941.39	107,182,723.39	143,963,089.01	23,020,283.98	29,315,877.89	
Over 65 Homestead	60,278,547.00	21,623,298.70	23,643,875.40	3,780,776.28	4,274,394.51	
Disabled Homestead	3,863,695.27	1,340,317.54	1,323,763.68	211,676.56	215,337.17	
Other	451,700,779.54	194,591,078.06	248,804,421.84	39,878,906.25	49,005,427.43	
Total	767,498,963.20	324,737,417.69	417,735,149.93	66,891,643.08	82,811,037.01	
Freeze Loss	32,220,916.24	0	0	0	0	
Tax Levy						
Homestead Only	251,655,941.39	107,182,723.39	143,963,089.01	23,020,283.98	29,315,877.89	
Over 65 Homestead	28,057,630.76	21,623,298.70	23,643,875.40	3,780,776.28	4,274,394.51	
Disabled Homestead	3,863,695.27	1,340,317.54	1,323,763.68	211,676.56	215,337.17	
Other	451,700,779.54	194,591,078.06	248,804,421.84	39,878,906.25	49,005,427.43	
Total	735,278,046.96	324,737,417.69	417,735,149.93	66,891,643.08	82,811,037.01	1,627,453,294.67
% of Total Tax Levy	45.18%	19.95%	25.67%	4.11%	5.09%	100.00%

Travis County Over 65 Exemption Increase				
	$65,000 Over 65 Exemption		**$100,000 Over 65 Exemption**	
	5,879,120,974	**Total Taxable Value**	**4,587,335,974**	
x	.4215	Tax Rate	.4215	x
=	24,780,495	Tax Levy	19,344,051	=
		Tax Revenue Lost	**5,436,444**	

Updated 6/1/2010, 9:46 a.m.

Tax Bill Calculator - Homestead Only

Assessed Value 287,732

	Mandated Homestead Exemption	Optional: Current Homestead Exemption	Optional: Example Homestead Exemption	Assessed Value	Current Taxable Value	Example Taxable Value	Tax Rate	Current Tax	Example Tax	% of Current Bill	% of Example Bill	Savings to Taxpayer
Austin ISD	15,000	0%	20%	287,732	272,732	215,186	1.2020	3,278.24	2,586.53	55.71%	52.80%	691.71
City of Austin	0	0%	20%	287,732	287,732	230,186	0.4209	1,211.06	968.85	20.58%	19.78%	242.21
Travis County	0	20%	20%	287,732	230,186	230,186	0.4215	970.23	970.23	16.49%	19.81%	0.00
Travis County Healthcare	0	20%	20%	287,732	230,186	230,186	0.0674	155.15	155.15	2.64%	3.17%	0.00
Austin Community College	0	1%	20%	287,732	284,855	230,186	0.0946	269.47	217.76	4.58%	4.45%	51.72
							Totals	5,884.15	4,898.52	100.00%	100.00%	985.64

* The default assessed value of this property is equal to TCAD's average appraised value of properties with a homestead in Travis County

Updated 6/1/2010, 9:46 a.m.

Tax Bill Calculator - Over 65

Assessed Value **287,732**

	Mandated Homestead + Over 65 Exemption	Optional				Assessed Value	Current Taxable Value	Example Taxable Value	Tax Rate	Current Tax	Example Tax	% of Current Bill	% of Example Bill	Savings to Taxpayer
		Current Homestead Exemption	Example Homestead Exemption	Current Over 65 Exemption	Example Over 65 Exemption									
Austin ISD	25,000	0%	0%	25,000	25,000	287,732	237,732	237,732	1.2020	2,857.54	2,857.54	59.44%	59.70%	0.00
City of Austin	0	0%	0%	51,000	51,000	287,732	236,732	236,732	0.4209	996.40	996.40	20.73%	20.82%	0.00
Travis County	0	20%	20%	65,000	70,000	287,732	165,186	160,186	0.4215	696.26	675.18	14.48%	14.11%	21.07
Travis County Healthcare	0	20%	20%	65,000	65,000	287,732	165,186	165,186	0.0674	111.34	111.34	2.32%	2.33%	0.00
Austin Community College	0	10%	10%	105,000	105,000	287,732	153,959	153,959	0.0946	145.65	145.65	3.03%	3.04%	0.00
									Totals	**4,807.18**	**4,786.11**	**100.00%**	**100.00%**	**21.07**

* The default assessed value of this property is equal to TCAD's average appraised value of properties with a homestead in Travis County

Updated 6/1/2010, 9:46 a.m.

Tax Bill Calculator - Disabled

Assessed Value **287,732**

	Mandated Homestead + Disabled Exemption	Optional				Assessed Value	Current Taxable Value	Example Taxable Value	Tax Rate	Current Tax	Example Tax	% of Current Bill	% of Example Bill	Savings to Taxpayer
		Current Homestead Exemption	Example Homestead Exemption	Current Disabled Exemption	Example Disabled Exemption									
Austin ISD	25,000	0%	0%	15,000	25,000	287,732	247,732	237,732	1.2020	2,977.74	2,857.54	60.43%	59.70%	120.20
City of Austin	0	0%	0%	51,000	51,000	287,732	236,732	236,732	0.4209	996.40	996.40	20.22%	20.82%	0.00
Travis County	0	20%	20%	65,000	70,000	287,732	165,186	160,186	0.4215	696.26	675.18	14.13%	14.11%	21.07
Travis County Healthcare	0	20%	20%	65,000	65,000	287,732	165,186	165,186	0.0674	111.34	111.34	2.26%	2.33%	0.00
Austin Community College	0	10%	10%	105,000	105,000	287,732	153,959	153,959	0.0946	145.65	145.65	2.96%	3.04%	0.00
									Totals	**4,927.38**	**4,786.11**	**100.00%**	**100.00%**	**141.28**

* The default assessed value of this property is equal to TCAD's average appraised value of properties with a homestead in Travis County

Item # 21

TRAVIS COUNTY COMMISSIONERS COURT AGENDA REQUEST

Please consider the following item for **VOTING SESSION**: **June 22, 2010**

A. REQUEST MADE BY: **Major Darren Long** .
(Elected/Appointed Official/Executive Mgr/County Attorney)

REQUESTED TEXT:

Consider and take appropriate action on phase I of Travis County Jail Renovation Project

COUNTY JUDGE OR COMMISSIONER

A. **Any backup material to be presented to the Court must be submitted with this Agenda Request (Original(s) & 8 copies).**

B. **Please list all of the agencies or officials' names and telephone numbers that might be affected by or involved with this request. The originating department should send a copy of this Agenda Request and backup to them:**

Mark Sawa 854-9758 **Rodney Rhoades 854-9106**

REQUIRED AUTHORIZATIONS: PLEASE CHECK IF APPLICABLE:

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

PURCHASING OFFICE (854-9700)

_____**Bid, Purchase Contract, Request for Proposals**

COUNTY ATTORNEY'S OFFICE (854-9415)

_____**Contract, Agreement, Policy & Procedure**

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

RECEIVED
COUNTY JUDGE'S OFFICE
10 JUN 17 PM 2:10

BUDGET AMENDMENTS AND TRANSFERS

FY 2010

6/15/2010

ADD-ON to Agenda Item # 13

TRANSFER

BA #	Project Code	FUND	DEPT/DIV	ACT	ELM/ OBI	Dept.	Line Item	Increase	Decrease	Pg #
T1		001	3735	824	6099	Sheriff's Office	Other Purch Serv		$525,000	1
		001	3735	824	8105	Sheriff's Office	Buildings	$525,000		
T2	KDV003	510	9711	804	8105	Fund 510 (2008 COs)	Buildings		$769,432	1
		510	3735	824	8105	Sheriff's Office	Buildings	$769,432		
T3	KDV003	509	9711	804	8105	Fund 509 (2007-A CO's)	Buildings		$389,265	1
		509	3735	824	8105	Sheriff's Office	Buildings	$389,265		
T4	KDV003	509	9711	804	8102	Fund 509 (2007-A CO's)	Pur Serv-Bdg Imp		$650,150	1
		509	3735	824	8105	Sheriff's Office	Buildings	$650,150		

Approved on 6-15-10

STB

Updated 6/1/2010, 9:46 a.m.

JAMES N. SYLVESTER
Chief Deputy

GREG HAMILTON
TRAVIS COUNTY SHERIFF
P.O. Box 1748
Austin, Texas 78767
(512) 854-9770
www.tcsheriff.org

PHYLLIS CLAIR
Major – Law Enforcement

DARREN LONG
Major – Corrections

MARK SAWA
Major - Administration & Support

June 17, 2010

To: Samuel Biscoe, County Judge
Ron Davis, Commissioner Precinct 1
Sarah Eckhardt, Commissioner Precinct 2
Karen Huber, Commissioner Precinct 3
Margaret Gomez, Commissioner Precinct 4

From: Darren Long, Major

Re: Consider and Take Appropriate Action on Phase I of Travis County Jail Renovation Project

Judge & Commissioners:

On Thursday, June 10, 2010, the Travis County Sheriff's Office (TCSO) and the Planning and Budget Office briefed the Commissioners Court on the proposed three year renovation of the Travis County Jail. The renovation is needed to extend the life of the facility for another 10-15 years which will give the Commissioners Court the time it needs to make a decision about the future of the TCJ.

On Tuesday, June 15, 2010, Commissioners Court approved on consent the transfer of savings from the Travis County Correctional Complex (TCCC) Building 12 Project to the appropriate TCSO line items.

With the funding in place, TCSO is requesting Commissioners Court approval to proceed with Phase I of the TCJ Renovation Project as detailed in the attached spreadsheet. TCSO is also attaching a copy of the memo PBO presented to Court during the work session and as back-up for the budget adjustments.

If you should have any questions, please feel free to give me a call at 854-9348.

Thank you in advance for your time!

Cc: Greg Hamilton, Sheriff
James Sylvester, Chief Deputy
Mark Sawa, Major
Michael Hemby, Research & Planning
Mark Stefonav, Engineer
Rodney Rhoades, Planning & Budget

TCJ Life Extension Project - Long-Term Debt & SCAAP/CAR Funding Allocation

20-Apr-10

Requirement	Prime System	Program Type	Long-Term Debt	SCAAP & CAR	Total Cost Estimate
Adhered Membrane (PVC) Single-Ply	Roofing	Weatherization	$ 900,000	$ 100,000	$ 1,000,000
Exterior Walls - Dirty and Stained	Exterior Walls	Weatherization	705,000	245,000	$ 950,000
Insufficient Stairwell Ventilation	Distribution Systems	Air & Water Quality	-	180,000	$ 180,000
	Subtotal FY 2010 Program		$ 1,605,000	$ 525,000	$ 2,130,000
Pipe Chase Penetrations at the Concrete Floors	-	Clean Water	$ -	$ 100,000	$ 100,000
Exhaust System - General Building Renewal	Distribution Systems	Clean Air	1,000,000	-	$ 1,000,000
Exhaust System - Kitchen - Commercial Renewal	Distribution Systems	Clean Air	-	65,000	$ 65,000
Sanitary Waste - Leaking Piping	Sanitary Waste	Clean Water	-	200,000	$ 200,000
	Subtotal FY 2011 Program		$ 1,000,000	$ 365,000	$ 1,365,000
Central AHU - VAV System w/Distribution Renewal	Distribution Systems	Clean Air	$ 2,500,000	$ -	$ 2,500,000
Metal Paneled System Renewal	Ceiling Finishes	Air & Water Quality	-	315,371	$ 315,371
Water Dist Complete Renewal	Domestic Water Distribution	Clean Water	750,000	-	$ 750,000
	Subtotal FY 2012 Program		3,250,000	315,371	$ 3,565,371
Three - Year TCJ Life Extension Project Totals >>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>			$ 5,855,000	$1,205,371	$ 7,060,371

Note: Program Requirement Type is either/or Clean Air, Clean Water, Air & Water Quality or Weatherization

Risk Management Fund Projects		Program Type	Long-Term Debt	SCAAP & CAR	Total Cost Estimate
Risk Management Fund Projects		Life Safety	$ -	$ 562,100	$ 562,100

PLANNING AND BUDGET OFFICE
TRAVIS COUNTY, TEXAS

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

MEMORANDUM

TO: Members of Commissioners Court

FROM: Rodney Rhoades, Executive Manager, Planning & Budget

DATE: June 10, 2010

RE: Request to Fund a Three-Year Renovation of the Travis County Jail (TCJ) Using Travis County Sheriff's Office and Certificate of Obligation Savings in Year 1

The Planning and Budget Office has been meeting with senior management and staff from the Sheriff's Office, including Majors Sawa and Long, to discuss the maintenance of the Travis County Jail. Over the past several fiscal years, Commissioners Court has approved capital funding for ongoing maintenance for the building.

In June 2009, VFA, Inc. a building assessment firm, issued a report that indicated major renovations were needed at the TCJ to extend the building's useful life. The TCJ was originally built in 1981, 29 years ago, and operated as a 24x7 facility. To renew the building (e.g., renovate the building to serve the exact use it currently serves) and extend its useful life by 15-20 years is estimated to cost $29 million. Given the current planning effort for the downtown campus, and the questions these efforts will be addressed over the course of this summer related to the best use of the site long-term, value of the asset, etc., it does not appear cost-effective to invest this amount of funding at this time.

However, it is necessary to address those critical systems that keep the building weather tight. TCSO scrutinized the VFA report and developed a three-year renovation plan that addresses the most critical issues and adds 10-15 years to the TCJ's useful life. This 10-year time span will give the Commissioners Court the time it needs to make a decision about the future of the TCJ including whether the general housing beds currently a part of the TCJ stay downtown or are moved to the Travis County Correctional Complex (TCCC) at Del Valle.

The renovation plan (attached) totals $7.56 million and addresses weatherization and air and water quality in the building. The Year 1 cost of $2,130,000 is covered by $525,000 in current year SCAAP funding already in the Sheriff's Office with the remainder coming from savings realized on the TCCC Building 12 Certificates of Obligation (CO) Funds 509 and 510. The Years 2 and 3 costs would need to be funded from a combination of existing CO savings (approximately $200,000), new debt, SCAAP/CAR funds, and the Risk Management Fund (approximately $560,000).

PBO recommends Commissioners Court approval of the Sheriff's Office's three-year renovation plan and the transfer of funds within the Sheriff's Office and from the CO Funds 509 and 510 (Department 97) to the appropriate Sheriff's Office line items. Please feel free to contact me if you have any questions.

cc: Leroy Nellis, Jessica Rio, Belinda Powell, Bill Derryberry, Diana Ramirez, PBO
Sheriff Greg Hamilton, Major Mark Sawa, Major Darren Long, Mark Stefanov, TCSO
Cyd Grimes, Purchasing Agent, Marvin Brice, Assistant Purchasing Agent

Updated 6/1/2010, 9:46 a.m.

AGENDA REQUEST

VS # 24

Please consider the following item for voting session 06/22/10

I. A. Request made by: Commissioner Ron Davis
Phone No. 854-9111

B. Requested Text:
A. Receive briefing regarding duties of public officials in criminal justice matters;
B. Review historical funding for public officials in criminal justice, and consider plans for future needs; and
C. Consider offer from the Texas Association of Counties for programming on duties of County officials for use on Channel 17.

C. Approved by: _____
Signature of Ron Davis, Travis County Commissioner, Pct. One

II. A. Is backup material attached*: YES X NO

*Any backup material to be presented to the court must be submitted with this Agenda Request (Original and Eight copies).

B. Have the agencies affected by this request been invited to attend the Voting Session? YES X NO

Please list those contacted and their phone numbers:
JOHN HILLE – 854-9415

RECEIVED
COUNTY JUDGE'S OFFICE
10 JUN -7 AM 8:23

III. PERSONNEL
A change in your department's personnel. (reclass., etc.)

IV. BUDGET REQUEST:
If your request involves any of the following please check:
___ Additional funding for your department
___ Transfer of funds within your department budget
___ A change in your department's personnel

The County Personnel (854-9165) and/or Budget and Research Office (854-9106) must be notified prior to submission of this agenda request.

AGENDA REQUEST DEADLINES

All Agenda Requests and supporting materials must be submitted to the County Judge's Office in writing by 5:00 p.m. on Monday for the next week's meeting.

BEFORE THE
UNITED STATES DEPARTMENT OF JUSTICE
CIVIL RIGHTS DIVISION

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE (AUSTIN, TEXAS BRANCH) Complainant	§	
V.	§	**COMPLAINT**
AUSTIN POLICE DEPARTMENT and CITY OF AUSTIN	§	

The Austin Branch of the National Association for the Advancement of Colored People (Austin NAACP), pursuant to the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. § 14141), Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d), the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3789d), and the Fourth and Fourteenth Amendments to the United States Constitution, on behalf of NAACP members and on behalf of all African American and Hispanic persons in and near Austin, Texas, represented by the undersigned, respectfully file this complaint, seeking the withholding of federal monies to the City of Austin and its police department:

I. STATEMENT OF INTEREST

For nearly 100 years, the NAACP, as a national organization, has strived to ensure the political, educational, social, and economic equality of minority citizens of the United States. The Austin NAACP shares the same goals with respect to the Central Texas area and Austin.

II. STATEMENT OF FACTS

A. Overview

There is a pervasive and historically driven pattern of excessive force, too many deaths, and an abuse of search powers in the City of Austin at the hands of the Austin Police Department (APD). It is imperative that the Department of Justice investigate the systematic police abuse and misconduct

that has plagued the African American and Hispanic communities in Austin, for the safety, well being, and welfare of these communities.

There were eleven deaths between 1998 and 2003. Only one individual was Anglo and armed at the time, while the other ten African American and Hispanic victims were unarmed.[1] What APD claimed to be coincidence can now be defined clearly as pattern. This pattern of unnecessary killings by the police has inflicted a deep wound on the African American and Hispanic communities in Austin. The wound that marks the continuing racial divide in Austin has grown, even to the point of garnering national attention.[2]

During the past few years, as a result of abusive police power, the relationship between APD and Austin's minority communities has been strained and polarized beyond what already was a tenuous relationship. There is an overwhelming feeling of doubt, and even fear, when officials claim more will be done to stop the abuse and violence waged by APD against African Americans and Hispanics.[3]

The police misconduct and violence suffered by the minority communities stretches back decades and has created a profound lack of trust between African Americans and Hispanics with APD. A police force that has lost its credibility within its community has failed, and a police force that operates outside the bounds of the law and the Federal Constitution must be restrained.

This racially defined chasm is evident in the actions of religious leaders, civil rights organizations, and minority groups that question the integrity and unlawful discriminatory, and

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[1] Erik Rodríguez, "The Escalation to Fatal Force," *Austin American-Statesman*, Jan. 26, 2004, *available at* 2004 WL 57653718.

[2] Karin Brulliard, "Police Shootings Shake Austin," *Washington Post*, May 19, 2004, *available at* 2004 WL 74488664.

[3] Akwasi Evans, "Tolerance Training," *Nokoa*, May 13, 2004.

sometimes lethal, practices of APD. The Baptist Ministers Union (BMU), representing 80 Austin-area churches, recently raised sharp questions about continued disparate treatment of minorities by APD. On February 21, 2004, the BMU marched to Austin City Hall with a list of several grievances and demands between the minority communities and APD. The focus of these grievances was the unnecessary and excessive force, and even deaths, by police officers against minority people, and the apparent use of racial profiling.[4]

In response to the growing racial tension and an acknowledgment of the tension, Austin Police Chief Stan Knee publically stated that he will resign by September if the relationship between APD and the African American community does not improve.[5] There has been no improvement.

Police misconduct against the minority community encompasses more than unnecessary deaths and excessive force. The police also have a systematic practice of abusing their search powers to harass individuals in the African American and Hispanic communities.

As of January 1, 2002, Texas law requires police agencies that regularly engage in traffic and pedestrian stops to collect and report annually race data on stops and searches. This data served as the basis of several studies that all came to the same conclusion: the treatment of African Americans and Hispanics by APD is substantially different from its treatment of the Anglo, majority community.

The City of Austin is recipient of federal funds, and, in fact, upon information and belief, receives a significant amount of federal funding for its police department, the amount for last fiscal year being approximately $3.19 million.

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[4] Melissa Ludwig, "Congregations Take Concerns to the Streets," *Austin American-Statesman*, Feb. 22, 2004, *available at* 2004 WL 57655129.

[5] Erik Rodríguez, "Austin Police Chief Gives Himself a Deadline," *Austin American-Statesman*, Jan. 28, 2004, *available at* 2004 WL 57653864.

A. Systemic Police Misconduct

1. Findings by *Austin American-Statesman*

Police brutality against African Americans and Hispanic persons in Austin is not merely anecdotal. The *Austin American-Statesman*, Austin's daily newspaper, published a four-part, front-page investigative series highlighting alarming statistics about police brutality in Austin, focused on the marked racial disparity of the individuals involved in these incidents.

The statistics show a pattern and practice of excessive use of force that disproportionately affects members of racial minority groups, particularly African American and Hispanic persons in and near Austin. This is further compounded by a lack of accountability and review by the police hierarchy and city overseers. Some of the *Statesman*'s findings include:

- A Hispanic person is 25% more likely than an Anglo person to be involved in an use-of-force situation with Austin police, and an African American person is 100% more likely to be involved in such an incident.[6]

- Approximately 30% of all use of force cases reported since 1998 occurred downtown. In about 41.1 of every 1,000 times individuals had contact with police downtown, police used force. Downtown officers used force against one of about every 29 Anglos involved in an incident. The percentage increases to one out of 23 for Hispanics, and it increases further to one out of every 14 African Americans involved in an incident.[7]

- Police who use force face few questions from supervisors. In only one out of 6,447 use of force reports did a supervisor suggest that an officer failed to follow procedure. Only eight officers received additional training after filing reports.[8]

- Between 1998 and 2003, Austin police received 443 excessive force complaints from inside and outside the Police Department. Only 7% resulted in officer discipline, including just one

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[6] Erik Rodríguez, "Blacks Bear the Brunt When Police Use Force," *Austin American-Statesman*, Jan. 25, 2004, *available at* 2004 WL 57653668.

[7] *Id.*

[8] Erik Rodríguez, "The Escalation to Fatal Force," *supra* n. 1.

firing, according to police records.[9]

- Police in Austin, a city with a population of about 665,000, filed 1,582 use of force reports in 2002, about 2.4 for every 1,000 people. This figure is five times more than Cincinnati, which has a population of 331,000 and its own police problems. Cincinnati police filed 144 reports that year, or 0.4 for every 1,000 people.[10]

- Eleven people died from 1999 to 2003 as a result of violent encounters with Austin police, all but one of whom were African American or Hispanic. The death of the one Anglo person was ruled a "police-aided suicide" by the coroner.[11]

2. Findings by Steward Research Group

In February 2004, the Steward Research Group released a report titled "Racial Profiling: Texas Traffic Stops and Searches." Several million police-civilian contacts, representing the majority of traffic stops in Texas, were analyzed. This data, collected from more than 400 law enforcement agencies in Texas, represents the largest set of racial profiling data ever done.[12] The report concluded that:

- African Americans in Austin are approximately twice as likely to be stopped as Anglos. Hispanics are one and a half times more likely to be stopped than Anglos.[13]

- Both African Americans and Hispanics are more than twice as likely to be searched as Anglos, following a traffic stop.[14]

- When "consent" searches are isolated, African Americans are more than five times more likely to be subjected to a search, while Hispanics are more than twice as likely to be

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[9] Erik Rodríguez, "Policing Themselves," *Austin American-Statesman*, Jan. 27, 2004, *available at* 2004 WL 57653759.

[10] Erik Rodríguez, "Blacks Bear the Brunt When Police Use Force," *supra* n. 6.

[11] *Id.*

[12] Steward Research Group, *Racial Profiling*, Feb. 2004, at 4.

[13] *Id.* at 21.

[14] *Id.* at 11.

subjected to a search as Anglos.[15]

- If compared with collected data on contraband "hits" (when contraband was found during a search), Anglos actually were twice as likely to be found with contraband as either African Americans or Hispanics.[16]

3. Findings by Roger Dunham and Geoffrey Alpert

Roger Dunham, a sociologist at the University of Miami, and Geoffrey Alpert, a criminologist at the University of South Carolina-Columbia, both respected academics, have created an analytical model for police responses and actions toward suspects charged with resisting police. Their analysis assigns a "force factor" score to incidents between police and suspects.

The Police Executive Research Forum (PERF) has published analyses created by Prof. Dunham and Prof. Alpert in studies of the police departments of Eugene/Springfield, Oregon and Miami-Dade, Florida.[17] APD has requested that PERF also publish an evaluation of APD's training and use of force practices, in addition to the analysis done by Dunham and Alpert. APD Police Chief Stan Knee has said he expects PERF to release a report about Austin's police in July 2004.

Dunham and Alpert's analysis of the Austin Police Department yielded surprising results. While there was little disparity in the use of force used against Anglos and minorities in cases where resisting police charges were eventually filed, there were significant differences in the amount of force used against Anglos versus that used against minorities when charges were not filed.

According to a recent story published in the *Austin American-Statesman*, African Americans

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[15] "Consent" searches are an effective method of intimidation by APD against African Americans and Hispanics. Under Texas law, an officer can make an arrest for almost any fine-only offense. As such, "consent" searches are easily coerced, rather than risking being arrested..

[16] *Id.* at 33.

[17] PERF is an organization dedicated to improving policing and advancing professionalism through research, public policy debate, provision of management services, executive development and training, and publishing.

who were not charged with resisting police were 21% more likely to be met with more force than recommended than Anglos, while Hispanics were 16% more likely than Anglos to be met with excessive force in similar situations.[18]

4. Findings of the Office of the Police Monitor

The Office of the Police Monitor (OPM) was created as the result of an agreement between the City of Austin and the Austin Police Association (APD's largest union) that a role and process for civilian oversight of APD was desirable and would enhance effective law enforcement in the community.[19]

One of the duties required of the Police Monitor is to publish a public report every six months, detailing statistics as to the operation of OPM.[20] Since its inception on February 11, 2002, OPM released a six-month report in August 2002 and an Annual Report for 2002-2003. Therefore, according to its Standard Operating Procedures, OPM is nine months overdue on the six-month report for the second half of 2003. Moreover, it is now four months past the deadline for the second Annual Report. This delay sends a message to the minority communities that are desperately attempting to mend fences with an unwilling partner.

Between June 2002 and January 2003, OPM made 43 recommendations to APD. APD has not responded to 19 of those recommendations, and has only accepted two. Thus, almost 50% of OPM's recommendations fell upon deaf ears, while only 4% were implemented.[21] OPM was created to enhance police accountability to the community. Yet, these figures do little to alleviate the

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[18] Andy Alford, "Resistance, Race Affect Police Response," *Austin American-Statesman,* Mar. 28, 2004, available at 2004 WL 57656888.

[19] City of Austin, Office of Police Monitor, *Annual Report*, Feb. 2002-2003, at 7.

[20] City of Austin, Office of Police Monitor, *Standard Operating Procedures*, Mar. 10, 2004, at 3.

[21] City of Austin, Office of olice Monitor, *Annual Report*, Feb. 2002-2003, at 19.

concerns of the African American and Hispanic communities who feel targeted by APD. In fact, these statistics point to the bad faith of APD.

The statistics OPM has managed to put together indicate that 33% of the complaints received between February 2002-2003 were filed by African Americans, despite the fact they make up only 10% of the population. Hispanics filed almost 25% of the complaints and account for 30% of the population of Austin.[22] In its first year, OPM received 273 complaints containing 465 allegations. The most reported allegation was excessive force followed closely by unprofessional conduct. Harassment, rudeness, and intimidation rounded out the most cited complaints.[23] Based on the available data, it seems highly unlikely that the new report of OPM would reflect the findings or conclusions of the Steward Research Group.

B. Illustrative Cases

1. Deaths Resulting from Incidents with Austin Police

Far too often, citizens' encounters with the Austin police have ended in death. The following tragic accounts are a nonexclusive list of deaths by Austin Police over the past several years:

- On June 14, 2003, Officer Scott Glasgow attempted to arrest 20-year-old, African American Jesse Lee Owens for driving a vehicle with license plates listed as stolen. When Owens attempted to flee, Glasgow fired his gun at Owens five times and killed him. Glasgow was subsequently suspended by APD for 90 days for violating the Department's policies and procedures after an internal investigation. In January 2004, the District Attorney's office dismissed a grand jury indictment that had been filed against Glasgow. The District Attorney, sua sponte, dismissed the indictment for lack of sufficient evidence.[24]

- In June 2002, Sophia King, a 23-year-old African American woman with a history of schizophrenia, was shot and killed by Officer John Coffey. Ms. King was chasing and threatening to stab a supervisor of the Housing Authority of the City of Austin after the

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[22] *Id.* at 30.

[23] *Id.* at 35.

[24] Tony Plohetski, "Man Killed by Officer," *Austin American-Statesman*, June 15, 2003, available at 2003 WL 56771320.

supervisor and other Austin officers provoked a confrontation iwth Ms. King. The police and the supervisor knew she was mentally ill. Police left Ms. King's half-nude body in the courtyard of the housing project for more than four hours before removing it.[25]

- In March 2000, Steven Bernard Scott, a 40-year-old African American man, died after taking a beating from a group of seven police officers. Police apprehended Mr. Scott after he fired shots into an empty, parked vehicle after a drug deal. Officers handcuffed Mr. Scott at his hands and feet before they beat him and allowed a police dog to attack him. The police report filed after the incident records that Mr. Scott pleaded for his life.[26]

- In March 1999, Herbert Vences, a non-English speaking Mexican national with mental impairments, died of gun shot wounds to the chest and stomach after Officer Troy Brown shot him when Mr. Vences pointed a tree branch at the officer. Police were responding to reports that Mr. Vences was lunging at passing cars.[27]

- In February 1999, Johnny Cornell, an African American a with mental disability, was shot and killed by Officer Stan Farris. Mr. Cornell was holding a knife when Office Farris shot him. It was disputed whether Mr. Cornell was facing Officer Farris or his mother when the officer shot him.[28]

- In January 1998, Rodney Wickware, a 31-year-old African American man, died of a crushed larynx and the resulting lack of oxygen to his brain after being beaten by police. The police stopped Mr. Wickware for allegedly suspicious behavior while he walked across a busy street to a fast food restaurant. The coroner and police contend that Mr. Wickware drank antifreeze immediately before his encounter with police and that the antifreeze was the cause of his death. However, Mr. Wickware's surviving family and friends contend that he was neither suicidal nor prone to substance abuse.[29]

2. Jeffrey Thornton

Specific, recent incidents of police brutality in Austin are abundant. Jeffrey Thornton's story is representative of a clear pattern. Mr. Thornton is a 22-year-old, African American who lives in

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[25] Claire Osborn, "Community Wants Answers in Fatal Police Shooting," *Austin American-Statesman*, June 13, 2002, at B1.

[26] Erik Rodriguez, "Blacks Bear the Brunt When Police Use Force," *supra* n. 6.

[27] Claire Osborn, "Mexico Faults Austin Police in Man's Death," *Austin American-Statesman*, Apr. 10, 1999, at B1.

[28] Bob Banta, "Fatal Shooting Wasn't First One for Officer," *Austin American-Statesman*, Feb. 4, 1999, at B1.

[29] Bob Banta, "Poison Cited in Death of Man in Police Fight," *Austin American-Statesman*, Feb. 3, 1998, at B2.

Austin. While leaving a downtown nightclub with a friend in the early morning hours of June 20, 2002, after celebrating Juneteenth, a Texas African American holiday, he witnessed an altercation between two individuals, whom he did not know. Mr. Thornton watched as APD Officer Michael Olsen used what Mr. Thornton thought was excessive force against one of these individuals, and Mr. Thornton commented as such to his friend. Officer Olsen overheard Mr. Thornton and came over to ask if he knew either individual involved in the altercation. When Mr. Thornton said he did not, Officer Olsen, using profanity, told Mr. Thornton to get out of the street.

After Mr. Thornton and his friend had begun to walk away, Officer Olsen came up to Mr. Thornton from behind and grabbed his arm, telling him he was issuing him a ticket for being a pedestrian in a roadway. Even though Mr. Thornton accepted Officer Olsen's words without remonstration, Officer Olsen bent Mr. Thornton's arms behind his back and twisted his wrists, effectively forcing him to walk while bent over, and took him to a nearby police vehicle. When they reached the police vehicle, Officer Olsen slammed Mr. Thornton into the hood of the car twice and then pushed him to the ground with such force that Mr. Thornton was rendered unconscious.[30] When he regained consciousness, still dizzy and bleeding from a head wound, Officer Olsen and another officer claimed that Mr. Thornton was faking his injuries and slammed him to the ground again.

Mr. Thornton was released from jail at noon on June 20 and appeared before a judge at 6:00 p.m. that same day, at which time all charges against him were dropped. Officer Olsen was subsequently disciplined by APD on December 10, 2002, which temporarily suspended him for 60 days for excessive force, inappropriate language, and inaccurate statements in his police report, affidavits, and in his interview with Internal Affairs.

During the internal investigation of Officer Olsen's actions, police officials used a

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[30] Erik Rodríguez, "Blacks Bear the Brunt When Police Use Force," *supra* n. 6.

surveillance camera from a nearby business. Although the police vehicle was equipped with a surveillance camera, the officers had turned it off during of the incident with Mr. Thornton. The surveillance tape proved that Officer Olsen had made false statements in his use-of-force report and probable cause affidavits. In July 2003, a grand jury indicted Olsen on three counts of tampering with a government record for his false statements. However, the District Attorney's office, sua sponte, dismissed the indictments in December 2003, citing lack of sufficient evidence to pursue a conviction.[31] The city of Austin recently settled a federal lawsuit filed over this incident.[32]

3. Fernando Rosales

On August 17, 2001, Austin police arrested Fernando Rosales after he attempted to flee the scene of an automobile accident in which he was involved. Police arrested Mr. Rosales for driving while intoxicated. Police handcuffed Mr. Rosales and bound his feet with plastic bands. While being transported between patrol cars and an EMS unit, Mr. Rosales head-butted several of the officers.[33] According to the Internal Affairs Division of APD, Officer Doroteo Hernández kneed Mr. Rosales in the face and upper body, punched him in the face, and hit his head with a flashlight.[34] Officer Hernández then attempted to pull Mr. Rosales into the patrol car by his hair and chin. The report concluded that Officer Hernàndez "used deadly force on the handcuffed and hobbled prisoner."[35]

During an investigation, the Internal Affairs Division determined that Officer Hernández

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[31] *Id.*

[32] ASK JIM.

[33] APD Internal Affairs Division, *Investigative Summary - Doroteo Hernández #2947*, Nov. 15, 2001, at 1.

[34] *Id.* at 4.

[35] *Id.* at 7.

gave false statements to his superiors.[36] Another officer on the scene, Officer Danny Johnson, made lewd comments to Mr. Rosales after Mr. Rosales' shorts fell down. Officer Johnson then attempted to punch Mr. Rosales, after Mr. Rosales attempted to head-butt him.[37]

Internal Affairs recommended sustaining three allegations against Officer Hernández (violations of Use of Deadly Force, Honesty, and Acts Bringing Discredit Upon the Department)[38] and four allegations against Officer Johnson (violations of rules regarding Use of Less-Lethal Force, Personal Conduct, Acts Bringing Discredit Upon the Department, and Insubordination policies).[39]

4. Villegas Family

On October 17, 2003, Ricardo Villegas heard gunshots outside his home around 12:30 am. Also in the house were his father, his brother, his wife, and his two small children. About twenty minutes later Mr. Villegas heard people, who he thought to be police officers, yelling. Mr. Villegas does not understand English, but his brother translated to him that the officers were yelling for everyone in his home to come out. He walked out the front door, greeted by several officers pointing rifles at him.[40] The officers again began yelling in English, but Mr. Villegas could not understand. His brother then walked out with Mr. Villegas' wife and his father. All four were then forced to walk backwards with their hands up towards the officers. Mr. Villegas still had no knowledge of what was transpiring at this time.

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[36] *Id.* at 11.

[37] APD Internal Affairs Division, *Investigative Summary- Danny Johnson #3980*, Nov. 16, 2001, at 2.

[38] APD Internal Affairs Division, *Investigative Summary - Doroteo Hernàndez #2947*, Nov. 15, 2001, at 7.

[39] APD Internal Affairs Division, *Investigative Summary- Danny Johnson #3980*, Nov. 16, 2001, at 5.

[40] *Affidavit of Ricardo Villegas*, Oct. 22, 2003, at 1.

The officers then asked if anyone else was in the house, and Mr. Villegas told them that his 5-year-old and 2-year-old were asleep. The officers yelled for them to come out, but the children stayed asleep. Three officers then proceeded, with rifles out, to enter the house. Mr. Villegas was afraid that if his children suddenly woke up they would be shot. The officers then began searching the entire house for a gun. Mr. Villegas said that there was no gun in the house, and that he had heard the gunshots outside his window earlier. One officer said that someone reported shots, and APD came to check if the gun was in Mr. Villegas' house. Mr. Villegas' brother asked why they had barged into their home, and Officer Vallejo, the only officer who gave his name, replied that this was routine procedure. The police then left without apologizing or explaining what gave them cause to enter the home.[41]

This abuse of police power could have cost Mr. Villegas' children their lives. In response, Mr. Villegas filed a complaint and made an affidavit at the Austin Police Internal Affairs Office. Despite the events that occurred at his home, APD had no incident report of that night. Mr. Villegas will be filing a suit against APD in the near future.

5. Ozomatli

During this year's annual South by South West Music Festival in Austin, police allegedly assaulted members of the band Ozomatli, an Afro-Latin band performing at the festival that is well-known for its progressive politics and demonstrations. The band and the crowd that attended its show on Sixth Street, in the heart of Austin's entertainment district, poured out into the street in a conga line at 2:25 a.m. The police became involved, because a noise ordinance prohibited loud music downtown after 2:00 a.m. An incident that began with the violation of a noise ordinance ended with police using pepper spray on the crowd. APD also assaulted and arrested two band

[41] *Id.* at 2.

members and the band's manager.[42] This recent story is but one of many where the police responded with excessive force to a situation they could have been easily controlled with less force. Moreover, APD's response tarnished the image of Austin during one of its most heralded national events.

C. Common Patterns of Misconduct

The accounts and studies of the Austin police chronicled above reveal common patterns of misconduct endemic to APD. These occurrences inordinately affect African Americans and Hispanics. Most troubling of all, City and APD administration has been unwilling to take appropriate remedial actions to discipline offending officers. The City and APD have also failed to implement prophylactic measures such as increased officer training, tamper-proof and effective monitoring equipment in police vehicles, and appropriate police policies regarding consent searches, deadly force policy, or officer deployment. These common patterns of misconduct are endangering the lives of Austin's minority citizens at the hands of an agency that is supposed to protect them. The atmosphere created by the actions of Austin police is one of distrust within the minority community. The police force has succeeded in enlarging a racial divide that was already deep, and the City and APD are unwilling to be a partner in bridging this gap.

The City of Austin, despite the constant outcry against the police brutality waged against the minority communities, maintains a passive stance while the excessive force, abuse, and discrimination against African Americans and Hispanics continue. There appears to be no event or report or tragedy that will convince the City of Austin to take corrective action against the racial prejudice in APD. Even after the largest racial profiling study ever done, the City has done little to curb the abuse of "consent" searches that are clearly a systematic practice in and around Austin.

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[42] Tony Plohetski, "SXSW Congla Line Ends in Jail," *Austin American-Statesman*, Mar. 19, 2004, *available at* 2004 WL 57656437.

III. CONCLUSION AND PRAYER FOR RELIEF

These statistics and personal accounts highlight a systematic pattern and practice of unlawful and discriminatory police misconduct by the City of Austin's Police Department, which is a recipient of federal funds, in violation of federal law. The NAACP of Austin prays that the Department of Justice undertake an investigation into these practices, pursuant to its authority under Section 14141, Title VI of the Civil Rights Act of 1964, and the Safe Streets Act. Specifically, the undersigned pray that the Department withhold federal funding from the City of Austin's Police Department until a written agreement is in place that the Department has:

1. Amended its deadly force policy from shoot to kill to shoot to disable;

2. Included training on the use of nonlethal weapons such as Tazer guns and bean bag shotguns in annual and periodic officer training;

3. Retrained all its officers in proper use of force;

4. Included training on officers interacting appropriately with minority persons with disabilities, including, but not limited to, use of force in annual and periodic officer training;

5. Abolished "consent" searches;

6. Ensured that proper equipment, training, and policies are in place to guard against police misconduct, including, but not limited to, a video camera placed in every police vehicle that is removed from officer control and is able to record images with wide camera angles;

7. Changed procedures involving officer deployment to ensure equality of experience in all areas of the city, particularly ensuring that rookie officers are not disproportionately deployed in Austin;

8. Retrained officers to have respect for, and work with, Austin's minority communities;

9. Made statistics available on the race of civilian and officer publicly available, including, but not limited to, publication on APD's website, all encounters involving use of force; and

10. Maintained records of implementation of above steps for next 10 years.

Complainant reserves the right to supplement this Complaint, and intends to do so in due course.

Dated: June 19, 2004.

Respectfully submitted,

Nelson Linder
Branch President, AUSTIN NAACP
1704 E. 12th Street
Austin, Texas 78702
(512) 476-6230

COMPLAINANT

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TEXAS CIVIL RIGHTS PROJECT
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ATTORNEY FOR COMPLAINANT

Updated 6/1/2010, 9:46 a.m.

TEXAS CIVIL RIGHTS PROJECT

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June 19, 2004

PRESS RELEASE

NAACP AND TCRP FILE COMPLAINT WITH U.S. DEPARTMENT OF JUSTICE AGAINST AUSTIN POLICE DEPARTMENT AND CITY OF AUSTIN

The NAACP of Austin, represented by the Texas Civil Rights Project, announced today the filing of an administrative complaint with the U.S. Department of Justice against the Austin Police Department (APD) and the City of Austin. The complaint alleges that APD has a systematic practice of racial discrimination and police misconduct (wrongful deaths, brutality, and unlawful and discriminatory searches) that disproportionately affects the African American and Hispanic community.

Sophia King, Jesse Thornton, Steven Bernard Scott, and Fernando Rosales are only a few victims that represent more than just isolated incidents of police misconduct. What exists in Austin is a pattern of police abuse against the African American and Hispanic communities. There appears to be no event that will instigate real change within APD or the City of Austin. As such, the complaint asks the Department of Justice to conduct its own investigation of the police brutality, the abuse of search powers, and the police misconduct that has plagued the city for years.

The NAACP of Austin has attempted to reach out to APD and the City of Austin to prevent the police brutality against African Americans and Hispanics, but that dialogue has failed to translate to action. The Office of the Police Monitor (OPM), specifically designed in February 2002 to create a method of civilian oversight, made 43 recommendations in 2002 of which APD implemented only two. The new six-month report by OPM that makes public the statistics of racial profiling by APD is nine months overdue. The annual report for 2003-2004 is now four months tardy. The message sent by these inactions to the African American and Hispanic communities is one of bad faith by APD and the City of Austin. Asking the Department of Justice to investigate appears to be the only method to foster the change necessary to alleviate the justifiable concerns of the minority community.

APD has failed to take appropriate remedial action to discipline offending officers. APD has failed to train its officers in non-lethal force. And APD has failed to work with Austin's minority community to correct the problem of racial discrimination that clearly exists in and around Austin.

The suit seeks a withholding of federal funds to the Austin Police Department until such time as the remedial measures described on the other side of this page are implemented. Last fiscal year, APD received about $3.19 in federal funding.

For further information, please contact Jim Harrington at (512) 474-5073 or Nelson Linder at (512) 476-6230.

– end –

Updated 6/1/2010, 9:46 a.m.

U.S. Department of Justice
Civil Rights Division

SYC:TMG:JG:CS:LM:dj
DJ 207-76-3

Special Litigation Section - PHB
950 Pennsylvania Avenue, NW
Washington, DC 20530

DEC 23 2008

Via Electronic Mail and First Class Mail

The Honorable Marc A. Ott
City Manager
City of Austin, Texas
P.O. Box 1088
Austin, TX 78767

Chief Arturo Acevedo
Austin Police Chief
715 East 8th Street
Austin, TX 78701

Re: Austin Police Department

Dear Mr. Ott and Chief Acevedo:

As you know, on May 31, 2007, the Civil Rights Division initiated an investigation of the City of Austin, Texas Police Department ("APD"), pursuant to the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14141 ("Section 14141"). We would like to take this opportunity to express our appreciation for the cooperation we have received thus far from the City of Austin and the APD.

To date we have reviewed many relevant APD policies and procedures, and conducted interviews with City of Austin officials, APD command staff, a cross-section of APD line officers and supervisors, representatives of the Office of the Police Monitor ("OPM"), the Austin Police Association ("APA"), numerous community leaders, and other citizens.

At the beginning of our investigation, we committed to providing the APD with technical assistance, where appropriate, to enhance APD practices and procedures and to ensure compliance with constitutional rights. During our meetings with Chief Acevedo and the APD command staff in September and November 2007, we advised that we would provide in writing more specifics about recommendations our police practices experts had made orally. In this letter, we convey our recommendations regarding some of the APD's written policies, including the revised policies provided to us in May and June 2008. We view the technical assistance

provided below as recommendations and not mandates. These recommendations were developed in close consultation with our police practices consultants and follow the productive dialogue we had with APD officers and Austin officials. We strongly urge the APD to consider the technical assistance recommendations in revising its policies and procedures.

Significantly, as will be discussed throughout this letter, while work remains ahead, our expert consultants have noted that the revised policies are a significant improvement over the APD's prior policies. We thank the APD for its work in revising the policies, including the APD's efforts at addressing many of the areas we pointed out during our on-site visits. Important aspects of our review process have yet to be completed, namely incident assessment. Therefore, this letter is not meant to be exhaustive, but rather focuses on recommendations we can provide at this stage of our investigation.

Additionally, we hope this letter will assist in our mutual goal of ensuring that the APD provides the best possible police service to the people of the City of Austin. We look forward to continued cooperation toward this goal. Though we have already provided you with some examples of policies used by other police departments, we would be happy to provide additional examples where needed.

I. POLICIES AND PROCEDURES

The APD should revise and update its policies and procedures to be consistent and comprehensive.

Policies and procedures are the primary means by which police departments communicate their standards and expectations to their officers. Accordingly, it is essential that the APD's policies be comprehensive, comprehensible, up-to-date, and consistent with relevant legal standards and contemporary police practices. As we discuss in detail below, several of the APD's policies and procedures are inconsistent with generally accepted police practices and are insufficiently detailed to provide the appropriate guidance for officer conduct.

We are aware that the APD is in the process of updating both its use of force policy and its internal affairs investigations policies.[1] It is also our understanding that in drafting its new

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[1] We note that during Chief Acevedo's relatively brief tenure with the APD, the APD has not only engaged in the process

policies, the APD has in part utilized model policies that we provided to the APD during the course of our investigation. We base our recommendations in this letter on the most recent policies that the APD provided to us. We again applaud the APD's initial efforts in updating these policies and recommend that any additional updates be made consistent with the feedback contained in this letter.

To ensure consistency, we recommend that once the APD completes updating each policy, that the APD distribute the completed policy or procedure to all of its officers. All officers should provide a written acknowledgment of their receipt, review, and understanding of all APD policies. We suggest that the APD designate an individual responsible for reviewing any revisions to new policies and, where necessary, to bring to the command staff's attention needed changes to ensure consistency between APD policies. This individual would also be responsible for ensuring that all officers receive complete copies of policy manuals and policy revisions, and for maintaining copies of officers' signed acknowledgments.

II. USE OF FORCE

The APD should revise its use of force policies and adopt an appropriate use of force continuum.

In the course of duty, police officers are sometimes required to use deadly and less lethal force. Because the use of force can place officers, civilians, and subjects at serious risk of harm, it is incumbent upon law enforcement agencies to ensure that officers use force appropriately. Use of force policies and procedures must clearly set forth standards for appropriate use of force that are in accordance with constitutional standards.

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of updating these policies, but also the APD has implemented a number of other changes, including: dramatically increasing community relations, implementing discipline for sustained policy violations, forming a "violent crime task force," implementing a "criminal hotspot response strategy," reorganizing command structure and alignment of some units, beginning the "safe surrender" program, and introducing new uniforms and cruisers. We certainly encourage Chief Acevedo to continue working with Austin's officers and the community as he assesses and makes changes to better serve the public.

A. Legal Standards Governing the Use of Force

Whether a particular use of force by an officer in the course of seizing an individual is constitutional is governed by the Fourth Amendment's objective reasonableness standard. Graham v. Connor, 490 U.S. 386, 394 (1989); Mace v. City of Palestine, 333 F.3d 621, 623 (5th Cir. 2003). Uses of excessive force by police officers in the course of arrest, investigatory stop, or other seizure are violations of the Fourth Amendment.[2] Id. The analysis requires a balancing of the quality of intrusion on the individual's Fourth Amendment interests against the governmental interests. Graham, 490 U.S. at 396; Gutierrez, 139 F.3d at 447. The criteria courts apply to assess an excessive force claim include the severity of the crime at issue, whether the suspect presents an immediate safety threat to the officers or others, and whether the suspect is actively resisting or attempting to evade arrest. Graham, 490 U.S. at 396; Gutierrez, 139 F.3d at 447. Lack of specific policy guidance on the appropriate use of force may lead officers to believe that they are justified in using force in situations in which it would be unreasonable or unnecessary. Conversely, unclear or overly general policies may result in officers refraining from using necessary and appropriate force out of an unwarranted fear of using excessive force.

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[2] A seizure -- i.e., by means of physical force or show of authority -- is the event that triggers Fourth Amendment protections. See Petta v. Rivera, 143 F.3d 895, 900 (5th Cir. 1998) (discussing United States v. Lanier, 520 U.S. 259, 396 n. 10 (1997)). The Fifth Circuit has consistently held that claims of excessive force by law enforcement in the course of a seizure should be analyzed under the Fourth Amendment's reasonableness standard rather than a Fourteenth Amendment substantive due process approach. Gutierrez v. San Antonio, 139 F.3d 441, 452 (5th Cir. 1998). The Constitution, however, affords Fourteenth Amendment Substantive Due Process protection from physical abuse by police officers for claims that are not susceptible to proper analysis under a different specific constitutional right -- e.g., an excessive force claim without a seizure to trigger a Fourth Amendment analysis. Petta, 143 F.3d at 901. Similarly, once an arrestee becomes a pre-trial detainee, Fifth and Fourteenth Amendment Due Process protections, rather than the Fourth Amendment, are the appropriate constitutional basis for excessive force claims. Valencia v. Wiggins, 981 F.2d 1440, 1444-45 (5th Cir. 1993).

The Supreme Court held that deadly force[3] is permissible only when a suspect poses an immediate threat of serious physical harm to the officer or another person. Tennessee v. Garner, 471 U.S. 1 (1985). The only exception to this general rule is the "fleeing felon" rule, which allows police officers to use deadly force to prevent the escape of a suspect in cases where there is probable cause to believe the suspect either poses an immediate threat of serious harm to the officer or another, or has committed a crime involving the infliction or threatened infliction of serious physical harm. Id. Yet, even in such circumstances, police are required to provide a warning, if feasible, before using deadly force. Garner, 471 U.S. at 11; Colston v. Barhart, 130 F.3d 96, 99 (5th Cir. 1997). Deadly force is permissible only for as long as the threat remains. When the threat is over, the use of deadly force must stop. Russo v. City of Cincinnati, 953 F.2d 1036, 1045 (6th Cir. 1992) (finding deadly force not proper after subject dropped knife); Abraham v. Raso, 183 F.3d 279, 294-95 (3d Cir. 1999) (holding that an officer cannot continue to use force with impunity once the threat has stopped). APD's use of force policy does not comport with these legal standards in all respects. Accordingly, as discussed in further detail below, we recommend that the APD revise its use of force policy to incorporate these constitutional standards.

B. APD's Use of Force Policy

We base our review on the APD's newly revised "Response to Resistance" policy and, where applicable, make reference to the APD's prior use of force policy.

1. Preamble

In general, a use of force policy should begin with a preamble setting forth the police department's basic doctrine on use of force. Specifically, with respect to the APD, this preamble should include a statement that the APD values the protection and sanctity of human life. Moreover, the preamble should set forth the general expectations that the APD holds for officers' use of force -- i.e., that officers are prohibited from using force unreasonably or as a means of punishment or interrogation. The use of force policy originally provided to

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[3] Deadly force is force "'carry[ing] with it a substantial risk of causing death or serious bodily harm.'" See Gutierrez, 139 F.3d at 446 (citing Robinette v. Barnes, 854 F.2d 909, 912 (6th Cir. 1988)).

us, Use of Force General Policy B101, effective April 20, 2000, and revised January 26, 2007, sets forth expectations of what the policy is not: not a higher standard of care with respect to third party claims. This disclaimer overshadowed the mission statement that was part of the same policy. The APD's newly revised policy includes similar disclaimer language but only as part of a larger preamble setting forth the APD's values and expectations of officers' duties. Response to Resistance Policy B101a, issued June 1, 2008. The new preamble more adequately frames this disclaimer in context with the APD's values. In practice, the APD should ensure that its officers not use a disclaimer to justify uses of force inconsistent with the values set forth in the preamble.

2. Definitions

To ensure consistency in the application of the use of force, a successful use of force policy should also define key terms such as lethal force, less lethal force, force, etc. The APD's revised policy fails to define lethal force even though the policy sets forth criteria for use of "deadly" force. Response to Resistance Policy B101a.03. We recommend that the APD define "lethal force" to include any use of force that is likely to cause death or serious bodily injury in accordance with Tennessee v. Garner, supra, 471 U.S. 1.

Some of the revised policy's other definitions leave room for excluding uses of force that officers should report. For example, the revised definition of force includes a subjective "minimal resistance" threshold before force must be reported.[4] Response to Resistance Policy B101a.01(A). We recommend that the APD modify its definition of force to eliminate the "minimal resistance" threshold and, instead, include all force used beyond unresisted handcuffing. Moreover, the revised policy's

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[4] As we discussed early in our investigation, the prior policy also excluded uses of force that officers should have reported. The prior policy defined force as "any physical action that causes apparent injury, or causes a person to complain of pain or injury." Requiring a suspect to complain of pain or have apparent pain before an action by an APD officer is considered force excluded the reporting of actual uses of force. The definition excluded uses of force when a suspect did not complain. The definition also excluded the reporting of uses of force when the officer asserted that the suspect's pain was not apparent to him or her. We applaud the APD's prompt response to our technical assistance regarding this issue.

definitions of "injury" and of "serious physical or bodily injury," require a complaint of pain, or an "apparent" injury. These definitions inappropriately exclude injury when a suspect does not complain or when the officer asserts that the suspect's injury is not apparent. Additionally, the APD's revised definition of physical or bodily injury does not require the reporting of all force alleged to have been used by an officer. The policy only requires the reporting of injuries "caused" by the officer. We recommend that the APD modify this definition to include injury *alleged* to have been caused by APD personnel. We also recommend that the APD revise its definition of serious physical or bodily injury to exclude "long term" as a criteria; officers should not have to attempt to determine the long term effects of an injury in order for it to qualify as a use of force. Additionally, the policy should specifically include fractures as serious injuries.

3. Permitted Uses of Force

In addition to needing to include key definitions common to the entire use of force policy, we recommend that the policy set forth the APD's rules on when force may be used and what force is prohibited. The APD's general rule on use of force is deficient. The revised policy first includes a requirement that a police officer be objectively reasonable in "lawful law enforcement objectives."[5] Response to Resistance Policy B101a.02(A). A later bolded and underlined restatement in the policy, however, undermines this lawfulness requirement. Specifically, it says: "**The ultimate test is whether the use of force was objectively reasonable.**" Response to Resistance Policy B101a.02(C) (emphasis in original). This overarching policy statement omits any explicit requirement that there be a lawful law enforcement action. Also, significantly, while the revised policy includes a great deal of language to shield an officer's decisions on reasonableness, the revised policy's general rule omits any mention of *necessity* for the use of force. The APD should revise its general statement on the use of force to permit force only when the force used is objectively reasonable because it is *necessary* to overcome resistance offered in a lawful police action to compel an unwilling subject's compliance with an officer's lawful exercise of police authority. This rule should

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[5] The prior policy's generally applicable rule on the use of force for APD officers omitted any requirement that an officer be engaged in a lawful police action. We view the APD's policy change to require a "lawful law enforcement objective," as a significant, positive improvement over the prior policy.

specifically cite the Supreme Court's holding in Graham v. Connor, supra, 490 U.S. at 395-96, for the reasonableness requirement. Further, "necessary" should be qualified as the *least* amount of force necessary to overcome resistance offered.[6]

At a minimum, the policy should require that officers use the lowest level of force objectively necessary from the officer's position to safely resolve a situation, including verbal commands and other alternative negotiation techniques. We recommend that the use of force policy include alternatives to more significant uses of force, such as emphasizing announcement of officers' presence, the use of "soft hand" techniques (i.e., using hands to escort rather than control subjects), and other de-escalation techniques.[7] APD's use of force policy should also incorporate the de-escalation techniques appropriate to interactions with individuals with mental illness or who are under the influence of drugs or alcohol, including providing specialized training, e.g., crisis intervention training, or guidance to officers regarding the signs or symptoms for identifying such individuals.

4. Use of Force Continuum

The APD does not currently employ a use of force continuum, matrix, or any other description of levels of suspect resistance and appropriate officer use of force responses in order to teach its officers a progression and de-escalation of use of force.[8]

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[6] The APD uses the term "necessary" in its policy with respect to use of lethal force. Response to Resistance Policy B101a.03(A). The APD does not, however, use the term with respect to objectively reasonable force. Response to Resistance Policy B101a.02. Nor does the APD define "necessary" in its response to resistance policy.

[7] The revised policy includes a list of criteria an officer should be able to articulate to justify the reasonableness of uses of force. Response to Resistance Policy B101a.02(B). These criteria imply that officers should attempt to de-escalate a situation. The policy does not explicitly require, however, that officers attempt de-escalation, if feasible in the situation.

[8] A use of force continuum, as more thoroughly described in this section, is a diagram, guide, or chart that illustrates a progression of various descriptions of use of force that may be employed consistent with policy.

APD should consider adopting a use of force continuum or other similar tool to provide officers with uniform guidelines about the appropriate use of force (as noted above de-escalation and escalation techniques should be emphasized). We recommend that the APD develop a comprehensive use of force continuum that augments and enhances a revised use of force policy as a training model to effectively assess and engage situations. The use of force continuum should be a fluid and flexible policy guide to provide effective and efficient policing. The continuum should be consistent with accepted policing practices and should be used to train officers to consider lower levels of force first, which protects the safety of both the officer and the civilian.

Specifically, we recommend that the APD develop a use of force continuum that illustrates the various uses of force that may be employed and make them consistent with the terms and definitions outlined in other parts of the policy. The descriptions of force should be more detailed and include the level of force officers should initially engage given the threat presented to them, how the various applications of the options affect their placement in the use of force progression, and what level of force is appropriate in response to different levels of resistance by suspects, including de-escalation techniques and interactions with individuals with a mental illness or who are under the influence of drugs or alcohol. The continuum should include all of the actual types of force used by APD, including: firearms, conductive energy devices,[9] OC spray, impact weapons, canines, and any other uses of force.

Though the revised policy does not incorporate a use of force continuum, the policy uses terminology that implies that officers should be using a continuum in determining reasonable levels of use of force. For example, the policy categorizes chemical agents as "soft intermediate weapons." Response to Resistance Policy B101a.06(A). Also, the policy requires officers to articulate the "[a]vailability and utility of lesser force options." Response to Resistance Policy B101a.02(B)(7). A clearly articulated use of force continuum would bring clarity to this confusing dichotomy used in the revised policy.

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[9] Such weapons are sometimes referred to by a brand name, "TASER," or simply called "stun guns." For consistency purposes, we refer in this letter to all such weapons used by the APD as an "conductive energy devices" or "CEDs."

5. Lethal Force

The APD's revised use of force policy appropriately restates the standard for use of lethal force, which the APD refers to as deadly force, articulated in the Supreme Court's holding in Tennessee v. Garner, supra, 471 U.S. 1. Response to Resistance Policy B101a.03(A). Unlike the APD's prior use of force policy, the revised policy includes the requirement that a threat be imminent. The revised policy now also addresses the fleeing felon rule,[10] which the prior policy did not. However, unlike the prior policy, the revised policy omits a statement that the use of equipment other than firearms may constitute use of deadly force depending on the technique used. The revised policy also lacks specificity or direction on potentially lethal uses of force. Accordingly, we recommend that the APD's policy specify that "lethal force" includes force methods that employ potentially lethal weapons (e.g., firearms, cars, etc.). Additionally, due to the possibility of death or serious bodily injury from the delivery of blows to the head with impact weapons, we recommend that the APD specifically limit strikes to the head with impact weapons.[11] The policy should also specify

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[10] The fleeing felon rule permits the use of lethal force in the apprehension of a subject only: (1) to defend the officer or a third person from what the officer objectively reasonably believes is an imminent threat of lethal force or force from the subject likely to cause serious bodily injury; or (2) to prevent the escape of a suspect in cases where there is probable cause to believe the suspect either poses an imminent threat of serious harm to the officer or another, or has committed a crime involving the infliction or threatened infliction of serious physical harm, and other means of apprehension are inadequate or unavailable, and if, where feasible, warning has been given. Garner, 471 U.S. at 11-12. The revised policy is slightly more narrow. The revised policy does not specifically permit the use of lethal force against a fleeing felon who has committed a crime involving the infliction or threatened infliction of serious physical harm, and other means of apprehension are inadequate or unavailable. Response to Resistance Policy B101a.03(A). APD policy properly may be more narrow than the furthest constitutional limits on the uses of force.

[11] The revised policy specifies that blows with impact weapons should only be delivered to "vulnerable areas of the body (target areas)." Response to Resistance Policy B101a.07(D). This limiting language is useful, but not explicit on the potential use of impact weapons as deadly force.

that head strikes with a weapon are only permitted as tactics of last resort, to be used only when the use of lethal force would otherwise be authorized. Based on our ongoing review of APD use of force reports, the APD should pay particular attention (and ensure supervisory scrutiny) to the use of closed-fist strikes to the face or head.

6. Prohibited Uses of Force

We also recommend that the APD's use of force policy identify any uses of force that are specifically prohibited or restricted to limited circumstances. For example, a carotid hold or choke hold is typically considered a use of deadly force. Thus, we recommend that the APD's use of force policy explicitly explain that officers should use the carotid hold only in circumstances in which deadly force would be authorized. The use of force policy should also prohibit using force on a subject in a manner that is likely to cause positional asphyxia[12] and the methods and procedures to avoid it.[13]

7. Firearms

The APD's revised duty weapons policy fails to provide clear guidance on the use of secondary weapons. As we have discussed with the APD's command staff, the APD's policy on firearms does not require that line officers register with their supervisors the secondary weapons some line officer choose to carry while on duty. We understand that officers who carry secondary weapons while on duty must qualify with those weapons at the APD's training academy and that the academy keeps record of such qualification. Duty Weapons Policy B101b, issued June 1, 2008. Some mid-level supervisors we interviewed indicated that they knew which line officers among their command carried secondary

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[12] Positional Asphyxia is a fatal condition arising because of the adoption of particular body positions, which cause interference with breathing.

[13] The revised policy refers to positional asphyxia only with respect to transporting subjects on whom chemical weapons have been used. Response to Resistance Policy B101a06(F)(1). This does not address positional asphyxia risks with respect to subjects on whom officers have not used chemical weapons. The APD's policy on transportation of prisoners, however, describes such risks of positional asphyxia and certain avoidance measures. Care and Transportation of Prisoner General Policy B113.02(D)(5).

weapons. Other supervisors were unsure what secondary firearms their subordinates carried. Based on our expert consultants' assessments, we recommend that the APD prohibit its officers from carrying any secondary firearm without the knowledge and approval of their immediate supervisors. All such approvals should be documented. The documentation should include the type of secondary weapon officers are approved to carry and the serial number of that weapon.

Additionally, we recommend APD only permit officers to carry secondary weapon(s) that are included on a list of tools approved by APD command for APD officers for use as a secondary weapon. The APD's prior policy on duty weapons required that firearms range personnel maintain a list of weapons and ammunition authorized for departmental use. Duty Weapons General Policy A303.01(C)(2), effective April 20, 2000, revised January 26, 2007. APD personnel confirmed to us, however, that the APD did not have such a list of approved secondary weapons. The APD's revised duty weapons policy similarly requires APD's firearms range personnel to develop a list of weapons and ammunition approved for departmental use. Duty Weapons Policy B101b.01(C)(2), issued June 1, 2008. Given the prior absence of this required list, we recommend that the APD ensures that it promulgates the list of approved weapons and timely distribute the list with the revised duty weapons policy to mid-level supervisors. The APD should authorize qualification on only those firearms for which the APD has a trainer qualified to assess an officer's proficiency with such firearms. Supervisors should ensure that unapproved weapons are not carried or used on duty.

The revised duty weapons policy permits officers to qualify on up to three handguns and one personally owned rifle for police use. Duty Weapons Policy 101b.02(A). The policy does not, but should, limit the number of weapons an officer may carry on duty at any one time. Also, we recommend that the APD revise its policies to make clear the APD's right to remove approved weapons from officers' lists and under what circumstances, e.g., sustained violation of policy or unavailability of suitable training and qualification programs. Currently, the policy permits officers to remove weapons from their own list of three approved weapons, but the policy does not indicate whether and under what circumstances the APD is entitled to remove weapons from any officer's list of approved weapons. Duty Weapons Policy B101b.06(D)(1).

We further recommend that the APD's firearm policy clearly identify the equipment officers are expected to routinely carry

and the appropriate exceptions. The policy should specify all firearms and *ammunition* that are allowed on- and off-duty. The APD should establish a system of accountability for both department-issued and personal ammunition so that the APD is able to monitor the type and quantity of ammunition used and the circumstances in which it is used. This will facilitate reviews of uses of force, as well as investigations into firearm discharges. We understand that the APD is considering a single-gun policy and a single-impact-weapon policy. A single tool of each level of force use would simplify accountability and training.

Lastly, the APD's duty weapons policy currently prohibits the use and sharing of personally owned rifles. Duty Weapons Policy B101b.11. While this general prohibition is sound, the policy should permit an officer's use of another's rifle or other firearm, without violation of policy, when tactical circumstances warrant doing so in emergent situations.

8. Less Lethal Weapons

We recommend that the APD set forth comprehensive policies that give specific guidance and restrictions on all intermediate force weapons used, including straight and expandable batons, PR24s, Orcutt Nunchakus, chemical weapons, CEDs, impact munitions, and canines.[14] Such guidance should be delineated either in a section for each tool in the use of force policy, or in separate policies for each tool referenced in the use of force policy. The use of force policy should include, among other things: where these and other intermediate force weapons fall within the use of force continuum; the circumstances under which the intermediate weapons should be used and instructions on how to properly use them; prohibitions on the use of the weapons; whether all officers are required to carry them; reporting procedures; and appropriate decontamination and/or medical treatment procedures. Unlike the prior use of force policy, the revised Response to Resistance policy accomplishes many of these goals. Because officers may unnecessarily resort to their firearms if intermediate force options are not available, we recommend that the APD require all officers to carry a chemical

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[14] The revised Response to Resistance policy addresses "less or non-lethal force" generally, before providing guidance on specific tools. Response to Resistance Policy B101a.04. Our expert consultants have indicated that the better terminology to use is simply "less lethal" force, thereby acknowledging that all force is potentially lethal.

weapon, in addition to an impact weapon. Appropriate training and certification on the use and deployment of all intermediate weapons should be developed and implemented.

9. Impact Weapons

As previously stated, we understand that the APD is considering a single impact weapon policy.[15] The revised duty weapons policy, however, does not currently list impact weapons. The revised Response to Resistance policy identifies only a baton but permits the training division to maintain a list of other approved impact weapons.[16] Response to Resistance Policy B101a.07. While the APD certainly has discretion on the impact weapon(s) it chooses to use, we recommend that officers be trained and appropriately re-certified in each tool that officers carry -- as the APD's revised Response to Resistance policy now requires. A large number of tools may make this logistically more complicated. If the APD chooses to continue to permit more than one impact weapon, the APD should make clear to its members what impact weapons are permitted. Accordingly, like with firearms, we recommend that the APD ensure that it promulgate the list of approved impact weapons and timely distribute the list with the revised policy to mid-level supervisors; thereby allowing supervisors to ensure that unapproved weapons are not carried or used on duty. We also recommend that the APD require that its officers carry with them their approved impact weapons.

10. Conductive Energy Devices

Part of our investigation focuses on the APD's use of CEDs. Consistent with generally accepted police practices, the prior duty weapons policy specified that CEDs should not be used against a subject already in handcuffs. Duty Weapons General Policy A303.18(D)(3)(a). We received, however, a number of

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[15] We do not take a position on whether the APD should adopt a single impact weapon.

[16] The APD's prior duty weapon policy listed only a baton and no other impact weapons. Duty Weapons General Policy A303.16(B), effective April 20, 2000, revised January 26, 2007. The prior use of force reporting form provided to us, however, lists no fewer than four separate impact weapons. We were also informed that, in practice, the APD uses multiple impact weapons. Accordingly, despite the appearance in the prior duty weapons policy of the APD having only one impact weapon, in practice, the APD utilizes more than a single impact weapon.

allegations that APD officers had used CEDs on subjects who were already restrained. Even more troubling, neither the APD's revised duty weapons policy, nor the revised Response to Resistance policy contains such a prohibition on the use of CEDs against a restrained subject. We recommend that the APD prohibit the use of CEDs on restrained subjects unless the subject engages in active, violent resistance. We also recommend that the APD revise its policies to require a high level of scrutiny in supervisory review whenever a CED is used on a restrained subject.

The revised Response to Resistance policy permits the use of CED's against a subject who is "potentially" violent. Response to Resistance Policy B101a.08(E)(2). This is too broad. We recommend deleting this reference. The policy should also state that CEDs should not be used to threaten or brandished to intimidate a subject or to coerce a confession.

11. Chemical Weapons

The APD's revised policy requires that officers be trained in the use of Oleoresin Capsicum ("OC") in order to use that chemical weapon. Response to Resistance Policy B101a.06(B)(1). The policy does not provide officers with guidance, however, on how much OC spray to use or in the selection of appropriate anatomical targets or duration of use. This is problematic because during our ongoing investigation, we received complaints that the APD uses OC spray in an indiscriminate fashion, i.e., spraying a crowd without acquiring a specific threat or target. Accordingly, while we are still reviewing use of force incidents, we recommend that the APD make clear in its policy limitations on use of OC spray. OC spray should only be used for a specific threat, for an appropriate target, for a limited duration, at a limited distance to the subject, at appropriate targets on the subject's body (e.g., not up the nose), and compliant with current training techniques and manufacturer's guidelines. Moreover, the APD must ensure that its use of OC spray is consistent with the policy changes.

The APD's revised policy permits the use of chemical weapons on restrained subject, if the subjects are "aggressively"[17]

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[17] The APD's prior use of force policy permitted use of chemical weapons on restrained subjects who resisted "violently." Use of Force Policy B101.05(D)(3). Arguably violently was a higher threshold than aggressive, though neither term is defined in its respective policy.

resisting and lesser means of control have failed. Response to Resistance Policy B101a.06(D). The policy, however, fails to illustrate what would constitute aggressive resistence. Rather than permit the use of OC spray on restrained subjects, the APD policy should require the use of further restraints, e.g., hobble restraints or restraint to a Gurney, for handcuffed subjects who continue to resist a lawful police action.

Both the previous and the revised policy also appropriately require officers to decontaminate subjects on whom chemical weapons have been used. Use of Force General Policy B101.05(D)(5); Response to Resistance Policy B101a.06(F). Our review, thus far, has revealed various individuals' accounts that suggest that the APD has not consistently followed a decontamination policy. Many individuals informed us that they have not been given the opportunity to wash out OC spray or have been sprayed a second time because they were acting out when not given the opportunity to decontaminate. Similarly, review of the APD's use of force reports supports that APD officers have frequently failed to timely or properly decontaminate sprayed subjects. Accordingly, the APD should implement a uniform practice to permit individuals to decontaminate as soon as it is safe to do so.

Lastly, with respect to OC spray, the APD does not weigh OC spray canisters. Spray must be tracked and accounted for, to facilitate accountability and, when necessary, investigations into use of OC spray.

12. Impact Munitions

The APD's prior use of force policy permitted the use of impact munitions in riot control situations and against unarmed subjects whose behavior is "such that i[t] poses a serious danger . . . ." Use of Force General Policy B101.05(E)(2). The revised policy is more specific in the use of impact munitions against armed or suicidal subjects but still permits use of impact munitions to disperse crowds. Response to Resistance Policy B101a.09(B)(4). The use of impact munitions needs to be consistent with the use of deadly force. Rubber bullets should only be used when there is a deadly force option in reserve to use if an impact munition fails. The use of other less lethal impact munitions should be consistent with the APD's less lethal force policy, but the APD's review of the use of all impact munitions should be consistent with the same level of review as lethal force. The use of an impact munition against an unarmed individual should be appropriately limited. We recommend that the APD utilize a separate policy on the control of crowds and

should cross reference that policy in the use of force policy and vice versa.

The current policy requires, generally, that the APD obtain medical treatment for an individual whom the APD strikes with an impact munition. This should be made more explicit, to require that the struck subject be taken to a hospital and cleared for incarceration before being processed at the jail.

13. Canines

There is a separate standard operating procedure for canines that includes an assessment of the reasonableness of the use of force in the deployment of a canine. Canine Unit Standard Operating Procedure ("SOP"), revised January 2008. This SOP does not include the same explanation of reasonableness as is contained in the APD's Response to Resistance policy. As with other uses of force that require their own detailed policies, we recommend that in its use of force policy the APD list canines as a use of force on the continuum of types of uses of force and reference the separate policy governing canine use.

We also have been informed that the APD's canines have been on a lead, i.e., leashed, when some bites have occurred. This may indicate a problem with APD canine officers' control over the dogs. Though we are still reviewing incident reports, we recommend that the APD examine its methodology to ensure that the APD's use of canines is consistent with "find and alert" or "find and bark" practice, i.e., requiring the dog to bark, rather than bite, upon locating the subject. In a "find and bark" standard of operation, a canine is still capable of biting a subject. Consistent with generally accepted policing practices, though, the canine handler or officer decides affirmatively whether the canine should bite the subject. The APD should not leave the decision to bite to the canine's discretion. The APD also should ensure that canine training supports this standard.

The APD's definition of "deployment" for canines includes use of canines on a lead for a search regardless of the canines' involvement in the apprehension. Canine SOP .04(B). This is an overly broad definition of deployment. When inactive uses of canines are counted as deployments this has the effect of diluting the bite ratio, i.e., the ratio of the number of times canines bite (to assist in an apprehension) as compared to the number of times canines are deployed. Accordingly, we recommend that the definition of canine deployment be limited to those circumstances in which canines are utilized off a lead in an actual attempt to apprehend or find a suspect.

When there is a need for canine deployment, we recommend that the APD ensures that deployment is subject to appropriate supervisory oversight. The canine SOP requires general supervisory approval for canine deployment. Canine SOP .06(B). We recommend that the APD update this SOP to require approval from a canine unit supervisor for deployment, i.e., a supervisor already trained on the appropriateness of such deployments, if available. If no canine supervisor is available, then deployment should require a field supervisor's approval.[18]

When canine bites occur, APD's policy requires its officers to report the use of force. The canine SOP, however, is unclear as to whether the reporting and review of bites under the SOP are in addition to, or the same as, the reporting and review procedures under the APD's new Response to Resistance reporting procedure. Accordingly, we recommend that the APD clarify the reporting and review procedures in its canine SOP. This should include a requirement that canine supervisors are require to report to the scene of canine bites.

C. Reporting Uses of Force

We recommend that the APD revise its policy to require all officers involved in a use of force incident, not just the initially involved officer, to prepare their own report detailing the event. In order to accurately report (and subsequently review) uses of force, the APD should also revise its use of force form to require supervisors to collect sufficient information and evidence for later review, oversight, and training.

1. Reportable Uses of Force

As mentioned with respect to the APD's prior definition of force, the APD practice and policy have been under inclusive in what the APD has considered force, and, in turn, it appears that the reporting of force by officers has been under inclusive. The prior policy, effective since April 2000, only required uses of force to be reported when the subject presented the officer with "consistent and repetitive complaint of pain beyond the initial arrest procedure, which would lead a reasonable person to conclude that an injury could have occurred." Use of Force Policy B101.07(A)(3), revised Jan. 26, 2007. This definition

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[18] The APD should train its field supervisors on general uses of canines and the efficacy and ability of canines to assist in law enforcement, including use of force.

allowed an escape valve from reporting requirements. During our site visits, for example, we were informed that an arm bar takedown[19] was not a use of force under the policy then in effect, unless there was a complaint of recurrent pain or injury. An average citizen would not know that he or she must consistently or repetitively report pain in order for a use of force against them to be reported. Moreover, as written, the prior policy permitted force during an arrest, but only required reporting if pain or injury are apparent after an initial "arrest procedure." "Arrest procedure" was too broad and undefined a term. Requiring reporting only after arrest procedure excluded uses of force against subjects whom the APD did not arrest.

The revised Response to Resistance reporting policy significantly changes the reporting requirements and addresses many of the recommendations our experts made at the conclusions of our on site visits. Even the revised policy, however, leaves some inconsistencies in the reporting requirements. The revised reporting policy adopts a categorization of uses of force for reporting and review, i.e., the most serious, level one, to the least involved, level three.[20] Response to Resistance Reporting, Investigation, and Review Policy B101c.03, issued June 1, 2008. The policy requires employees involved in a use of force to file a Response to Resistance report in Versadex[21] for levels one and two uses of force. Response to Resistance Reporting Policy B101c.04(A)(1)(b). This portion of the policy does not specify what precisely must be reported through this report. Later, however, with respect to level three uses of force, the policy sets forth a list of certain items to be reported through a Response to Resistance report (though Versadex is not then mentioned). Response to Resistance Reporting Policy

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[19] Arm bar is a takedown technique that enables an officer to gain pain compliance with the subject by applying pressure that hyperextends the elbow joint driving the subject's shoulder toward the ground.

[20] We note that much of this policy appears to have been drawn from one of the exemplar policies we provided to the APD. Also, even though the exemplar policy defines the levels of use of force, we do not recommend that the APD follow suit in the placement of definitions of levels of force after other substantive provisions. The APD's policy would benefit from having its definitions of levels of use of force appear prior to its reporting requirements.

[21] Versadex is the APD's computerized reporting system.

B101c.07(A)(2). This inconsistency only serves to breed confusion as to what must be reported and what methodology should be used. Also, the revised policy only requires one Response to Resistance Report from multiple employees who each use the same level of force. Response to Resistance Reporting Policy B101c.01(D). This does not comport with accepted policing practices that require every officer involved in use of force incidents to complete a separate report on his or her involvement and force used.

We recommend that the APD revise its policy to make clear the basic requirement that all involved officers or witness officers complete individual use of force reports for all uses of physical or instrumental force beyond un-resisted handcuffing.

In addition to every officer being required to complete individual reports, we also recommend some other changes and clarifications to the requirements of the revised Response to Resistance reporting policy:

- The revised policy permits a supervisor to re-categorize the investigation of uses of force level, triggering internal affairs involvement, if the investigation reveals a possible policy violation. Response to Resistance Reporting Policy B101c.02(B). We recommend that the APD revise this section to also specify that a citizen complaint at the scene of the use of force, or after the fact, will also elevate the category of investigation and trigger internal affairs involvement.

- The revised policy requires APD supervisors to notify the Special Investigations Unit ("SIU") of potentially criminal uses of force. Response to Resistance Reporting Policy B101c.02(C). If the SIU is required to respond to the scene of potentially criminal uses of force, then we recommend that the policy state this clearly. The policy should also be clear who leads the investigation of the incident if SIU is on scene, either the supervisor or SIU.

- The revised policy requires the watch commander to appoint an investigator to review a use of force involving supervisor's use of force. Response to Resistance Reporting Policy B101c.02(H). The policy should make clear that subordinates should not review supervisors' uses of force, unless the subordinates are trained to conduct internal affairs investigations and are operating in that capacity. The APD also should clarify whether or not the supervisor's

chain of commander superior is to report to the scene of a supervisor's use of force.

- The revised policy places in its lowest category, Level 3, use of CEDs when the officer misses the intended target. Response to Resistance Reporting Policy B101c.03(C)(3). The failure to strike a target should not diminish the level of review of a use of force. Accordingly, we recommend that CED deployments resulting in misses be reported and investigated at the same level as successful CED deployments.

- The APD has revised its policy's reporting requirements, consistent with our recommendations during our on-site visits, to require reporting of officers' active targeting of subjects (when an officer points his or her weapon at a suspect) with firearms.[22] The new Response to Resistance reporting policy requires reporting of active targeting using a firearm, but is still silent with respect to active targeting with impact munitions (to the extent that firearms are not defined to include impact munitions). We recommend that the APD require reporting of all active targeting with these devices by an APD officer. The APD provided us its new Response to Resistance report form from the APD's Versadex. That form does not list active targeting in the data field in which other force options are listed.[23] We

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[22] The prior use of force policy prohibited APD officers from brandishing a firearm unless there would be a basis to use deadly force or "create an apprehension" of deadly force use when such use would be necessary. Use of Force General Policy B101.05(A)(1). The reporting requirements of the APD's prior use of force policy, however, did not require brandishing of a firearm, CED, or impact munition weapon to be reported as a use of force. Accordingly, the APD policy indicated that the APD was not collecting data of uses of force which are prohibited by its own policy. Interviews with APD personnel confirmed that the APD did not require officer to report brandishing. We commend APD for making the change in its updated policy.

[23] The APD provided us an explanation of its Versadex form which included a field to report the number of shots fired. Use of Force Detail Page in Versadex, June 4, 2008. The APD's explanation indicates the use of "0" in the data field to record the number of shots fired indicates active targeting. However, the use of a "0" for active targeting is not distinguishable from

recommend that active targeting be added to this field. Tracking of active targeting with CEDs could also be useful as a management tool. Officers could report CED active targeting on incident reports, without a use of force form, if no force is used.

2. Reporting Forms

The APD's revised use of force reporting form is still inadequate. We recommend that the form be structured so that discrete information about multiple uses of force by multiple officers in a single incident may be recorded. The form (consistent with policy) should allow officers to provide a detailed narrative description of the incident, beginning with the basis for the initial contact, continuing through the specific circumstances and actions that prompted each use of force, resulting injuries, and medical treatment (if necessary). For this, a narrative, not the current checkbox scheme of reporting, is required. The Versadex form that the APD furnished to us provides only a 50-character text box for remarks. The form should continue to contain check boxes, however, which may support the narrative, where appropriate. The form should also include other information not on the use of force reporting form, such as: the officer's assignment area; the officer's assignment; whether the officer was on or off duty; whether the officer was in uniform; and whether or not the subject alleged excessive force or unlawful law enforcement action.

It is the responsibility of the first-line supervisor to ensure that all uses of force are documented. We recommend that the APD's policy establish a review mechanism to ensure that officers are complying with the reporting procedures and provides for appropriate administrative sanctions or retraining for officers who fail to comply. Supervisors should also report to the scene of all uses of force above unresisted handcuffing. Some supervisors informed us that they already do this; this standard should be memorialized in policy. Supervisors will, therefore, be aware of when use of force occurs and when to expect report forms, and from whom.

D. Supervisory Review of Uses of Force

Supervisory review of officer uses of force is critical to a department's ability to ensure officers are using force in a

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an officer merely filling in a zero value for no shots fired, or filling in a value over zero for firearm or CED shots fired.

manner consistent with constitutional standards and the department's policies. Use of force reviews may identify both officer training needs and patterns of unauthorized or excessive uses of force. The information regarding each use of force also should be tracked in an Early Warning System ("EWS"), as discussed below in Section VIII of this letter.

1. Chain of Command Review

Like the reporting requirements already discussed, the APD has revised many of the review requirements of the revised Response to Resistance reporting policy which address many of the recommendations our experts made at the conclusions of our on site visits. The APD's prior use of force report form provided to us, included blanks for supervisor comments and signature, but the policy did not give any direction on the necessity or nature of this supervisory review. Rather, the prior use of force policy included a provision for review of use of force report forms only by the APD's training academy.[24] Use of Force General Policy B101.09.[25] According to the policy, then, there was no requirement that supervisors assess whether the officer's reported uses of force were in compliance with the APD's use of force policy. In a separate document generated in response to our request, however, the APD stated that supervisors are to review use of force reports. City of Austin Response to DOJ First Request for Documents and Information, Review of APD Use of Force Incidents, dated July 18, 2007. This informal requirement,

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[24] According to a document titled City of Austin Response to DOJ First Request for Documents and Information, Review of APD Use of Force Incidents, dated July 18, 2007, APD's Training Division no longer enters the use of force report data into a database. Rather the APD's central record's office completes this task. The APD had not revised its policy to reflect this change.

[25] According to the old policy, the APD's training academy was to enter the use of force reports into a database, to return incomplete reports to supervisors for completion, and to perform an annual analysis of the use of force data to identify training needs. Use of Force General Policy B101.09. Even if the academy is no longer the data entry point, academy staff need to perform the qualitative analysis. The subject matter experts for each respective use of force should review the respective use of force reports for both individual training and supervision issues and for systemic use of force issues.

however, will not consistently yield effective front-line supervisory reviews of uses of force.

While on site, we encountered a general lack of consistency among APD supervisors on use of force reporting and review requirements. We asked APD supervisors to walk us through use of force incidents and reporting. Despite the lack of clarity in the APD's prior use of force policy, we were informed that, in practice, many front-line supervisors do, in fact, review their officers' use of force reports. However, we were also informed that some of these supervisors (who are to review use of force reports) are not themselves trained in up-to-date, uniform tactics or use of force. If these line-level and mid-level supervisors are not trained in use of force, themselves, then they are not equipped to assess or counsel on their subordinates' use of force.[26] Despite the improvement in the revised Response to Resistance reporting policy, this previously observed lack of training among supervisors impedes effective implementation of use of force reviews.

Some of the lack of clarity regarding supervisory review responsibilities for use of force that existed in the old policy still permeate the revised Response to Resistance reporting policy. For level one and level three use of force investigations, the revised response to resistance reporting policy requires that supervisors prepare and submit supplements to response to resistance reports. Response to Resistance Reporting Policy B101c.05(C)(4), B101c.07(B)(3)(b).[27] For level

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[26] Similarly, we have been informed that the APD's internal affairs division trained all of the APD's sergeants and lieutenants to handle certain investigations of potential policy violations, including possible excessive force, referred back to the chain of command. If these line-level and mid-level supervisors are not trained in use of force, themselves, then they likewise are not equipped to assess or counsel on their subordinates' use of force.

[27] "Supplements" are additions to the primary employee's Response to Resistance Report. Supplements contain the accounts of involved employees, assisting employees, or, for certain level one investigations, supervisors. Response to Resistance Reporting Policy B101c.01(C). The policy's definition of supplements omits supplements by supervisors for level two and three investigations. Accordingly, the revised policy's definition is inconsistent with the supervisory reporting and review requirements of the policy.

two reports, though, supervisors are required to prepare an investigation packet, but not a supplement. Response to Resistance Reporting Policy B101c.06(A). The revised policy's descriptions of these supervisors' review responsibilities do not address the elements of qualitative analysis the supervisors must perform in reviewing their subordinates' uses of force.

The revised policy does include a chain-of-command review for level one and two uses of force that require the chain of command to evaluate for "training, tactical, or equipment issues." Response to Resistance Reporting Policy B101c.04(D)(3). This review, however, is of an already completed investigative package and, therefore, occurs after the front-line supervisors should have completed a qualitative assessment of the use of force. We recommend that the APD revise its policy to require that APD supervisors qualitatively review *all* uses of force, not just some levels. The policy should specify that supervisors should identify uses of force that appear excessive, avoidable, and/or indicative of potentially criminal misconduct. Either on the Response to Resistance form or a separate form, the APD should require that supervisors record their substantive review of use of force. The form should require supervisors to evaluate each use of force used in an incident. Supervisors who review use of force reports must reconcile multiple use of force reports from multiple officers concerning the same event. The supervisors should also check involved officers' training records to determine whether or not those officers are properly certified for the force method used. After these qualitative assessments by front-line supervisors, the review should proceed up the chain of command, as envisioned in the revised policy.

We were informed that the internal affairs division does not perform an audit on use of force reports to ensure that chain of command review is occurring.[28] The APD could utilize the internal affairs division to ensure that the chain of command is performing such reviews of uses of force. The revised Response to Resistence reporting policy also requires internal affairs to track force investigations for level one and level two investigations in a database. Response to Resistance Reporting

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[28] We were informed also, however, that the APD previously issued a general order that the APD's internal affairs division should receive all use of force reports, and that the order has not been rescinded. Nonetheless, to ensure uniformity and consistency, APD should ensure that practice follows suit with current policy and any previous, contradictory orders be rescinded.

Policy B101c.04(c). It is unclear, however, who has ultimate responsibility for tracking all use of force reports or why the APD's policy does not require tracking of level three reports. The APD should revise its policy to provide for tracking of all force reports and then utilize force report data for its EWS.

2. Identifying Use of Force Trends

The APD's prior use of force policy required that the training academy enter use of force reports into a database and review that database to prepare an annual analysis of use of force.[29] Use of Force General Policy B101.09. While there is value in the APD's training academy review, the prior policy's method of review circumvented the chain of command. Consistent with many of the recommendations our experts made at the conclusions of our on site visits, the revised Response to Resistence reporting policy now appropriately places back in the chain of command reviews of use of force. Response to Resistance Reporting Policy B101c.04(D).

Also consistent with many of the recommendations our experts made at the conclusions of our on site visits, the APD has adopted a new force review board policy.[30] Force review Board Policy B101d, issued June 2, 2008. We commend APD for this advancement and recommend certain changes and clarifications to further enhance the new force review board policy:

- The review board policy requires the commander of training to serve as the chairperson of the board. Force Review Board Policy B101d.01(C)(1). We recommend that in order to place appropriate importance on the review board process and give the board authority, that an assistant-chief level command staff member chair the board.

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[29] As stated, we were advised that the Training Academy no longer enters the reports into the APD's database. City of Austin Response to DOJ First Request for Documents and Information, Review of APD Use of Force Incidents, dated July 18, 2007.

[30] APD currently employs a Critical Incident Review Board for incidents involving death, serious injury, or having a high potential for lethality to the public. Critical Incident review Board General Policy A114, effective April 2, 2000, revised January 31, 2003. As envisioned therein, the critical incident review board should also continue to identify needs for training adjustments. Id.

- The review board policy requires the board to consider certain factors in the uses of force it reviews, but does not include among these the officer's "decision-point analysis," which is a review of the reasonableness of each decision prior to and throughout the officer's use of force, and a determination of whether or not a different decision would have affected the ultimate use of force. Force Review Board Policy B101d.03(C). For example, an officer's initial use of force to stop a subject may be appropriate (e.g., use of chemical spray), but if a subject stops resisting, and officers use force again (another burst of spray) that continued use of force may be inappropriate. Decision point analysis should also look at officers' reactions to subjects' verbal comments that lead to uses of force, and at officers' decisions not to wait for backup resulting in the need for use of force. Decision point analysis looks at each aspect of the officers' and the subjects' action to determine the reasonableness of officers' use of force. Accordingly, we recommend that the APD revise its policy to require the Board to consider the steps leading up to use of force.

- Like the Response to Resistance reporting policy, the review board policy references anticipated use of the internal affairs database. Force Review Board Policy B101d.03(D)(3). We recommend that the APD revise its policy to make clear the requirement to track all uses of force and the need to record all uses of force in the APD's EWS.

III. COMPLAINTS OF OFFICER MISCONDUCT

The APD should implement a formal, structured, and consistent system for receiving and handling complaints of officer misconduct.

A. Complaint Procedure

An open, fair, and impartial process of receiving and investigating citizen complaints serves several important purposes. An appropriate citizen complaint procedure ensures officer accountability and supervision, deters misconduct, and helps maintain good community relations by increasing public confidence and respect for the APD. Improving the current procedure for handling citizen complaints at the APD would maximize these goals.

1. Complaint Process Information

An effective complaint process should allow unfettered access for citizens (or others) to make complaints, and should reinforce the public trust in the integrity of the process. We recommend that the APD better disseminate information to the public about its complaint process, in order to garner more confidence in the process. We recommend that each district police station and APD headquarters have information about the complaint process prominently posted in a visible place in the public reception area. The APD should also make complaint forms available at the City Hall and other public offices. Complaint process information and forms should be posted in multiple languages. The APD should also consider making information about the complaint process available on-line, in multiple languages. Finally, we recommend that the APD institute periodic customer satisfaction surveys, and include feedback questions regarding the public's perception of the complaint process, so that APD has an avenue for addressing any actual or presumed deficiencies.

2. Complaint Intake

An open complaint process contemplates that complaints will not be discouraged. The APD should change aspects of its citizen complaint process that have the potential to discourage the filing of complaints, and to impair effective tracking of complaints.

Under current APD policy, all APD employees (sworn and unsworn) are responsible for accepting complaints against department employees regarding allegations of misconduct or unlawful activity. Internal Affairs General Policy A109.09(A), effective April 2, 2000, reissued May 23, 2006. According to officers with whom we spoke, however, this process is not being followed. We learned that communications personnel, i.e., 911 operators, on many occasions may have discouraged complainants from filing complaints, failed to contact supervisors regarding complaints, and failed to document the calls and the complaints. Such responses to complainants who call 911 may deter would-be complainants who are unable to, or otherwise unwilling to, come to a police station to file a complaint. Further, we were advised that historically some citizens who desired to file a complaint with the APD were directed to file their complaint in person with the Office of the Police Monitor ("OPM"). In these instances, citizens were obliged to travel to the OPM (which was not easily accessible) in order to file complaints. This practice, too, deters the filing of complaints.

The APD should ensure that its practice on acceptance of complaints meets its policy that all police employees are responsible for receiving and documenting public complaints. Additionally, the current policy only requires an employee to contact a supervisor if the employee receives a complaint about him/herself. Internal Affairs General Policy A109.09(A)(1). We recommend that APD adopt a policy that requires all personnel, who receive citizen complaints, to immediately contact a supervisor. If a supervisor is unavailable, the policy should then direct personnel to document the complaint, which includes gathering the complainant's name, nature of complaint, date of complaint, name of the officer involved in the incident, and collecting transient evidence. The APD should train all its personnel, particularly communications staff members, on their responsibility to accept complaints and reporting pertinent complaint information to supervisors. Further, we recommend that the APD consider placing drop boxes in police stations or City Hall so that complaintants can easily submit their complaints. The APD would then contact the attributable authors of deposited complaints to initiate the investigation of those complaints. By instituting this new policy, the APD should ensure that all complaints are referred to a supervisor and all complaints are documented.

As soon as the APD receives a complaint, the complaint information should be recorded in Internal Affair's ("IA") centralized database of all complaints and the APD's EWS. Even complaints for which complainants refused to submit written forms or which are submitted anonymously should be listed in this database. The date on which a complaint is initiated should be recorded, and processed for complete investigation.

3. Complaint Classification

According to current APD policy, the IA Division has the primary responsibility for classifying, evaluating, and investigating complaints. Internal Affairs General Policy A109.04. Complaints regarding possible officer misconduct are either formally or informally investigated. We understand that IA classifies complaints as formal if the complainant files a formal complaint affidavit, i.e., Complaint Contact Form. Conversely, IA classifies complaints as informal if the complainant does not file a formal complaint affidavit, regardless of the seriousness of the allegation. Reportedly, IA conducts an initial evaluation of all formal complaints before it determines the classification of investigation.

The APD's current system for complaint classification is needlessly complex and fraught with opportunities to apply subjective judgment. The classification system permits far too much "gray area" in which some serious complaints may be minimized or disposed informally without adequate investigation and resolution. The APD has seven different categories and subcategories of classifying complaints. Specifically, the categories include Class A, B-internal, B-external, C, D, I, and Q complaints.[31] It is unclear what legitimate purpose is served by this extensive multiple categorization scheme.

APD's current process of complaint classification raises concerns because the classification categories are broad, subject to different interpretations, lack uniformity, and lack consistency. The current IA policy lists categories of complaints that should be classified in Class A, but the policy fails to define these categories. Also, under Class A complaints, the policy does not clearly define what constitutes "criminal conduct," "serious violations of policy, rule or regulation," or "conduct that challenges the integrity, good order, or discipline of the Department." As a result, IA detectives are left making subjective determinations about the classification of complaints. This raises concerns not only about bias, but also about the consistency and fairness in the classification process.

Similarly, the classification and disposition of Class B complaints raise concerns because the current policy narrowly lists examples of "less serious violations of Department Policy." We recommend that the APD expand its current list of less serious violations into an exhaustive list of examples that would be consistently applied and that would reduce the probability of subjective judgment. Further, we have concerns with the manner

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[31] Class A complaints (allegations of a serious nature); Class B complaints (allegations of less serious nature); Class C complaints (allegations that do not rise to a policy violation, or complaints that can "best be handled by other departmental process"); Class D complaints (allegations that are not policy violations, allegations that recordings show to be false, and complaints about probable cause); Class I (informal information only complaints); and Class Q (catch-all category). Internal Affairs General Policy A109.04. Class B complaints are further divided into two subcategories: internal and external. Internal Class B complaints are generated by complaints filed by APD personnel. External Class B complaints are generated by complaints filed from outside the APD.

in which investigations are conducted in this complaint category. Specifically, this category is inherently complicated because it allows for two different levels of review within the same complaint class (i.e., external complaints investigated by IA and internal complaints investigated by chain of command). This category is further complicated by allowing the IA commander to remove Class B complaints to Class A where allegations of more serious or complex nature surfaces. The complex and complicated nature of Class B complaints lends itself to confusion, inconsistency, and unfairness in the disposition of less serious violations of Department policy.

Even more concerning were the classification and disposition of Class C complaints. In our discussions with the OPM, we learned that the OPM and the APD frequently disagreed on classification and disposition of this category of complaints. It was reported that many of the complaints lost in this "gray area" were Class C complaints. The subjective manner in which these complaints were classified raised concerns not only about bias, but also about fairness and consistency in the classification process. For example, this category contained complaints that command staff determined should be handled through other department process (i.e., grievance, performance improvement plan (PIP), training, and employee's chain of command). As a result, these complaints typically were minimized and never investigated before they were administratively closed. According to our expert consultants, this category was an "escape valve" used to minimize officers' misconduct.

Similarly, categorization of complaints as I or Q complaints served as "escape valves" that can minimize officers' misconduct. The APD's policy requires IA to record informal complaints on its tracking system. Internal Affairs General Policy A109.04(F). But, the policy actually directs that informal complaints can only be recorded "as 'Information (sic)' only," and cannot be used for disciplinary purposes. Id. IA personnel identified category "Q" as a catch-all in the IA tracking system. The IA policy, however, also fails to address how this category is used. This implies that this complaint category receives no formal review. APD personnel reported that the IA did not fully investigate category I and Q complaints.

We recommend that the APD investigate to the extent possible all complaints against officers, regardless of the source of the complaint, and that the APD record all findings in an EWS. We recommend that the APD create only two distinct categories of complaints: those to be fully investigated by IA, and those to be investigated and resolved through the chain of command. The

APD should apply consistent, objective criteria in the assignment of complaints to IA or the chain of command. The following are the objective criteria that we recommend the APD consider using in categorizing complaints for IA investigations: (1) all allegations which, if true, involve serious policy violations, including, but not limited to, all violations involving use of force; (2) all allegations involving use of deadly force; (3) all allegations involving failure to provide medical treatment; (4) all allegations involving potentially criminal conduct; (5) all allegations involving purported unlawful police action, e.g., unlawful arrest; and (6) evidence of discriminatory policing. Complaints that do not meet the objective criteria for investigation by IA would belong to the second category: those to be investigated and resolved through the chain of command.

The APD may develop other objective criteria for the assignment of complaints to IA. Whatever criteria the APD ultimately uses, the criteria should be promulgated in policy and, therefore, known to all personnel and complainants. The use of such criteria is not intended to eliminate the exercise of discretion in the assignment of complaints. Rather, the use of identifiable criteria should make the assignment of complaints more consistent and objective. Objective criteria should also instill in complainants a sense of confidence in the complaint system and among personnel a sense of fairness. Objective criteria would also permit quality control in later audits of the assignment system by IA supervisors and the OPM, as discussed below in Section V.

Once a complaint is classified, we recommend that the APD contact the complainant in writing to provide the complainant with the name and contact information of the IA investigator or chain of command supervisor who is assigned the complaint investigation. This notice should include the name of the complainant, the unique IA number assigned to the complaint, the date of the incident, the name of the officers involved, and the summary of the allegation. In lengthy investigations, the APD should update the complainants on the status of the investigations. At the conclusion of the investigations, the APD should notify all relevant parties, including the complainants, of the final dispositions. If a complainant's allegation is sustained, the letter should also indicate whether remedial action will be or has been taken.

4. Chain of Command Investigations

We recommend that subject officers' chains of command investigate all complaints not investigated by IA. As discussed,

IA currently refers to a subject officer's chain of command all Class B internal, and Class C and D complaints. These are administratively closed and do not receive the benefit of an investigation. Because these complaints are administratively closed, the APD fails to produce findings that could be useful data for the APD's EWS. Not every complaint will merit a complete IA investigation, but every complaint deserves the level of investigation merited by the circumstances of the complaint. If it is readily apparent from the chain of command's review of the assigned complaint that the complaint is without foundation, then the complaint should be deemed as unfounded. If, during the course of any chain of command investigation, the chain of command supervisor determines a complaint meets the objective criteria for internal affairs investigation, the case should be referred back to IA for investigation. The chain of command should reach a finding after investigation of all complaints it receives. All findings of potential policy violations should then be reviewed by second-level supervisors before findings are submitted to the IA Commander for final approval.

To ensure that the chain of command staff is equipped to investigate and resolve complaints (particularly citizen complaints) referred to them, we recommend that the APD provide appropriate training, with an emphasis on interpersonal skills. Further, we recommend that APD provide training on appropriate burdens of proof, i.e., preponderance of the evidence, to supervisors who are responsible for investigating and deciding the outcome of a complaint, and the factors to consider when evaluating complaint or witness credibility (to ensure that their recommendations regarding dispositions are unbiased, uniform, and legally appropriate). We also suggest that APD implement a policy regarding complaint disposition that requires all complaints to be recorded in an EWS.

Finally, we recommend that the APD implement a uniform system for recording all complaints resolved through the chain of command. During our site visit, we interviewed several sergeants who used different methods of recording resolved informal complaints. Several supervisors wrote memoranda that remained in officers' files while other supervisors were unable to identify any documentation of informally resolved complaints. We recommend that the APD uniformly require that officers' personnel files include a record of all complaints resolved through the officers' chain of command. We also recommend that APD implement oversight, e.g., an audit or quality assurance mechanism, to review a sampling of chain of command complaints investigations to ensure that complaints are properly classified and appropriately resolved.

5. Outside Referral of Potentially Criminal Allegations

The APD and the Travis County District Attorney's ("DA") should work cooperatively when they investigate APD employees for potentially criminal conduct. When an incident or complaint of officer misconduct indicates the possibility of criminal conduct by the officer, the APD should refer the matter to the DA's office and support, as needed, a criminal investigation. An ongoing criminal investigation, however, should not foreclose the APD's ability to conduct a parallel administrative investigation. The APD administrative investigation should proceed on a concurrent track to the extent it is able without interfering with the criminal investigation.

The APD's current policies and procedure allow for the completion of a criminal investigation before the commencement of an administrative investigation or the imposition of disciplinary action. Internal Affairs General Policy A109.07(B). Although the Chief has the authority to supercede this protocol, we learned during our site visit that the APD generally defers to prosecutors' requests to delay administrative investigations until final disposition of criminal investigations. The apparently unintended consequence of delaying the APD's IA investigations has been that the APD may be foreclosed from disciplining officers that the APD eventually finds committed policy violations. Under local government code, the Chief has 180-days from the occurrence of an incident to take disciplinary action against an officer. Tex. Local Govt. Code § 143.1017(h).[32] For complaints involving conduct that is also potentially criminal in nature, that 180-deadline runs from the reporting of the incident. We learned during our tour that there were situations in which the final dispositions of cases were not completed by the 180-day deadline. As a result, the Chief was unable to impose discipline and officer conduct was not reported in the Guidance Advisory Program ("GAP") system.[33] The OPM

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[32] This 180-day deadline can be extended; however, it appears that such an extension is rarely used. If the Chief believes that he may terminate the subject officer, the Chief may then provide notice that the deadline is extended beyond the 180-day deadline. Internal Affairs General Policy A109.07(C).

[33] The GAP system is a data analysis program developed by the APD. The system was intended to operate as an early warning system to identify officers who may be at risk for behavior inconsistent with policy. The self-developed program by the APD

reported to us that in a sampling of 146 IA investigations, 24.3% were not completed by the expiration of the 180-day deadline. This raises concerns because the 180-day deadline should not negate officer discipline or reporting to the GAP system. The APD should apply the recommended policy revisions for parallel investigations to ensure that investigations are conducted in a complete, thorough, and timely manner before the 180-day deadline.

Additionally, we recommend that APD modify its policies and procedure to clarify the rights of officers who may be the subject of a misconduct investigation. During an administrative investigation, officers suspected of potentially criminal misconduct should be informed of their rights under Miranda v. State of Arizona, 384. U.S. 436 (1966), before questioning, including their rights against self-incrimination and to have counsel present during questioning. Likewise, the APD policy should provide clear guidance to investigators regarding procedures for when and how to compel statements from officers for the purposes of an administrative investigation in conformity with Garrity v. New Jersey, 385 U.S. 493 (1967).

IV. INTERNAL AFFAIRS

The internal affairs component of a law enforcement agency should seek to ensure that the integrity of the department is maintained through a system of internal discipline (or corrective action) where fairness and justice are attained by objective and impartial investigations. The APD should acknowledge and continue to support the core mission of IA, which is to monitor the behavior of police officers for misconduct, while maintaining its objectivity and autonomy.

A. Staffing and Training

We understand that APD has no policy defining criteria for its selection of IA officers. Training and staffing are critical to the success of IA and the APD. We recommend that the APD develop articulable selection criteria for all IA positions. Such criteria should include an evaluation of the applicant's performance, including complaint and disciplinary histories to ensure that only officers with unquestioned integrity and ethics are selected to serve as IA investigators and supervisors. The APD should also take measures to assign officers with extensive

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was not fully functional during our review. See "Early Warning System," below in Section VI.

investigative skills to IA. We also recommend that APD remove investigators whose conduct while serving as IA officers would have disqualified them from selection for IA.

We also understand that APD has no formal IA policies for training, witness interviewing, nor advance level supervision training. We recommend that APD implement policies, procedures, and training for IA personnel, specifically to address the above-mentioned areas. According to APD personnel we interviewed, the only training in IA that they ever received was "on the job." Moreover, we learned that supervisors and managers have never received any advanced level training regarding supervising and managing an internal affairs unit. To ensure consistency and investigative integrity, we recommend that all APD officers responsible for investigating internal affairs complaints receive specialized training in internal affairs investigations, interviewing and interrogation skills, ethics, and APD administrative and disciplinary procedure. We also recommend that APD provide its IA supervisors with training in internal affairs management from a certified police internal affairs training program. We suggest that the APD provide continuing law enforcement training to both IA detectives and supervisors, concentrating on IA-specific topics. Additionally, IA should provide in-service training to first-line supervisors regarding their roles in the complaint process and IA investigations. As discussed later in this letter, like other supervisors, IA supervisors should receive training before assuming supervisory responsibilities.

B. Investigative Process

Any revision to APD's IA policy should clearly define the nature and scope of IA investigations. In the course of our investigation, we heard complaints that the current complaint procedure can be erratic and irregular. For example, OPM personnel informed us that when additional policy violations are discovered during complaint investigations, IA will charge some APD personnel with those violations, but will not charge others due to an interest in not "stacking" charges against officers. Also, citizens informed us that IA did not always investigate their complaints, or that some complainants were told to return to the IA office numerous times before IA would accept a complaint. Moreover, whereas the current IA policy explicitly sets forth the categorizations of citizen complaints, as discussed above, there is no such detail on the conduct of IA investigations. Moreover, the current policy for IA investigative process sets forth numerous protections for the subject officers, but says very little about what is actually to

be done to investigate. Internal Affairs General Policy A109.10. The lack of formal, structured, and consistent policies poses difficulties to the complainants as well as the involved officers. Both complainants and involved officers are entitled to know in advance what their rights and responsibilities are in the course of an IA investigation.

In defining the scope and nature of IA investigations, the APD policy should provide that any investigation include an interview with the complainant and all relevant witnesses, citizens, or police. The policy should require that the APD obtain and analyze all available forensic (such as bullets) evidence. The policy should require that supervisors or IA personnel on the scene of an incident take pictures, collect evidence, and conduct interviews. The policy should require all subject and witness officers to produce all statements, reports, and notes completed in the course of duty that are related to the investigation. IA investigators should keep all of these items in the investigative file, along with the IA investigator's notes. We recommend that the policy require audio or video recording of all interviews for IA investigations.

We also recommend that the investigation of complaints be governed by defined time lines set forth in a modified policy. Each step of the investigation should have a policy-specific deadline. For example, we recommend that the APD's policy require that, absent exigent circumstances, the IA investigation be completed in 90 days. Further, the time lines should be subject to adjustment only when approved in writing by IA supervisory personnel. Each investigative file should have a chronology log attached to it on which to list daily investigative activity or notes associated with the investigation. The log should also list the location of documents and evidence associated with the investigation.

As discussed with respect to the classification system, we recommend that IA advise complainants of the status of the investigation of their complaints. If a complainant requests to withdraw his or her complaint, we recommend that IA continue its investigation to determine whether or not a violation of policy occurred. It is inappropriate for a complainant to unilaterally terminate a complaint without an investigation. Ultimately, if IA finds no policy violation occurred, the record of the investigation should include a written acknowledgment executed by the complainant agreeing to the resolution of the complaint. This would evidence that the APD has not pressured complainants for lesser forms of resolution or withdrawal of their complaints. We recommend that, at the conclusion of every investigation, IA

notify all relevant parties, including the complainant, of the final disposition of the complaint. If the complainant's allegation is sustained, the letter should also indicate whether the APD will take remedial action.

If, during the course of an IA investigation, collateral misconduct is discovered, IA should institute investigation of such misconduct. The IA policy should be clear that if a policy violation is uncovered, IA will identify that violation and investigate or refer it as appropriate. Likewise, the policy should state that any criminal conduct uncovered will also lead to a referral for criminal investigation.

If a complaint is ultimately sustained, the APD should go back to the documentation regarding the incident from which the complaint was generated to assess supervisory and management accountability. The APD should review these documents to ensure proper supervisory review of the incident and reporting of any identifiable policy violations for IA investigation. If the subject officer's supervisor failed to report a known policy violation, for example, he or she should then be held responsible for failure to report.

C. Proactive Investigations

We learned during our tour that the APD self-describes its IA actions as reactive, rather than proactive. Solely reactive IA investigations do not comport with best police practices. Proactive IA investigation should include both integrity tests and record reviews to identify potential IA issues.

During our tour, we also learned that IA was not randomly reviewing use of force reports to ensure that supervisors were making a qualitative review of their subordinates use of force reports. We recommend that the APD's IA act proactively in reviewing records to identify potential misconduct issues. We also recommend that the APD review use of force reports on a quarterly basis to identify whether a basis exists to investigate any reported uses of force for potential violations of policy or for referral, if necessary, for criminal investigation. Additionally, many other similarly sized police departments routinely have their IA unit perform an annual check of state driving records for violations or suspended licenses. IA could also perform annual checks of local court dockets for civil suits that may have bearing on officers' behavior on duty. The APD also should consider having a formalized process to solicit from the DA and City Attorney's office information on APD officers' performance in judicial proceedings, e.g., showing up for court,

successful motions to suppress based on officers' conduct, or perceived truthfulness of officers' court or deposition testimony.

The APD should consider developing a system to monitor, evaluate, and conduct affirmative investigations using targeted integrity tests. The integrity tests should be targeted to determine whether or not evidence of criminal misconduct that violate policy exists when there is an accusation or reason to believe that the subject officer may violate APD law and policy. Any such system should be memorialized in a policy to provide clear guidance regarding the proper and appropriate use of integrity tests.

V. OFFICE OF THE POLICE MONITOR/CITIZEN REVIEW PANEL

The OPM is a city department independent from the APD, but it works closely with the APD to monitor, in a limited fashion, the conduct of IA. Though, as described, the IA policy provides for the intake of complaints through all APD personnel, the OPM routinely handles the intake of citizen complaints. The OPM office has become the primary, but not exclusive, location for receipt of complaints. We learned that citizens typically must go to the OPM's office during business hours in order to file complaints. We further learned that citizens encountered difficulty traveling to OPM's remote office. In order to facilitate citizens' desired contact with legitimate OPM, we recommend that the OPM conduct more community outreach by appearing at community forums and keep extended hours, even if on limited days, at accessible community locations so that the process for accepting complaints can be made readily accessible.[34] We also recommend that the OPM make its website bilingual for the convenience and use of members of the community who cannot read English.

OPM typically conducts initial complainant interviews, then forwards all complaints to IA for initial evaluation and complaint classification. Depending upon IA's classification of the complaint, either IA or the chain of command should then investigate the complaint. The OPM does not conduct its own

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[34] We understand that the APD's contract with the APA forbids the OPM from soliciting citizen complaints. Provided that there is no change in this agreement, establishing community locations for the collection of complaints should not rise to the level solicitation of complaints by the OPM.

investigations of allegations of misconduct. Instead, the OPM reviews the completed investigations conducted by IA.

In order for the OPM to assist citizens in the complaint process and for OPM to have legitimate oversight of the complaint process, the OPM needs access to information from the APD. Our interviews with OPM personnel revealed that the OPM did not have access to incident reports or police reports during the initial stage of the complaint process, which limited the OPM's ability to assist citizens in the complaint process. Similarly, the OPM reported to us that IA frequently does not respond to the OPM's requests for information. The OPM has even institutionalized the expectation that IA will not respond to the OPM: the OPM's intake process flowchart includes two separate steps in the process for IA's failure to respond to the OPM's correspondence on informal complaints.

To provide oversight over the APD's complaint process and to aid in ensuring that complaints are handled in an objective and thorough manner, we recommend that APD allow the OPM access to police reports and incident reports at the inception of all investigations. To ensure integrity of the IA process as we have suggested herein, we recommend that the APD implement policies and procedures for the OPM to routinely review all aspects of the APD complaint process, including assignment of complaint, classification of complaints, and completeness and sufficiency of investigations. The APD can then use this audit process to improve accountability, address issues regarding classification, and evaluate the performance of its officers and investigators. We also recommend that the OPM be used to review IA investigations and track records from an outside perspective for the benefit of the community. This would aid in ensuring that citizen complaints are handled in an objective and thorough manner, and provide an independent, informed report to the community.

Finally, the Police Monitor also chairs the Citizen Review Panel ("CRP"). The CRP is a group of citizens assembled to review police complaint incidents referred to them after the IA process concludes. The CRP also makes recommendations to IA. Either a complainant may refer his or her complaint to the CRP within 30 days of the notice of the outcome of the IA investigation, or the OPM may refer complaints to the CRP within five days if complaints involve certain types of allegations, e.g., critical incidents or bias-based misconduct. Internal Affairs General Policy A109.14. The policy contains no requirement that the APD respond to any recommendations by the CRP. The OPM has informed us that IA responded to only 15 of 24

recommendations from the CRP or OPM, i.e., a 37.5% failure to respond rate. We recommend that the APD's policies should clearly set forth the expectations for the use of the CRP and the response the APD is required to undertake. Specifically, we recommend that the IA commander report to the Chief on all responses to CRP recommendations. A written copy of this response should be furnished to the CRP through the OPM.

VI. DISCIPLINE

We understand that the APD is currently considering the implementation of a discipline matrix.[35] The APD informed us that stake holders will be involved in the process of developing the matrix. The OPM was not familiar with the planned implementation of the matrix. We recommend that the APD complete the development of a discipline matrix. Community and OPM support are important to this process but should not delay implementation of a matrix. Such a matrix should detail the levels of discipline available -- e.g., retraining, verbal counseling, letters of counseling, forfeiture of leave time, suspension, demotion, and termination -- to address violations of policy. The matrix should specify for each type of policy violation what level of discipline shall be utilized for sustained violations of policy in the first instance, second instance, etc., and what factors may mitigate or aggravate levels of discipline to be imposed. It is critical that the APD have a transparent and fair disciplinary system and that officers are clearly informed of potential consequences of various actions.

VII. SUPERVISORY OVERSIGHT

The APD should ensure that clear chain of command supervision and direction is provided to APD personnel.

A. Direct Supervision of Line Officers

We have frequently been informed by APD personnel of their perception that with the current management system, supervisors abrogated to IA the line supervisors' responsibility to supervise officers. Many at both the supervisory and the line officer level identified "management by IA" as a concern. APD supervisors should be empowered to take ownership of their

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[35] A discipline matrix is a formal schedule for disciplinary actions, specifying both the presumptive action to be taken for each type of misconduct and any adjustment to be made based on an officer's previous disciplinary record.

supervisory role in order to ensure accountability for supervision up the chain of command.

In addition to the previously discussed recommendations that APD supervisors go on site and review all use of force incidents (above unresisted handcuffing), we recommend that the APD implement policies and procedures for APD supervisors to routinely review all aspects of APD officer conduct. APD supervisors should review the following for officers under his or her command: (1) all uses of force, as set forth above; (2) probable cause for arrests and the appropriateness of charges filed; (3) reasonable suspicion for stops and searches that do not result in an arrest; and (4) a minimum sample of mobile video recording devices ("MVR") recordings each month. APD policy should require supervisors to review and approve all arrest reports and search-and-seizure reports, and to record their approval on the arrest or incident reports by handwritten or electronic signature. We also have been informed that sergeants spend much of their time inside. Even with the daunting tasks of review of line officer's reports, sergeants need to go to the field to: (1) supervise first hand; and (2) investigate uses of force on their own. Accordingly, front-line supervisors must take ownership of their supervisory role and this ownership should likewise flow up the chain of command.

We further recommend that senior supervisors meet annually with every APD officer to discuss positive aspects of his or her police work, his or her complaint history, if any, and to discuss any problems or concerns officers may have concerning the department.

B. Supervision of Specialized Units

During our investigation, we learned that the APD has several specialized units, including Street Response Units ("SRUs"). The APD's supervision of specialized units is largely outside of the normal chain of command for patrol units. We also discussed the APD's SRUs with both APD personnel and citizens. The APD provided us with the order under which SRUs operates. Street Response Standard Operating Procedure ("SOP"), June 13, 2006. The SOP gives broad latitude regarding the duties of the SRUs, without identifying specific tasks. APD personnel informed us that the SRUs have been used for crime sweep efforts, serving warrants, and other high risk police procedures. It is not surprising, then, the APD officers reported to us that SRUs may encounter situations calling for the use of force more frequently than conventional patrol assignments. Given the SRUs'

high risk tasks and potential for use of force, the APD should be keenly aware of the supervision of SRUs.

Supervision of SRUs is not clear, however. The SOP directs that SRUs are to "support Area Commands," but fails to define what specific tasks the SRUs are authorized to do. The SOP does not set forth who -- SRUs or the area commands -- determines what support SRUs should give. We understand that SRU sergeants, among other things, are to approve and coordinate search and arrest warrants, and brief support lieutenants on the SRUs' activities. The SOP does not specify any duties for support lieutenants. The supervision of SRUs is, therefore, truncated at the sergeant level. The sergeants set the tone for SRUs rather than direction coming from above on the chain of command.

The SRUs' sergeants also select who may become a member of the SRUs. The SOP does not set forth objective selection criteria for membership on SRUs, e.g., acceptable disciplinary history. The SOP requires only "complaint history acceptable to the area command staff." The specialized units should not select its own members. Nor should any single member stay in the same specialized units for too great a period of time. We recommend that the APD command develop objective selection criteria for membership in SRUs or other specialized units, including a requirement that applicants not have any sustained findings, minimally on use of excessive force, within the preceding 24 months. Similarly, substantiated findings should subject officers already in specialized units to exclusion from those units for 24 months.

We also recommend the APD develop a clear chain of command for SRUs. At the time of our on site visits, SRUs operated within each of the APD's geographic area commands. We have been informed, however, that the APD plans to consolidate the command of SRUs from each area to a central command. We are also informed that SRUs will remain stationed in the geographic regions they now serve but will answer to a centralized chain of command. This plan does not yet appear to address the potential for disagreement between area commanders and SRUs that will share the same command area but not the same chain of command.

C. Preparation for Supervisory Roles

The APD appears to be undergoing a period of transition. Much of the APD's command staff is largely new to their current roles. Through interviews with command staff, we learned that it appears to be routine practice for high level supervisors to rotate frequently one to one and one half years of on average to

different commands. These positions are critical and having continuity is important. We noted that there were no formal policies governing senior command training prior to reassignment to new commands, including IA. Most supervisors reported having received on-the-job training. Some supervisors had received formalized supervisory training, and some had not. Formalized supervisory training for all supervisors would enhance effective management and communications. We recommend that new commanders, at the time of promotion, receive training on the management of the division before assuming leadership of the division. Command staff should be permitted the opportunity to attend appropriate supervisory training from outside organizations, when needed. Shifts between command assignments should include a transition plan between the outgoing and incoming commanders. We also recommend that the APD establish a more formal process for the selection of command staff. This should include articulable criteria for promotion and assignment.

Like command staff, mid-level managers would benefit from preparation for leadership roles. We have been informed that the APD has considered a plan to mentor its sergeants. We recommend that the APD bring such a plan to fruition. Similarly, support lieutenants could be set up in leadership roles to prepare for promotion.

VIII. EARLY WARNING SYSTEM[36]

APD command staff should examine and review officer conduct on a regular basis as a proactive measure to minimize and detect misconduct, and to identify training and policy issues.

We understand the APD has been developing its own EWS. The APD's EWS is known as the Guidance Advisory Program ("GAP") system. The GAP is an formal data collection and analysis system designed to monitor certain officer conduct. The GAP focuses on six performance indicators: internal affairs complaints; number

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[36] An EWS is a data-based police management tool designated to identify potentially problematic behavior and allow early intervention to correct misconduct and assist in identifying deficiencies in supervision, management, and policies. Police departments typically use EWS data regularly and affirmatively to promote best professional police practices, accountability and proactive management; to manage the risk of police misconduct and potential liability; to evaluate and audit the performance of officers and units; and to identify, manage, and control at-risk officers, conduct, and situations.

of use of force reports compared to number of arrests; officer as victim reports; sick leave issues; collisions; and pursuits. Through our conversations with APD Command Staff and officers, we learned that the APD recognizes that the GAP needs improvement. We also are aware that the APD is currently attempting to redesign, adjust, and improve the GAP. As currently constructed, the GAP does not adequately identify problematic officer behavior. Moreover, the APD inadequately uses the GAP to detect problematic trends in officer behavior. The APD is therefore unable to effectively use the GAP to aid in intervention and correction of officers as needed.

The GAP is divided into two main components: management reports and predictive modeling alerts. The management reports component gathers information from several APD or City databases, including the City's human resources data system, IA, computer aided dispatch records, use of force reports, and pursuit reports. The GAP uses an automated process to identify data points, which are then analyzed and placed in a management chart. The management chart serves as a graphical display of each officer's measure of the six main criteria categories and their work units. The predictive-modeling-alerts component analyzes data to identify current officers whose data show similar work patterns to officers who have either been disciplined or terminated. According to the predictive modeling alerts, officers who are identified in need of early intervention are supposed to be contacted by the officer's chain of command.

We learned that neither component of the GAP functions as the APD anticipated. The components neither set precise thresholds for identifying officer conduct nor ensure effective officer management review. We also learned that there was no specific threshold that the APD was using that would trigger a review of an officer's conduct. The APD informed us that the current system accumulated scores of confusing data, which limited supervisory review. Last, we learned that the system was initially created as a computer-based information system, but now APD staff is manually gathering information for review, which lends itself to likely human error in assessment.

Based on information shared with us, the current GAP did not serve as an effective risk management tool for the APD. Supervisors informed us that most had not used the GAP to identify potential risk management issues with officers under their command. Therefore, supervisors did not routinely use GAP as a management tool. The APD informed us that historically the GAP system had returned the names of only three officers, one of whom had already been terminated. Even the APD's command

questioned the accuracy of this number identified in its GAP system. Accordingly, the GAP was ineffective as a predictive modeling tool.

We recommend that the APD implement policies and procedures to collect data on individual officers for the purpose of maintaining, integrating, and retrieving information necessary for effective supervision and management of APD personnel. The GAP should contain information on all investigations and complaints, including non-sustained complaints and complaints prior to final disposition, discipline and other supervisory corrective measures, uses of force, arrests and charges, searches and seizures, service calls, training, awards and commendations, sick leave, civil lawsuits, and other items relevant to an officer's conduct. The effective gathering of data will require the support of other City departments. The City law office should report to the APD when an officer is named in a civil complaint relating to policing work or risk factors. Similarly, the DA's office should report to the APD on any matters relating to an officer's integrity or credibility.

To use the GAP effectively as a management tool, the APD should then use the data gathered for the GAP regularly and proactively. APD supervisors should use the GAP to: (1) promote best professional police practices; (2) improve accountability and management; (3) manage the risk of police misconduct and potential liability; (4) evaluate and audit the performance of all levels of the APD, its members, and its units on an ongoing basis; and (5) evaluate and assess the effectiveness of training and policy. We recommend that the APD require supervisors, including command staff, to review this data for every officer they supervise on a regular, predetermined basis, such as during reviews. When supervisors review their subordinates' GAP data, we recommend that the APD utilize comparisons to peers. Supervisors should compare their subordinates' data concerning complaints, use of force reports, and other pertinent information about a particular officer with the same categories of information from other officers on the same patrol team or shift. Similarly, command staff should review the GAP data for the units they command and compare these data with peer units. In addition, the policy should provide explicit guidance to supervisory officers reviewing reports to ensure that patterns of possible misconduct are identified, analyzed, and addressed properly by command staff. The aim of this process is to give supervisors valuable information that, if received early, could identify potential problem officers before misconduct actually develops.

To use the GAP effectively as a predictive model tool, the GAP must have defined triggers for management intervention. The policy implementing these recommendations should also establish guidelines regarding specific events that will trigger an additional supervisory review, such as a specific number of uses of force or citizen complaints within a discrete period. Once an officer has been selected for this additional review, a report should be prepared for his or her supervisor that details all use of force reports, formal and informal complaints, calls for service, sick leave, counseling reports, civil lawsuits, and commendations pertaining to the officer over an appropriate time of review. The officer's immediate supervisor and command staff should then meet to discuss the report and determine if any corrective action is warranted. The supervisor's and command staff's recommendations should then be forwarded to the appropriate Assistant Chief for his or her timely review and implementation. The effectiveness of the implemented recommendations should be determined by monitoring the officer and drafting written reports on the officer's conduct on a monthly basis. The officer's supervisor should retain the supervisory recommendations and the written monthly report in his or her supervisory file.

IX. OFFICER TRAINING

The APD should develop comprehensive ongoing training programs for current APD officers.

A. Policy Re-Training

Much of the technical assistance offered in this letter calls for the creation of new policy or revision of existing policy. We recommend that as the APD updates or creates each new policy, the APD re-train all APD personnel, including command staff, on each new policy and its effects. Such training should be comprehensive to cover all aspects of the change in policy so that APD personnel are aware of what would no longer be within policy, as well as what new material would then be included in the APD's revised policies.

Policy re-training should be competency-based. Accordingly, once trained, each APD member should demonstrate competency of his or her knowledge of the new subject matter through performance or examination. Each member of the APD, including command staff, should be required to pass competency-based performance or examination for each new policy.

B. Ongoing Training

One of the most frequent comments we received from APD personnel was the need for in-service training.[37] We were advised repeatedly that officers and supervisors had not received training on perishable skills[38] and use-of-force scenarios in many years. The APD also identified the need for training to address issues with officers' driving and frequency of traffic collisions. In conversations with APD command staff, our expert consultants have stressed the APD's need to focus training on low frequency but high liability practices, e.g., use of firearms. Use of force and pursuit driving are such areas of high liability.

We recommend that the APD's training for firearm qualification not focus only on skills in shooting. That training time also should include review of applicable case law. A frequent comment we received from many citizen was a perceived poor communication between citizens and APD officers leading to escalation and, ultimately, use of force. Accordingly, we recommend that the APD ensure that its officers are trained in verbal de-escalation (e.g., verbal judo). We received positive comments on the APD's prior street tactics class in particular. We were informed, however, that only one third of the APD's officers received this training. Reinstituting this training on perishable skills that affect use of force will benefit APD officers.

Like the street tactics course that the APD had previously begun, we also encourage the APD to bring to fruition its plan to use current field training officers ("FTOs") as adjunct trainers for their units. The APD had not fully developed, but should, the concept of using its corporals as trained trainers, as well. These adjunct trainers should utilize standardized lesson plans. Also, the APD units who work together should have the benefit of training together. Training with the unit should be the standard whether training occurs informally through adjunct trainers, or through more formalized classes.

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[37] The recommendations on training are not intended as an exhaustive analysis of all of the APD's voluminous training materials provided to us. We will continue to work with the APD to provide feedback on the APD's training materials.

[38] With respect to policing, perishable skills include, but are not limited to: handcuffing, hand-to-hand combat, self defense, and restraint holds.

We also recommend that the APD retain, as needed, consultation for the review of policy and curriculum to further develop the APD's ongoing in-service training. When engaging in this process, we recommend that the APD seek the input from its commanders, as well as rank and file, in assessing the needs for in-service training.

We note that one potential resource for the APD in establishing and improving in-service and field training officer programs may be the longstanding training and grant programs administered by other components of the Department of Justice, such as the Office of Justice Programs. While these programs are separate and independent of the Civil Rights Division's investigations, we would be pleased to provide you with contact information for exploring the possibility of such assistance.

X. COMMUNITY RELATIONS

The APD has already undergone significant changes in its community relations in the past year. In addition to the other steps the APD has taken, some of which are mentioned in this letter, we recommend that the APD clearly and prominently post its mission statement and statement of citizen rights in multiple languages in the public spaces in APD buildings.

We also note that we were informed that the APD received accreditation but did not appear to have a completed strategic plan at the time. We recommend that the APD complete its strategic plan and make the document open to public comment. We recommend that the APD's planning efforts include identification of, and plans for, tracking quantifiable performance measures. The APD should report on these measures to the community annually. The APD should use such measures to target services in need of improvement.

XI. CONCLUSION

The APD has made a number of advances during our investigation, particularly under the leadership of Chief Acevedo. We strongly urge the APD to consider and adopt these technical assistance recommendations as it revises its policies and procedures. We look forward to working with you and the department as our investigation proceeds. If you have any questions, please do not hesitate to contact me at (202) 514-0195, Jonas Geissler at (202) 353-8866, or Corey Sanders at (202) 305-3229.

Sincerely,

Shanetta Y. Cutlar
Chief
Special Litigation Section

cc: Johnny Sutton
United States Attorney
for the Western District of Texas

2. That Officer Quintana failed to identify himself as a police officer.
3. That the tactics employed by Officers Quintana, Hitzelberg and Siddiqui were deficient.
4. That the use of deadly force against Mr. Sanders was unreasonable.
5. That the use of deadly force against Mr. Smith was unreasonable.

In our review of these charges we employed the standard of proof for an administrative investigation, "preponderance of the evidence." The standard of proof is the level of certainty and the degree of evidence necessary to meet the Department's burden of establishing that policies or procedures of the Department were violated. The preponderance of the evidence standard requires that evidence simply be of greater weight or more convincing than the evidence that is offered in opposition to it; in other words that the standard is met when it is more likely than not that the individual engaged in the misconduct charged by the department.

Findings of Facts

Any evaluation concerning possible violations of policy must be grounded in a set of facts, found and established through all available evidence. In order to apply the policies and procedures of the Department in this case we first had to determine the relevant facts. In many cases there is conflict with respect to certain facts and in other cases there may be no conflict with respect to the facts. In this case, the majority of the facts are undisputed. In our findings detailed below, we present the facts which we are crediting and upon which we are relying in order to adjudicate this matter. Where there is a dispute with respect to any particular fact, we have indicated what facts are in dispute and how we have resolved such dispute.

TRACREPORTS

UNDER COLOR OF LAW

SHARE

Police officers, prison guards and other government officials who improperly abuse the rights of individual Americans have long been recognized in federal law as a threat to society as a whole. That's why, immediately after the Civil War, Congress approved Title 18 USC 242 -- a statute making it a crime to deprive any person of their rights "under color of law."

But, as case-by-case Justice Department records make very clear, a law on the books does not always translate into a law that is enforced. In this particular case, for example, the latest available Justice Department data show that federal prosecutors declined to file charges against virtually all -- 98.7% -- of the individuals who the investigative agencies had concluded were in violation of 18 USC 242.

Here are the numbers. In the first three months of FY 2004 the Justice Department in one way or another disposed of matters against 230 individuals where this law was the principal charge. For 227 of these matters, the Justice Department declined to file formal charges. In three of the cases the individuals were prosecuted and convicted.

Table 1. Referrals Disposed Of FY 2004 (1st Quarter)

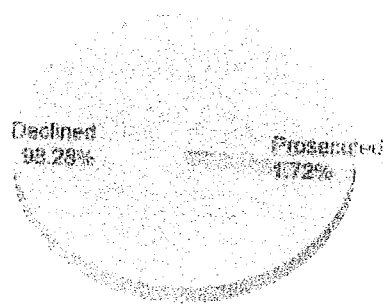
	Referrals Disposed Of
All	230
Declined	227
Convicted after Prosecution	3
Not Convicted after Prosecution	0

18 USC 242 Tops List of Declination Rates

By almost any measure, the proportion of official abuse cases that the prosecutors decided they would turn down is extraordinarily high. The best way to understand this reality is to examine the department's declination rates under other statutes. For individuals targeted for tax evasion (26 USC 7201), 40% were declined. For those persons who the agencies felt had violated a law against the sexual exploitation of minors (18 USC 2252) , 51% were declined. For those the agencies felt should be charged with embezzling funds from federal programs (18 USC 0666), 61% were declined. And finally, for matters charging an individual with attempting to re-enter the United States after being previously removed (8 USC 1326), only 7% were refused.

THE BOTTOM LINE

Looked at for the entire period, the data show that the declination rates for official abuse matters have been extremely high under every administration going back to President Carter with only marginal differences relating to which party controlled the White House. See graph and Table 3.



The case-by-case Justice Department information documenting this long record of inaction was obtained under a series of FOIA actions brought by the Transactional Records Access Clearinghouse (TRAC). The original sources for the material are the semi-

autonomous U.S. Attorneys who have a powerful voice in determining how the federal laws will be enforced in their individual districts. Although the department has been collecting enforcement information from the U.S. Attorneys for many decades, the adoption of a consistent coding system in 1986 has meant that since that year it has been possible to systematically track how a variety of laws are enforced in different parts of the country.

Table 4. Referrals Disposed Of FY 1986 - FY 2003

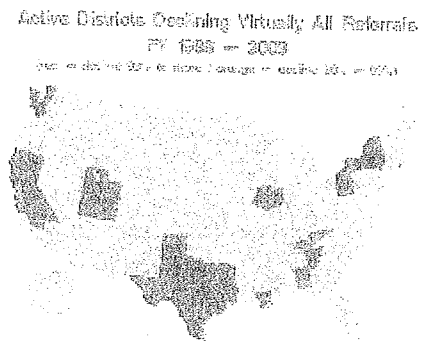
	Referrals Disposed Of
All	43,331
Declined	42,641
Convicted after Prosecution	423
Not Convicted after Prosecution	267

For the entire period from FY 1986 to FY 2003 the data show that federal prosecutors in one way or another disposed of 43,331 matters in which the primary charge was the "color of law" statue. Consistent with the finding about the handling of these cases in the most recent available period, almost all of them, 98% of the total, never resulted in a prosecution.

DISTRICT VARIATION

The information indicates, however, that during the whole 18-year period there was some district-to-district variation in the proportion of the 18 USC 242 matters that the prosecutors decided should not face formal criminal charges.

Here is the background. For these years, the record shows that 51 of the 94 federal judicial districts were active, with each processing -- declining, prosecuting, or otherwise handling -- 200 or more such matters.



Click for larger image

Among these 51 districts with a substantial number of relevant matters there were two in which every single referral from the investigative agencies, 100% of them, were declined. The two districts were California East (Sacramento) and Illinois Central (Springfield).

In addition, there were seventeen districts which processed 200 or more official abuse matters where virtually all, 99% or higher, were rejected. Here are these districts. They are listed in numerical order, with the busiest districts first, along with their principal cities. Texas South (Houston), Louisiana East (New Orleans), Texas West (San Antonio), Texas East (Tyler), Texas North (Fort Worth), California North (San Francisco), Pennsylvania West (Pittsburgh), Rhode Island (Providence), Georgia North (Atlanta), District of Columbia (Washington), New York North (Syracuse), New York West (Buffalo), Tennessee East (Knoxville), Louisiana Middle (Baton Rouge), Utah (Salt Lake), Washington West (Seattle), and Alabama Middle (Montgomery). See the adjacent table link for the entire list of districts.

Some Districts Decline Virtually All Referrals Under 18 USC 242

There were indeed a handful of relatively busy districts where the percent of matters declined was a slightly lower -- in which the overall declination rates for the whole period ranged somewhere between 92.0% to 96.0 %. These districts, again listed in order of the number of matters handled, included the following. Florida South (Miami), Indiana South (Indianapolis), New Jersey (Newark), Tennessee West (Memphis) , New Mexico (Albuquerque), , Georgia Middle (Macon) , Arkansas East (Little

Rock), Illinois North (Chicago), Kentucky West (Louisville), and Tennessee Middle (Nashville).

At the other end of this very minimal enforcement scale were four districts where the declination rates for official abuse matters during the whole period were substantially lower, although in each of these areas the total number of cases disposed of was relatively small. The districts where a larger proportion of referrals resulted in a prosecution were New York South (Manhattan), Puerto Rico (San Juan) , New York East (Brooklyn), and North Carolina West (Ashville).

OPEN QUESTIONS

As already noted, 18 USC 242 has been on the books since the middle of the 19th century. But it wasn't until the early 1960s -- under President Kennedy -- that the Justice Department became marginally more active in enforcing this and other civil rights laws. It also was in this period that the historically reluctant Federal Bureau of Investigation took on the lead role in investigating all kinds of civil rights cases.

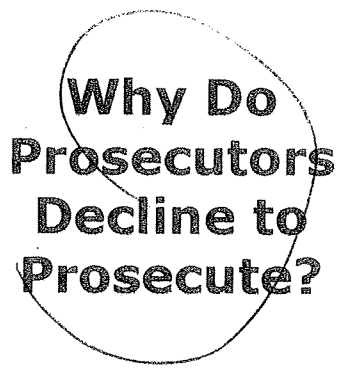
But, as the data make very clear, the role of the federal government as the court of last resort when it comes to dealing with abusive government officials has long been spotty, with almost all of the matters recommended for prosecution by the FBI being declined by the assistant U.S. Attorneys.

The question is why? In a statement to Congress several years ago the Civil Rights Division acknowledged that only a very small number of such cases ever resulted in a prosecution. Given the special nature of such cases, the division contended, this outcome was not surprising.

"The victims of most official misconduct cases tend to be unsympathetic while the defendants often are well respected members of the community," the division explained. "As a result, virtually all of these cases require extensive and time consuming investigative efforts on the part of both the lawyers and the investigators."

But the statement does not directly and fully explore why almost all of these matters referred to the Justice Department for prosecution are rejected. Is it just because some of the complainants are unsympathetic? Or that many of the accused are police officers? Or do the data also suggest systematic failures in the quality of the investigations, almost all of them by the FBI?

As noted in TRAC's previous report on the handling of all kinds of civil rights violations, however, every time an assistant United States attorneys makes a decision about how a particular case will be processed he or she is required to explain the reasoning that led to the chosen action.



So, looking only at the 230 official abuse matters disposed of in the first quarter of FY 2004, what reasons did the prosecutors cite when deciding how they would handle them? For a bit more than two out of three of the matters -- 69% of them -- the prosecutors said they had been rejected for one of four specific reasons: lack of evidence of criminal intent, minimal federal interest, no federal offense evident, or weak or insufficient admissible evidence. Curiously, for most of the remaining matters, 22% of the total, the prosecutors said they had declined them as the result of an "agency request" or "per instructions from the Department of Justice."

In previous discussions with TRAC, FBI officials have said the very high declination rates can be explained by the fact that the bureau does not screen out the weak matters, that

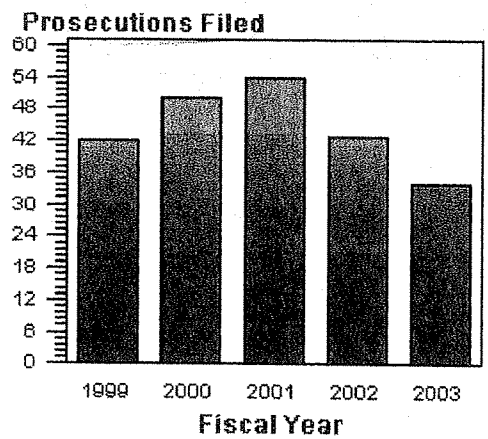
every single complaint is investigated and then referred to the prosecutors for their consideration.

But annual budget statements from the Justice Department's Civil Rights Division appear to suggest that this may not be the whole story. For many years, the division has stated that it has consistently received approximately 12,000 complaints each year about civil rights violations of all kinds from individual citizens and the FBI. Most of these complaints, the division statement explains, are "reviewed," a smaller number of them --in recent years about 3,000 of the total -- are "investigated." And as a result of these investigations, somewhat less than 100 matters are sent to the federal grand juries each year and an even small number result in a prosecution. Clearly, a great deal of screening is being done by the government at various stages in the enforcement process.

So many difficult questions remain unanswered. Do the case-by case explanations from the assistant United States attorneys indicate that many of the FBI's investigations of official abuse matters are in fact incomplete or inadequate? Or, as suggested in the Criminal Division statement, do the competing social characteristics of the complainants and the accused lead the prosecutors to make a social decision, to decline some cases that truly merited going to trial?

TRENDS

Because of the very small number of official abuse matters that are ever prosecuted, determining the enforcement trends in this area is very difficult. Although Department data do show a dip in the two most recent years, this is still within the range of past observed variation. See Table 7. Here are the fiscal year counts for the last five years. In 1999 there were 42 prosecutions. In 2000 and 2001 the number of prosecutions climbed to 50 and 54, but then declined to 43 in 2002 and 34 in 2003. See graph. Ten cases were filed in the first quarter of 2004. Thus, looked at over a the past decade and a half, the prosecutions have remained in a similar range.



Support for this project was received from the Carnegie Corporation of New York, the John S. and James L. Knight Foundation, and the Leadership Conference on Civil Rights Education Fund.

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Ron Davis - Emailing: Austin NAACP seeks stronger role from county in shooting investigations kvue.com KVUE News Austin, TX Breaking News

From: Deece Eckstein
To: Commissioners Court; Executive Managers; Rosemary Lehmberg
Date: 5/11/2010 12:01 PM
Subject: Emailing: Austin NAACP seeks stronger role from county in shooting investigations kvue.com KVUE News Austin, TX Breaking News
CC: Gregg Knaupe; Veronica Chidester

Austin NAACP seeks stronger role from county in shooting investigations

by JESSICA VESS / KVUE News

Posted on May 11, 2010 at 11:36 AM

Updated today at 11:55 AM

The NAACP-Austin chapter is urging Travis County Commissioners to take a more active role in the investigation of officer-involved shootings.

Tuesday marks the one year anniversary of the officer-involved shooting death of Nathaniel Sanders, 18.

Then-Senior APD Officer Leonard Quintana shot and killed Sanders while responding to a 911 call in the Walnut Creek Apartment Complex in Central East Austin. Quintana found Sanders inside a car and says he reached for a gun. Quintana says he fired in self-defense.

A grand jury cleared Quintana of criminal wrongdoing.

However, the president of Austin's NAACP chapter, Nelson Linder, visited with county commissioners and wants the county to take a stronger role in the investigation.

In particular, he wants the Travis County District Attorney's Office to conduct its own complete investigation following police shootings rather than relying on the findings released from the police department. He believes if that had been done, the grand jury may have been given additional details and come to a different ruling.

"As a D.A. why can't you look at the evidence? That's the first thing. I mean, you're a D.A. Do the investigation. Evidence doesn't just come out of the atmosphere. It's here. Do a competent investigation if they actually have the evidence. My point is they're not doing competent investigations. That's a problem," said Linder.

Linder cites law Section 242 of Title 18. It makes it a crime for a person acting under the color of law to deprive another of a right or privileged protected by the Constitution.

He believes Quintana violated Sanders' rights. Linder cites the findings of an independent investigation, the Keypoint review. The findings in the report said Quintana acted 'reckless' and used 'excessive force.' It also found nine previous incidents in which Quintana was accused of using excessive force.

Those details weren't publicly released until this weekend when an unidentified man with access to the full report leaked the information to the media.

"How can a D.A.'s Office that's sponsored with literally millions of dollars in this county do investigations in cases like that where an officer had a previous history of excessive force, yet return no indictment and basically more information? Then say when a report comes back from a small company, we might be able to look at it again. I think we have a flawed process in this county," said Linder.

The Travis County district attorney stands by the ruling.

"The grand jury was instructed on recklessness and negligence and use of force and they just came to a different conclusion from these consultants," said Rosemary Lehmberg, Travis County district attorney.

The Travis County Commissioners Court has asked Linder to present the county attorney with his requests. From there, they say they will look into whether the county can take a role in the investigation of police shootings and in what capacity. The investigations Linder argues is often left at the city level.

Main Index: Cases and Codes: U.S. Constitution: Fourteenth Amendment

U.S. Constitution: Fourteenth Amendment

Fourteenth Amendment - Rights Guaranteed Privileges and Immunities of Citizenship, Due Process and Equal Protection

Amendment Text | Annotations

Section. 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section. 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial

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Forgot Your Password ? click here!
New User ? Click Here!

403rd JUDICIAL DISTRICT COURT
2003 JULY TERM
GRAND JURY REPORT

To The Honorable Judge of Said Court:

The Grand Jury that you empanelled has completed its work and we wish to report to you the following:

In the course of our term, our Grand Jury did not have the time, resources or expertise to investigate everything that we heard that we did not like. Nor was that our responsibility. However, as citizens and members of a larger community we feel we have a duty to alert you to certain problems that we have seen and ask that you and others in our community address them.

Our Grand Jury is a diverse group. We are black, brown and white. We are women and we are men. We are of different faiths. We are older and we are younger. Collectively, we have lived in this city and county for more than 400 years. And most importantly, we are all members of the same community: we call Austin and Travis County home.

In the last three (3) months, our Grand Jury heard many cases where a different brand of law enforcement appears to occur in the minority neighborhoods of East Austin. We see what appears to us to be a double standard and we are disturbed by it. Furthermore, young police officers with limited training and little life experience in interacting with those who look different than they look are often assigned to patrol in these minority neighborhoods. Our law enforcement agencies may be well intentioned, but it appears to us that they are placing the officers with the fewest skills and least experience in situations they have not been prepared for. This is not fair to these officers or to our community.

Austin and its citizens are fond of boasting of our diversity and tolerance, yet we find it difficult, even painful, to have a public conversation about race and the distrust that exists between certain segments of our community. We can and must do better. We work hard to support our families and the institutions that are important to us. So we must work just as hard to build our community and reduce the level of distrust that became so apparent to us as we sat on the Grand Jury.

Our Grand Jury does not possess any special wisdom and it is beyond our scope to offer solutions.

FILED #2

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But we do know this: if Austin and Travis County are to continue to be the place where we want our children to raise their families, it is incumbent upon every

member of the community – each of us - , led by our public institutions such as the Austin City Council, the Travis County Commissioner's Court, the Austin Police Department, the Travis County Sheriff's Department, the Travis County District Attorney's Office and the Office of the Police Monitor – to open this public conversation about race and the distrust that runs in our community. We need to ask ourselves some tough questions and work together to find answers.

Submitted on November 13, 2003.

Gordon M. Rubinett

Freddie Maxwell

Jimmy Raines

Betsy Davis

Terry Ross

Elliott Burrell

Julius Gordon

Gaylynn Sneed

Cindy Samar

Mary Louise Tovar

Joe C. Holmes

Michael Wolf

Updated 6/1/2010, 9:46 a.m.

Daniel Rocha Feb 9, 2009

Michael Clark 28th Sept 2009

Sickle cell anemia extreme physical exertion and delirium caused by PCP and Cocaine

Officer Involved Shootings
Fatalities - 1992-2003

6/14/03 1700 block of Tillery Street
Jessie Lee Owens (deceased) B/M
Officer Scott Glascow W/M
Officer attempting to arrest suspect in vehicle. Suspect accelerated, dragging the officer. Officer discharged his weapon.

6/11/02 2005 Rosewood
Sophia King (deceased) B/F
Officer John Coffey W/M
Suspect stood over individual and raised butcher knife. Officer discharged his weapon.

7/27/01 9433 Parkfield Lane
Jose Merez (deceased) H/M
Officer Steven McCurley W/M
Suspect aggressively approached officer with claw hammer raised over his head. Officer discharged his weapon.

1/23/99 2800 Gonzales Street
Albert Juarez (deceased) H/M
Officer Billy Hancock W/M
Suspect severely beat girlfriend, then produced box-cutter type knife. Suspect aggressively approached officer, who discharged his weapon.

2/2/99 1199 Hargrave Street/2901 East 12th Street
Johnny Cornell (deceased) B/M
Officer Stan Farris W/M
Suspect, armed with butcher knife, charged officer, who discharged his weapon.

3/2/99 4500 East William Cannon Drive
Herbert Vences (deceased) H/M
Officer Troy Brown W/M
Suspect assaulted officer then ran from scene. Suspect attempted to attack second officer with a stick used as a weapon. Officer discharged his weapon.

9/1/98 20 I.H. 35 North
Lawrence Taylor (deceased) W/M
Officer John Lake W/M
Suspect pointed gun at officers. Officer discharged weapon.

5/18/97 2013 Gathright (3000 Manchaca)
David Hill (deceased) W/M
Officer Paul Ford W/M

Suspect fired at officers on-scene. SWAT requested to scene. Suspect continued to threaten officers with guns. Officer discharged weapon.

2/28/94 11441 N.I.H. 35, EF, #22204
John Stewart (deceased) W/M
Officer Malcolm Wilson W/M
Suspect fired at officers when confronted. Officer discharged weapon.

4/15/93 1200 Mearns Meadow
Paul Monroe (deceased) B/M
Officer Steve Deaton W/M
Suspect began removing 2 (of 4) guns in waistband after being instructed to keep hands up. Officer discharged weapon.

12/8/92 2000 Block Dexmoor Drive
William Potter (deceased) W/M
Officer George Herrera H/M
Officer Renaldo Brown H/M
Officer Joseph Price W/M
Suspect pointed gun at officers and officers discharged their weapons.

stephen Scott 3-00
Rodney Kirkham 1998

07/03

11 Incidents 9

(13) (16)

All white males that were shot had firearms
W. Potter (1993)
John Stewart (1994)
D. Hill (1997)
L. Taylor (1998)

departmental policy not to shoot unless officers or other citizens were in 'imminent' danger. Steen survived, but lost a kidney and most of his colon.

Sophia King → June 2002
Jesse Lee Owen → June 2003
Lennon Johnson → Sheriff Dept
Kevin Brown → June 2007
Nathaniel Sanders → May 11th 2010

(834-9654)

VS# 25

TRAVIS COUNTY COMMISSIONER'S COURT
AGENDA REQUEST

Please consider the following item for Voting Session on: 6/22/2010

I. A. Request made by: Sheriff Greg Hamilton - TCSO Phone No. 854-4924

B. Requested Text:

1. **Consider and approve addition of two 2010 Magnum Light Trailers to the Travis County Sheriff's Office vehicle fleet for Emergency use within Travis County.**

C. Approved by: _____
Signature of Commissioner or Judge

II. A. Is backup material attached*: **Yes** No

*Any backup material to be presented to the court must be submitted with this Agenda Request (Original and eight copies).

B. Have the agencies affected by this request been invited to attend the work session? **Yes** No

Please list those contacted and their phone numbers:

Mike Joyce – Fleet Manager
Gary Cotter – TCSO Fleet

III. PERSONNEL
A change in your department's personnel (reclass, etc.).

IV. BUDGET REQUEST:
If your request involves funding for your department please check:

_____ Additional funding for your department

_____ Transfer of funds within your department budget

_____ A change in your department's personnel

The County Human Resources Department (854-9165) and / or the Budget and Research Office (854-9106) must be notified before submission of this agenda request.

RECEIVED
COUNTY JUDGE'S OFFICE
10 JUN 11 PM 1:30

JAMES SYLVESTER
Chief Deputy

GREG HAMILTON
TRAVIS COUNTY SHERIFF
P.O. Box 1748
Austin, Texas 78767
(512) 854-9770
www.tcsheriff.org

DARREN LONG
Major – Corrections

PHYLLIS CLAIR
Major – Law Enforcement

MARK SAWA
Major - Administration & Support

June 14, 2010

MEMORANDUM

TO: **Honorable Sam Biscoe, County Judge**
Honorable Ron Davis, Commissioner, Precinct 1
Honorable Sarah Eckhardt, Commissioner, Precinct 2
Honorable Karen Huber, Commissioner, Precinct 3
Honorable Margaret Gomez, Commissioner, Precinct 4

FROM: **Sheriff Greg Hamilton**

SUBJECT: **Equipment Addition to County Fleet**

As part of our ongoing efforts to strengthen our ability to respond to local incidents, the Travis County Sheriff's Office has procured two towable light trailers to assist in night-time operations. We are requesting at this time that these two items be added to the county fleet so that we can properly title the trailers and put them to use.

Over the last several years we have had several incidents in Travis County where the ability to light a scene at night was required. We learned that the county did not posses any towable light systems that could be used. The only course of action at that time was to do an emergency rental or request that the City of Austin provide a solution. Neither of these solutions were expedient or viable in the middle of the night when the equipment was required. Thus, I directed my staff to find a grant solution to this matter if at all possible.

Through the US Department of Justice's JAG program, funding was provided for the purchase of two of these units. These units are small yet will provide for emergency lighting at major crime scenes or other incidents where lighting is necessary in order to protect the life and safety of our employees and the public. My staff consulted with Travis County Fleet Services and were able to find lighting solutions that met the needs of the county and were easily serviced when required.

These two units have just arrived and we are eager to place them into service for use.

As part of the formal process, we are required to request that these units be added to the county fleet as equipment so that we can get them properly titled, plates added and unit numbers assigned. Again, service will be minimum due to the design chosen. This item was reviewed and approved by the Travis County Vehicle User's Committee on June 14th, 2010.

Thus, we would request your consideration of the addition of the following units to the county fleet for these noted purposes;

2010 Magnum MODEL: 3060M-MH Mobile Light Trailer SN # VIN: 5AJLS1614AB002966
SERIAL: 1002966

2010 Magnum MODEL: 3060M-MH Mobile Light Trailer SN # VIN: 5AJS1616AB002967
SERIAL: 1002967

If you have any questions please contact my office at 854-9770.

Cc. Fleet Manager
Purchasing
PBO

MAGNUM
215 Power Drive
Berlin, WI 54923-2420
Ph. (920) 361-4442

INVOICE

Invoice Number	Invoice Date	Page
87218	05/19/10	1

Fax No.
Email

Customer Account No	Magnum SO# / Cust Ref #	Cust. PO# / Serial #	Terms
TRAVIS COUNTY	MP0000012638	444382	NET DUE 30 DAYS
Shipped Date / **Shipment No**: 05/19/10 / 87296	**Shipped Via**: BTI SPECIAL COMMODITIES	**FOB**	**Freight Terms**: PREPAID & ADD

Bill To TRAVIS COUNTY
PURCHASING OFFICE
PO BOX 1748
AUSTIN, TX 78767

Ship To TRAVIS COUNTY
DEL VALLE CORRECTIONAL V1
COMPLEX BLDG 110
3614 BILL PRICE RD
DEL VALLE, TX 78617

Samantha Pederman

Line	Item Number	Description	Um	Unit Price	Qty	Total
0001	MLT3060M/0023 ()	MLT 3060 CONFIGURABLE BOM - MITSUBISHI	EA	$6,812.7200	2.000	$13,625.44
	Serial Numbers : 1002966, 1002967					

COPY

TRAVIS COUNTY
AUDITORS OFFICE
2010 MAY 27 AM 9:42
RECEIVED

$0.00

Please remit payment to:

Magnum Products LLC
Box 681070
Milwaukee, WI 53268-1070
USA

SubTotal	$13,625.44
Freight	$1,285.00
Taxes	$0.00
Total	$14,910.44

* Prices are stated in US Dollars

A service charge of 1-1/2% per month may be imposed on unpaid balances.

Form: SOE609

CERTIFICATE OF ORIGIN FOR A VEHICLE

LIGHT TOWER

DATE		INVOICE NO.	
05/19/10		MP0000012638 / 87218	
VEHICLE IDENTIFICATION NO.	YEAR	MAKE	
5AJLS1614AB002966	2010	MAGNUM PRODUCTS LLC	
BODY TYPE		SHIPPING WEIGHT	
LIGHT TOWER			
H.P. (S.A.E.)	G.V.W.R.	NO. CYLS.	SERIES OR MODEL
10.5	1870	3	MLT3060

I, the undersigned authorized representative of the company, firm or corporation named below, hereby certify that the new vehicle described above is the property of the said company, firm or corporation and is transferred on the above date and under the Invoice Number indicated to the following distributor or dealer.

NAME OF DISTRIBUTOR, DEALER, ETC.

TRAVIS COUNTY
PURCHASING OFFICE
PO BOX 1748
AUSTIN, TX 78767

SERIAL NUMBER: 1002966

It is further certified that this was the first transfer of such new vehicle in ordinary trade and commerce.

☐ MAGNUM PRODUCTS LLC

BY: Ann Imbeist
(SIGNATURE OF AUTHORIZED REPRESENTATIVE) (AGENT)

BERLIN, WI 54923
CITY - STATE

№ 0044873

FORM # CO-MPL

RECEIVED
2010 MAY 27 AM 9:42
TRAVIS COUNTY
AUDITORS OFFICE

CERTIFICATE OF ORIGIN FOR A VEHICLE

LIGHT TOWER

DATE		INVOICE NO.	
05/19/10		MP0000012638 / 87218	
VEHICLE IDENTIFICATION NO.	YEAR	MAKE	
5AJLS1616AB002967	2010	MAGNUM PRODUCTS LLC	
BODY TYPE		SHIPPING WEIGHT	
LIGHT TOWER		1640	
H.P. (S.A.E.)	G.V.W.R.	NO. CYLS.	SERIES OR MODEL
10.5	1870	3	MLT3060

I, the undersigned authorized representative of the company, firm or corporation named below, hereby certify that the new vehicle described above is the property of the said company, firm or corporation and is transferred on the above date and under the Invoice Number indicated to the following distributor or dealer.

NAME OF DISTRIBUTOR, DEALER, ETC.

TRAVIS COUNTY
PURCHASING OFFICE
PO BOX 1748
AUSTIN, TX 78767

SERIAL NUMBER: 1002967

It is further certified that this was the first transfer of such new vehicle in ordinary trade and commerce.

☐ MAGNUM PRODUCTS LLC

BY: Ann Jurbeist
(SIGNATURE OF AUTHORIZED REPRESENTATIVE) (AGENT)

BERLIN, WI 54923
CITY - STATE

№ 0044872

FORM # CO-MPI

RECEIVED
2010 MAY 27 AM 9:42
TRAVIS COUNTY
AUDITORS OFFICE

Travis County Commissioners Court Agenda Request

#29

Voting Session 06/22/2010 Work Session _____ (Date)

Judge Samuel T. Biscoe 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: Approve Purchase Contract and Fill Agreement with Marvin and Merlene Myers Family Partnership LTD for Hamilton Pool clean-up. (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
Mr. Charles Bergh Div. Dir., TNR	854-9437
Mr. Dan Mansour, HRMD	854-9499
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
10 JUN 15 PM 4:44

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
PURCHASE CONTRACT

STATE OF TEXAS §
§
COUNTY OF TRAVIS § PARCEL # 1

THIS PURCHASE CONTRACT is made by and between the Marvin and Merlene Myers Family Partnership LTD, hereinafter referred to as SELLER, and TRAVIS COUNTY, TEXAS, hereinafter referred to as BUYER, for the consideration and subject to the terms, provisions, and conditions hereinafter set forth.

SECTION I - PURCHASE AND SALE

SELLER hereby agrees to sell and convey to BUYER and BUYER agrees to purchase that certain temporary interest in real property situated in Travis County, Texas, hereinafter called the PROPERTY INTEREST, described as follows:

> All that certain tract, piece or parcel of land, lying and being situated in the County of Travis, State of Texas, described in Exhibit "A" which is attached hereto and incorporated herein as if set out at length, Exhibit "A" will identify the type of interest in real property being purchased. The term OWNER as used in Exhibit "A" is the same entity as SELLER in this purchase contract.

SECTION II - CONSIDERATION

BUYER agrees to buy and SELLER agrees to sell the PROPERTY INTEREST for TEN-THOUSAND, and No/100 DOLLARS ($10,000).

SECTION III - CLOSING

The parties will finalize the transaction by closing on or before 14 days after the date of this agreement, which date is hereinafter referred to as the Closing Date. This date may be extended upon confirmation by the parties.

A. At the closing, SELLER shall deliver to BUYER the following:

1. The Fill Agreement, duly executed and acknowledged, attached as Exhibit "B" and incorporated herein as if set out at length, conveying access to all that certain

tract, piece or parcel of land, lying and being situated in the County of Travis, State of Texas, described in Exhibit "A".

2. Possession of the PROPERTY INTEREST.

B. At the closing, BUYER shall perform the following:

1. Pay, by check, the purchase price.

IN WITNESS WHEREOF, the Parties hereunto, acting by and through their duly authorized officers or on their own behalf have caused this Contract to be signed on the day and year below written. The later day and year below written will be the effective date upon which all duties under this Contract shall begin.

SELLER: Marvin and Merlene Myers Family Partnership LTD

Date: 6-9-10 By: _____
Marvin Myers

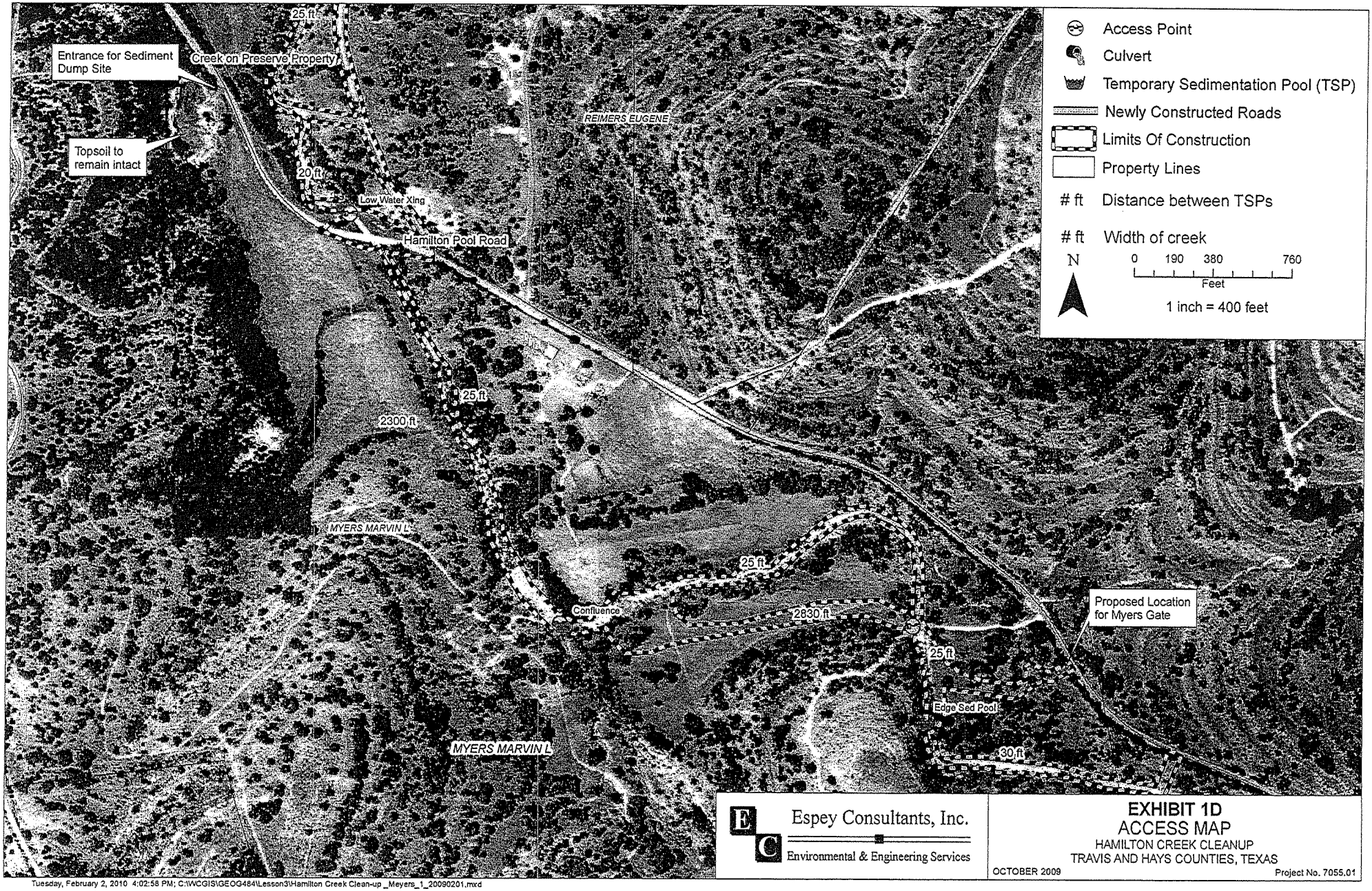
Date: 6-9-10 By: _____
Merlene Myers

BUYER: TRAVIS COUNTY, TEXAS

Date: _____ By: _____
Samuel T. Biscoe, Travis County Judge

m:mydoc\TCEMisc.hmlpoolcntratdoc

Updated 6/1/2010, 9:46 a.m.



Espey Consultants, Inc.
Environmental & Engineering Services

EXHIBIT 1D
ACCESS MAP
HAMILTON CREEK CLEANUP
TRAVIS AND HAYS COUNTIES, TEXAS
OCTOBER 2009
Project No. 7055.01

Tuesday, February 2, 2010 4:02:58 PM; C:\WCGIS\GEOG484\Lesson3\Hamilton Creek Clean-up _Meyers_1_20090201.mxd

FILL AGREEMENT

STATE OF TEXAS §
§ KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF TRAVIS §

This Fill Agreement (the "Agreement") is made and entered into by and between the Marvin and Merlene Myers Family Partnership LTD, (the "Owner") and Travis County, Texas, (the "County") in consideration of the mutual promises and consideration set forth herein.

WHEREAS, the County desires a suitable site for the disposal of certain earthen fill material ("Fill Material") being removed from in and around Hamilton Creek from the Ranches at Hamilton Pool to Hamilton Pool

WHEREAS, the Owner is the owner of such a site and is willing to accept the Fill Material for placement on the site;

NOW, THEREFORE, the County and the Owner agree as follows:

1. The Owner hereby grants to the County a temporary easement for access and the right to place the Fill Material on, upon, and across the following described real property, to-wit:
   That portion of a tract of land containing approximately 429.0998 acres of land, more or less, out of the ABS 2161 SUR 171 C & M R R CO & VAR SURS 420.0998 (1-D-1) (410.0998 AC IN TRAVIS COUNTY) in Travis County, Texas, conveyed by Warranty Deed recorded in Document Number 04272009, of the Real Property Records of Travis County, Texas (the portion as shown in the sketch labeled Exhibit "A" attached hereto, hereinafter called the "Property").

2. The County shall have the right to place the Fill Material on, upon and across the Property at no cost.

3. The Owner shall designate the area on the Property for the disposal of the Fill Material.

4. The County shall obtain any and all necessary permit(s) for the disposal of Fill Material on the Property, and provide a copy of such permit(s) to the Owner prior to the placement of any Fill Material. The County will obtain any and all necessary permit(s) at no expense to the Owner.

5. The Fill Material described in the Agreement and to be placed on the Property by the County shall only contain: (i) naturally occurring soil, subsoil, and stone; or (ii) inert, non-degradable processed soil and weeds, and smaller roots.

6. The Fill Material placed on the Property by the County shall not contain: (i) any putrescible, degradable wastes such as household or roadside trash, paper, metal, wood, building demolition debris, or any other municipal solid waste as defined under TNRCC regulations, 30 TAC Chapter 330; (ii) any significant amounts of woody brush and tree limbs and trunks, provided however, that these materials may be mulched or stockpiled on the Property with approval by the Owner; and (iii) any cement, concrete, asphalt or asphaltic materials, or any Industrial or Hazardous wastes, as defined by TNRCC regulations, 330 TAC Chapter 335.

7. During the periods that the Fill Material is being placed on the Property and after all Fill Material has been placed on the Property, the County shall be responsible for: placing, spreading, grading and compacting of the Fill Material; ensuring proper drainage of the Property; implementing and maintaining erosion control on the Property, including re-vegetation with native grasses as specified by Travis County approved by the Owner; and storm water pollution prevention practices for all Fill Material the County places on the Property – all in compliance with permits obtained, applicable regulations and recognized practices.

8. The Owner agrees that during the term of this Agreement, the County shall have the exclusive right to place Fill Material on the Property. During the term of this Agreement, the Owner shall not permit or allow any person other than the County to place any Fill Material, solid or liquid waste, wood, metal, paper, stone, or any other type of material on the Property without the County's prior written consent.

9. Only Travis County and the Owner will have access to the Property and ONLY Travis County will be allowed to place Fill Material on the Property during the term of this Agreement. The Owner shall have the right to inspect the Property to insure compliance with this Agreement by the County.

10. Travis County will install proper fencing (if not already in place) around the Property, cross fencing where necessary. Gates along the fencing will only be left open during times when multiple loads are to be made to the Property on the same day. NO gate to the Property is to be left open or unlocked overnight. The County will provide any necessary materials for the safe ingress and egress to the Property.

11. To the extent allowed by Texas law, the County agrees that it is responsible for its own negligent acts and omissions in connection with the activities to be undertaken pursuant to this Agreement and to the extent allowed by Texas law, agrees to indemnify and hold the Owner harmless from all liability, claims, suits, actions, and/or costs (including attorneys fees) relating to the County's duties and obligations described herein.

12. This Agreement shall have a term of one year. The term may be extended with the consent of the Owner.

13. Owner is the fee simple owner of the title to the Property and is duly authorized and empowered to convey the rights granted hereunder to the County.

14. Any party to this Agreement, who prevails in a legal proceeding against any other party brought under or with relation to this Agreement, shall be additionally entitled to recover court costs and reasonable attorney's fees from the non-prevailing party.

15. Any notice to be given hereunder by either party to the other shall be in writing and may be effected by personal delivery or registered or certified mail, return receipt requested, addressed to the property party, at the following address:

Owner: Marvin and Merlene Myers Family Partnership LTD
Attn: Marvin & Merlene Myers
P.O. Box 364
Dripping Springs, TX 78620-0364

Copy to: Rex G. Baker, III
Baker & Associates
P O Box 718
Dripping Springs, Texas 78620

County: Travis County, Texas
c/o Joseph P. Gieselman, Executive Manager, TNR
P.O. Box 1748
Austin, Texas 78767
Attention: Dee Heap

Copy to: Honorable David Escamilla (or his successor in office)
Travis County Attorney
P.O. Box 1748
Austin, Texas 78767

16. This Agreement shall be construed under and in accordance with the laws of the State of Texas and all obligations of the parties created hereunder are performable in Travis County, Texas.

17. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective legal representatives, successors, and assigns, provided, however, that the rights granted under this Agreement may not be assigned by the County without the prior written consent of the Owner and that in the event of such a consent the County shall remain responsible for the performance of all obligations created hereunder.

18. In case any one or more of the provisions contained in this Agreement shall for any reason be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof and this Agreement shall be

construed as if such invalid, illegal, or unenforceable provisions had never been contained herein.

19. This Agreement supersedes any and all other agreements, either oral or in writing, between the parties hereto with respect to the placement of Fill Material on the Property. No modification concerning this instrument shall be of any force or effect, excepting a subsequent modification in writing signed by the party to be charged. No official, representative, agent, or employee of Travis County, Texas, has any authority to modify this Agreement except pursuant to express authority to do so granted by the Commissioners Court of Travis County, Texas.

[signatures on following page]

OWNER: Marvin and Merlene Myers Family Partnership LTD
By its general partner:
Marvin and Merlene Myers GP, LLC

BY: _____
Marvin Myers, Manager

DATE: 6-9-2010

TRAVIS COUNTY, TEXAS

BY: _____
Samuel T. Biscoe, County Judge

DATE: _____

ACKNOWLEDGMENT

STATE OF TEXAS §
§
COUNTY OF TRAVIS §

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared Samuel T. Biscoe, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the_____ day of _____, 2010.

Notary

_____
Notary Public in and for the State of Texas

_____
Printed or typed name of notary
My commission expires: _____

ACKNOWLEDGMENT

STATE OF TEXAS §
§
COUNTY OF TRAVIS §

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared Marvin Myers, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 9th day of June, 2010.

Karen Sue Brightwell
Notary Public in and for the State of Texas
Karen Sue Brightwell
Printed or typed name of notary
My commission expires: May 13, 2011

After recording, please return to:
Travis County, Texas
c/o Joseph P. Gieselman, Executive Manager, TNR
P.O. Box 1748
Austin, Texas 78767
attn.: Dee Heap
c:mydocs\genfile\Hmlpoolfill.doc

C3

Travis County Commissioners Court Agenda Request

Voting Session **Tuesday, June 29, 2010** (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 June 8, 2010**

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 JUNE 8, 2010

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 8th day of June 2010, the Commissioners' Court convened the Voting Session at 9:12 AM in the Commissioners' Courtroom, 1st Floor of the Ned Granger Administration Building, 314 West 11th Street, Austin, Texas. Dana DeBeauvoir, County Clerk, was represented by Deputy Gillian Porter.

The Commissioners Court record notes that Precinct Four Commissioner Margaret Gómez was not present during this Voting Session.

The Commissioners Court retired to Executive Session at 11:22 AM.

The Commissioners Court reconvened the Voting Session at 12:11 PM.

The Commissioners Court adjourned the Voting Session at 12:13 PM.

The Commissioners Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle), convened at 12:13 PM and adjourned at 12:14 PM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation, convened at 12:15 PM and adjourned at 12:15 PM.

The Commissioners Court, meeting as the Travis County Health Facilities Development Corporation, convened at 12:16 PM and adjourned at 12:16 PM.

CITIZENS COMMUNICATION

Members of the Court heard from: Kenneth Snyder, Northridge Acres Resident; Gus Peña, Travis County Resident; Charles Williams, Conservation Coordinator, Transportation and Natural Resources (TNR); Ronnie Gjemre, Travis County Resident; and Maurice Priest, Travis County Resident. (9:13 AM)

Clerk's Note: The County Judge noted that the Summer Youth Employment Program needed some help from Travis County Departments as one employer had to drop out this year and more placements were needed. Sherri Fleming, Executive Manager, Travis County Health, Human Services, and Veterans' Services (TCHHS&VS) asked anyone interested to call 512-854-4100.

CONSENT ITEMS

Members of the Court heard from: Ronnie Gjemre, Travis County Resident; and Maurice Priest, Travis County Resident.

Motion by Commissioner Davis **and seconded by** Commissioner Huber to approve the following Consent Items: C1-C5 and Items 5, 6, 10, 11, 12, 13, 14, 16, and 17. (9:32 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	absent

C1. RECEIVE BIDS FROM COUNTY PURCHASING AGENT.

C2. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS.

C3. REAPPOINT MILBREY R. RANEY TO SERVE AS A PRECINCT TWO APPOINTEE TO THE TRAVIS COUNTY CHILDREN'S PROTECTIVE SERVICES BOARD EFFECTIVE IMMEDIATELY THROUGH JUNE 2013. (COMMISSIONER ECKHARDT)

C4. APPROVE MINUTES FOR VOTING SESSION OF MAY 25, 2010.

C5. APPROVE SETTING OF A PUBLIC HEARING ON JUNE 29, 2010 TO RECEIVE COMMENTS REGARDING A REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE THREE PORTIONS OF OLD HIGHWAY 20 SOUTH. (COMMISSIONER HUBER)

HEALTH AND HUMAN SERVICES DEPT. ITEMS

1. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING ITEMS RELATED TO PLANNING FOR AND THE USE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT: (9:51 AM)

   A. UPDATE ON THE CURRENT PROJECTS AND TIMELINESS;

   B. RESULTS OF THE NEEDS IDENTIFICATION FROM THE SPRING PUBLIC ENGAGEMENT PROCESS;

   C. POTENTIAL PROJECTS FOR THE PROGRAM YEAR 2010 ACTION PLAN; AND

   D. OTHER RELATED ITEMS.

Clerk's Note: Items 1.A-D are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Christy Moffett, Social Services Manager, Travis County Health and Human Services (TCHHS); Sherri Fleming, Executive Manager, Travis County Health, Human Services, and Veterans' Services (TCHHS&VS); and Ronnie Gjemre, Travis County Resident.

Discussion only. No formal action taken.

PLANNING AND BUDGET DEPT. ITEMS

2. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE: (10:23 AM)

   A. NEW APPLICATION TO THE CAPITAL AREA COUNCIL OF GOVERNMENTS FOR TRANSPORTATION AND NATURAL RESOURCES AND FACILITIES MANAGEMENT DEPARTMENTS TO RECEIVE RESOURCES TO INITIATE A RECYCLING PROGRAM FOR WASTE GENERATED AT THE TRAVIS COUNTY EXPOSITION CENTER; AND

Motion by Judge Biscoe **and seconded by** Commissioner Eckhardt to approve Item 2.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	absent

2. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE: (10:24 AM)

   B. NEW APPLICATION TO THE CAPITAL AREA COUNCIL OF GOVERNMENTS FOR TRANSPORTATION AND NATURAL RESOURCES TO RECEIVE RESOURCES TO SUPPORT THE DEPARTMENT'S EXISTING SOLID WASTE ENFORCEMENT PROGRAM.

Motion by Judge Biscoe **and seconded by** Commissioner Huber to approve Item 2.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	absent

3. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE BUILDING AT 700 LAVACA: (10:24 AM)

A. COMMISSIONERS COURT MEMBERS' OFFICES; AND

B. COMMISSIONERS COURTROOM.

Clerk's Note: Items 3.A&B are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Roger El Khoury, Director, Facilities Management; Susan Spataro, Travis County Auditor; and Cyd Grimes, Travis County Purchasing Agent.

Motion by Commissioner Huber **and seconded by** Commissioner Davis that we designate the first floor of 700 Lavaca Street for the new Commissioners Court meeting room.

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	absent

Motion by Judge Biscoe **and seconded by** Commissioner Huber that we indicate the Commissioners Court members will be located on the second and 15th floors.

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	absent

4. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE PROCESS AND SCHEDULE FOR DEVELOPING THE ADVERTISEMENT FOR THE PUBLIC HEARING TO SET ELECTED OFFICIALS' SALARIES FOR FISCAL YEAR 2011 AND THE CALENDAR FOR ACTION FOR THE REMAINDER OF THE SALARY SETTING PROCESS. (THIS ITEM MAY BE TAKEN INTO EXECUTIVE SESSION PURSUANT TO GOV'T. CODE ANN. 551.071, CONSULTATION WITH ATTORNEY) (10:33 AM) (11:22 AM) (12:11 AM)

Clerk's Note: Judge Biscoe announced that Item 4 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Members of the Court heard from: Jessica Rio, Assistant Budget Manager, Planning and Budget Office (PBO); Leroy Nellis, Budget Manager, PBO; Barbara Wilson, Assistant County Attorney.

Discussion only. No formal action taken.

ADMINISTRATIVE OPERATIONS ITEMS

5. 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 $801,226.70 FOR THE PERIOD OF MAY 21 TO 27, 2010. (9:32 AM)

Clerk's Note: Item 5 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

6. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED ROUTINE PERSONNEL AMENDMENTS. (9:32 AM)

Clerk's Note: Item 6 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

7. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FROM RANGER ENVIRONMENTAL SERVICES, INC. TO INSTALL A GROUNDWATER MONITORING WELL AND BURIED WATER TRANSFER PIPE ON COUNTY PROPERTY AT 5021 EAST CESAR CHAVEZ STREET. (9:12 AM)

Item 7 postponed.

8. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FROM MANOS DE CRISTO TO USE 5335 AIRPORT BOULEVARD BUILDING FOR ANNUAL BACK-TO-SCHOOL PROGRAM AND WAIVE ALL FEES FOR THE USE OF THE FACILITY FROM JULY 26, 2010 THROUGH AUGUST 16, 2010. (9:35 AM)

Members of the Court heard from: Roger El Khoury, Director, Facilities Management; John Hille, Assistant County Attorney; Julie Ballesteros, Executive Director, Manos De Cristos; Maurice Priest, Travis County Resident; Judith Cárdenas, Outreach Coordinator, Manos De Cristos; and Shannon Moore, Director of Development, Manos De Cristos.

Motion by Judge Biscoe **and seconded by** Commissioner Davis to approve the request, including the contract with the insurance.

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	absent

9. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO USE COUNTY FUNDS TO REIMBURSE TRAVEL COSTS FOR THREE FINALISTS INTERVIEWING FOR THE HUMAN RESOURCES MANAGEMENT DEPARTMENT DIRECTOR POSITION. (9:48 AM)

Members of the Court heard from: Roger Jefferies, Executive Manager, Justice and Public Safety (JPS); and Tracey Calloway, Interim Director, Human Resources Management Department (HRMD).

Motion by Judge Biscoe **and seconded by** Commissioner Huber to approve Item 9.

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	absent

PURCHASING OFFICE ITEMS

10. APPROVE TWO-MONTH EXTENSION (MODIFICATION NO. 3) TO CONTRACT NO. PS090234RE, WORKSOURCE, D/B/A WORKFORCE SOLUTIONS – CAPITAL AREA WORKFORCE BOARD, FOR GAINFUL EMPLOYMENT MODEL. (9:32 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. 71, MINOR CONSTRUCTION AND RENOVATION SERVICES, CONTRACT NO. 07K00307RV, ARCHITECTURAL HABITAT OF AUSTIN, INC. (9:32 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 290 EAST LANDFILL OPERATIONS AND MAINTENANCE, IFB NO. B100191-LD, TO THE LOW BIDDER, SCS FIELD SERVICES. (9:32 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. DECLARE CERTAIN VEHICLES AND EQUIPMENT AS SURPLUS PROPERTY AND SELL AT PUBLIC AUCTION, PURSUANT TO SECTION 263.151 OF THE TEXAS LOCAL GOVERNMENT CODE. (9:32 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.

TRANSPORTATION AND NATURAL RESOURCES DEPT. ITEMS

14. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO USE ALTERNATIVE FISCAL FOR WATERFORD ON LAKE TRAVIS, SECTION FIVE SUBDIVISION. (COMMISSIONER HUBER) (9:32 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.

OTHER ITEMS

15. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO DISTRIBUTE FLIERS WITH THE JUNE 15TH PAYROLL CHECKS ANNOUNCING THE TRAVIS COUNTY/CITY OF AUSTIN EMANCIPATION DAY – JUNETEENTH CELEBRATION ON JUNE 18, 2010. (JUDGE BISCOE AND COMMISSIONER DAVIS) (9:49 AM)

Members of the Court heard from: Maurice Priest, Travis County Resident.

Motion by Judge Biscoe **and seconded by** Commissioner Davis to approve Item 15.

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	absent

16. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FOR TWO NON-COUNTY EMPLOYEES TRAVEL EXPENSES TO BE PAID BY JUVENILE PROBATION DEPARTMENT. (9:32 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.

Clerk's Note: The County Judge noted that the amount was $2,700.00.

17. CONSIDER AND TAKE APPROPRIATE ACTION ON CONTRACT BETWEEN TRAVIS COUNTY ACTING THROUGH ITS DOMESTIC RELATIONS OFFICE AND DIVERSYS LEARNING, INC., TO LICENSE COOPERATIVE PARENTING PROGRAM MATERIALS AND TO DEVELOP INTERACTIVE ON-LINE PARENTING CLASSES. (9:32 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 THE CREATION OF A WORKING GROUP TO REVIEW LOCAL TAX POLICY FOR TRAVIS COUNTY AND MAKE SPECIFIC RECOMMENDATIONS TO THE COMMISSIONERS COURT. (COMMISSIONER ECKHARDT) (10:38 AM)

Members of the Court heard from: Maurice Priest, Travis County Resident; Leroy Nellis, Budget Manager, PBO; and Dusty Knight, Chief Operating Officer, Tax Assessor Collector's Office.

Discussion only. No formal action taken.

Clerk's Note: The Court directed Nelda Wells Spears, Travis County Tax Assessor Collector; Dusty Knight, Chief Operating Officer, Tax Assessor Collector's Office; Leroy Nellis, Budget Manager, PBO; Susan Spataro, Travis County Auditor; and Elliott Beck, Assistant County Attorney to form a committee and create a charge, refine the timeline, including a public input process in the timeline, and also investigate any outside volunteer assistance that might be helpful to them in that charge, and to come back in two weeks.

Item 18 to be reposted on June 22, 2010.

19. CONSIDER AND TAKE APPROPRIATE ACTION ON THE CREATION OF A PROCESS FOR MAKING AN APPOINTMENT TO THE CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION (CAMPO) TRANSPORTATION POLICY BOARD TO FILL THE FOURTH SLOT ALLOTTED TO THE COMMISSIONERS COURT. (COMMISSIONER ECKHARDT) (11:15 AM)

Members of the Court heard from: Maurice Priest, Travis County Resident.

Discussion only. No formal action taken.

Item 19 to be reposted on June 29, 2010.

20. CONSIDER AND TAKE APPROPRIATE ACTION ON ASSUMPTIONS FOR TRAVIS COUNTY REGARDING THE FOLLOWING: (11:05 AM)

A. PROPERTY TAX CONSIDERATIONS; AND

B. 2010 PARCEL RATE FEES.

Clerk's Note: Items 20.A&B are associated with one another and were called for concurrent discussion.

Clerk's Note: The Court discussed Staff recommendation that the court adopts the 2010 parcel fee rate of $1.11.

Members of the Court heard from: Dusty Knight, Chief Operating Officer, Tax Assessor Collector's Office; Tien Dao, Business Analyst I, Tax Assessor Collector's Office; Katie Gipson, Budget Analyst, PBO; and Leroy Nellis, Budget Manager, PBO.

Motion by Judge Biscoe **and seconded by** Commissioner Davis to approve the $1.11 2010 parcel rate in Item 20.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	absent

Item 20.A discussion only. No formal action taken.

Item 20.A to be reposted on June 15, 2010.

21. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPERTY TAX RATE CONSIDERATIONS FOR THE TRAVIS COUNTY HEALTHCARE DISTRICT. (11:14 AM)

Members of the Court heard from: Tien Dao, Business Analyst I, Tax Assessor Collector's Office; Dusty Knight, Chief Operating Officer, Tax Assessor Collector's Office; and John Hille, Assistant County Attorney.

Discussion only. No formal action taken.

Item 21 to be reposted on June 15, 2010.

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.

22. CONSIDER AND TAKE APPROPRIATE ACTION ON ACQUISITION OF APPROXIMATELY 8.6 ACRES OF LAND ON FISHER HOLLOW TRAIL, IN CONNECTION WITH THE BALCONES CANYONLANDS CONSERVATION PLAN. (COMMISSIONER HUBER) [2] (11:22 AM) (12:11 PM)

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 and Gov't. Code Ann. 551.072, Real Property.

Motion by Commissioner Huber **and seconded by** Commissioner Eckhardt that we offer for purchase, the price of $240,000.00.

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	yes
	Precinct 4, Commissioner Margaret J. Gómez	absent

23. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE POTENTIAL PURCHASE OF REAL ESTATE IN CENTRAL AUSTIN. [1] (9:12 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.

24. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE POTENTIAL PURCHASE OF REAL ESTATE FROM TRAVIS REALTY CORP. FOR PROPERTY LOCATED AT 700 LAVACA STREET. [1 AND 2] (11:22 AM) (12:12 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 and Gov't. Code Ann. 551.072, Real Property.

Members of the Court heard from: John Hille, Assistant County Attorney.

Discussion only. No formal action taken.

Item 24 to be reposted June 15, 2010.

25. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING ISSUES ASSOCIATED WITH THE POTENTIAL SALE OF COUNTY-OWNED LAND OFF FM 969 IN EAST AUSTIN TO THE CITY OF AUSTIN. [1 AND 2] (11:22 AM) (12:12 AM)

Clerk's Note: Judge Biscoe announced that Item 25 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 approving the fourth amendment that was offered to the City of Austin, as well and reposting it June 15, 2010 in case there are any changes.

Members of the Court heard from: John Hille, Assistant County Attorney.

Motion by Judge Biscoe **and seconded by** Commissioner Eckhardt to approve the fourth amendment in Item 25.

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	absent

ADJOURNMENT

Motion by Commissioner Davis **and seconded by** Commissioner Huber to adjourn the Voting Session. (12:13 PM)

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	absent

MINUTES APPROVED BY THE COMMISSIONERS' COURT

_____

Date of Approval

_____

Samuel T. Biscoe, Travis County Judge