



Travis County Commissioners Court Agenda Request

Meeting Date: February 21, 2012

Prepared By: John Carr **Phone #:** 854-4772

Director/Manager: Roger E. Khoury, M.S., P.E., Director, FMD

Department Head: Steven M. Manilla, P.E., County Executive-TNR

Sponsoring Court Members: County Judge Samuel T. Biscoe

AGENDA LANGUAGE:

Consider and take appropriate action on following items associated with Chapter 45 of the Travis County Code to include:

- A. Rename Chapter 45 of the Travis County Code from "Discounts for Use of Certain Travis County Exposition Center Facilities by Public Entities" to "Travis County Exposition Center Mission; Licensing and Operations"; and
- B. Replace current content of Chapter 45 in its entirety with new content.

BACKGROUND/SUMMARY OF REQUEST:

The Commissioners Court directed that Facilities Management Department (FMD) work with Tenley Aldredge with the County Attorney's office to provide new language for the Travis County Code, Chapter 45. This code is currently titled "Discounts for Use of Certain Travis County Exposition Center Facilities by Public Entities" and provided guidance on posting of requests for discounts to the Commissioners Court for consideration. Attachment One is a draft Order of the Commissioners Court amending Chapter 45. The first of three sections of the order includes renaming Chapter 45 to become "Travis County Exposition Center Mission; Licensing and Operations". The second item on the order would delete the previous language of Chapter 45 as shown at Attachment Two in its entirety and replace it with new language as shown at Attachment Three. Included in this new language for Chapter 45 is a new Subchapter C. Refunds.

Under the previously approved Chapter 45, all requests for discounts for rental of Exposition Center facilities or grounds required approval by the Commissioners Court. Under the policy, discounts would be offered only to governmental or quasi-governmental agencies or departments that derived

some or all of their funding from Travis County Governments and the agency or department is managed or directed by appointees of the Commissioners Court, or by a board composed of one or more members appointed by the Commissioners Court. Discounts were available for events scheduled on Monday through Thursday only. The only facilities that could be discounted under the policy included the Skyline Club, Banquet Hall and Parking Lots. The previous policy did not provide any provisions for discounts to charitable organizations.

Included under "Subchapter B. Discounts for Use of Travis County Exposition Center Facilities by Eligible Entities" is a new policy of offering discounts on facilities rental fees from the current rate schedule to qualifying entities granted a license to use certain Travis County Exposition Center facilities. Under the proposed policy, discounts may be offered to governmental or quasi-governmental agencies or departments that met the same criteria as the previous policy. In addition, the new policy also provides for offering of discounts to 501(C)(3) charitable organizations. Discounts rates to be offered to these qualifying charitable organizations are based on the organization's primary service area. Discounts offered by the FMD Director in compliance with the policy would not require separate approval by the Commissioners Court. Any requests for discounts not in compliance with the policy would still require consideration by the Commissioners Court.

Included under the proposed new "Subchapter C. Refunds" would be guidelines that address how requests for refunds of deposits or other fees paid by Exposition Center licensees will be handled. Any request for a refund in excess of \$1,000.00 would be submitted by the FMD Director to be placed on the agenda of the Commissioners Court for consideration. Please see Section 45.023 for the details of the appeals process.

STAFF RECOMMENDATIONS:

Facilities Management Department recommends approval of the Order of the Travis County Commissioners Court amending Chapter 45. Discounts for use of Certain Travis County Exposition Center Facilities by Public Entities.

ISSUES AND OPPORTUNITIES:

Approval of this order will provide direction to the staff to how to handle requests for discounts from Governmental and Quasi-Governmental Agencies or Departments, Charitable Organizations and from other entities. The amount of discounts would be limited to the facilities rental fees.

Discounts for governmental or quasi-governmental agencies would be 50%, while the discounts for charitable organizations would be 25% for organizations having Travis County as its primary service area, and 10% having its primary service area other than Travis County. Any other discount percentage other than described above would be recommended by the Facilities Management Director and as approved by the Commissioners Court.

Approval of this order will also provide an approved procedure for the handling of requests for refund of fees of \$1,000.00 or less to be approved or disapproved at the staff level, while still retaining the opportunity for licensees to appeal these decisions to the Commissioners Court. This would eliminate the numerous posting to the Commissioners Court agenda that have been historically required to handle routine and non-controversial refund requests.

FISCAL IMPACT AND SOURCE OF FUNDING:

Increase Exposition Center Revenue

ATTACHMENTS/EXHIBITS:

1. Order of the Commissioner Court Amending Chapter 45
2. Exhibit A to the Order, Current Content of Chapter 45
3. Exhibit B to the Order, Proposed Replacement Content of Chapter 45

REQUIRED AUTHORIZATIONS:

Steve Manilla	County Executive	TNR	854-9429

CC:

Amy Draper	Financial Manager	FMD	854-9040
Tenley Aldredge	Asst County Atty	County Attorney	854-9415

9520 – Facilities - 0101

Exhibit A
(attach 2002 Discount Policy)

Vs 06-18-2002-17
Item 17

ORDER OF THE TRAVIS COUNTY COMMISSIONERS COURT
AMENDING THE TRAVIS COUNTY CODE
TITLE IV, "COUNTY RESOURCES AND PROPERTY":

FILED FOR RECORD

2002 JUN 25 PM 5:30

DANA DEBEAUVOIR
COUNTY CLERK
TRAVIS COUNTY, TEXAS

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

Pursuant to Sections 1.0051 and 1.0052 of the Travis County Code (the "Code"),
the Commissioners Court orders the following:

Under Title IV, a new Subtitle C, "Travis County Exposition Center," is added:
and Chapter 45, "Discounts for Use of Certain Travis County Exposition Center Facilities
by Public Entities." is added to the Code in the form shown in sections 45.001 and 45.002
attached to this order.

ORDERED this 18th day of June, 2002.

Samuel T. Bouslog
Samuel T. Bouslog, County Judge

Ron Davis
Ron Davis, Commissioner, Pct. 1

Karen Sonleitner, Commissioner, Pct. 2

Margaret Moore
Margaret Moore, Commissioner, Pct. 3

Margaret J. Gornez, Commissioner, Pct. 4

TRAVIS COUNTY CODE
TITLE IV, COUNTY RESOURCES AND PROPERTY
Subtitle C. Travis County Exposition Center

CHAPTER 45. DISCOUNTS FOR USE OF CERTAIN TRAVIS
COUNTY EXPOSITION CENTER FACILITIES BY PUBLIC
ENTITIES

45.001 Purpose

The purpose of this Chapter 45 is to codify the policy for offering discounts from the current rate schedule to qualifying public entities granted a license to use certain Travis County Exposition Center (the "Exposition Center") facilities.

45.002 General Provisions

1. Discounts may be offered only to governmental or quasi-governmental agencies or departments that meet the following criteria: (a.) they derive some or all of their funding from Travis County Government, either by direct appropriation or contract, and (b.) the agency or department is managed or directed by appointees of the Commissioners Court, or by a board composed of one or more members appointed by the Commissioners Court.
2. Discounts shall be available for events scheduled on Monday through Thursday only.
3. Requests for discounts shall be submitted in writing to the Travis County Judge, who will refer the request to the Executive Manager of Administrative Operations (the "Executive Manager"). The Executive Manager shall present the request to the Exposition Center Subcommittee. In accordance with Travis County Code Section 1.003 (a) (4), any member

of the Commissioners Court can place an item on the Court's agenda.

- 4 The Exposition Center Subcommittee shall forward all requests for discounts to the Commissioners Court, which shall have sole authority to grant or deny the request.
5. No discounts shall be offered for use of the Main Arena or the Show Barn. The Banquet Hall, the Skyline Club, and the parking lots may be discounted at the following rates:
 - a. Skyline Club: \$300
 - b. Banquet Hall: \$750
 - c. Parking Lot (s): (recommended by staff case by case)

Exhibit B
(attach new Expo Center Policy)

CHAPTER 45. TRAVIS COUNTY EXPOSITION CENTER:
MISSION, LICENSING AND OPERATIONS

Contents:

*Subchapter A. Exposition Center Primary Mission and Policy Goals.
[Reserved]*

Subchapter B. Discounts for Use of Travis County Exposition Center Facilities by Eligible Entities.

45.010 Scope
45.011 Eligible Entities
45.012 Available Discounts
45.013 Discount Requests

Subchapter C. Refunds.

45.021 Scope
45.022 Refund Requests; Processing of Requests
45.023 Decision by FMD Director; Appeals

*Subchapter A.
[Reserved]*

Subchapter B. Discounts for Use of Travis County Exposition Center Facilities by Eligible Entities.

45.010 Scope

This Subchapter codifies the policy for offering discounts from the current rate schedule to qualifying entities ("Eligible Entities") granted a license to use certain Travis County Exposition Center (the "Expo Center") facilities.

45.011 Eligible Entities. The following entities are eligible to receive discounts:

- (a) Governmental and Quasi-Governmental Agencies or Departments. Discounts may be offered to governmental or quasi-governmental agencies or departments that meet the following criteria:
- (1) the agency or department derives some or all of its funding from Travis County government, either by direct appropriation or contract, and
 - (2) the agency or department is managed or directed by appointees of the Commissioners Court, or by a board composed of one or more members appointed by the Commissioners Court.

This category of Eligible Entities expressly includes Travis County departments and offices; Travis County corporations; organizations of which Travis County is a participating member; Travis County boards and committees; Travis County road districts, emergency service districts and similar .

- (b) Charitable Organizations. Discounts may be offered to an entity organized and operating as a tax-exempt organization under 501(c)(3) of the Internal Revenue Code. To be eligible for discounts under this category, an organization must provide up-to-date documentation of valid 501(c)(3) status to the Expo Center Director (the "Director") prior to receiving a discount. Discount rates offered to Charitable Organizations are based on the organization's primary service area.

45.012 Available Discounts

- (a) Only Exposition Center facilities are subject to discount: licensees will be charged full price for use of all other Expo Center amenities, including equipment, custodial, HVAC, dirt removal and placement, RV parking, electrical hook-ups, water, etc. Facilities that may be discounted are: the Main Arena, Banquet Hall, Skyline Club, Show Barn and Grounds. These facilities may be discounted at the following rates:
 - (i) Governmental or Quasi-Governmental Agencies and Departments: 50%
 - (ii) Charitable Organizations:
 - (A) having Travis County as its primary service area: 25%
 - (B) having its primary service area other than Travis County: 10%
 - (iii) Other. Discount percentage to be recommended by the FMD Director and approved by the Commissioners Court.

45.013 Discount Requests

- (a) Requests for discounts must be submitted in writing to the Director, who will refer the request to the Director of the Travis County Facilities Management Department (the "FMD Director"). The FMD Director will review the written request and determine whether the requesting individual or entity ("Requestor") meets the applicable eligibility criteria set forth in Section 45.011. If the FMD Director determines that the eligibility criteria have been satisfied, the FMD Director will apply the discounts set forth in Section 45.012 and incorporate such discounts in the Requestor's Event Costing Schedule attached to the Expo Center License Agreement. If the eligibility criteria are not satisfied, no discounts will be applied and full fees will be charged.
- (b) If the FMD Director denies a requested discount, the Requestor may appeal the that decision to the County Executive Transportation and Natural Resources/Facilities Management Department (the "County Executive TNR/FMD"). If the Requestor disagrees with the County Executive TNR/FMD's

decision, the Requestor may appeal that decision to the Travis County Commissioners Court, whose decision will be final.

Subchapter C. Refunds.

45.021 Scope

- (a) This Subchapter applies only to requests for refunds of deposits and other fees paid by Expo Center licensees that do not exceed \$1,000.00 ("Eligible Refund Requests").
- (b) If a request for a refund exceeds \$1,000.00, the request will be forwarded to the FMD Director, who will place the request on the agenda of the Commissioners Court for consideration.

45.022 Refund Requests; Processing of Requests

- (a) The Director will receive and review all Eligible Refund Requests.
- (b) The Director will make a recommendation whether to grant or deny the Eligible Refund Request and will forward that recommendation, in writing, to the FMD Director.

45.023 Decision by FMD Director; Appeals

- (a) If the Director recommends granting the Eligible Refund Request and the FMD Director agrees with that recommendation, the FMD Director will approve the Eligible Refund Request and will communicate such approval, in writing, to the licensee. The refund will be processed according to standard County policy.
- (b) If the Director recommends granting the Eligible Refund Request but the FMD Director disagrees with that recommendation and determines that the refund is not warranted, the FMD Director will deny the Eligible Refund Request and will communicate such denial, in writing, to the licensee. The licensee may appeal the decision to the Commissioners Court.
- (c) If the Director recommends denial of the Eligible Refund Request and the FMD Director agrees with that recommendation, the FMD Director will communicate such denial, in writing, to the licensee. The licensee may appeal the FMD Director's decision to the Commissioners Court.
- (d) If the Director recommends denial of the Eligible Refund Request but the FMD Director disagrees with that recommendation and determines that the refund is warranted, the FMD Director will approve the Eligible Refund Request and communicate such approval, in writing, to the licensee.