



Travis County Commissioners Court Agenda Request

Meeting Date: May 15, 2012

Prepared By/Phone Number: John Carr, 854-4772

Dept. Head: Roger El Khoury, M.S., P.E., Director, FMD, 854-4579

County Executive: Leslie Browder, Planning and Budget, 854-9106

Sponsoring Court Members: Commissioner Davis, Precinct One

AGENDA LANGUAGE:

Consider and take appropriate action on issues associated with the Travis County Exposition Center, including:

- A. Request from the Austin/Travis County Health and Human Services Department for waiver of fees to use the Travis County Exposition Center Show Barn on October 10, 2012, for the Annual Immunization Clinic; and
- B. Revision to Chapter 45 of the Travis County Code, Travis County Exposition Center: Mission, Licensing and Operations, to update the delegation of authority related to appeal of denied discount requests.

BACKGROUND/SUMMARY OF REQUEST:

The Facilities Management Department (FMD) was contacted by the Austin/Travis County Health and Human Services Department (A/TCHHSD), Kurt Becker, Immunization Program Manager, to reserve the Exposition Center Show Barn to conduct the annual drive-through flu shot clinic on October 10, 2012. He requested that the Exposition Center waive all fees for this event, which provides free flu services directly to county residents. FMD, in compliance with the policy approved by the Commissioners Court in February 2012, offered a discount of 50% of the facility rental fee as per section 45.012, Available Discounts, of the approved policy. Upon being notified of the available discount, the A/TCHHSD submitted a letter requesting that all fees be waived for this event as a public entity providing free flu prevention services to Travis County residents (Attachment One). FMD does not have authority to waive fees and can only offer the available discount as specified in the approved policy. Therefore, FMD is bringing this item to the Commissioners Court for consideration and action. Costs to the Exposition Center associated with this annual event are minimal and FMD recommends approval.

The second section of this agenda item is required to address an issue with the language of the recently approved Chapter 45 of the Travis County Code titled Travis County Exposition Center: Mission, Licensing and Operations. Section 45.013(b) of the approved chapter states that "If the FMD Director denies a requested discount, the Requestor may appeal 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." On March 20, 2012, the Commissioners Court transferred supervision of FMD to the County Executive, Planning and Budget. The language of Section 45.013(b) should therefore be revised to reflect that appeals can be submitted to the County Executive responsible for supervising FMD.

STAFF RECOMMENDATIONS:

The Facilities Management Department recommends the Commissioner Court approve the request for waiver of fees. The Facilities Management Department recommends modification of Section 45.013(b) of Chapter 45 of the Travis County Code.

ISSUES AND OPPORTUNITIES:

Approval of this request for waiver would result in a reduction \$450 in fees that would have been required under the provisions of the revised Chapter 45 policy.

Chapter 45, Section 45.013(b) should be corrected to reflect the current reporting structure of FMD. Specifically, the right of a Requestor to appeal to the FMD Director decision on a requested discount would be to the County Executive responsible for supervising FMD in lieu of the County Executive, TNR/FMD (as currently specified in Chapter 45, Section 45.013(b)).

FISCAL IMPACT AND SOURCE OF FUNDING:

Loss of \$450 in revenue for the Exposition Center.

ATTACHMENTS/EXHIBITS:

1. A/TCHHSD letter dated March 20, 2012
2. Order Amending Chapter 45

REQUIRED AUTHORIZATIONS:
County Attorney's Office, Tenley Aldredge



Austin/Travis County Health and Human Services Department



March 20, 2012

Dianna Floyd
Travis County Exposition Center
7311 Decker Lane
Austin, Texas 78724
Dianna.floyd@co.travis.tx.us

Dear Dianna:

We received the contract application document to reserve the Travis County Exposition Center for a drive-thru flu clinic, currently scheduled for Wednesday October 10, 2012. Thank you for providing us the form so quickly.

As a public entity providing free flu services directly to county residents, we are requesting the fee for use of the facility be waived. We have enjoyed serving Travis County clients in this facility and capacity in the past, and it has proved to be a very successful venue for the residents of the county. From 2006-2009, we administered over 3000 doses of flu at the Travis County Expo Center site. In addition, this event helps fulfill our obligation within our inter-local agreement with Travis County ensuring that flu clinics are offered in county sites outside the City of Austin municipality.

We would like the opportunity to continue providing these services to our county residents this fall and hope that our request will be approved.

Thank you for your consideration and we look forward to hearing from you at your earliest convenience.

Sincerely,

Kurt Becker

A handwritten signature in black ink that reads "Kurt S. Becker".

Immunization Program Manager
Austin/Travis County HHSD
1000 Toyath
Austin, Texas 78703

Office: (512) 972-5523

Email: Kurt.becker@austintexas.gov

ORDER OF THE TRAVIS COUNTY COMMISSONERS COURT
AMENDING CHAPTER 45. TRAVIS COUNTY EXPOSITION CENTER:
MISSION, LICENSING AND OPERATIONS

STATE OF TEXAS §

COUNTY OF TRAVIS §

Pursuant to Sections 1.0051 and 1.0052 of the Travis County Code, the Travis County Commissioners Court makes the following order:

1. Chapter 45 of the Travis County Code ("Travis County Exposition Center: Mission, Licensing and Operations") is amended to replace the references to County Executive throughout the Chapter.
2. The current content of Chapter 45, attached as Exhibit A to this Order, is hereby repealed in its entirety and replaced with the content attached as Exhibit B, which is hereby adopted and approved.

Date of Order: _____

Travis County
Commissioners Court

Samuel T. Biscoe, County Judge

Ron Davis
Commissioner, Precinct 1

Sarah Eckhardt
Commissioner, Precinct 2

Karen Huber
Commissioner, Precinct 3

Margaret Gomez
Commissioner, Precinct 4

Exhibit A

(Current Exposition Center Policy attached)

**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
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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 entities.

- (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. For purposes of this Policy, Travis County will be presumed to be the organization's "primary service area" if: (a) the organization has its principal place of business in Travis County; or (b) 50% or more of the proceeds generated by the licensed Event will benefit Travis County residents.

45.012 Available Discounts

- (a) Only Exposition Center facility rental fees 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%

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 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 and that arise from circumstances that fall within one or more of the following categories ("Eligible Refund Requests"):
- (1) licensee is forced to cancel the event due to unforeseen circumstances beyond licensee's reasonable control;
 - (2) Expo Center personnel inadvertently overbook the facility;
 - (3) extreme weather conditions render use of the licensed facility unsafe;
 - (4) the mechanical (HVAC) system fails during the licensed Event (refund for cost of utilities only).
- (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.

Exhibit B

(Revised Exposition Center Policy attached)

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MISSION, LICENSING AND OPERATIONS

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[Reserved]*

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