

ITEM 16



Travis County Commissioners Court Agenda Request

Meeting Date: November 6, 2012

Prepared By/Phone Number: Melissa Velasquez, County Judge's Office
Elected/Appointed Official/Dept. Head: Samuel T. Biscoe, County Judge
Commissioners Court Sponsor: Samuel T. Biscoe, County Judge

AGENDA LANGUAGE:

CONSIDER AND TAKE APPROPRIATE ACTION REGARDING CERTIFICATION AGREEMENT BETWEEN THE TEXAS HISTORICAL COMMISSION AND TRAVIS COUNTY FOR PARTICIPATION IN THE CERTIFIED LOCAL GOVERNMENT PROGRAM.

BACKGROUND/SUMMARY OF REQUEST AND ATTACHMENTS:

The Texas CLG Program adopted revised state rules for the program and is asking Travis County to approve a new Certification Agreement with the Texas Historical Commission.

The CLG Program is a partnership between the local government, the Texas Historical Commission and the National Park Service designed to foster historic preservation in our community.

STAFF RECOMMENDATIONS:

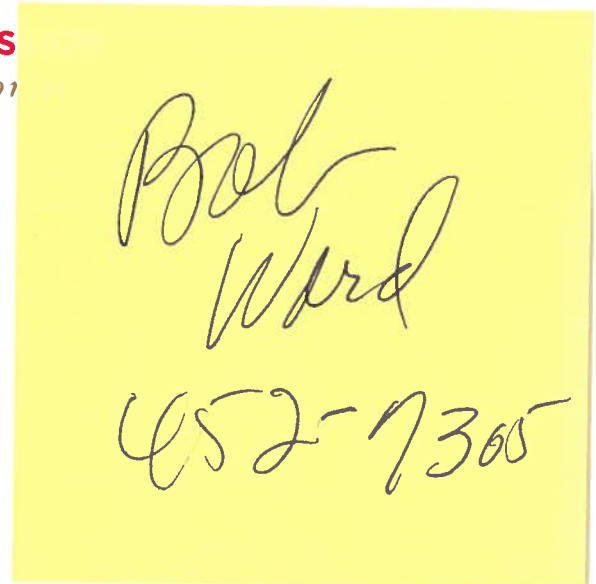
Recommend approval.

ISSUES AND OPPORTUNITIES:

n/a

AGENDA REQUEST DEADLINE: All agenda requests and supporting materials should be submitted as a pdf to the County Judge's office, agenda@co.travis.tx.us by Tuesdays at 5:00 p.m. for the next week's meeting.

TEXAS HISTORICAL COMMISS
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October 10, 2012

The Honorable Samuel T. Biscoe
Travis County Courthouse
PO Box 1748
Austin, TX 78767

Dear Judge Biscoe,

Thank you for your continued participation in the Texas Certified Local Government Program. The CLG Program is a partnership between your local government, the Texas Historical Commission and the National Park Service designed to foster historic preservation in your community. Your participation helps ensure the success of historic preservation efforts in communities across Texas. In addition, CLGs have access to dedicated grant funds for historic preservation projects in the community.

In 2011, the Texas CLG Program adopted revised state rules for the program. The new rules eliminated redundant language and incorporated recent changes instituted by the National Park Service. The National Park Service requires new Certification Agreements for all CLGs upon adoption of new rules. To satisfy this requirement, two copies of the new Certification Agreement, along with a copy of the revised state rules, are included for your signature. Please sign both copies and return them to our office no later than 45 days from the date of this letter. Following receipt of the signed copies, an original copy signed by THC Executive Director Mark Wolfe will be returned to you, along with a copy of the newly revised Texas Handbook for Certified Local Governments.

Please feel free to contact me with any questions. Thank you for all of your efforts to support historic preservation in Texas.

Sincerely,

Matt Synatsch
State Coordinator
Texas Certified Local Government Program



**Texas Administrative Code
Title 13 Cultural Resources
Part 2 Texas Historical Commission
Chapter 15 Administration of Federal Programs**

15.6 Rules and procedures for Certified Local Governments

(a) Purpose. The Certified Local Government program (hereinafter referred to as the Program) is part of the Historic Preservation Fund (HPF) grants-in-aid program authorized by the National Historic Preservation Act of 1966, (16 U.S.C. 470 et.seq.) (also referred to as the Act), to provide a statutory framework for national historic preservation partnerships among federal, state, tribal, and local governments in the identification, evaluation, designation, and protection of historic and prehistoric properties. The Texas State Historic Preservation Office (Texas SHPO), within the Texas Historical Commission (THC), coordinates the state's preservation responsibilities as set out in the Act. Local participation in this Program is provided to local governments that are certified by the Secretary of the United States Department of the Interior and administered by the National Park Service (NPS) through the Program.

(1) Section 101(c)(1) of the Act directs the Texas State Historic Preservation Officer (SHPO) and the Secretary of the Department of the Interior through the NPS to participate in the partnership and Title 36, Code of the Federal Regulations, Part 61.6 lists requirements that the SHPO and local governments are to meet.

(2) These requirements are also found in the Historic Preservation Fund (HPF) grants manual, as published and amended by the NPS.

(b) City participation. City governments may participate in the Program through compliance with the Texas Local Government Code, Chapter 211, which empowers municipal governments to adopt zoning regulation for the purpose of promoting the public health, safety, morals, or general welfare and protecting and preserving places and areas of historical, cultural, or architectural importance and significance. Chapter 214.00111 of the Code also provides additional authority specifically to participating local governments for the purpose of preserving substandard buildings that are historic properties.

- (c) County participation. Counties may participate in the Program through compliance with the Texas Local Government Code, Chapter 318, which empowers the Commissioners Court of each county to appoint a County Historical Commission, for the purpose of initiating and conducting programs suggested by the Court and the THC for the preservation of the county's historic cultural resources that are consistent with the statewide preservation plan.
- (d) Indian Tribe participation. Indian tribes that effectively meet the definition of a local government in Section 301(3) of the Act may participate in the Program in accordance with Section 101(d)(1)(A) of the Act to establish a program and promulgate regulations to assist Indian tribes in preserving their historic properties.
- (e) Eligibility for certification of Local Governments. Any city, county, township, municipality, Indian tribe, or any other general-purpose political subdivision of Texas may apply to become a CLG by submitting a Request for Certification to the Texas SHPO. To be considered eligible, the local government must meet the minimum Program requirements pursuant to Title 36, Code of the Federal Regulations, Part 61, and outlined in the HPF grants manual. The Texas SHPO may expand or prescribe additional state requirements and responsibilities. The following are the minimum federal requirements local governments must satisfy for certification:
- (1) Enforces appropriate State or local legislation for the designation and protection of historic properties;
 - (2) Has established an adequate and qualified historic preservation review commission by State or local legislation;
 - (3) Maintains a system for the survey and inventory of historic properties;
 - (4) Provides for adequate public participation in the local historic preservation program, including the process of recommending properties for nomination to the National Register; and
 - (5) Satisfactorily performs the responsibilities delegated to it under the Act.

(f) Certification process of Certified Local Governments. All eligible local governments must submit a completed Request for Certification and Certification Agreement, signed by the chief elected official of the applying local government, along with all necessary requested materials, to the THC. A Request for Certification may be submitted at any time throughout the year. Texas SHPO shall have a reasonable opportunity to review and respond to the request. If the local government meets the minimum requirements for participation in the Program, the Texas SHPO shall forward the Request for Certification and Certification Agreement to the NPS with a recommendation for certification. The NPS shall make the final certification decision. The local government shall become a Certified Local Government (CLG) upon receipt of written notice from the NPS, completing the certification process.

(g) Annual requirements for Certified Local Governments for participation in Program. All annual requirements for participation and Program procedures are found in the Texas SHPO's Certified Local Government Preservation Handbook (Handbook), which shall be provided to each CLG upon its certification into the Program.

(1) The Texas SHPO shall provide a 60-day period for all CLGs to comment on any proposed significant changes or amendments to the Handbook, keep a record of its consultation process, and follow the procedures outlined in the HPF grant manual.

(2) Written notification from the Texas SHPO to the CLGs is sufficient for minor changes, technical corrections and amendments to the Handbook.

(h) Monitoring and evaluating CLG performance. The Texas SHPO shall monitor the performance of each CLG on an on-going basis to assure that CLGs fulfill their responsibilities in accordance with the requirements found in the Handbook and the terms of the Certification Agreement. In addition the performance of the CLG shall be reviewed by the Texas SHPO on the basis of recognized standards for historic preservation activities. These standards shall include but not be limited to the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation; National Register criteria for evaluation in reviewing the local government's role in the National Register Program; state survey grant requirements in assessing the local government's execution of the survey requirement of the CLG regulations;

and the Secretary of the Interior's Standards for the Treatment of Historic Properties in considering the local government's role in overseeing work to locally designated landmarks and districts. Evaluation of the performance of the CLG shall include the ability to maintain an adequate and qualified commission as called for in (e)(2) above with all commission members having a demonstrated interest, competence, or knowledge in historic preservation.

(1) The Texas SHPO shall conduct a full evaluation of each CLG no less than once every four years. Written procedures and standards for evaluating CLG performance in program operation and administration shall be included in the Certification Agreement and in the Handbook.

(2) The Texas SHPO shall promptly notify the CLG in writing of the results of the evaluation and must maintain written records for all evaluations.

(3) If the performance of a CLG is unsatisfactory, the Texas SHPO shall suggest ways the CLG can improve its performance and stipulate a time frame in which the improvements are to be made.

(i) Decertification. If the Texas SHPO determines that a CLG has not complied with the terms of the Certification Agreement, and/or has not improved sufficiently within a reasonable stipulated time frame as recommended during the monitoring process, the Texas SHPO must notify the CLG in writing of its intent to recommend decertification to the NPS. During the decertification process:

(1) The Texas SHPO may begin procedures for the suspension and termination of financial assistance to that local governmental entity in accordance with the HPF grants manual.

(2) Recertification shall not be permitted until all previously identified inadequacies have been addressed to the satisfaction of the Texas SHPO, and a demonstrated effort has been made by the local government to strengthen local preservation efforts above and beyond previous attempts.

(j) Funds for Certified Local Governments. The Act provides that at least 10 percent of the Texas SHPO's annual HPF allocation be made available in the form of sub grants to CLGs to provide financial assistance for local activities associated with the identification, evaluation, designation, and protection of historic and prehistoric properties. Although each CLG is eligible to receive funds from this allocation, there is no requirement that funds be awarded to all local governments that are eligible. All procedures, terms and conditions for application to receive a sub grant as part of the Program shall be found in the Handbook.

8/22/11

Texas Historical Commission
P.O. Box 12276
Austin, TX 78711-2276
512.463.6100
fax 512.475.4872
thc@thc.state.tx.us



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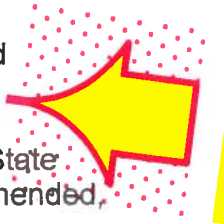
CERTIFICATION AGREEMENT BETWEEN THE TEXAS HISTORICAL COMMISSION AND **TRAVIS COUNTY** FOR PARTICIPATION IN THE CERTIFIED LOCAL GOVERNMENT PROGRAM

TRAVIS COUNTY, in consideration of having been granted Certified Local Government status, agrees to carry out the following responsibilities as a Certified Local Government, in cooperation with the National Park Service and the Texas Historical Commission.

It will:

1. enforce state and local historic preservation legislation for the designation and protection of local historic properties;
2. maintain an adequate and qualified review commission for historic preservation established by the County Historical Commission by-laws;
3. designate a county official, staff person or other appropriate resident of the county to serve as a local Historic Preservation Officer (HPO);
4. adopt the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation as the standards for all county historical commission activities;
5. maintain a system for the survey and inventory of local historic properties that is coordinated with the statewide cultural-resource-survey-process, with technical assistance provided by the National Register Program office of the Texas Historical Commission's History Programs Division;
6. ensure, to the maximum extent possible, public participation in the local historic preservation program, including the process of nominating properties to the National Register of Historic Places;
7. review and comment upon nominations to the National Register of Historic Places for properties within its jurisdiction, and within 60 days of receiving the nominations from the National Register Department of the Texas Historical Commission, submit the county commission's reports and the recommendations of the chief elected official of the county to the National Register Department as to whether or not the nominated properties meet the criteria of the National Register;

8. assist the National Register Program office of the Texas Historical Commission, if necessary, in verifying the names and addresses of property owners within local historic districts being nominated to the National Register, and assist with arrangements for local public information meetings at mutually agreeable times and locations when such districts are nominated;
9. monitor and report to the Texas Historical Commission any actions affecting any county courthouse, Recorded Texas Historic Landmark, State Archeological Landmark, National Register property, and any locally designated landmark;
10. coordinate local historic preservation, to the extent practicable, with the National Register Department, which shall provide technical assistance, guidance, and information to the Certified Local Government as feasible upon request; and
11. submit to the Texas Historical Commission by the end of each calendar year an annual report that describes the actions of the local review commission, board or committee and other preservation-related activities of the previous fiscal year (October 1st through September 30th);
12. carry out the general program procedures as outlined in the Texas Administrative Code, Title 13 Cultural Resources, Part 2 Texas Historical Commission, Chapter 15 Administration of Federal Programs, Rule 15.6 Rules and Procedures for Certified Local Governments;
13. provide appropriate training for historic preservation officer, related county staff and members of the county historical commission; and
14. assist the Texas Historical Commission in any duties and powers assigned to the State Historic Preservation Office by the National Historic Preservation Act of 1966 as amended, and other federal enabling legislation.



Signature: Honorable Judge Biscoe Date
 Travis County

Samuel T. Biscoe

Printed Name

Mark Wolfe Date
 State Historic Preservation Officer
 Texas Historical Commission

