



## **Travis County Commissioners Court Agenda Request**

**Meeting Date:** February 12, 2013

**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 ON RESOLUTION CREATING A TARGETED EMPLOYMENT AREA (TEA) WITHIN TRAVIS COUNTY THAT IS COMPRISED OF A PORTION OF THE CITY OF PFLUGERVILLE AND ITS EXTRA TERRITORIAL JURISDICTION.

### **BACKGROUND/SUMMARY OF REQUEST AND ATTACHMENTS:**

Pflugerville is attempting to create a Targeted Employment Area (TEA) in our City and ETJ for the EB-5 Visa Program. The Federal Government requires the Governor to declare the creation of a TEA. Governor Perry has delegated that authority to Mayors and County Judges. It appears the Mayor's Declaration may be sufficient to create the TEA but since a portion of the TEA is located in unincorporated Pflugerville they feel the safer course of action is to have your declaration as well. Attached are the letters from the Governor's Office and the Mayor's Office for your review.

The resolution from Travis County, included in this packet, has been reviewed and revised from the County Attorney's Office.

### **STAFF RECOMMENDATIONS:**

n/a

### **ISSUES AND OPPORTUNITIES:**

n/a

### **REQUIRED AUTHORIZATIONS:**

Mary Etta Gerhardt, County Attorney's Office  
John Hille, County Attorney's Office  
Jessica Rio, Planning and Budget  
Leslie Browder, Planning and Budget

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](mailto:agenda@co.travis.tx.us) by **Tuesdays at 5:00 p.m.** for the next week's meeting.

**RESOLUTION  
CREATING A TARGETED EMPLOYMENT AREA (TEA)  
WITHIN TRAVIS COUNTY THAT IS COMPRISED OF A PORTION OF  
THE CITY OF PFLUGERVILLE AND ITS EXTRA TERRITORIAL JURISDICTION.**

WHEREAS, the United States Congress has determined that foreign investment and job creation in the United States is desirable and necessary to support a free market economy and has created the EB5 Visa program to further this goal; and

WHEREAS, under 8 CFR, §204(6) ("Regulations"), foreign individuals may file a petition to participate in establishment of new commercial enterprises in a Targeted Employment Area ("TEA") as an EB-5 Immigrant Investor; and

WHEREAS, in order for a foreign national to obtain an EB5 Visa, the applicant must undergo a national security background check, invest at least \$1,000,000 and create at least 10 jobs in the United States; and

WHEREAS, pursuant to 8 CFR, §204(6)(i), and the letter dated October 24, 2011, from Governor Rick Perry to Mr. Alejandro Mayorkas, Director, U. S. Citizenship and Immigration Services, City Mayors and County Judges have been authorized by the Governor of the State of Texas to certify areas of high unemployment to create a TEA (see Exhibit A of this Resolution); and

WHEREAS, Travis County and the City of Pflugerville have determined that job creation and increased capital investment in Travis County and the City of Pflugerville and its Extra Territorial Jurisdiction are high priorities; and

WHEREAS, a survey was conducted by the International Trade Center at the University of Texas at San Antonio, in Pflugerville and its Extra Territorial Jurisdiction, and a certain area ("Area") was determined to have unemployment in excess of 150% of the national average; and

WHEREAS, the results and conclusions of the survey conducted by the International Trade Center at the University of Texas at San Antonio of unemployment in the Area are hereby accepted as publicly available data for Travis County upon which this Resolution is based; and

WHEREAS, the Texas Investment Regional Center is submitting an application to the United States Department of Homeland Security division of Citizenship and Immigration to create a Regional Center and Targeted Employment Area in that Area in Travis County and the City of Pflugerville and its Extra Territorial Jurisdiction for the EB5 Visa program.

NOW THEREFORE BE IT RESOLVED BY THE TRAVIS COUNTY JUDGE:

That the Honorable Samuel Biscoe, County Judge of Travis County, Texas, finds that:

1. The City of Pflugerville, Texas, includes a population as of this date of more than 20,000; and
2. The description set forth in Exhibit B of this Resolution shows the Area in the Northeast Travis County Target Employment Area which is the subject of this Resolution; and
3. According to the study performed by the International Trade Center of the University of Texas at San Antonio, as described in Exhibit C of this Resolution, which is hereby certified as publicly

available data upon which this Resolution is based, the unemployment level in the Northeast Travis County Target Employment Area exceeds 150% of the national unemployment level on this day; and

4. Based on the above, the Travis County Commissioners Court approves, and the Travis County Judge hereby certifies that the Targeted Employment Area in Northeast Travis County and the City of Pflugerville and its Extra Territorial Jurisdiction is a high unemployment area, thus meeting the requirements for the creation of a Targeted Employment Area under the Regulations.

NOW, THEREFORE, the Travis County Commissioners Court and the Travis County Judge join the City of Pflugerville Mayor in designating the Area as a Targeted Employment Area for purposes of the Regulations.

APPROVED this the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

TRAVIS COUNTY, TEXAS

BY: \_\_\_\_\_  
Samuel Biscoe, County Judge

BY: \_\_\_\_\_  
Ron Davis, Commissioner  
Precinct One

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

BY: \_\_\_\_\_  
Gerald Daugherty, Commissioner  
Precinct Three

BY: \_\_\_\_\_  
Margaret Gómez, Commissioner  
Precinct Four

**EXHIBIT A**

Letter - Governor Rick Perry  
Authorizing of Mayors and County Judges to  
Certify Areas of High Unemployment to Create a TEA



OFFICE OF THE GOVERNOR

RICK PERRY  
GOVERNOR

October 24, 2011

Mr. Alejandro Mayorkas  
Director  
U.S. Citizenship and Immigration Services  
20 Massachusetts Avenue, NW  
Washington, D.C. 20529

RE: State Designation of Local Governmental Authorities to Certify High Unemployment Areas  
In Accordance with 8 CFR §204.6(i)

Dear Mr. Mayorkas:

Pursuant to 8 CFR §204.6(i), an official of the state must notify the U.S. Citizenship and Immigration Services of the agency, board or other appropriate governmental body of the state that shall be delegated the authority to certify that a geographic or political subdivision meets the necessary unemployment rate to qualify as a high unemployment area (Targeted Employment Area) under EB-5 program regulations. This letter shall serve as a supplement to my prior letter, dated August 12, 2009, to ensure that all qualified areas of the State of Texas are able to participate in the EB-5 program.

In compliance with 8 CFR §204.6(i), I, Rick Perry, Governor of the State of Texas, hereby designate the following authorities in the State of Texas as the appropriate governmental bodies of the state to certify that a particular geographic or political subdivision meets the necessary criteria as an "area of high unemployment" as defined by the EB-5 program:

- 1) local mayors of cities or towns located within a metropolitan statistical area, or cities or towns with a population of 20,000 or more, for areas of high unemployment within the boundaries of incorporated cities or towns;
- 2) county judges for areas of high unemployment within the boundaries of counties;
- 3) the county judges of each affected county may jointly designate areas of high unemployment in the event that a particular area of high unemployment is located within the boundaries of two or more contiguous counties; and

Mr. Alejandro Mayorkas  
October 24, 2011  
Page 2

- 4) the local mayors of each affected city or town may jointly designate areas of high unemployment in the event that a particular area of high unemployment is located within the boundaries of two or more contiguous cities or towns.

In making this delegation of authority, I hereby advise all such Texas mayors and county judges to review and comply with all applicable regulations and instructions from the U.S. Citizenship and Immigration Services regarding the designation of areas of high unemployment to establish targeted employment areas. In particular, I advise such mayors and county judges that the U.S. Citizenship and Immigration Services has directed that the cobbling together of various portions of political subdivisions, so that an investment in a commercial enterprise in a location that is not a high unemployment area would ultimately qualify as one, blatantly frustrates the congressional intent behind INA §203(b)(5)(B), and is not an acceptable business practice in the making of TEA designations.

Sincerely,



Rick Perry  
Governor

RP:mbp

cc: The Honorable Vernon Cook, County Judge, Roberts County and President, Texas Association of Counties  
The Honorable Leonard Reed, Mayor, City of Willis and President, Texas Municipal League  
Ms. Barbara Q. Velarde, Chief, Office of Service Center Operations, U.S. Citizenship and Immigration Services



OFFICE OF THE GOVERNOR

RICK PERRY  
GOVERNOR

August 19, 2009

Ms. Barbara Q. Velarde  
Chief, Office of Service Center Operations  
U.S. Citizenship and Immigration Services  
20 Massachusetts Avenue, NW, MS #2060  
Washington, D.C. 20529-2060

RE: State Designation of Local Government Authority to Certify High Unemployment Areas  
In Accordance with 8 CFR §204.6(i)

Dear Chief Velarde:

Pursuant to 8 CFR §204.6(i), an official of the state must notify the legacy U.S. Immigration and Naturalization Service Associate Commissioner of Examinations, now your office, of the agency, board or other appropriate governmental body of the state which shall be delegated the authority to certify that a geographic or political subdivision meets the necessary employment rate qualifications to participate the EB-5 immigrant investor visa program.

In compliance with this regulation, I, Rick Perry, Governor of the State of Texas, hereby designate the local mayors of cities or towns located within a metropolitan statistical area, or cities or towns with a population of 20,000 or more, as the appropriate body of the state to certify that a particular geographic or political subdivision meets the necessary criteria to participate in the EB-5 program.

Sincerely,

A handwritten signature in black ink that reads "Rick Perry". The signature is written in a cursive, flowing style.

Rick Perry  
Governor

RP:khp

**DECLARATION OF THE MAYOR OF THE CITY OF PFLUGERVILLE,  
CREATING A TARGETED EMPLOYEMENT AREA (TEA) IN THE CITY OF  
PFLUGERVILLE AND ITS EXTRA TERRITORIAL JURISDICTION.**

WHEREAS, the United States Congress has determined that foreign investment and job creation in the United States is desirable and necessary to support a free market economy and created the EB5 Visa program to further this goal; and

WHEREAS, in order for a foreign national to obtain an EB5 Visa the applicant must undergo a national security background check, invest at least \$1,000,000 and create at least 10 jobs in the United States; and

WHEREAS, Mayors of municipalities in excess of 20,000 have been authorized by the Governor's Office to certify areas of high unemployment in accordance with 8 CFR §204.6(i); and

WHEREAS, the City of Pflugerville has determined that a major priority of its charge is to create jobs and increase capital investment in the City of Pflugerville and its Extra Territorial Jurisdiction; and

WHEREAS, a survey was conducted, by the International Trade Center at the University of Texas at San Antonio, in portions of Pflugerville and its Extra Territorial Jurisdiction and a certain area (TEA) was determined to have unemployment in excess of 150% of the national average; and

WHEREAS, the Texas Investment Regional Center is submitting an application to the United States Department of Homeland Security division of Citizenship and Immigration to create a Regional Center and Targeted Employment Area in Pflugerville and its Extra Territorial Jurisdiction for the EB5 Visa program.


NOW THEREFORE BE IT RESOLVED BY THE CITY OF PFLUGERVILLE:

That the Mayor of the City of Pflugerville find that the unemployment level in the Northeast Travis County Target Employment Area attached herewith to this declaration (Exhibit A) exceeds 150% of the national unemployment level on this day. The Mayor of the City of Pflugerville hereby creates a Targeted Employment Area in Pflugerville and its Extra Territorial Jurisdiction for the EB5 Visa program. The City Council has determined by resolution on the 10<sup>th</sup> Day of November, 2011 that it would be in the best interest of its citizens and future citizens and would promote direct foreign investment in the community and enhance economic development and job growth in Pflugerville and its Extra Territorial Jurisdiction.



APPROVED this the 19th day of September, 2012.

CITY OF PFLUGERVILLE, TEXAS



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Jeff Coleman, Mayor

ATTEST:



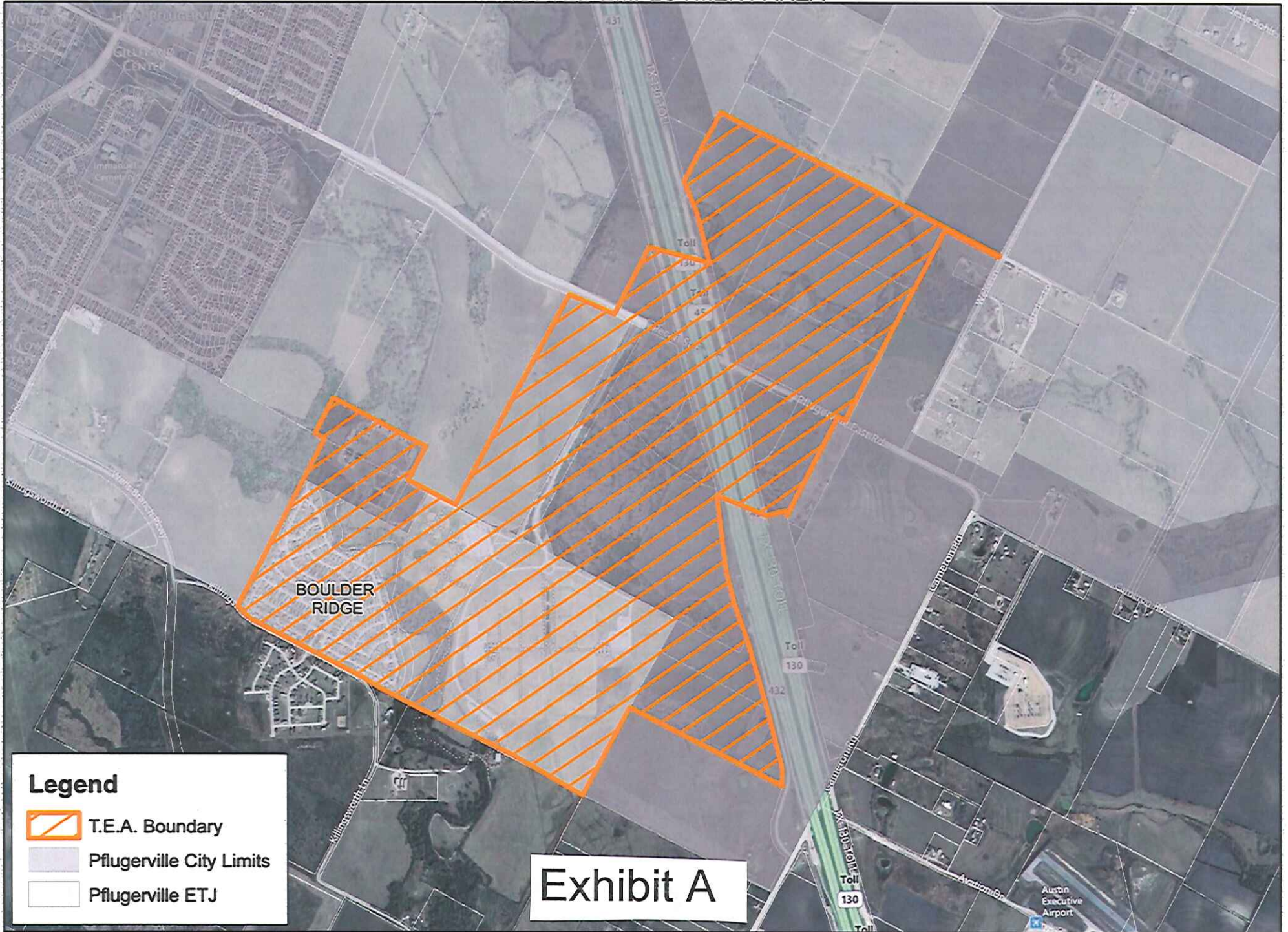
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Karen Thompson, City Secretary

**EXHIBIT B**

Description of the Target Employment Area  
In the Northeast Travis County

# NORTHEAST TRAVIS COUNTY TARGETED EMPLOYMENT AREA



## Legend




-  T.E.A. Boundary
-  Pflugerville City Limits
-  Pflugerville ETJ

Exhibit A

**EXHIBIT C**

International Trade Center of the University of Texas at San Antonio Study



The University of Texas at San Antonio

# Employment Assessment Survey of Northeast Travis County Targeted Employment Area, Including Boulder Ridge Residents

Pflugerville, Texas

Prepare by: The Texas International Business Accelerator Team  
9/3/2012

**I. Contents**

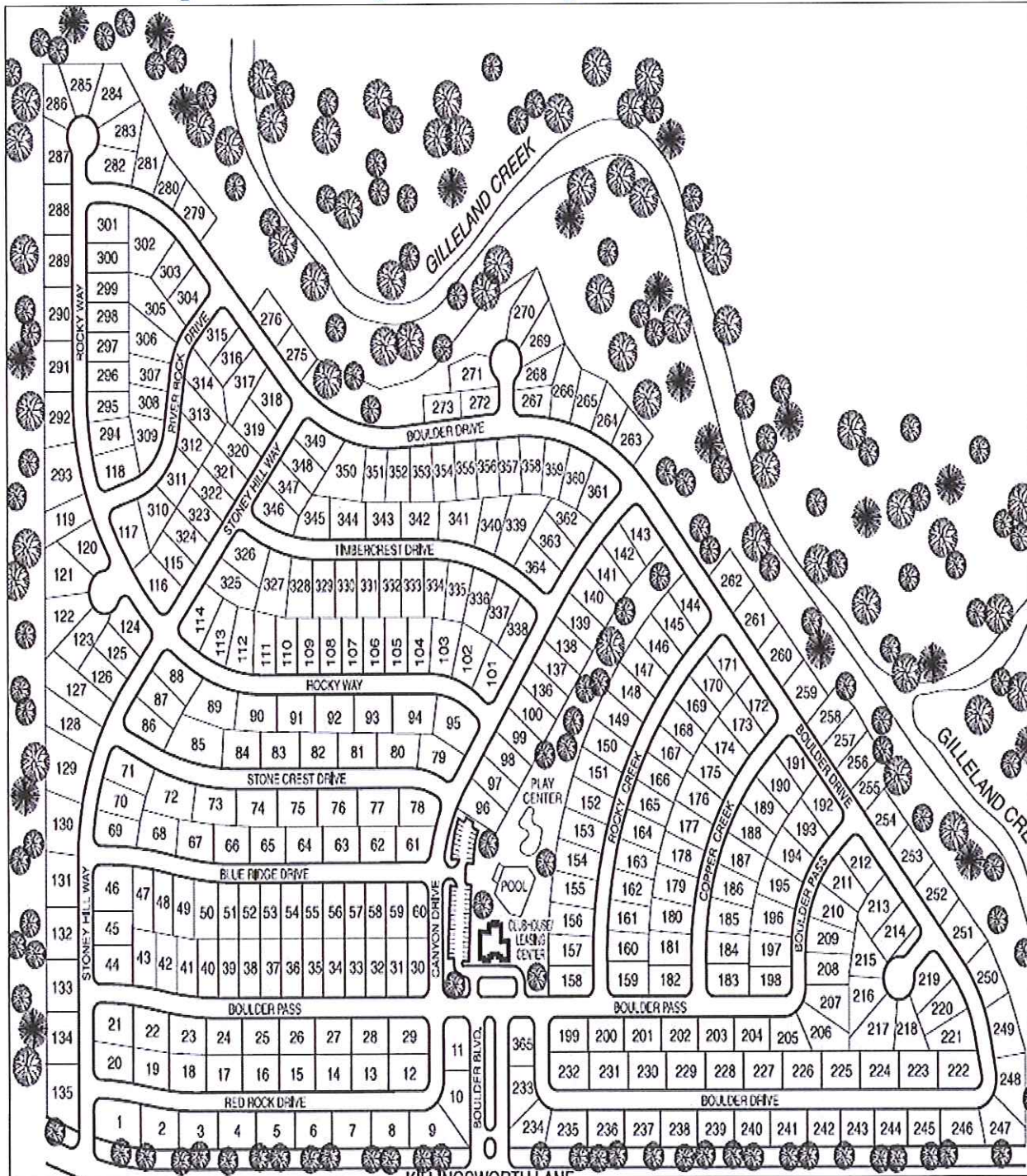
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September 3, 2012

Pflugerville Community Development Corporation

ATT: Floyd Akers

203 West Main Street, Suite E, Pflugerville, Texas 78660

PO Box 1160, Pflugerville, Texas 78691

**RE: EMPLOYMENT ASSESSMENT SURVEY OF All Residents in the Northeast Travis County Targeted Employment Area, including BOULDER RIDGE RESIDENTS, PFLUGERVILLE, TEXAS**

Dear Mr. Akers,

The Texas International Business Accelerator (TIBA), part of the Institute for Economic Development's International Trade Center, conducted a survey to assess the employment status of the residents of Boulder Ridge. The survey took place on August 31<sup>st</sup> and September 1<sup>st</sup>. This report analyses the results from the surveys taking into account: total number of houses reached, total number of surveys given, and total number of non-respondents due to unavailability or lack of cooperation.

As requested by the Pflugerville Community Development Corporation, the surveys sought to demonstrate the unemployment level of all residents in the northeast Travis County Targeted Employment Area, all of whom reside within the Boulder Ridge subdivision, including the area of Boulder Ridge which includes a total of 364 residential mobile homes. Our team of surveyors reached out to each mobile home and recorded the answers for 10 questions evaluating the employment status of the residents (Please refer to attached survey). There are no residential structures or residents within the Targeted Employment Area boundaries outside of the Boulder Ridge subdivision.

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Our team reached-out to a total of 364 homes and collected 240 responses. Our results have been evaluated by the Center for Community and Business Research, also part of the Institute of Economic Development. According to a rough analysis of the director of the research center, Dr. Thomas Tunstall there is an estimated 15.2% unemployment with a probable marginal error of  $\pm 2.4$ . The confidence level for this estimation is 95%.

A thorough analysis of the survey will be delivered by email to the Pflugerville Community Development Cooperation next week.

Please feel free to contact us for any questions.

Cordially,

Javier Smith  
Texas International Business Accelerator

International Trade Center  
501 W. Cesar Chavez Blvd.  
San Antonio, TX 78207  
210.458.2470  
[www.texastrade.org](http://www.texastrade.org)

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**TEXAS INTERNATIONAL  
BUSINESS ACCELERATOR**

## II. Survey Methodology:

The survey was conducted on Friday, August 31<sup>st</sup>, and Saturday, September 1<sup>st</sup>. The residents of Boulder Ridge, Pflugerville, were given a letter from the Pflugerville Community Development Corporation to inform them of the purpose of the survey and its implications.

Our team, composed of four members of the Texas International Business Accelerator, reached-out to 364 households by knocking on each door and asked each of the 10 survey questions one-by-one. If we were unable to reach a person on our first try, we followed through at another time to complete 2-3 tries per household.

### Survey Questions Given:

1. How many adults (16 years and older) live in a household?

1      2      3      4      5      6+

2. How many adults (16 years and older) work full-time (40 or more hours per week)?

1      2      3      4      5      6+

3. How many work part-time (less than 40 hours per week)?

1      2      3      4      5      6+

4. How many adults have temporary employment?

1      2      3      4      5      6+

5. Of those adults, how many are looking for full-time employment?

1      2      3      4      5      6+

6. How many adults (16 years and older) are unemployed?

1      2      3      4      5      6+

7. Are any of those adults actively looking for employment?

Yes                  No

8. If not, when and why did you stop?                  Date: \_\_\_\_\_

Continuing                                  Nothing in  
Education                  Retired Disability                  job field

9. How long have you been looking for employment?

Week                  Month                  year

10. Is anyone in the household retired, disabled or otherwise unable to work?

Yes                  No

### III. Analysis and Results:

The Texas International Business Accelerator reached-out to a total of 364 residential mobile homes. Our team interviewed a total of 240 households in the target area, whose answers were analyzed. An additional 22 households were contacted but declined to be interviewed. The remaining 124 households could not be contacted.

#### ***A. Total number of surveys answered, declined, and unanswered:***

Total number of surveys successfully answered	Total number of surveys declined	Total number of surveys unanswered
240	22	124

Each answer provided was recorded in an excel spreadsheet (please see spreadsheet) and subsequently compiled to derive the total number of adults living in each household and their respective employment status. Based on our interviews, there is a total of 571 adults, sixteen years or older, living in the households. Of those residents, 347 people work full-time (40 hours or more), 51 work part-time (under 40 hours), and 36 are temporarily employed.

In addition, 39 of the survey respondents were not looking for work because they were retired, taking care of children, or going to school.

According to the responses, 87 adults are currently looking for work and are currently unemployed. Therefore, we calculate the unemployment rate to be 15.2% based on the total number of unemployed adults (87) divided by the total number of adults surveyed (571). The majority of them have been looking for employment for over a month.



**B. Total number of answers per question:**

**1. Questions 1-7**

Q1- How many adults (16yrs+) live in a household	Q2- How many adults work full-time (40hours)	Q3- How many adults work part-time	Q4- How many have temporary employment	Q5- Of those adults, how many are looking for full-time employment	Q6- How many adults are unemployed	Q7- Are any of those adults actively looking for employment
571	347	51	36	91	119	76

**2. Questions 8-10**

Q8- If not, when and why did you stop	Q9- How long have you been looking for employment	Q10- Is anyone retired, disabled, or unable to work
18- Take care of family 12- Pursue more education 7- Disabled 1- No English 1- Employed	58- A Few months 6- a few weeks 17- a year or more	32 responses

Employment Category	Responses
Full-Time	347
Part-Time	51
Temporary	36
Retired/Going to School/Caring for Children/Other	39
Unemployed	87

Don't Know	11
Total Respondents	571

### *C. Statistical Procedure*

In order to estimate the total population of the subject area, we divided the total number of adults living in the households surveyed (571) by the total number of households (240), which results in an average of 2.38 people living in each household. From this average, we were able to estimate the population of the 364 households in the targeted area at 866 people.

#### **IV. Conclusion**

Based on our conservative methodology, we have determined that there is a 15.2% unemployment rate with a 2.4% margin of error at the 95% confidence level. With an estimated population of 866 persons and survey information from a sample of 571 persons, we obtained a lower bound unemployment rate of 12.8% and an upper bound unemployment rate of 17.6% in the target area.

Thomas Tunstall, Ph.D.  
Research Director, Institute for Economic Development  
University of Texas at San Antonio  
501 W Cesar E. Chavez Blvd,  
San Antonio, Texas, 78207  
210-458-2472

# International Trade Center

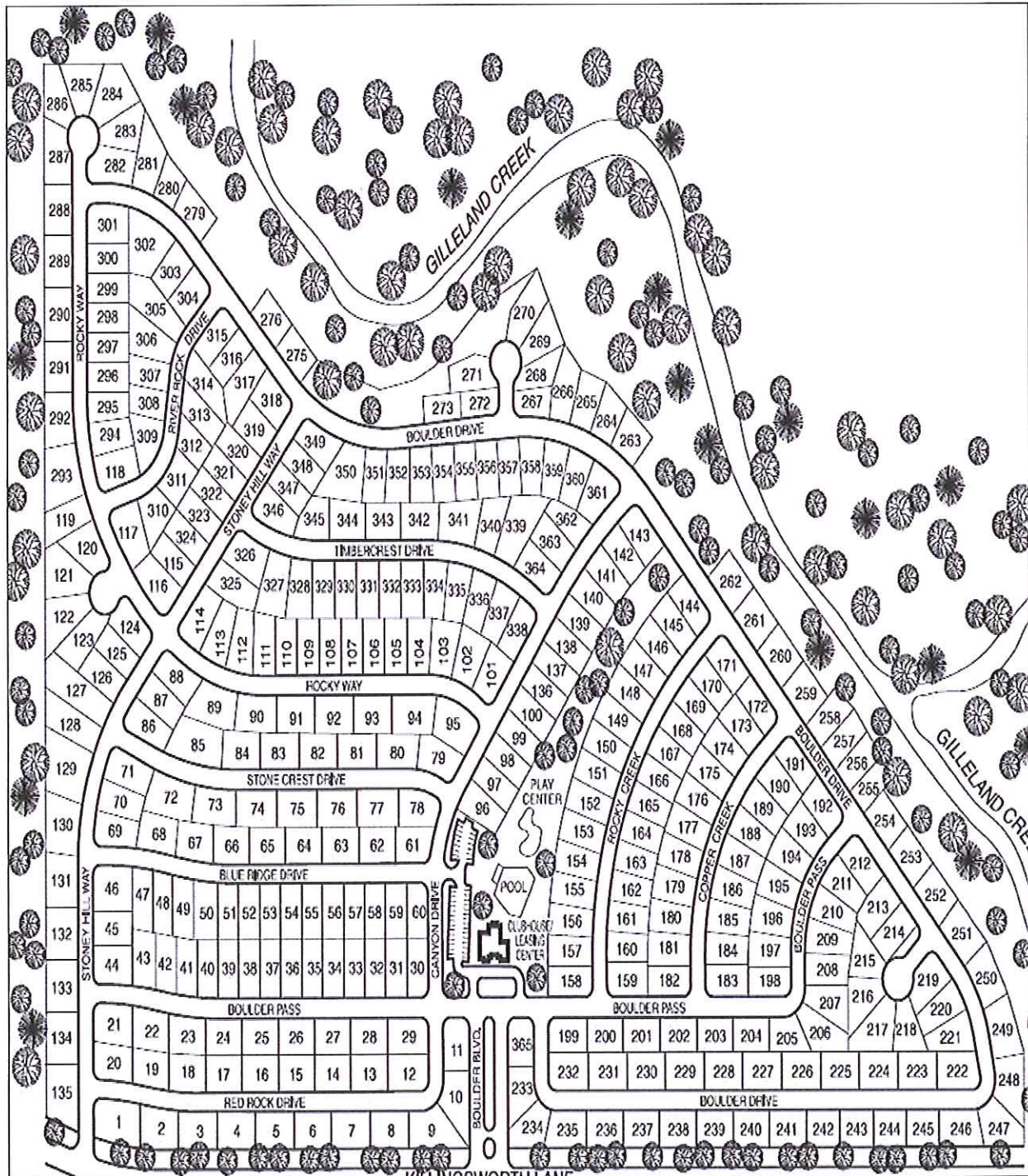
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## V. Map of Boulder Ridge



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