



Planning, Housing, and
Community Development Services
for Rural Texas Since 1979

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To:	The Hon. Judge Brown	Date:	06/03/13
Group:	Tom Green County	Project:	2013-14 CDBG Colonia
Subject:	Resolution and Public Notice	Email:	
Remarks:	Pages (w/cover)		2
<p>Enclosed are the following items for your proposed 2013-2014 Community Development Block Grant – Colonia Fund application(s):</p> <p>Resolution to Apply—these documents authorize submittal of an application for the 2013-2014 Texas Community Development Block Grant – Colonia Fund assistance.</p> <p>Please place this item on your <u>JUNE 4</u>, 2013 Agenda.</p> <p>Suggested agenda item 1: <i>Discuss and consider resolution to apply for 2013-2014 Rural Community Development Block Grant assistance under the Colonia Fund for construction activities.</i></p> <p>Public Hearing Notice—this document has been provided to your local newspaper. It is provided only <u>for your information</u> and to post if you would like.</p> <p>I will be at the meeting to answer any questions. Please contact me if you have any questions or need additional information regarding these items. Thank you for your help!</p> <p><i>Mary Alice Smith</i> maryalice@grantworks.net</p>			

RESOLUTION

A RESOLUTION OF TOM GREEN COUNTY, TEXAS, AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE COLONIA FUND FOR CONSTRUCTION ACTIVITIES; AND AUTHORIZING THE COUNTY JUDGE TO ACT AS THE EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE PARTICIPATION IN THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

WHEREAS, Tom Green County desires to develop a viable community, including decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low/moderate income; and

WHEREAS, certain conditions exist within the colonia which represent a potential risk to the public health and safety;

WHEREAS, it is necessary and in the best interests of Tom Green County to apply for funding under the 2013-2014 Texas Community Development Block Grant Program – Colonia Fund.

NOW, THEREFORE, BE IT RESOLVED:

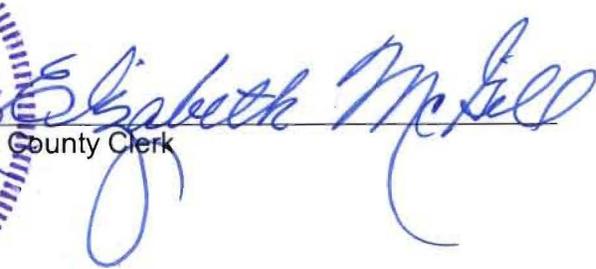
- Section 1. That a Community Development Block Grant application is hereby authorized to be filed with the Texas Department of Agriculture for funding consideration under the Colonia Fund for construction activities;
- Section 2. That the application be for up to \$500,000 of grant funds to carry out water improvements and upgrades in Carlsbad Colonia in Tom Green County;
- Section 3. That matching funds **in the amount of 5% of the total grant funds requested by Tom Green County or \$25,000, whichever amount is lower**, are committed by Tom Green County FWSD 1 Carlsbad in the form of cash or in-kind from the general/utility fund toward the application activities; and,
- Section 4. That the **County Judge** is designated as the Chief Executive Officer and Authorized Representative to act in all matters in connection with this application and participation in the Community Development Block Grant Program, including execution of an Interlocal/Service Agreement with the Tom Green County FWSD1 Carlsbad regarding the construction, transfer, maintenance, and operation of facilities constructed through this program and the provision of service to households benefiting from this program.

PASSED AND APPROVED ON THIS THE 4 DAY OF June, 2013.

ATTEST:



County Judge



County Clerk

THE STATE OF TEXAS

§

**INTERLOCAL AGREEMENT
Pursuant to the Interlocal Cooperation Act
Texas Government Code, Chapter 791**

TOM GREEN COUNTY

§

This AGREEMENT is made between TOM GREEN COUNTY, TEXAS, hereinafter referred to as the COUNTY, acting through its Commissioners' Court, and the TOM GREEN COUNTY FWSD 1 CARLSBAD, hereinafter referred to as the FWSD 1, acting through its FWSD 1 Board.

The COUNTY agrees to use grant funds from its Program Year 2013-14 Community Development Block Grant Program – Colonia Construction Fund Contract to construct improvements to the FWSD 1'S public WATER system in the CARLSBAD COLONIA, if such is awarded to the COUNTY by the Texas Department of Agriculture (TDA), hereinafter referred to as the GRANT. The term of this Agreement shall be from JUNE 17, 2013, until the project is administratively closed by TDA. Either party may terminate this Agreement with thirty (30) days written notice to the other party.

The COUNTY shall:

1. Endeavor to execute its GRANT responsibilities in a timely and efficient manner.
2. Be the repository of all receipts and documentation pertinent to the GRANT and furnish such to TDA upon its request.
3. Serve as the primary contact in all matters pertaining to the GRANT and the conduit for communication between itself, the FWSD 1, and TDA.
4. Provide pre-bid project design changes or change orders to the FWSD 1 for its review and approval prior to authorization by the COUNTY.
5. Gain FWSD 1 approval before awarding a construction contract that exceeds the funds available in the GRANT budget.
6. Ensure that the FWSD 1 shall not be responsible for any GRANT-related costs other than those outlined herein without the FWSD 1's written approval, except for costs associated with a violation or early termination of this Agreement by the FWSD 1.
7. Maintain at its sole discretion the option to approve construction contracts or change orders that would result in any obligation to pay for costs that exceed available GRANT funds.
8. Automatically transfer full ownership of the grant improvements to the FWSD 1 upon acceptance by the COUNTY of the Certificate of Construction Completion.

The FWSD 1 shall:

1. Comply with all COUNTY requests for information required to fulfill the COUNTY'S obligations under the GRANT.
2. Offer to provide public WATER services to all beneficiaries of this project at its officially adopted utility rates.
3. Permit unrestricted access by the COUNTY and its selected engineering, administrative, and construction contractors to those portions of the construction site under WSC control, to allow performance of the GRANT-related duties outlined in agreements these entities shall have with the COUNTY.
4. Be solely responsible for the continued ownership, maintenance and operation of any proposed public WATER system improvements upon acceptance by the COUNTY of the Certificate of Construction Completion.
5. Pay for any cost overruns attributable to construction contract award, change orders, project redesign, or additions to the GRANT scope of work that it has approved in writing
6. Pay for any costs resulting from violation or early termination of this Agreement by the FWSD 1 including repayment of any grant expenditures disallowed by TDA if the project is not completed and placed in service.

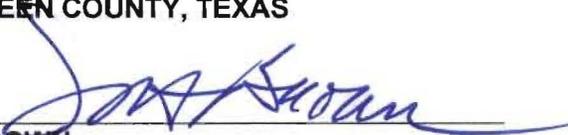
7. Automatically receive full ownership of the grant improvements upon acceptance by the COUNTY of the Certificate of Construction Completion.

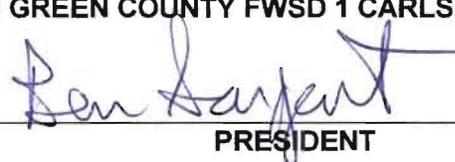
8. Provide any matching funds that it has separately committed by resolution of its FWSD 1 Board.

The parties further agree that any GRANT funds provided by the COUNTY are without warranty of any kind to the FWSD 1 or any third party, and the FWSD 1 hereby agrees, to the extent allowable by law, to defend, hold harmless, and indemnify the COUNTY, its officers, agents, and employees for any claims for injury or death of any person or any property damage arising out of the COUNTY'S performance of its obligations under this Agreement. Nothing herein shall be construed to create any rights in third parties.

TOM GREEN COUNTY, TEXAS

TOM GREEN COUNTY FWSD 1 CARLSBAD


MIKE BROWN
County Judge


PRESIDENT

JUN - 4 2013

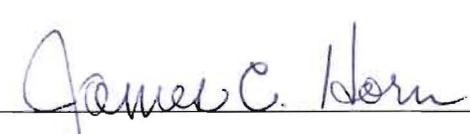
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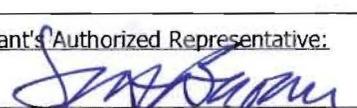
MAY 14 2013

ATTEST:


County Clerk


FWSD 1 Secretary



1. TYPE OF SUBMISSION Application: <input checked="" type="checkbox"/> Construction <input type="checkbox"/> Non-Construction Pre-application: <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction		2. DATE SUBMITTED: _____	APPLICANT IDENTIFIER: _____
		3. DATE RECEIVED BY STATE: _____	STATE APPLICATION IDENTIFIER: _____
		4. DATE REC'D by FEDERAL AGENCY: _____	FEDERAL IDENTIFIER: _____
5. APPLICANT INFORMATION:			
Legal Name: Tom Green County		Organizational Unit: Local Government	
Address (City, County, State, and Zip Code) of applicant: Tom Green County 112 W Beauregard San Angelo, TX 76903		Name/Title, Agency or Company, Address, Area Code, Telephone and Fax Numbers, and e-mail address of application preparer: Eric Hartzell, GrantWorks 2201 Northland Austin, TX 78756 512.420.0303 ext 302/fax 512.420.0302	
6. EMPLOYER IDENTIFICATION NUMBER (EIN): 75-6001184		6a. DUNS NUMBER: 47547104	
7. TYPE OF APPLICANT: <input type="checkbox"/> A. Municipal <input checked="" type="checkbox"/> B. County		8. TYPE OF APPLICATION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision	
9. NAME OF FEDERAL / STATE AGENCY: Texas Department of Agriculture		10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: 14-228 Title: Texas Community Development Block Grant Program (TxCDBG)	
11. PROJECT TYPE: Water Improvements (03J)		11a. TYPE OF APPLICATION: Colonia Fund: Construction	
12. TARGET AREA(S) AFFECTED BY THE PROJECT: Carlsbad		13. APPLICANT'S FISCAL YEAR: Beginning Date: 10/1/2012 Ending Date: 9/30/2013	
14. CONGRESSIONAL DISTRICTS:		Representative: 72 Senate: 28 Congress: 11	
15. ESTIMATED FUNDING:		16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?	
A. TxCDBG REQUEST: \$500,000.00 B. FEDERAL: _____ C. STATE: _____ D. APPLICANT: _____ E. LOCAL: \$25,000.00 F. OTHER: _____ G. TOTAL: \$525,000.00		<input type="checkbox"/> Yes the preapplication / application was made available to the State Executive Order 12372 process for review on: Date: _____ <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/> Program is not covered by E.O. 12372 -OR- <input type="checkbox"/> Program has not been selected by the State for review	
17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT? <input type="checkbox"/> Yes. If "Yes", attach an explanation. <input checked="" type="checkbox"/> No			
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE CERTIFICATIONS AND CITIZEN PARTICIPATION PLAN INCLUDED IN THE PROCEDURES SECTION OF THE TxCDBG PROGRAM APPLICATION GUIDE IF THE ASSISTANCE IS AWARDED.			
Typed Name of the Applicant's Authorized Representative: Michael D. Brown		Title County Judge	Telephone Number +1 (325) 653-3318
		E-mail Address mike.brown@co.tom-green.tx.us	
Signature of the Applicant's Authorized Representative: 			Date 6-7-13

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STANDARD FORM 424 (REV-4-88)