





**TEXAS DEPARTMENT OF AGRICULTURE**

**2013 – 2014  
Regional Review Committee  
Training and Scoring  
Guidelines**

**Texas Community Development Block Grant Program**

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# **Regional Review Committee Training and Scoring Guidelines**

## **Executive Summary**

### **Overview**

The Texas Department of Agriculture (TDA) administers the Texas Community Development Block Grant Program (TxCDBG), which provides financial assistance to cities with populations of less than 50,000 and counties under 200,000. At the federal level, the funds are allocated under the Community Development Block Grant (CDBG) Program by the U.S. Department of Housing and Urban Development. The TxCDBG funding is a key federal source of funding that provides direct grant assistance to rural areas for public infrastructure improvements, disaster relief, housing, and economic development. Each year an Action Plan is developed that provides an estimate of the annual allocation, funding categories and the method that the state will use in distributing the funding. TxCDBG annually funds approximately one-third of the applications received for funding. (TxCDBG allocation for the 2012 program year (PY) - \$59,537,991.)

### **Role of the Regional Review Committees**

The role of the Regional Review Committees (RRCs) is to participate in establishing scoring criteria that will be used to select applicants for funding under the Community Development (CD) Fund, the largest TxCDBG funding category (2012 - \$36,740,894). The CD fund is available on a biennial basis for funding from program years through an annual application competition in each of the 24 state planning regions. The TxCDBG Community Development Fund application cycle will be based on a scoring methodology that considers objective factors for selection and ranking of applicants for funding. The majority, approximately (90%) of the points, are assigned by the RRCs.

Each of the 24 Regional Review Committees are responsible for determining local project priorities and objective factors based on public input for the appropriate region. The RRC process begins with a meeting to obtain public input related to priorities and needs of the region, which may be considered by the RRC in determining local project priorities and objective scoring factors. The RRC will conduct a public meeting to first accept public comments and then formally adopt the scoring criteria, establish the numerical value of the points assigned to each scoring factor and determine the total combined points for all RRC scoring factors.

Each region will adopt a RRC Guidebook, which will describe the following:

- Objective scoring factors
- Numerical value of points assigned to each scoring factor
- Scoring methodology – indicating how responses will be scored
- Data sources verifiable to the public

In order for applicants to provide documentation and information necessary for scoring purposes, the RRC Guidebook shall provide a format for applicant responses and identify the support documentation required from applicants to verify information for scoring purposes.

### **TxCDBG Responsibilities**

Once the applicants are scored at the regional level, the scores will be forwarded to TxCDBG. TxCDBG will assign 10% of the RRC total combined points based on factors described in the 2013 TxCDBG Action Plan plus the Low and Moderate Income Persons (LMI) National Objective Scoring factor. TxCDBG will be responsible for reviewing the RRC scores and for determining the final ranking of the applicants once the RRC and the TxCDBG scores are summed, and approval of the final ranking. TxCDBG is responsible for publishing the final ranking of the applicants for each region.

## SECTION ONE

### Regional Review Committee Training and Checklist

#### I. RRC Training

In order to promote consistency throughout the state and to give new committee members an opportunity to become familiar with the procedures, a mandatory training session at the RRC Meeting will be provided by TxCDBG and assigned RRC support staff. The training will cover a brief overview of the TxCDBG program and RRC roles and responsibilities for determining local project priorities, establishing scoring factors, scoring methodology, identifying data sources and other procedures.

#### II. RRC Public Hearing and Meeting to Adopt Local Project Priorities and Objective Scoring Factors – Checklist

	<b>Prior to Public Hearing of the RRC</b>
	The RRC proceedings are subject to the Texas Open Meetings Act.
	Each eligible applicant is notified of the public hearing in writing at least 5 days prior to the public hearing.
	A public notice of the hearing must be published in the newspaper at least 3 days in advance.
	<b>During Public Hearing of the RRC Meeting</b>
	A quorum of seven members is required. Number of members present: _____
	RRC holds public hearing and meeting to adopt local project priorities and objective scoring factors. During public meeting, RRC provides opportunities for public comment, discussions, deliberations and votes in public. Public comments agenda item: Yes _____ No _____
	The RRC must establish a policy that prohibits voting by committee members who arrive late or do not attend the entire public hearing.
	An appointed RRC member may designate a proxy from his/her city or county for purposes of a quorum, however only appointed RRC members may vote on RRC actions.
	The RRC may not adopt scoring factors that directly negate or offset TxCDBG scoring factors.
	RRC Discussion and consideration of any issue from previous scoring factors.
	After the RRC's adoption of its scoring factors, the score awarded to a particular application may not be dependent upon an individual RRC member's judgment or discretion.
	The RRC shall select support staff to develop the RRC Guidebook, calculate the scores, and provide other administrative RRC support. The RRC Guidebook must identify the role of each entity selected. RRC support staff selected: _____ Role: _____
	RRC establishes the maximum grant amounts for the region: Single jurisdiction: \$ _____ Multi-jurisdiction: \$ _____
	RRCs are encouraged to establish set-asides for housing and non-border colonia projects. Yes: _____ If yes: Housing %: _____ Non-border colonia fund %: _____ No: _____
	<b>RRC Guidebook Adopted by RRC and Approved by TxCDBG Staff</b>
	The RRC Guidebook should be adopted by the RRC and approved by TxCDBG staff at least 90 days prior to the CD Fund application deadline set by TxCDBG.
	<b>Regional Scores Due to TxCDBG</b>
	RRC scores are due to TxCDBG within 30 days after TxCDBG notifies the region in writing that the deficiency period is complete and applications are forwarded to the RRC support staff.

**SECTION TWO**  
**REGIONAL REVIEW COMMITTEE**  
**ROLE AND RESPONSIBILITIES**

**I. Organization of the Regional Review Committee (RRC)**

Each Committee will consist of 12 members appointed by the governor. The chairperson of the RRC is also appointed by the governor. RRC member serve at the pleasure of the governor and serve until replaced.

**II. Procedural Requirements of the Regional Review Committee**

**A. General Requirements**

**1. RRC Must Notify Applicants of Public Hearing at the RRC Meeting to Adopt Local Project Priorities and Objective Scoring Factors**

a. The RRC proceedings are subject to the Texas Open Meetings Act. The RRC must notify each eligible locality in the region in writing of the date, time and place of the RRC meeting and public hearing at least five days prior to the public hearing. One of the following four methods must be utilized when sending the notice:

- certified mail;
- electronic mail;
- first class (regular) mail, with a return receipt for local signature enclosed; or
- deliver in person (e.g., at a Council of Governments [COG] meeting);

b. A notice of the public hearing and meeting must be published in a regional newspaper in the region at least three days in advance of the actual meeting. A published newspaper article is acceptable in lieu of a public notice if it meets the content (date, time, location and purpose) and timing requirements.

c. The RRC must provide for public comments on the RRC meeting agenda. RRC discussions, deliberations and votes must be taken in public and must comply with the Texas Open Meetings Act.

**2. Quorum Required for RRC Meeting**

A public meeting of the RRC requires a quorum of seven members (regardless of status of term or elected office) appointed by the governor. Each Regional Review Committee must establish a policy that prohibits voting by committee members who arrive late or do not attend the entire public meeting held to adopt local project priorities and objective scoring factors and other RRC procedures.

**3. Only Appointed RRC Members May Vote on RRC Actions**

An appointed member may designate a local official alternate from his/her city or county to participate in the RRCs deliberations for the purpose of meeting a quorum. This alternate person must be authorized in writing from the official being represented prior to his/her participation at any RRC meeting where voting is to occur. Please note, however, that proxies cannot vote on RRC matters. (This means that proxies may not vote on organizational matters, objective scoring factors, and any other related scoring procedures.) Proxies are there to satisfy the quorum requirements.

**4. RRC May Provide Information to TxCDBG Concerning Threshold Criteria**

RRCs are encouraged to provide information that would assist TxCDBG in determining applicant compliance with eligibility thresholds and other information that may be considered by TxCDBG in the state scoring factors.

B. Appeals Meeting

For any appeals pertaining to alleged procedural errors committed by the RRC, the procedures outlined in Section Four will be implemented.

III. Role of the Regional Review Committee

Each Regional Review Committee is responsible for determining objective scoring factors based on public input. The RRC shall establish the numerical value of the points assigned to each scoring factor and determine the total combined points for all RRC scoring factors.

A. RRC Responsible for Adopting Local Project Priorities and Objective Scoring Factors

1. Hold Public Hearing during, RRC meeting to Discuss, Select, and Adopt Scoring Factors

A public hearing to discuss priorities and adopt objective scoring criteria is conducted by the RRC. The RRC support staff must provide (public notification five days in advance of meeting by regular mail, electronic mail, or telephone calls). The public must be given an opportunity to comment on the priorities and the scoring criteria being considered by the RRC. The RRC may limit the duration of public comment period and length of time for comments. The final selection of the scoring factors is the responsibility of each RRC. The RRC may not adopt scoring factors that directly negate or offset TxCDBG scoring factors. Sample scoring criteria may be developed with public participation and submitted to TxCDBG for preliminary review and for full discussion and deliberation by the RRC during the public hearing.

RRCs are encouraged to establish a priority scoring that considers the nature and type of project.

2. RRC Indicates How Responses Will Be Scored and Identify Data Sources

The RRC must clearly indicate how responses would be scored under each factor and use data sources that are verifiable to the public (See suggested format - Attachment A). This is an opportunity for applicants and staff to discuss any issues with previous scoring factors.

After the RRC's adoption of its scoring factors, the score awarded to a particular application under any RRC scoring factor may not be dependent upon an individual RRC member's judgment or discretion. (This does not preclude collective RRC action that the state TxCDBG has approved under any appeals process.)

B. RRC Selects Administrative Support Staff

The RRC shall select one of the following entities to develop the RRC Guidebook, calculate the RRC scores, and provide other administrative RRC support:

- (i) Regional Council of Governments (COG), or
- (ii) TxCDBG staff or TxCDBG designee, such as another COG or
- (iii) A combination of COG and TxCDBG staff or TxCDBG designee.

The RRC Guidebook must identify the entity responsible for calculating the scores and must define the role of each entity selected. The RRC support staff, as determined above, is responsible for reviewing and verifying RRC information found in the application for scoring purposes, but may not accept additional information from applicants. The RRC support staff may only use the application information forwarded by TxCDBG for scoring purposes.

C. RRC May Establish Maximum Grant Amounts

RRC may establish maximum grant amounts within the following ranges:

Single Jurisdiction Applications	Multi- Jurisdiction Applications
\$275,000 - \$800,000	\$350,000 - \$800,000

1. RRC are authorized in the 2013 Action Plan to establish a grant maximum between \$275,000 or an amount equal to 12.5% of its combined 2009 and 2010 allocation, whichever is lower.
2. Where the RRC takes no action, the grant maximum will be \$800,000 for single jurisdiction applications and \$800,000 for multi-jurisdiction applications.
3. To ensure sufficient funds in the CDBG award to provide substantial benefit and to provide for construction efficiencies, the RRC should not prioritize application amounts lower than the maximum or \$200,000.

**D. RRC Housing and Non-Border Colonia Set-Asides Encouraged**

Each Regional Review Committee is highly encouraged to allocate a percentage or amount of its Community Development Fund (CD) allocation to housing projects and for RRCs in eligible areas, non-border colonia projects, for that region. Under a set-aside, the highest ranked applications for a housing or non-border colonia activity, regardless of the position in the overall ranking, would be selected to the extent permitted by the housing or non-border colonia set-aside level. If the region allocates a percentage of its funds to housing and/or non-border colonia activities and applications conforming to the maximum and minimum amounts are not received to use the entire set-asides, the remaining funds may be used for other eligible activities. (Under a housing and/or non-border colonia set-aside process, a community would not be able to receive an award for both housing or non-border colonia activity and an award for another Community Development Fund activity during the biennial process. Housing projects/activities must conform to eligibility requirements in 42 U.S.C Section 5305 and applicable HUD regulations.) The RRC must include any set-aside in its Regional Review Committee Guidebook.

**E. RRC Guidebook Adopted and Approved At Least 90 Days Prior to Application Deadline**

The RRC Guidebook should be adopted by the RRC and approved by TxCDBG staff at least 90 days prior to the CD application deadline set by TxCDBG. The RRC shall disseminate the RRC Guidebook to the applicants upon written approval by TxCDBG. The RRC will be required to submit the public input documentation along with the RRC Guidebook to TxCDBG.

**F. RRC Scores Are Due to TxCDBG within 30 Days to Completion of the Deficiency Period**

RRC scores are due to TxCDBG within 30 days after TxCDBG notifies the region in writing that the deficiency period is complete. The RRC may not change the requested amount of Texas CDBG funding, change the scope of the project proposed, or negotiate the specifics of any application. Regional scores shall be calculated and reported to TxCDBG on less than full point intervals (i.e., to 4 decimal points) in order to reduce the chance of ties between regional applicants. TxCDBG will retain these same intervals when calculating the total scores and final rankings. The RRC shall announce the RRC scores to the public after TxCDBG has reviewed the scores for accuracy and written approval is received.

**G. COGs Preparing Applications/Administering CD Contracts May Not Be Selected As RRC Support Staff**

COGs that prepare CD Fund applications and manage contracts will not be allowed to serve as Regional Review Committee (RRC) support staff for that region during the public hearing and scoring of applications. These COGs may not prepare the RRC Guidebook or score the region's applications.

## **SECTION THREE**

### **TxCDBG RESPONSIBILITIES**

**I. TxCDBG CD Fund Selection and Award Responsibilities**

**A. TxCDBG Staff Reviews RRC Guidebook**

1. TxCDBG Reviews RRC Guidebook

TxCDBG staff will review each RRC Guidebook to ensure that the scoring procedures are in compliance with 24 CFR 91.320(k) (1). The regulation states in part that "The statement of method of distribution must provide sufficient information so that units of general local government will be able to understand and comment on it and be able to prepare responsive applications." TxCDBG staff will also review the scoring factors selected to ensure that all scoring factors are objective. Each RRC must obtain written approval from TxCDBG staff before implementing the RRC scoring process. As part of the approval process of the RRC Guidebook, the TxCDBG staff may provide further details or elaboration on the objective scoring methodology, data sources and other clarifying details without the necessity of a subsequent RRC meeting.

The state TxCDBG staff may establish:

- (i) a deadline for the RRC to adopt objective factors for all of its scoring components and submit its adopted Guidebook incorporating the objective scoring methodology to the state TxCDBG staff for approval;
- (ii) a RRC scoring review appeals process in the Guidebook Instructions and/or the Texas Administrative Code.
- (iii) establish the maximum number of regional scoring factors that may be used in order to improve review and verification efficiency.
- (iv) Determine that certain regional scoring factors may not be used because the data is not readily available or would require excessive effort to verify in a timely manner.

## 2. Eligible Applicants Submit CD Fund Applications to TxCDBG

An eligible applicant may submit one application under the Community Development Fund. Two copies of the application (one original and one copy) and a third electronic copy must be furnished to TxCDBG within the CD Fund application deadline. (See tentative timeline - **Attachment B**) The CD Fund application must include all of the RRC information provided in the RRC Guidebook required for regional scoring.

## 3. Review of Applications for Completeness and Eligibility

Upon receipt of an application, TxCDBG staff will perform a completeness and eligibility review of the CD application to determine whether the application is complete and whether all proposed activities are program eligible, meet a national objective and in compliance with other TxCDBG requirements. Only the TxCDBG staff may disqualify a CD Fund application. If the application is not subject to disqualification, staff will contact the applicant and explain the deficiencies that have been identified and how they must be addressed. A response correcting the deficiencies must be submitted to TxCDBG within 10 calendar days from the date of contact. TxCDBG will notify the RRC support staff that the deficiency periods for all applicants in the region are completed. Corrected applications will be forwarded to the RRC support staff for scoring purposes.

## 4. TxCDBG Responsible for Reviewing Scores

TxCDBG shall be responsible for reviewing all scores for accuracy and for determining the final ranking of applicants once the RRC and TxCDBG scores are summed. The regional scores for RRC factors and the ranking of applications are not considered final until they have been reviewed and approved by the state TxCDBG staff. The RRC is responsible for providing to the public the RRC scores, while the TxCDBG is responsible for publishing the final ranking of the applications.

5. TxCDBG Prepares Funding Recommendations

TxCDBG is responsible for publishing the final ranking of the applications. TxCDBG staff is responsible for preparing and publishing the funding recommendations. TxCDBG will publish on their website preliminary combined RRC and State scores for review.

6. TDA Commissioner Announces 2013-2014 Program Year Applications for Funding

The Commissioner of TDA will approve awards to the program year applications.

7. TxCDBG Works with the Recipients to Execute Contracts

Upon the announcement of the 2013 program year awards, TxCDBG staff will begin working with recipients to prepare and execute contracts. TxCDBG staff will make a site visit to each of the applicants recommended for funding to verify information included in the application. These visits will take place prior to the preparation of contracts. While the award must be based on the information provided in the application, TxCDBG may negotiate any element of the contract with the recipient so long as the award amount is not increased and the level of benefits described in the application is not decreased. (Level of benefits may be negotiated only when the projects can only be partially funded with the remainder of the target allocation within a region.) The same process will be followed for the 2014 recipients within the appropriate time-frame for program year funding.

**II. State Scoring – 10% of Maximum Possible Score for Each RRC as Described In the 2013 Action Plan**

TxCDBG will assign 10% of the total RRC combined points as follows:

- (1) Past Selection – Maximum Points - 2% of Maximum Possible RRC Score
- (2) Past Performance - Maximum Points - 4% of Maximum Possible RRC Score
- (3) Basic infrastructure or Housing Activities - 2% of Maximum Possible RRC Score

[a1g1]

**III. Statutory – Low and Moderate Income (LMI) Persons National Objective**

To assist in fulfilling the CDBG Statutory requirements for the percentage of program year awards that must meet the LMI National Objective, applications that meet the LMI National Objectives for each activity (51% L/M) will receive 2% of the maximum possible RRC Score for each region. To ensure the TxCDBG program meets the statutory LMI National Objective requirements if the ranking in a region would not result in the award of at least 75 percent of the allocated funds for LMI National Objective, then the TxCDBG shall make awards based on a revised ranking to achieve at least a 75 percentage level for LMI awards for the region.

**IV. Tie-breaker in a Region**

If needed in the ranking of applications within a region based on available funds remaining, a tie between multiple applications shall be broken based on the per capita income ranking, with a lower per capita income level ranking higher, followed by a second tie-breaker, if needed, of the highest poverty rate ranking higher, followed by a third tie-breaker, if needed, of the highest annual unemployment rate ranking higher.

**V. Impacts of Failure to Adopt RRC Objective Scoring Factors**

If the RRC for a region fails to approve an objective scoring methodology to the satisfaction of the TxCDBG consistent with the requirements in the 2013 Action Plan by the established deadline or if the RRC fails to implement the approved methodology, the state TxCDBG staff will begin with the final RRC scoring factors for the 2011/2012 cycle and adjust them based on the following:

- The state may establish the maximum number of regional scoring factors that may be used in order to improve review and verification efficiency and may insert factors to provide a minimum number of factors;
- The state may determine that certain regional scoring factors may not be used because the data is not readily available or would require excessive effort to verify the information in a timely manner; and
- To ensure consistency, the state may determine the acceptable data source for a particular regional scoring factor.

## SECTION FOUR

### APPEALS PROCEDURES

Appeals will be handled in accordance with the following procedures:

**1. Written Notification to RRC and TxCDBG**

An applicant must notify its Regional Review Committee and TxCDBG in writing of the alleged specific violation of the RRC scoring guidebook within five working days following the date the RRC scores are made available to the applicants (RRC staff support is advised to record this date).

**2. RRC Notification to Applicants of Appeal(s)**

Within ten working days following the receipt of an appeal, the RRC will notify all applicants in the region that the RRC will reconvene to hear the appeal. The RRC will give notice to applicants that their scores may be affected by the outcome of the appeal and may present pertinent information at the RRC appeal meeting.

**3. RRC Reconvenes to Hear the Appeal(s)**

In an open meeting, the RRC shall consult with the appellant jurisdiction and consider the appeal. With a simple majority quorum present (i.e., seven members), the RRC will vote to either deny the appeal and forward the appeal and the original regional scores to TxCDBG or to sustain the appeal and proceed with corrective actions. If the RRC sustains the appeal, the RRC makes corrections and forwards the corrected regional scores to TxCDBG. The RRC administrative staff will send a written description of the results of the appeals meeting to all applicants in the region and to TxCDBG. Please note that applicants negatively affected by an original appeal have the same procedural rights to participate in the scoring appeal meeting, including presenting relevant information to the RRC.

**4. Applicants May Appeal a Decision of the RRC**

Within five working days following the decision of the RRC, an applicant may submit an appeal of the RRC decision to TxCDBG. The appeal must be submitted to TxCDBG in writing stating the alleged specific violation of the RRC scoring guidebook.

**5. TxCDBG Makes Final Scoring and Ranking Determinations**

If the appeal is unresolved by the RRC or denied at the regional level, and the applicant appeals a decision of the RRC, the TDA Commissioner will make a final determination as follows:

- sustain the appeal and make funding recommendations based on corrected regional scores; or
- reject the appeal and make funding recommendations considering the original RRC submitted scores.

TxCDBG will notify the region of the decision and post the final rankings for the region.

## ATTACHMENT A

### RRC Scoring Format and Suggested Process

**Step 1: Determine Which Priorities are Important to the Region and Assign Weight**

Determine which categories are important to the RRC, and the relative importance of each category. Assign weight on a percentage basis to each category that will total 100%. RRCs are encouraged to establish a priority scoring factor that considers the nature and type of project.

**EXAMPLE:**

Need/ Distress	Match/ Leverage	Cost Effectiveness	Population	Utility Rates	Project Type/ Priority	RRC Total
30% +	30% +	10% +	10%+	0 +	20%	= 100%

**Step 2: Develop the Questions/Scoring Factors and Assign Points**

Select questions/scoring factors for each category. Modify/choose from the sample questions/scoring factors provided by TxCDBG or create new questions/scoring factors. Based on assigned weights, assign points to each question that will add up to the total amount of points for that category. Determine the total number of points. Add TxCDBG points (10% of the total RRC points).

**Step 3: Statutory LMI Persons 51% met**

Assign 2% of Maximum RRC points if this state requirements is met.

**EXAMPLE:**

Need/ Distress	Match/ Leverage	Cost Effectiveness	Population	Utility Rates	Project Type/ Priority	RRC Total Points
60 +	60 +	20 +	20 +	-	40	= 200 Points

**200 (RRC Points) + 20 (TxCDBG Points) + 4 (LMI) = 224 Total Points**

**Need/Distress (Assign Points for Selected Category)**

*Select Questions/Scoring Factors for Each Category and Distribute Points to Sublevels as Necessary*

- Question/Scoring Factor #1 **40 Points Maximum**
- Scoring Methodology (how responses will be scored):
- Data Source:
- Information Needed From Applicant to Score:

**Match/Leverage (Assign Points for Selected Category)**

*Select Questions/Scoring Factors for Each Category and Distribute Points to Sublevels as Necessary*

- Question/Scoring Factor #1 **60 Points Maximum**
- Methodology (how responses will be scored):
- Data Source:
- Information Needed From Applicant to Score:

**Cost Effectiveness**

*Select Questions/Scoring Factors for Each Category and Distribute Points to Sublevels as Necessary*

- Question/Scoring Factor #1 **20 Points Maximum**
- Methodology (how responses will be scored):
- Data Source:
- Information Needed From Applicant to Score:

**Population**

*Select Questions/Scoring Factors for Each Category and Distribute Points to Sublevels as Necessary*

- **Question/Scoring Factor #1 20 Points Maximum**
- Methodology (how responses will be scored):
- Data Source:
- Information Needed From Applicant to Score:

**Project Type/Priority (Assign Points for Selected Category)**

*Select Questions/Scoring Factors for Each Category and Distribute Points to Sublevels as Necessary*

- **Question/Scoring Factor #1 40 Points Maximum**
- Scoring Methodology (how responses will be scored):
- Data Source:
- Information Needed From Applicant to Score:

**ATTACHMENT B**  
**COMMUNITY DEVELOPMENT FUND SELECTION**  
**AND AWARD TIMELINE**

	<b>Tentative Dates</b>	<b>Activity/Action</b>
1.	October, 2012	Two copies (one original and one copy) and an electronic copy of the CD application (inclusive of RRC scoring information) are due to TxCDBG by the established deadline.
2.	October 2012  January 2013	If the application is not subject to disqualification, TxCDBG will complete a review of the application. Applicants have 10 calendar days of contact by TxCDBG staff to respond to deficiencies.  TxCDBG will forward applications to the RRC support staff for scoring once the deficiency periods have elapsed and corrections are received from applicants.
3.	February - March 2013	RRC scores are due to TxCDBG within 30 days of written approval to proceed with scoring.
4.	April 2013	TxCDBG scores state scoring factors and then sums RRC and TxCDBG scores for final ranking of 2011-2012 applications for each region.
5.	May 2013	Upon receipt of the HUD annual allocation, TxCDBG will make funding recommendations.
6.	April – May 2013	TxCDBG staff begins 2013 site visits to communities approved for funding to confirm application information and contract preparation commences. Site visits and contracts will begin for applicants approved for funding during the second year of the biennial competition sometime during the spring of 2014.
7.	June 2013	Upon receipt of the HUD grant award, TxCDBG will make the 2013 CD awards.



## Suzanne Barnard

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**From:** cdbg-bounces+suzanne.barnard=texasagriculture.gov@lists.state.tx.us on behalf of Texas Community Development Block Grant program <cdbg@lists.state.tx.us>  
**Sent:** Friday, September 20, 2013 11:10 AM  
**To:** cdbg@lists.state.tx.us  
**Subject:** Two Announcements from TxCDBG

### TxCDBG Announces Policy Issuance 13-3

The Texas Department of Agriculture announces the following changes to the TxCDBG Project Implementation Manual:

- Requirements to satisfy contract Special Conditions are updated to reflect the contract boilerplate which will be used for 2013 contracts beginning September 1, 2013.
- Contract requirements are updated to standardize requirements for contracts under the Community Development Fund, Texas Capital Fund, and other fund categories.
- Other procedural updates and clarifications.

The issuance includes four new or revised Adobe PDF forms, three chapters replaced as a whole, and limited updates to four additional chapters. Incorporation of these changes into the administration of TxCDBG projects is critical to avoid delays in the release of grant funds or findings of non-compliance with program requirements.

The full Policy Issuance document and forms can be found

at: <https://texasagriculture.gov/GrantsServices/RuralEconomicDevelopment/RuralCommunityDevelopmentBlockGrantCD/BG/CDBGResources/PolicyIssuances.aspx>

or

<https://texasagriculture.gov/GrantsServices/RuralEconomicDevelopment/RuralCommunityDevelopmentBlockGrantCD/BG/CDBGAnnouncements.aspx>

### TxCDBG Announces Upcoming Project Implementation Workshops

The Texas Department of Agriculture (TDA) will also host a series of Project Implementation Workshops in October of 2013. Attendance at one of these workshops is required for all persons designated as the administrator or administrative point of contact for a TxCDBG grant.

Each workshop is scheduled from 9am to 12pm and will include:

- 2013 TxCDBG Project Implementation Workshop,
- Discussion and opportunity for public input on recent and future changes to the TxCDBG Implementation manual, and
- Insight regarding improvements to the TxCDBG grant management system
- Question and answer session

Date	Location
October 14, 2013	Austin
October 15, 2013	Laredo
October 17, 2013	Lubbock
October 21, 2013	Webinar (registration details forthcoming)

Location details can be found at:

<https://texasagriculture.gov/GrantsServices/RuralEconomicDevelopment/RuralCommunityDevelopmentBlockGrantCDBG/CDBGAnnouncements.aspx>

Please RSVP for your preferred location by emailing [Veronica.Sandoval@TexasAgriculture.gov](mailto:Veronica.Sandoval@TexasAgriculture.gov).

We look forward to seeing you in October!

Suzanne Barnard | Manager, TxCDBG Project Delivery  
Office of Rural Affairs  
Texas Department of Agriculture  
[Suzanne.Barnard@TexasAgriculture.gov](mailto:Suzanne.Barnard@TexasAgriculture.gov) | 512.936.0247

## Suzanne Barnard

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**From:** cdbg-bounces+suzanne.barnard=texasagriculture.gov@lists.state.tx.us on behalf of Texas Community Development Block Grant program <cdbg@lists.state.tx.us>  
**Sent:** Monday, April 15, 2013 2:30 PM  
**To:** CDBG@lists.state.tx.us  
**Subject:** 2013 Texas Capital Fund - Downtown Revitalization/Main Street Application Workshops

The Texas Department of Agriculture announces the workshop schedule for the 2013 Texas Capital Fund Downtown Revitalization and Main Street Programs. The application and guide for both programs are readily available on-line at [www.texasagriculture.gov](http://www.texasagriculture.gov).

### **Application Deadlines:**

**Downtown Revitalization – July 11, 2013**

**Main Street Program – October 3, 2013**

*Applications are due no later than 5:00 PM on the respective due date.*

All interested parties are encouraged to attend at least one of the three workshops/webinars for important information regarding preparation of applications for the Texas Capital Fund Downtown Revitalization and Main Street programs and to obtain their grant training certification for the Downtown Revitalization and Main Street programs.

### **WORKSHOP # 1 - AUSTIN**

**When:** Friday, May 10, 2013  
9:30 -12:00 pm CT  
**Where:** Stephen F. Austin Building Room 220S (Second Floor)  
1700 North Congress  
Austin, TX 78711

### **Webinar Address:**

<https://tdameetings.webex.com/tdameetings/onstage/g.php?d=746077463&t=a>  
Event password: TCF

### **For Audio:**

Call-in toll-free number (Verizon): 1-877-926-9237 (US)  
Attendee access code: 796 162 5

### **WORKSHOP # 2 - AMARILLO**

**When:** Friday, June 7, 2013  
9:30 -12:00 pm CT  
**Where:** PRPC Board Room  
Panhandle Regional Planning Commission  
415 W. 8<sup>th</sup>  
Amarillo, TX 79105  
(806) 372-3381

**Webinar Address:**

<https://tdameetings.webex.com/tdameetings/onstage/g.php?d=747389582&t=a>

Event password: TCF

For Audio:

Call-in toll-free number (Verizon): 1-877-926-9237 (US)

Attendee access code: 796 162 5

**WORKSHOP # 3 - GLADEWATER**

**When:** Friday, August 9, 2013

9:30 -12:00 pm CT

**Where:** Former Students Building

2509 Hendricks St

Gladewater, TX 75647

**Webinar Address:**

<https://tdameetings.webex.com/tdameetings/onstage/g.php?d=749315656&t=a>

Event password: TCF

For Audio:

Call-in toll-free number (Verizon): 1-877-926-9237 (US)

Attendee access code: 796 162 5

Registration for these workshops is not required, however, to assist the Department in planning please provide a RSVP to Matthew Schmidt at (512) 936-6613 or by e-mail, [Matthew.Schmidt@TexasAgriculture.gov](mailto:Matthew.Schmidt@TexasAgriculture.gov).

## Suzanne Barnard

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**From:** cdbg-bounces+suzanne.barnard=texasagriculture.gov@lists.state.tx.us on behalf of Texas Community Development Block Grant program <cdbg@lists.state.tx.us>  
**Sent:** Wednesday, April 03, 2013 3:17 PM  
**To:** CDBG@lists.state.tx.us  
**Subject:** 2013-2014 COLONIA FUND APPLICATION WORKSHOPS

The Texas Department of Agriculture announces the availability of applications for the Texas Community Development Block Grant (TxCDBG) Program 2013-2014 Colonia Fund. The application and guide for both Construction and Planning will be available on-line at [www.texasagriculture.gov](http://www.texasagriculture.gov) no later than April 8<sup>th</sup>. **The application deadline is Monday, June 17, 2013.**

Interested parties are encouraged to attend at least one of the two workshops for important information regarding preparation of applications for TxCDBG Colonia Fund Construction and/or Planning Grants.

Questions and comments concerning the application guide(s), application forms or any other aspect of the Texas Community Development Block Grant Program will be addressed at the following workshops:

### **WORKSHOP # 1 - ROBSTOWN**

**When:** Wednesday, April 17, 2013  
1:00 -5:00 pm CT  
**Where:** Johnny Calderon County Building (Auditorium)  
710 E. Main  
Robstown, TX 78380  
**Contact:** Helen Orsak  
Texas A&M AgriLife Extension  
Senior Administrative Clerk, Office Manager  
(361) 767-5223  
[horsak@ag.tamu.edu](mailto:horsak@ag.tamu.edu)

### **WORKSHOP # 2 - WEBINAR**

**When:** Friday, April 19, 2013  
9:00 am – 12:00 pm CT  
To attend by webinar see the instructions below

**Webinar Event address:** <https://tdameetings.webex.com/tdameetings/onstage/g.php?d=740634805&t=a>  
Event password: TDA

#### For Audio:

Call-in toll-free number (Verizon): 1-877-926-9237 (US)  
Attendee access code: 796 162 5

### **COLONIA FUND ELIGIBLE COUNTIES**

Counties within a 150 mile area of the Texas-Mexico border are generally eligible for the Colonia Fund and may submit an application for construction and/or an application for planning activities.

Eligible county applicants located within 150 miles of the Texas-Mexico border are:

Aransas (Part)	Ector (Part)	Kenedy	Menard	Sterling (Part)
Bee	Edwards	Kerr	Midland (Part)	Sutton
Blanco (Part)	El Paso	Kimble	Nueces	Terrell
Brewster	Frio	Kinney	Pecos	Tom Green
Brooks	Gillespie (Part)	Kleberg	Presidio	Upton
Cameron	Glasscock (Part)	La Salle	Reagan	Uvalde
Coke (Part)	Goliad (Part)	Live Oak	Real	Val Verde
Concho (Part)	Hidalgo	Llano (Part)	Reeves	Ward
Crane	Hudspeth	Loving	Refugio (Part)	Webb
Crockett	Irion	Mason (Part)	Runnels (Part)	Willacy
Culberson	Jeff Davis	Maverick	San Patricio	Winkler (Part)
DeWitt (Part)	Jim Hogg	McCulloch (Part)	Schleicher	Zapata
Dimmit	Jim Wells	McMullen	Starr	Zavala
Duval	Karnes (Part)			

Erica Garza | TxCDBG Program  
 Office of Rural Affairs  
 Texas Department of Agriculture  
[Erica.Garza@TexasAgriculture.gov](mailto:Erica.Garza@TexasAgriculture.gov) 512.936.7875





**STATE OF TEXAS  
OFFICE OF THE GOVERNOR**

In 1968, President Lyndon Baines Johnson signed into law Title VIII of the Civil Rights Act, also known as the Fair Housing Act. This legislation prohibits discrimination in the sale, rental or financing of housing on the basis of race, color, religion, sex, national origin, family status or disability.

In 1989, the Texas Legislature passed the Texas Fair Housing Act, solidifying our state's commitment to the spirit of nondiscrimination and equality of opportunity. These acts were conceived with a noble goal in mind: affording all Americans the opportunity to pursue their American Dream and seek the type of housing they see fit.

Each year, the month of April is dedicated to reaffirming our commitment to fair housing for all Americans.

At this time, I encourage all Texans to support fair housing practices so that we can build an even brighter future for the great state we call home.

Therefore, I, Rick Perry, Governor of Texas, do hereby proclaim April 2013 to be

## **Fair Housing Month**

in Texas, and urge the appropriate recognition whereof.

In official recognition whereof,  
I hereby affix my signature this the  
21<sup>st</sup> day of March, 2013.

*Rick Perry*  
Governor of Texas



## EXHIBIT A

### PERFORMANCE STATEMENT

#### TOWN OF ANTHONY

All activities funded with TxCDBG funds must meet one of the CDBG program's National Objectives: benefit low- and moderate-income persons, aid in the prevention or elimination of slums or blight, or meet community development needs having a particular urgency. The Contractor certifies that the activities carried out under this contract will meet the National Objective of benefitting low- and moderate-income persons with at least 51% of the beneficiaries qualifying as low- to moderate-income.

Contractor **shall identify a planning period** and prepare a general plan regarding the following planning activities using generic population and other broad parameters for the purpose of funding allocation and for the area identified in the Application. The Contractor shall ensure that the amount of grant funds expended for each activity described herein does not exceed the amount specified for such activity in the Budget.

#### A. BASIC PLANNING ACTIVITIES

##### 1. BASE MAPPING

Contractor shall prepare a corporate area base map, **which should coordinate with the State Plane Coordinate System**, in digitized format and hardcopy for use in reports and wall-mounting, preferably laminated for the city, at a scale of 1" = 600' or better, which shall show at least the features (1) through (11) below:

The State Plane Coordinate (SPC) system provides coordinates on a flat grid for easy computation while maintaining a difference between geodetic and grid distance of one part in 10,000 or better. The State Plane Coordinate system divides the U.S. into a hundred or more distinct grid surfaces (Zones). Texas has five (5) State Plane Zones. Do not mix coordinates from one Zone with that in another. If you need to cross Zone boundaries, use Geodetic Positions. For more information about the State Plane Coordinate System contact the National Geodetic Survey Information Services.]

These data are to be used for graphical representation only. The Texas Department of Agriculture assumes no responsibility for the accuracy of said data.

- (1) Highway and street rights-of-way;
- (2) Highway designations and street names;
- (3) All major drainage ways;
- (4) Major bodies of water;
- (5) Block and lot lines for all platted subdivisions as available;
- (6) Property lines within unplatted subdivisions as available;
- (7) The width of all major utility easements;
- (8) Railroad rights-of-way;
- (9) All subdivisions and their names;
- (10) Corporate limits;
- (11) Other major facilities or features to include but not necessarily limited to:
  - (a) Major park and recreation areas and facilities;
  - (b) Water Treatment plants;
  - (c) Sewage Treatment plants;
  - (d) **Extraterritorial jurisdiction line**, as appropriate; and
  - (e) Other significant features.

## 2. **HOUSING INVENTORY, ANALYSIS AND PLAN**

- a. Contractor shall prepare a housing conditions inventory, analysis and plan which shall, to the fullest extent possible, be based on the participation of a diverse and representative group of housing interests. (What is a “diverse and representative group of housing interests”? Owners and renters, realtors, developers, builders, single persons, families, minorities, disabled persons, etc. Generally all persons, must be encouraged to participate in plan preparation, particularly those considered within the protected classes of the Fair Housing Act... No person shall be excluded or denied program benefits on the basis race, color, religion, sex, handicap (disability), national origin, and familial status).
- b. Contractor shall develop criteria to be used in the classification of building conditions and formulate definitions for each classification. As a minimum, the three following classifications shall be utilized within the study: 1) Standard, 2) Deteriorating, and 3) Dilapidated.
- c. Contractor shall perform an assessment of the exterior of all residential buildings within the city to determine the physical condition of each building or structure. Contractor shall record vacant and abandoned residential units as the assessment is being made.
- d. To the extent possible, Contractor shall determine whether housing is owner or renter occupied.
- e. Contractor shall use the base map at its contracted scale to create a **Housing Conditions Map** depicting all housing conditions as inventoried and showing all housing and its classification as defined by the developed criteria.
  - (1) Included on the map shall be the delineation of low and moderate income areas, as can be determined from the most recent available Census and/or TxCDBG demographic survey, with a brief narrative for the basis of their delineation.
  - (2) Included on the map shall be clearly marked units and/or areas of affordable housing that are properly represented on the map legend.
  - (3) Included on the map shall be census geographic boundary delineations as available from the most recent Census. The map shall show any identified areas that contain a concentration of aforementioned protected classes within the community.
- f. Contractor shall conduct an analysis of housing data to determine problems and housing needs of the current and prospective population and identifiable segments of the population, including the need for fair housing.
- g. Contractor shall identify previous implementation actions, both public and private, taken during the past two years to implement or improve housing programs, including fair housing.
- h. Contractor shall determine what local administrative and legal capacity is available or in effect to overcome housing-related problems which could be utilized more fully, (such as, the use of non-profit organizations), to improve housing, provide remedies to housing needs, including the need for fair housing.
- i. Contractor shall prepare a **goal(s) statement and annual housing related objectives**. To the extent possible, objectives shall be stated in quantifiable terms and target dates set for their achievement.
- j. Contractor shall identify future implementation actions and probable **costs**, (including as many Department programs as applicable or practical), both public and private, to be taken annually over the next three to five years. These activities shall result in the preparation of an overall program design for housing related activities, including fair housing.

**3. POPULATION**

a. Contractor shall compare census data of the locality from 1990 to present. Contractor must provide total number of project beneficiaries. From the total project beneficiaries, Contractor must provide number of persons in each of the sex, race and Hispanic origin categories; and by number of **persons** benefiting from **activity** by income status.

Total Project Male Female:  
Beneficiaries \_\_\_\_\_ : \_\_\_\_\_

Please divide beneficiaries according to the following race categories breaking out those who are also Hispanic. Columns should total and grand total should equal total beneficiaries.

Race	Non-Hispanic	Hispanic also	Ethnicity	Total
White				
Black/African American				
Asian				
American Indian/Alaskan Native				
Native Hawaiian/Other Pacific Islander				
American Indian/Alaskan Native & White				
Asian & White				
Black/African American & White				
American Indian/Alaskan Native & Black/African American				
Other Multi-Racial				
			Grand Total	

**Example:** Total beneficiaries equals eleven persons. For each of your beneficiaries you should determine both their race and whether or not they would also be included in the Hispanic ethnicity. In this example, nine persons are considered White by the census bureau and four of those nine are Hispanic in ethnicity. Therefore, on the form those four would be marked in the row for White and the column for Hispanic. The remaining five White non-Hispanic staff would be listed on the row for White and the column for non-Hispanic. The total for the White Non-Hispanic and White Hispanic should equal the total for White beneficiaries. The remaining two persons are Black/African American and of those two, one is also Hispanic in ethnicity. So... one will be listed on the Black/African American row and the column listed as Hispanic ethnicity while the other will be listed on the Black/African American row but under the Non-Hispanic column. The total for all Black/African Americans will be two and the grand total for all beneficiaries should equal the total number of beneficiaries, in this case eleven.

Income Level	No. of Persons
Very Low (at or below 30% of the AMFI)	
Low (31-50% of the AMFI)	
Moderate (51-80% of the AMFI)	
Non-Low/Moderate (above 80% of AMFI)	
<b>Total</b>	
Subtotal – All Low/Mod	
Percent Low/Mod	

- b. Contractor shall determine existing population estimates of the locality by occupied dwelling units. A realistic assessment of the locality's existing population shall be made by reliable methods.
- c. Contractor shall:
  - (1) Estimate the locality's future population by five-year increments for the next fifteen to twenty years based on existing trends.
  - (2) Analyze the distribution of classes protected by federal fair housing laws on the basis of race, color, religion, sex, handicap (disability), national origin, and familial status within the community, where such information is available from the most recent Census or other official publications at the block or block group level.
  - (3) Use the base map at its contracted scale for illustrative purposes and create a **Population Distribution Map** showing the existing and projected population distribution for the planning period. The map shall show any identified areas that contain a concentration of aforementioned protected classes within the community. Included on the map shall be census geographic boundary delineations as available from the most recent Census.

#### 4. LAND USE INVENTORY, ANALYSIS AND PLAN

- a. Contractor shall assess and inspect each plot, tract and parcel of land within the project area to determine its use. The project area should include the city's extraterritorial jurisdiction (ETJ), if significant development has occurred there.
- b. Categories in classifying land uses shall include, as a minimum, the following:
  - (1) Vacant (vacant developed or vacant undeveloped);
  - (2) Agriculture (cultivated and range land - five or more acres);
  - (3) Residential (single family, two family, multi-family, manufactured and mobile homes);
  - (4) Commercial; (retail and services);
  - (5) Industrial; (light and heavy);
  - (6) Public and Semi-Public (schools, parks and public buildings); and
  - (7) Other such additional or subcategories as may be deemed necessary to accurately reflect the existing pattern of land areas.
- c. Contractor shall prepare a color-coded **Existing Land Use Map** of the corporate area using the base map at its contracted scale. Contractor shall prepare a color-coded map of existing land uses within the planning area at appropriate scale, if the development within the ETJ or portion of the ETJ was determined to be significant in its potential impact on the city. Colors should conform to standard code.
- d. Contractor shall make a tabulation of the existing land uses to show:
  - (1) Total acreage by use;
  - (2) Percentage of acreage in each land use;
  - (3) Acres per 100 persons, or other standard for comparison purposes; and
  - (4) Developed and undeveloped land as a percent of the total land.
- e. Contractor should make an analysis of the community regarding past and potential developments and should report on factors affecting the development of land, such as those below:
  - (1) Occupied dwelling units;
  - (2) Existing land use;
  - (3) Thoroughfares
  - (4) Existing and anticipated population;
  - (5) Soil characteristics as related to developments;

- (6) Adequacy of public utilities;
- (7) Adequacy of public facilities;
- (8) Storm drainage problem areas;
- (9) Natural and man-made constraints; and

f. Contractor shall prepare a **goal(s) statement and annual land use related objectives** and, using the base map at its contracted scale, Contractor shall prepare a color-coded **Future Land Use Map** to illustrate the future physical development of the locality during the planning period.

## **B. ECONOMIC DEVELOPMENT**

### **1. HISTORIC DEVELOPMENT AND GENERAL CHARACTERISTICS**

- a. Studies and plans being prepared under this contract should be coordinated with previously developed studies and plans, including any available with the appropriate state office, the regional planning council, etc.
- b. Contractor shall make a review and analysis of the factors which have contributed to the present development of the planning area to include the following:
  - (1) Development of the economy;
  - (2) Physical growth of the community;
  - (3) The relationship of the community to the region.

### **2. ECONOMIC BASE, "BARRIER ANALYSIS"**

a. Contractor shall prepare an **inventory of the social, economic, governmental, and industrial elements** of the area's development and potential. The inventory shall, to the extent possible, examine the number of people employed in the retail trade, manufacturing, construction and government, the dollar volume of various local employers, and employee income levels. The inventory shall, as a minimum, include, but need not be limited to, the following, as available and appropriate:

- (1) Retail facilities;
- (2) Wholesale facilities;
- (3) Service facilities;
- (4) Financial facilities;
- (5) Manufacturing facilities;
- (6) The physical facilities and rates for the following utilities and communication services:
  - (a) Electric;
  - (b) Water;
  - (c) Natural gas;
  - (d) Sewage and garbage disposal;
- (7) Transportation;
- (8) Quantity, quality and availability of raw materials;
- (9) Labor supply by sex, industry, and skills;
- (10) Available industrial sites and buildings to include:
  - (a) Location;
  - (b) Utility connections;
  - (c) Transportation;
  - (d) Availability.

b. Contractor shall determine to the extent possible the relationship of the elements inventoried to economic development potential. A "barrier analysis" shall be prepared which rates the following cost factors and operating condition factors, as appropriate. The ratings shall be assigned based on a comparison with regional, state, and/or national standards, which should be stated in the report.

(1) Cost Factors:

- |                       |                              |
|-----------------------|------------------------------|
| (a) Wage levels       | (g) Land/site costs          |
| (b) Electricity costs | (h) Local property taxes     |
| (c) Fuel costs        | (i) Financing costs          |
| (d) Water costs       | (j) State costs              |
| (e) Sewer costs       | (k) Other(s), as appropriate |
| (f) Building costs    |                              |

(2) Operating Condition Factors:

- |                                  |  |
|----------------------------------|--|
| (a) Unskilled labor supply       | (k) Availability of air service  |
| (b) Skilled labor                | (l) Vocational education facilities  |
| (c) Productivity                 | (m) Site availability  |
| (d) Unionization                 | (n) School facilities  |
| (e) Labor-management relations   | (o) Medical services   |
| (f) Electric power availability  | (p) Natural features, resources, and geography, etc.   |
| (g) Water and sewer availability | (q) <b>Others</b> , such as, telecommunications availability, aesthetics, community receptivity, laws, community organizations, debt, etc. |
| (h) Gas availability             |  |
| (i) Common motor carrier service |  |
| (j) Rail/freight service         |  |

c. **Contractor shall determine whether the city should use other standards and analysis tools in addition to those above to derive an alternative comparison.**

d. Contractor shall coordinate with community leaders and draw some conclusions as a result of the inventory and analysis required above; and, determine whether the pattern of economic growth should be altered. Contractor shall suggest what type of policies and/or codes should be implemented to improve conditions for the encouragement of economic opportunities and local business expansion and attraction.

3. PLAN

Contractor shall develop an economic development plan with **goals and objectives**. To the extent possible, objectives shall be stated in quantifiable terms and target dates set for their achievement. The implementation strategy should focus on private and public investment and resources. The plan shall include graphics, if appropriate, and shall suggest a response to the inventory and analysis above and provide appropriate or possible:

- (1) Public/private sector projects **and their costs**;
- (2) Financing sources and incentives; and
- (3) Changes to policies, codes and ordinances that could improve the economic climate.

C. CENTRAL BUSINESS DISTRICT

1. COMMERCIAL AREA INVENTORY

a. Contractor shall make an assessment of the Central Business District (CBD) that should include its area of immediately adjacent influence to include but not necessarily limited to the following:

- (1) The existing land use of the Central Business District;
- (2) Street rights-of-way and pavement widths, where applicable;
- (3) Locations and condition of sidewalks, curbs and gutters;
- (4) On and off-street parking;
- (5) Condition of buildings;
- (6) Location of traffic controls by types; and
- (7) Traffic volumes and turning movements for major streets, where available.

b. Contractor shall show the above inventory on a symbol-coded map at a 1" = 200' scale.

c. Contractor should prepare a sketch drawing to show the relationship of the CBD to other supportive and competitive development within the community.

## 2. ANALYSIS

Contractor shall analyze the findings above and should determine:

- a. The Central Business District and its relationship to community development to determine if improvements or rearrangement of commercial facilities are needed;
- b. A ratio of existing and projected commercial acreage;
- c. A ratio of used and vacant commercial floor area in the central business district; and
- d. Other significant details and their impact on the vitality of the central business district as they become evident during the course of the study.

## 3. CENTRAL BUSINESS DISTRICT PLAN

a. Contractor shall prepare a **goal(s) statement and annual Central Business District related objectives**. To the extent possible, objectives shall be stated in quantifiable terms and target dates set for their achievement.

b. In relation to recognized problems, **goals and objectives**, Contractor shall prepare recommendations that could visually improve the aesthetic values of the Central Business District considering possible:

- (1) Improvement to facades and alleyways;
- (2) Pedestrian walkways;
- (3) Landscape treatment of street medians, pedestrian ways and rest areas; **and/or**
- (4) Removal of obsolete buildings and overhead utility lines.

c. Contractor shall prepare a Central Business District Plan at a scale of 1" = 200' to graphically illustrate the redevelopment of the area in relation to the formulated goals and objectives. The Central Business District Plan map(s) shall, as a minimum include but not necessarily be limited to:

- (1) Any necessary rearrangement of land uses to improve compatibility;
- (2) Any necessary building relocation or reorientation in order to improve their usefulness; and
- (3) On and off-street parking areas.

d. Contractor shall present phased improvements, estimated costs and sources of funding.

## **D. STREET SYSTEM**

### **1. STREET STUDY**

- a. Contractor shall determine if any prior studies have been made of part or all of the street system. Studies prepared on the system should be listed with the name of the firm that prepared the study, the date of the study, and brief description of relevant information.
- b. Contractor shall make an inventory of the physical characteristics of the street system to record, but not necessarily be limited to the following:
  - (1) Rights-of-way widths, as available;
  - (2) Paving widths, types and condition of pavement;
  - (3) Curb and gutter; and
  - (4) Other data, concerning configuration, traffic flow, and street conditions, if appropriate and/or available.
- c. Data from the Texas Department of Transportation shall be used to the maximum extent feasible.
- d. Using the base map at its contracted scale for illustrative purposes, Contractor shall prepare a **Street Conditions Map** showing the existing street system inventory.

### **2. STREET SYSTEM ANALYSIS**

- a. **Contractor shall make an analysis of the street system and list and rank problems and should present possible alternative actions and costs in providing solutions.**
- b. Contractor shall determine the adequacy of the system to meet existing and forecasted needs and make recommendations for any needed improvements concerning configuration, traffic flow, and street conditions. (See the “thoroughfares” component of this performance statement, if applicable.)

### **3. STREET PLAN**

- a. Contractor shall prepare a **goal(s) statement and street-related objectives for the planning period and should include construction-related and policy-related recommendations regarding streets’ improvements**. To the extent possible, objectives shall be stated in quantifiable terms and target dates set for their achievement. General improvements for at least the first five to ten years shall be stated and include: (1) priorities; (2) estimated costs; and (3) sources of possible funding.
- b. Using the base map at its contracted scale, Contractor shall prepare a **Future Street Conditions Map**. The plan shall provide for the elimination of deficiencies and recommended improvements to meet forecasted needs. Improvements shall be in accordance with accepted municipal standards and shall be **shown by phases**.

## **E. WATER SYSTEM**

### **1. WATER SYSTEM INVENTORY**

- a. Contractor shall make a review of all prior studies and other available data on the existing water system. Previous engineering and planning studies prepared on the system should be listed with the date and name of the firm that prepared the study.
- b. Contractor shall make an inventory of the physical characteristics of the system to include, but not necessarily be limited to the following:

d. Using the base map at its contracted scale for illustrative purposes, Contractor shall illustrate the existing and proposed water system and findings on a **Future Water System Map**. Recommended improvements shall be shown by phases.

## **F. WASTEWATER SYSTEM**

### **1. WASTEWATER SYSTEM INVENTORY**

a. Contractor shall make a review of all information regarding the existing wastewater system. Engineering and planning studies prepared previously should be listed with the date and name of the firm that prepared the study.

b. Contractor shall make an inventory of the physical characteristics of the system to include, but not necessarily limited to the following:

- (1) Location, condition, and size of lines as available;
- (2) Location of manholes and cleanouts;
- (3) Location and capacities of lift stations; and,
- (4) Treatment facility and operation arrangement.

c. Using the base map at its contracted scale for illustrative purposes, Contractor shall prepare a **Wastewater System Map** showing the existing facilities in relation to topographic features.

d. Contractor shall report standards or criteria used to determine wastewater system needs and include the criteria in the narrative section of the report with the name of the publication(s) where standards can be found.

### **2. WASTEWATER SYSTEM ANALYSIS**

Contractor shall **list and rank problems** related to the wastewater system **and should present possible alternative actions and costs in providing solutions**. As a minimum, the following should be considered in determining problems of the wastewater system:

- (1) Infiltration;
- (2) Industrial waste and special treatment facilities;
- (3) Operational procedures;
- (4) Unserved areas; and
- (5) Characteristics of the soil and terrain affecting collection treatment.

### **3. WASTEWATER SYSTEM PLAN**

a. Contractor shall prepare a **goal(s) statement and wastewater system-related objectives for the planning period and should include construction-related and policy-related recommendations regarding wastewater system improvements**. To the extent possible, objectives shall be stated in quantifiable terms and target dates set for their achievement. General improvements for at least the first five to ten years shall be stated and include: (1) priorities; (2) estimated costs; and (3) sources of possible funding.

b. Using the base map at its contracted scale for illustrative purposes, Contractor shall prepare a **Future Wastewater System Map illustrating phased improvements** to the wastewater system in relation to the existing system and topographic features.

c. Such prepared plan shall be done in accordance with criteria and standards established by the Texas Commission on Environmental Quality (TCEQ).

## **G. STORM DRAINAGE SYSTEM**

### **1. STORM DRAINAGE INVENTORY**

- a. Contractor shall make a review of all available information on storm drainage within the city. If any engineering and planning studies have been prepared on drainage, they should be listed with the firm name and date.
- b. Contractor shall conduct an assessment of the project area for any existing storm drainage facilities and all natural drainage courses to include as a minimum:
  - (1) Location of drainage ways;
  - (2) Location of 100 years flood hazard areas; and
  - (3) Identification of areas within the community where local flooding has occurred.
- c. Using the base map at its contracted scale for illustrative purposes, Contractor shall prepare a **Storm Drainage Map** showing the existing facilities in relation to topographic features.

### **2. STORM DRAINAGE ANALYSIS**

- a. Contractor shall **list and rank problems related to storm drainage and should present possible alternative actions and costs in providing solutions.**
- b. Contractor shall prepare an analysis of the existing drainage system for both natural and man-made facilities. Major and minor drainage areas and areas that have experienced flooding shall be delineated. Drainage characteristics of the areas shall be briefly described and analysis shall be made to determine methods of eliminating local flooding and eroding of local streets. Data, as available through the National Flood Insurance Program of the Federal Emergency Management Agency, shall be utilized to the fullest extent possible.

### **3. STORM DRAINAGE PLAN**

- a. Contractor shall prepare a **goal(s) statement and storm drainage-related objectives for the planning period and should include construction-related and policy-related recommendations regarding storm drainage improvements.** To the extent possible, objectives shall be stated in quantifiable terms and target dates set for their achievement. General improvements for at least the first five to ten years shall be stated and include: (1) priorities; (2) estimated costs; and (3) sources of possible funding.
- b. Using the base map at its contracted scale for illustrative purposes, Contractor shall prepare a **Future Storm Drainage Map illustrating phased improvements** related to storm drainage in relation to the existing conditions and topographic features.

## **H. RECREATION AND OPEN SPACE**

### **1. RECREATION AND OPEN SPACE INVENTORY**

- a. Contractor shall take an inventory of the community's existing parks, recreation facilities and open spaces to include but not necessarily be limited to the following:
  - (1) Location, type and use of public parks;
  - (2) Location and type of public recreation facilities, **including public school facilities;**
  - (3) Open spaces of all types including boulevards, parkways, floodplains, conservation areas, etc.

- b. Contractor shall **identify the service area** of the parks and recreational opportunities it provides.
- c. Review and report on recreational facilities and open spaces serving the community's population, but outside the municipality's jurisdiction.
- d. Review and report on major recreational facilities serving the community's population that are privately or semi-publicly owned and operated.

## 2. RECREATION AND OPEN SPACE ANALYSIS

- a. In coordination with city officials, Contractor shall establish **level of service** standards and criteria for determining adequacy of existing parks, recreational facilities and open space and future requirements.
- b. Contractor shall utilize workshops, hearings and/or canvasses to maximize opportunities to solicit public input on needs and document the dates of the methods used.**
- c. Contractor shall describe the legitimate method for assessing needs. Explain how public input was used to assess needs.**
- d. In consonance with the recommended standards, Contractor shall make a study and analysis to determine the adequacy of the existing parks and recreational facilities to meet the needs of the present and forecasted population, considering population growth, and change in composition.
- e. Contractor shall prepare a listing and **priority** ranking of problems relating to recreation facilities and open spaces. **Explain how priorities were determined.**

## 3. RECREATION FACILITIES AND OPEN SPACE PLAN

- a. In cooperation with municipal agencies, Contractor shall determine specific **goals** relating to recreation and open space requirements and prepare **short and long-range (five and ten years') objectives** to accomplish the stated goals.
- b. In relation of existing facilities, recognized problems, and in consonance with goals and objectives, Contractor shall prepare a parks and open space plan. The plan shall contain appropriate text and mapping and shall, as a minimum, include:
  - (1) Recommendations for improvements and expansion to existing facilities;
  - (2) Recommendations for the general location of new facilities;
  - (3) Recommendations for the development and protection of open space areas to include conservation areas and other areas endorsed with natural beauty; and
  - (4) Recommendations toward coordinating municipal programs and facilities with other overlapping services within the community, such as school facilities, etc.
  - (5) Population projections for the period of the plan and demographics on ethnicity, age, and income.**
  - (6) The existing and proposed parks (and facilities, as appropriate), greenbelts and open spaces illustrated on the base map at its contracted scale.**
- c. Recommended community improvements for the first five years shall be programmed and shall, as a minimum, include the following:
  - (1) Phasing of **clear and measurable** priorities;
  - (2) Timeline for completion;
  - (3) Estimated cost by project; and

- (4) Possible sources of funding.
- d. Contractor should submit to Department **proof of plan adoption by resolution of the governing body.**
- e. **Contractor should update plans every two years and develop a new plan every five years.**

## **I. CAPITAL IMPROVEMENTS PROGRAM**

### **1. FINANCIAL ANALYSIS**

Contractor shall make a financial analysis of the municipality to the extent possible to determine the municipality's approximate ability to finance present and future capital improvements. The study should include, but not be limited to the following:

- (1) Past, present, and anticipated sources and amounts of income;
- (2) Annual budgets;
- (3) Operating costs;
- (4) Direct and overlapping public debt;
- (5) Outstanding municipal bonds and their schedule of retirement;
- (6) Public improvements financing practices; and
- (7) Recommended standards concerning debt limitations.

### **2. CAPITAL NEEDS LIST**

a. Based on the previous studies, and **all capital needs**, Contractor shall prepare a capital needs list of projects by category with general priorities for improvements to be accomplished during the planning period through workshop meetings with local officials. Contractor shall classify the type of capital improvements according to guidelines, such as:

- (1) Mandatory: Those which protect life or health.
- (2) Necessary: Those which are important public services.
- (3) Desirable: Those which replace obsolete facilities.
- (4) Acceptable: Those which reduce operating costs.

b. Contractor shall report possible effects of each identified capital improvement need and/or recommended capital improvements on members of classes protected under federal Fair Housing law(s), taking into consideration geographic concentration and other-analysis required in Section A.3.c. of this Performance Statement. Contractor shall analyze and report the effects each improvement may have on the following:

- (1) Affordable housing opportunities outside of areas of geographic concentration of protected classes;
- (2) Residents of areas with concentrations of protected classes whether the proposed project provides city-wide or target area benefit;
- (3) Equal treatment and access for disabled persons to public facilities throughout the community;
- (4) Other Fair Housing goal(s), as appropriate.

### **3. CAPITAL IMPROVEMENTS PROGRAM**

a. In consonance with the capital needs list and in coordination with the city's budget, Contractor shall prepare a schedule of projects recommended for the municipality for the first five (5) to six (6) years of the planning period. The schedule shall list projects by category together with estimated cost, sources of funds and year of construction.

b. A map shall be prepared to show the projects by type and year of construction. The map shall show any identified areas that contain a concentration of aforementioned protected classes within the community. (See Basic Planning Activities component of this Exhibit A, Performance Statement). Included on the map shall be census geographic boundary delineations as available from the most recent Census.

## **J. SUBDIVISION ORDINANCE**

### **1. ORDINANCE DEVELOPMENT**

a. Contractor shall prepare technical material necessary for the drafting and/or updating of a subdivision ordinance that will best be adapted to direct the platting of land consistent with proposals of the previously prepared Land Use Plan.

b. The technical material prepared shall be based on sound platting and planning principles and not be inconsistent with all applicable laws.

### **2. ORDINANCE REVIEW**

a. Following development of the technical material and prior to adoption, Contractor shall seek counsel and advice from the city's attorney regarding the legal aspects and implications of subdivision controls.

b. Contractor shall prepare the technical material for the subdivision ordinance in a form suitable for its adoption and submit it in report form to the Department as provided herein.

## **K. ZONING**

### **1. ORDINANCE DEVELOPMENT**

a. Contractor shall prepare technical material necessary for the drafting of zoning ordinance that will best be adapted to direct the use of land consistent with proposals of the city's previously prepared Land Use Plan. Technical material on zoning shall be based on sound zoning principles and not be inconsistent with all applicable laws, **including affirmatively furthering fair housing and reducing or eliminating disparate treatment of classes protected under federal Fair Housing law(s)**,

b. Based on the Land Use Plan and other plans related to physical development of the municipality, Contractor shall have prepared a Zoning District Map using the base map at its contracted scale.

### **2. ORDINANCE REVIEW**

a. Following development of the technical material and prior to adoption, Contractor shall seek counsel and advice from the city's attorney regarding the legal aspects and implications of zoning, particularly that it has positive influence in the effort to promote fair and affordable housing.

b. The technical material on zoning and the recommended zoning district map shall be prepared in report form suitable for adoption and be submitted to the Department as provided herein.

## **L. CERTIFICATIONS, PRESENTATIONS, REPORTS AND PUBLICATIONS**

1. In addition to other requirements placed on Contractor regarding its certifications of contract compliance, Contractor shall ensure passage of a **local resolution** after a final summary is presented to the executive government that is prerequisite to final reimbursement under this contract. **The local resolution shall indicate and state:**

- a. **Local officials' participation in preparing and reviewing planning documents for local needs, contract compliance, and the final presentation of the plan at the final hearing and/or meeting met or exceeded a one (1) hour minimum requirement set forth by this contract;**
- b. Goals and objectives developed for each contracted planning element were presented, discussed, reviewed and established by local officials;
- c. Inventory, analyses, plans and maps associated with them required under contract were presented, discussed and reviewed by local officials;
- d. Capital needs listed and ranked within the reports were presented, discussed, and reviewed by local officials;
- e. Opportunities were provided for citizen participation in the planning process;
- f. Local review established that the planning documents are suitable as policy guides for the locality;
- g. **Local efforts in plan(s) preparation were intended to eliminate impediments to fair housing and support equitable distribution of the plans' benefits;**
- h. Contracted planning documents are accepted by the city as substantiation for payment requisition to the Department, and for Contractor's payment to its consultant(s); and
- i. Statement of how the contractor intends to use its planning documents prepared under the contract.

2. **One paper hard copy** of each study produced under this contract shall be submitted to the Department for review and comment. All work, including mapping that is **folded and not rolled**, shall be published in an 8 1/2" by 11" report. **A letter from Contractor shall accompany the report and include an attached itemization and/or a description where each requirement of this performance statement can be found within each report to include chapter, page and paragraph.**

3. ONLY ONE (1) TYPE OF MAPPING SOFTWARE SHOULD BE USED FOR ALL MAPS REQUIRED UNDER THIS CONTRACT. Contractor shall maintain source map data (**original vector data**) and the graphic data in data files on machine readable media which are compatible with computer systems owned or readily available to the local government. In addition, complete documentation as to the content and layout of the data files and the name of the software package(s) used to generate the maps shall be maintained in written form. Contractor shall provide the Department a letter signed by the authorized signatory attesting to the receipt of such data.

4. Contractor shall provide the Department a compact disk (CD) media, written in Adobe Acrobat portable document format (\*.pdf), that contains the narrative and mapping prepared under this contract. The CD shall also contain source map data (original vector data).

Contractor shall ensure that the CD contents and label are properly identified. Specifically, the CD contents and label shall show the locality name, contract number, planning period covered by the report, topics included within the CD report (on the CD), and preparer's name and date of preparation. Complete documentation as to the content and layout of the data files and the name of the software package(s) used to generate the texts and maps shall be provided to the Department in the locality's closeout letter from Contractor and be shown on the compact disk label.

5. Each element requiring mapping shall have separate inventory and plan maps, as stated within each element's performance requirements. All requested maps required herein, with the exception of aerial maps, may be reduced in size if legible and included in appropriate reports. Two (2) 8" x 10" prints with accompanying electronic data may be submitted to the Department in lieu of full-scale aerial maps.

6. **All reports, maps, CD labels**, and other products completed as a part of this contract, other than documents prepared exclusively for internal use by the Department, **shall carry the following notation on the front cover, CD label, or a title page and on the face of maps:**

FINANCED THROUGH THE TEXAS DEPARTMENT OF AGRICULTURE. The preparation of this document was financed through provisions of a Texas Community Development Block Grant with funds allocated by the U.S. Department of Housing and Urban Development.

7. Any article or other work submitted by Contractor for publication must include a disclaimer as stated in the Special Conditions:

The Texas Department of Agriculture in conjunction with the United States Department of Housing and Urban Development furnished financial support to the activity described in this publication which does not necessarily indicate the agreement of the Texas Department of Agriculture or of the United States Department of Housing and Urban Development with the statements or conclusions contained in this publication.

**8. When advertising the final public hearing, Contractor shall ensure that the newspaper notice indicates that the planning documents prepared under this contract are available for review at least twelve (12) days prior to the final hearing to evaluate Contractor's performance under the contract.**

SAMPLE