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**A RESOLUTION APPROVING THE AMENDED FAIR HOUSING ACTIVITY STATEMENT-TEXAS ACTION PLAN AS PART OF THE POLK COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.**

**WHEREAS**, the County of Polk, Texas has the responsibility to affirmatively further Fair Housing and supports Fair Housing within its County limits; and

**WHEREAS**, the County of Polk appointed citizens to a Fair Housing Work Group Committee to discuss Fair Housing issues and impediments within the County and develop a Fair Housing Activity Statement – Texas Action Plan; and

**WHEREAS**, the County of Polk Fair Housing Activity Statement-Texas Action Plan was approved by the Texas General Land Office; and

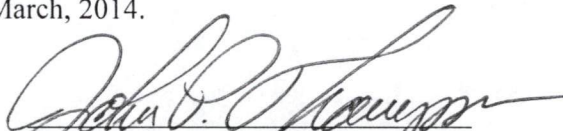
**WHEREAS**, the County of Polk Fair Housing Work Group Committee amended the Fair Housing Activity Statement-Texas Action Plan as deemed necessary to carry out the obligations and purposes of affirmatively furthering fair housing; and


**WHEREAS**, a public notice was published in The Polk County Enterprise on February 23rd, 2014 and a public hearing was held on March 6th, 2014 for public comment;

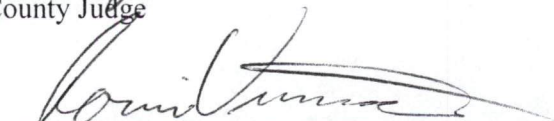
**NOW THEREFORE, BE IT RESOLVED, BY THE COMMISSIONERS COURT OF THE COUNTY OF POLK:**

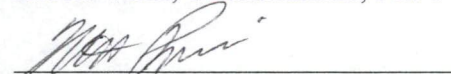
**SECTION 1:** - That the attached Amended Fair Housing Activity Statement -Texas Action Plan be approved as recommended by the Fair Housing Work Group Committee.

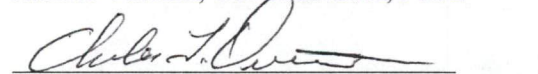
**PASSED, APPROVED and ADOPTED** at a regular meeting of the Commissioners Court of the County of Polk held on the 11<sup>th</sup> day of March, 2014.

  
John Thompson, County Judge

  
Robert Willis, Commissioner, Pct. 1

  
Ronnie Vincent, Commissioner, Pct. 2

  
Milton Purvis, Commissioner, Pct. 3

  
Charles T. Overstreet, Commissioner, Pct. 4

ATTEST:  
  
Schelana Walker, County Clerk



**February 2014 Amended  
Fair Housing Activity Statement – Texas  
POLK COUNTY**

<b><u>Impediment #3</u></b>	The public is not sufficiently aware of their Fair Housing rights and how to obtain the assistance necessary to protect those rights.
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1. Consistent with the Fair Housing Act, the State of Texas, and funded sub-recipients should continue to promote and conduct events to celebrate April as Fair Housing Month, and direct sub-recipients to do the same. These events can demonstrate support for fair housing and build awareness.
  - We will commit to undertake Fair Housing Month activities. (Check all that apply.)
    - Passage of a resolution by our governing body. (See attachment #1)
    - Activities in schools.
    - Placing posters in public buildings.
    - Governing body will hold a special hearing to solicit input from the community.
    - Other. Please specify.
  - When will you undertake these activities? **Ongoing**
  - Not Applicable (Explain)

2. Consistent with the Fair Housing Act, the State of Texas and funded sub-recipients have historically conducted fair housing activities at various times of the year and should continue to fund, depending on sufficient appropriations, or collaborate with public and private agencies, organizations and groups to plan and conduct fair housing activities.
  - We will conduct/sponsor/fund in fair housing activities at various times of the year other than "April as Fair Housing Month". Attach a description of these activities and identify the organizations and agencies you have worked with.
    - When will you do this? **Ongoing (see attachment #1)**
  - Not Applicable (Explain)

<b><u>Impediment #4</u></b>	"Not in my Backyard" (NIMBY) may be an impediment to fair housing in Texas communities.
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1. NIMBY opposition needs to be anticipated and planning and outreach should occur on the front end of projects. To mitigate defensive and reactive responses, planning should include strategies for education, outreach and marketing that provide accurate

information and promote the positive aspects and benefits of affordable housing to build support among community residents.<sup>[1]</sup>

2. The Department of Housing and Urban Development (HUD) provides extensive information about Fair Housing and examples at [www.hud.gov](http://www.hud.gov). Generally communities should consider:

- Working with local officials, editorial boards, religious and civic organizations and other community leaders to initiate education programs.
- Seeking opportunities to present information to community organizations by requesting to be placed on their meeting agendas.
- Including a visit to the Group Home residence as part of an education program.
- Answering all questions.
- Talking with local neighborhood leaders, including elected representatives, and setting up a neighborhood meeting.
- Setting up a liaison committee consisting of advocates, group residents, and neighborhood residents to discuss issues.
- Identifying areas that meet AFFH targets where the community supports development, has worked with community groups and potentially uses funds to assist the development of multi-family affordable housing.

We have developed an anti-NIMBYism action plan. [Attach a copy or description]

We will develop an anti-NIMBYism action plan. [Designate who will be responsible for developing this plan.]

When will you do this?  2011  2012  2013  2014

Not Applicable (Explain)

**Impediment #5**

Certain governmental policies and practices may not meet current HUD policy concerning affirmatively furthering fair housing. Jurisdictions should act to ensure that their policies and procedures affirmatively further fair housing, address mal-distribution of resources, and that they do not unnecessarily impact housing choice.

1. As part of certifying that a community is affirmatively furthering fair housing, jurisdictions that have long-term infrastructure plans should review them to determine if the plan promotes racial concentrations or otherwise inadvertently results in disparate treatment of members of protected classes. While not intended to direct a community to hire a consultant, it is anticipated that a community will review its long-term infrastructure plans as part of this recommended action. In reviewing the project list (Appendix F of the Phase 1 AI) there are many projects that are listed as being of community-wide benefit. The records do not indicate the actual location of projects or provide adequate discussion of how the projects benefit the entire community.

We have a long-term infrastructure plan and will review the plan to determine if it promotes racial concentrations or otherwise inadvertently results in disparate

treatment of members of protected classes as it relates to the availability of housing.

When will you do this?  2011

Not Applicable (Explain) **Polk Co. is a low/mod rural community. It does not have a future development plan or a county engineer. The racial community represents 22.6% so the County appointed the Fair Housing Coalition to insure the AI issues are addressed.**

We have already collected information on the locations of protected populations and have adequate information for insuring that new projects with "citywide benefits" will not perpetuate illegal differences in treatment.

We will use the information in the AI to ensure that proposed projects do not perpetuate illegal differences in treatment.

When will you do this? **Ongoing**

Not Applicable (Explain)

2. As it has been determined under federal law that Fair Housing applies to all federal housing and community development funds, to reduce "siloing" the fair housing component into only housing-related programs, fair housing should be considered in all activities for all local community planning staff.

We have determined that consideration of Fair Housing implications has already been incorporated into all aspects of planning in this jurisdiction. [Please attach supporting documentation.]

We will review and insure that Fair Housing implications are addressed in all aspects of planning in this jurisdiction in a manner consistent with the guidelines provided by the state at the FFAST form training and maintain documentation of that review.

When will you do this? **Ongoing**

Not Applicable (Explain)

5. Local communities should consider limiting the concentration of infrastructure improvements like wastewater treatment, solid waste disposal, or similar necessary but not desirable infrastructure projects in residential areas where there are concentrations of protected classes.

We have an official policy that limits the concentration of certain infrastructure improvements. [Attach a copy.]

We have official policies and procedures that take the location of protected classes into account when deciding where to locate undesirable infrastructure improvements. [Attach a copy.]

- We do NOT have limits on the concentration of undesirable infrastructure improvements or policies and procedures that take the residential location of members of protected classes into account, but will develop formal limits or official policies and procedures.

When will you do this?  2011  2012  2013 (Completed: See attachment #1)

Not Applicable (Explain)

7. If a jurisdiction is a non-entitlement community, when working in LMI areas to replace roads or other infrastructure, the jurisdiction should consider making application for additional sources of funding to provide assistance to repair substandard housing associated with the project (i.e., TDHCA or HUD.)

We formally consider accessing supplementary funds when infrastructure proposals are developed. [Attach policies.]

- We have not consistently done this in the past and we will develop a process to formally consider making housing funding applications when funds for infrastructure projects are sought.

When will you do this?  2011  2012  2013  2014

Not Applicable (Explain)

8. Most infrastructure projects take into account items like curb cuts, sidewalks, hearing and visually impaired indicators at intersections. When approving non-federally funded projects, similar special needs construction should be required for infrastructure improvements. Projects should also address other legacy discrimination issues, such as accessibility in public areas like courthouses, community centers and other high traffic areas.

- We currently require that applications for non-federally-funded infrastructure projects are ADA compliant and address other legacy discrimination issues. (Completed: See attachment #1)

We do not have such a requirement. We will develop one.

When will you do this?  2011

Not Applicable (Explain)

9. Each jurisdiction applying for Community Development Block Grant funds or other federal housing and community development funds should submit a Fair Housing Activities Statement – Texas (FHAST) with their application, reviewing their infrastructure needs and housing needs and how the proposed activity promotes fair housing or results in more equitable treatment of protected classes. Projects with community-wide benefits should be accompanied by explicit commitments on the part

of the local jurisdictions to undertake additional activities to affirmatively further fair housing along with a monitoring and reporting process.

- We submit a FHAST form.

When will you begin to do this? **Ongoing**

- Not Applicable (Explain)

10. As part of the non-housing disaster recovery program, jurisdictions should consider low-income areas and areas populated principally by members of protected classes to determine the potential for flooding and consider making infrastructure expenditures to help protect the impacted communities—including colonias.

- We have reviewed LMI areas and areas populated principally by members of protected classes, and prioritized infrastructure expenditures to help protect the impacted communities—including colonias.

- We have not done this in the past but will conduct such a review and consider these infrastructure projects in the future.

When will you do this? **Ongoing**

- Not Applicable (Explain)

12. When an entire community is in a flood plain, the community should establish clear standards that allow for proper elevation or relocation, and that also allows for visitability/special needs considerations consistent with state<sup>[3]</sup> and federal law.

- We have established clear standards that allow for proper elevation of homes or for relocation, and also allow for visitability/special needs considerations consistent with state and federal law. [Attach documentation.]

**(Completed: See attachment #2)**

- We have not developed these standards but will do so for Round 2 programs.

When will you do this?  2011

- Not Applicable (Explain)

14. Consistent with the process established in the Conciliation Agreement, local jurisdictions and state agencies should work together to determine a demographic and economic profile of victims of the natural disaster and establish goals for assisting these populations in no less that the proportions they were impacted by the disaster. These goals should be performance goals and disaster recovery funds should be extended incrementally in a manner to ensure that these populations are equitably assisted with benefits.

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<sup>[3]</sup> Texas Government Code Section 2306.514

We will cooperate with state agencies to carry out this action step.

When will you do this?  (Ongoing) Polk Co. is recovering from Hurricane Ike and has a very active Long Term Recovery Committee that has been involved in the repairing of storm damaged homes. The priority for house repairs has been directed to the protected classes, the disabled and seniors in the county.

Not Applicable (Explain)

15. All infrastructure programs funded with disaster recovery funds should be designed so that any publicly accessible infrastructure projects and associated facilities are fully accessible to persons with disabilities.

We have established clear policies and procedures to insure that all infrastructure programs funded with disaster recovery funds will be designed so that any publicly accessible infrastructure projects and associated facilities are fully accessible to persons with disabilities. [Attach documentation.]  
(Completed: See attachment #1)

We have not developed these standards and policies; we will do so for Round 2 infrastructure projects. The person or entity responsible for developing these standards will be \_\_\_\_\_.

When will you do this?  2011

Not Applicable (Explain)

<b>Impediment #6</b>	Governmental entities at all levels do not appear to have been proactive in the enforcement of both the Fair Housing Act and the obligation to affirmatively further fair housing. The State and subrecipients should implement a robust and effective structure for identifying and pursuing suspected violations.
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1. Given the potential for increase in Fair Housing enforcement action by federal and state agencies and private organizations, an ongoing fair housing testing program for areas that receive federal housing and community development funds could be beneficial to protect state agencies and sub-recipients from potential repayment. Fair housing enforcement is a valid use of CDBG funding and can be used to establish testing programs by agencies trained in HUD testing procedures. The state, or local jurisdictions combining together, should consider conducting tests in areas that include the following: steering in sales and rental; the denial of and different terms and conditions based on race, national origin, familial status, and disability in sales and rental; predatory and disparate terms and conditions in lending and insurance; and foreclosure modification schemes targeting minority neighborhoods. The state should also consider education to applicable entities on self-testing and self-correction.

We currently have a testing program for Fair Housing violations. For more information.

We do not have a testing program for Fair Housing violations and plan to establish one.

When will you do this?  2011  2012  2013  2014

Not Applicable (Explain)

3. Impacted agencies that provide certification that they are affirmatively furthering fair housing as required by federal law, should consider publishing a public document on enforcement that provides the public and communities with a clear description (and chart) of the state and Federal Fair Housing Act.

On documents concerning housing and community development programs that are provided to the public, we will list fair housing enforcement contacts and procedures consistent with the State suggested language when it is provided in 2011.

When will you do this?  2011 (Complete: See attachment #1)

Not Applicable (Explain)

4. Each community should place on its website (if one is available) the contact, at the local, state, and federal levels, for reporting a Fair Housing complaint, if citizens believe they were victims of housing discrimination.

We have published the contact information – at the local, state and federal levels – for reporting a Fair Housing complaint. [Attach a copy or URL.] (Complete: see [www.co.polk.tx.us](http://www.co.polk.tx.us))

We have not done so but will do so.

When will you do this?  2011

Not Applicable (Explain)

5. Each local jurisdiction should publish on its website a clear statement, approved jointly by TDHCA, expressing the jurisdiction's obligation to affirmatively further fair housing and providing a method for reporting suspected noncompliance to the state and to HUD. The jurisdiction's contact person should be able to refer to clear local Fair Housing procedures for the complaint process, keep logs and records of all inquiries, allegations, complaints and referrals. These reports should be sent to the appropriate funding agency. Where these reports show that a jurisdiction has administered programs inconsistently with the AI and had the effect of discouraging applications from members of protected classes who are deemed eligible under the plan for assistance, affirmative marketing plans should be developed and submitted to the appropriate agency.

We have published a policy statement expressing our jurisdiction's obligation to Affirmatively Further Fair Housing. [Attach a copy or URL.]



- X We will publish a policy statement consistent with the language the State provides in 2011.

When will you do this? X 2011 (Completed: Polk County made a request, through the Polk County Fair Housing Coalition, and the Polk County Chapter of Habitat for Humanity has agreed to be the contact point for all fair housing discrimination issues. That agreement has been made official in Commissioner's Court on 9/27/11.)

- Not Applicable (Explain)
- We have developed clear procedures for the Fair Housing complaint process. [Attach a copy]
- X We will develop clear procedures for the Fair Housing complaint process once more guidance is given by the State in 2011.

When will you do this? X 2014

- Not Applicable (Explain)
- We keep complete logs and records of all Fair Housing inquiries, allegations, complaints and referrals and have a policy statement about these legal records.
- X We will begin keeping required logs and records.

When will you do this? X 2014

- Not Applicable (Explain)
- We have remedial procedures for developers, landlords, home sellers and others whose actions may be inconsistent with Fair Housing laws and regulations.
- X We do not have remedial procedures but will develop them. The agency or person who will be responsible for developing these procedures is Polk County Fair Housing Coalition.

When will you do this? X 2014

- Not Applicable (Explain)

**Impediment #7**

Many local jurisdictions have zoning codes, land use controls, and administrative practices that may impede fair housing choice and fail to affirmatively further fair housing.

2. To help limit concentrations that could be considered impediments to affirmatively furthering fair housing, jurisdictions that have long term planning documents for housing growth or redevelopment, or revitalization plans, should consider allowing or

encouraging mixed income affordable housing in the plan and provide incentives for development of this type of housing in areas that are not concentrated.

- We recently conducted a Fair Housing Review and took/are taking appropriate action concerning our planning documents. [Attach a list of plans reviewed, a summary of findings, and actions you will take to remove impediments]
- We have not done so but will conduct a Fair Housing Review after the State provides suggested guidelines in 2011.

When will you do this?  2011

- Not Applicable (Explain) (Polk County does not have any long term planning documents for housing growth or redevelopment, or revitalization plans and does not provide development incentives at this time and has no immediate plans to develop such.)
- We have identified residential areas that show concentrations or underrepresentation of protected groups, and we encourage mixed-income affordable housing and other strategies to widen housing choice throughout our jurisdiction.
- We have not done so but will include this in our FFAST plan once guidelines are provided by the State in 2011.

When will you do this?  2011  2012  2013  2014

- Not Applicable (Explain)

3. Local jurisdictions seeking CDBG Disaster Recovery funds from the state should consider offering expedited permitting and review processes for affordable housing projects within high opportunity target zones.

- We currently offer incentives to developers to locate affordable housing projects in high opportunity neighborhoods and prevent overconcentration.
- We have not done so but will.

When will you do this?  2011  2012  2013

- Not Applicable (Explain) (Polk County does not have any long term planning documents for housing growth or redevelopment, or revitalization plans and does not provide development incentives at this time and has no immediate plans to develop such.)

**Impediment #9**

There are impediments in public and private actions and private attitudes to housing choice for persons with disabilities.

- Local jurisdictions should consider coordinating with the legislatively created Housing and Health Services Coordination Council for best practices on working with supportive services.

- We agree to coordinate with the legislatively created Housing and Health Services Coordination Council staffed by TDHCA for best practices on working with supportive services.

When will you do this? **Ongoing**

- Not Applicable (Explain)

**Impediment #12**

Lack of financial resources for both individuals and housing providers limits Fair Housing choice. Using an effective program under Section 3 of the Housing and Urban Development Act of 1968 may help members of protected classes gain economic opportunities necessary to allow them to exercise fair housing choice.

- Jurisdictions receiving federal funds from HUD, directly or indirectly, should ensure they have a compliant Section 3 program to meet HUD requirements regarding notification to LMI eligible persons of potential job creation at the impacted neighborhood level with federal funds.

- We have in place a Section 3 program that meets the requirements of federal law and regulations regarding potential job creation at the impacted neighborhood level and the use of federal funds to hire local LMI eligible persons. We confirm that appropriate staff persons in this jurisdiction have already received training on Section 3, regarding job creation for local LMI persons including members of protected classes. [Attach Section 3 plan and list of staff names and training dates]

- We have not done so but will develop a Section 3 program that meets the requirements of federal law and regulations and that ensure appropriate staff receive training.

When will you do this? **X 2014 (Polk County is a member of the Deep East Texas Council of Governments which has traditionally assumed the lead in housing project developments. One of their assignments in housing matters is to oversee the Sec.3 programs within the COGs jurisdiction.)**

**Impediment #13**

Location and lack of housing accessibility and visitability standards within political jurisdictions limits fair housing choice for persons with disabilities.

- Local jurisdictions should consider establishing incentives for affordable housing applicants to create an increased set-aside of housing units for persons with disabilities or persons who are elderly without violating the existing TDHCA integrated housing rule.

2. TDHCA and local jurisdictions should consider adding proximity to medical facilities as a scoring incentive for competitive programs using federal funds for proximity to medical facilities.
3. TDHCA should require that all federally funded housing construction be built to accessibility standards found in Texas Government Code §2306.514.

We have formally considered: 1) establishing incentives for affordable housing developers to create an increased set-aside of housing units for persons with disabilities or persons who are elderly without violating the existing TDHCA Integrated Housing Rule; 2) providing point incentives for units in proximity to medical facilities for competitive programs using federal funds; and 3) requiring new housing built with federal funds to be built with structures that allow for accessible features, regardless of whether the original occupant needs the features, as called for by state law. [Attach documentation of the review and resulting actions.]

We have not undertaken the above review, but plan to do so.

When will you do this?  2011  2012  2013  2014

Not Applicable (Explain)

**Impediment #16** Many jurisdictions do not have adequate Analysis of Impediments to Fair Housing or Fair Housing Plans, and do not keep sufficient records of their activities.

1. Recipients of CDBG funds from HUD for housing should maintain records as required by the Fair Housing Act, HUD regulations, and the Conciliation Agreement in order to document that they are carrying out their commitments and affirmatively furthering fair housing.

We currently maintain all required records to document our AFFH actions and compliance with Fair Housing laws, HUD and State regulations, and the Conciliation Agreement. [Attach details of the records now kept and identify the person or entity responsible for keeping these records.]

We have not done so but do so in compliance with GLO guidance.

When will you do this? **Ongoing**

Not Applicable (Explain)

2. As required under the Conciliation Agreement, the State will conduct a new Statewide AI after HUD approval of the Phase 1 AI. Entitlement communities should conduct new AIs or update current AIs to ensure that they address all recommended data and issues and specifically address issues related to all protected classes under the Fair Housing Act. Race and national origin, as well as the other protected classes, must be

identified independent of low and moderate-income categories in order to understand the impact of actions, practices, regulations, ordinances, and other factors on them.

- We recently completed a formal Analysis of Impediments, are currently updating an existing AI, or are conducting our first AI. [Attach most recent AI or draft.]
- We are using the FFAST form process to analyze our impediments to fair housing and plan how to address them.

When will you do this? **Ongoing**

- Not Applicable (Explain)

Attachment #1

RESOLUTION  
OF THE POLK COUNTY COMMISSIONERS COURT

WHEREAS, the Polk County Commissioners Court met in a regularly called session on  
9/13, 2011, with the following members present to wit: All  
and;

WHEREAS, following the properly posted notice and agenda for said meeting, the County considered the adoption of a Resolution supporting and endorsing the principles of fair and open housing as set forth in Title VIII of the Civil Rights Act of 1968, Title I of the Housing and Community Development Act, and Title II of the Americans With Disabilities Act of 1990.

WHEREAS, adequate housing is a necessary ingredient to the maintenance of the standard of living in this country;

WHEREAS, it is important that every human being have access to adequate housing of his or her choice and economic means;

WHEREAS, it is beneficial to the economic and social welfare of the entire country that every person have access to adequate housing; and

WHEREAS, the law of the land is that no citizen can be denied access to housing of his or her choice because of race, color, religion, national origin, or disability.

WHEREAS, the citizens have the right to reasonably expect its' elected officials to exercise due diligence in affirmatively furthering fair housing;

NOW THEREFORE, BE IT RESOLVED, that the Polk County Commissioners Court:

1. Endorses and supports the principles of fair and open housing as set forth in Title VIII of the Civil Rights Act of 1968, Title I of the Housing and Community Development Act, and Title II of the Americans With Disabilities Act of 1990, and the right of every person to have access to adequate housing of his or her own choice without regard to race, color, religion, national origin, or disability;
2. Encourages all citizens to respect and support the law of this land in regard to the right of every person to have access to adequate housing of his or her own choice;
3. Encourages all citizens to undertake voluntary actions to foster racial harmony, including individual and group decisions to promote fair and open housing, and individual commitment to avoid discrimination in all sales and rental of property;

Attachment # 2

4. Will encourage local newspapers and owners of housing to comply with HUD advertising guidelines;

5. Will maintain cooperation with fair housing groups, human relations bodies and other social, civic and religious groups interested in facilitating open communities;

AI # 3.1  
3.2

6. Declares that the month of April will be recognized annually as "Fair Housing Month," and agrees to advertise such in all county-owned public facilities and agrees to support other activities and/or collaborate with public and private agencies, organizations and groups to plan and conduct fair housing activities;

AI 5.1

7. Will ensure that all federally funded housing project proposals will be reviewed by the Commissioners Court, to insure the project does not perpetuate illegal differences in treatment;

AI # 5.5  
# 5.15

8. Will consider limiting the concentration of undesirable infrastructure projects in residential areas where there are concentrations of protected classes;

AI # 5.8

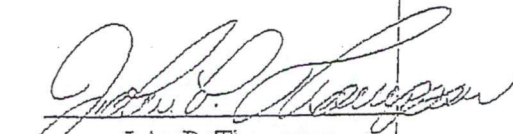
9. Will require that any infrastructure project, requiring Commissioner Court approval, will be ADA compliant and address other legacy discrimination issues; and

AI # 6.3

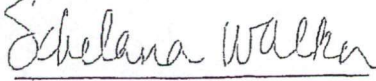
10. Will appoint a person or department head to be the County's point of contact to assist in the reconciliation of fair housing discrimination complaints by citizens residing within Polk County and that that point of contact will keep a log of all complaints and the disposition of each complaint. That point of contact's information will be listed on the County's website.

11. Will, when electing to provide publicly financed housing incentives, require the recipients to engage in affirmative marketing.

SIGNED AND RESOLVED THIS 18 DAY OF SEPTEMBER 2011.

  
John P. Thompson  
County Judge

Attest:

  
Schelana Walker, County Clerk



ATTACHMENT #2

60.3 (b)

FLOOD DAMAGE PREVENTION ORDER

ARTICLE I

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS

SECTION A. STATUTORY AUTHORIZATION

The Legislature of the State of Texas has in the Flood Control Insurance Act, Texas Water Code, Section 16.315, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Commissioners Court of Polk County, Texas, does ordain as follows:

SECTION B. FINDINGS OF FACT

(1) The flood hazard areas of Polk County are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

SECTION C. STATEMENT OF PURPOSE

It is the purpose of this order to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;



(10) Prerequisites for granting variances:

(a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(b) Variances shall only be issued upon: (i) showing a good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or order.

(c) Any application to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(11) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria outlined in Article 4, Section D (1)-(9) are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

## ARTICLE 5

### PROVISIONS FOR FLOOD HAZARD REDUCTION

#### SECTION A. GENERAL STANDARDS

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

(1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral

movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

(4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,

(7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

#### SECTION B. SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Article 3, Section B, (ii) Article 4, Section B (8), or (iii) Article 5, Section C (3), the following provisions are required:

(1) Residential Construction - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to at least one foot above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Article 4, Section C (1), a., is satisfied.

(2) Nonresidential Construction - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to at least one foot above the base flood level or together with attendant utility and sanitary

facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.

(3) Enclosures - new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

(a) A minimum of two openings on separate walls having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.

(b) The bottom of all openings shall be no higher than 1 foot above grade.

(c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(4) Manufactured Homes -

(a) Require that all manufactured homes to be placed within Zone A on a community's FIRM shall be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

(b) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(c) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either:

(i) the lowest floor of the manufactured home is at least one foot above the base flood elevation, or

(ii) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

#### SECTION C. STANDARDS FOR SUBDIVISION PROPOSALS

(1) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Article 1, Sections B, C, and D of this order.

(2) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of Article 3, Section C; Article 4, Section C; and the provisions of Article 5 of this order.

(3) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Article 3, Section B or Article 4, Section B (B) of this order.

(4) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

(5) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

SECTION D. SEVERABILITY

If any section, clause, sentence, or phrase of this Order is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Order.

SECTION E. PENALTIES FOR NON COMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this court order and other applicable regulations. Violation of the provisions of this court order by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this court order or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500 for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent Commissioners Court from taking such other lawful action as is necessary to prevent or remedy any violation.

STATE OF TEXAS §

COUNTY OF POLK §

DATE: SEPTEMBER 27, 2011  
 REGULAR MEETING  
 ALL MEMBERS - Present

COMMISSIONERS COURT  
 AGENDA POSTING #2011 - 126

BE IT REMEMBERED ON THIS THE 27TH DAY OF SEPTEMBER, 2011  
 THE HONORABLE COMMISSIONERS COURT MET IN "REGULAR" CALLED  
 MEETING WITH THE FOLLOWING OFFICERS AND MEMBERS PRESENT, TO WIT;

HONORABLE JOHN P. THOMPSON, COUNTY JUDGE, PRESIDING.  
 BOB WILLIS - COMMISSIONER PCT #1, RONNIE VINCENT - COMMISSIONER  
 PCT #2, MILTON PURVIS - COMMISSIONER PCT #3, C.T. "TOMMY" OVERSTREET-  
 COMMISSIONER PCT #4, SCHELANA WALKER - COUNTY CLERK AND RAY STELLY -  
 COUNTY AUDITOR. THE FOLLOWING AGENDA ITEMS, ORDERS AND DECREES WERE  
 DULY MADE, CONSIDERED & PASSED.

1. WELCOMED AND CALLED TO ORDER AT 10:00 A.M. BY JUDGE THOMPSON.
  - INVOCATION LED BY REV. HOWARD DANIEL, JR. OF CHESSWOOD BAPTIST CHURCH.
  - PLEDGE OF ALLEGIANCE TO U.S. & TEXAS FLAGS LED BY JIM JOHNSON.
2. PUBLIC COMMENTS: NONE.
3. INFORMATIONAL REPORTS: NONE.

NEW BUSINESS

4. CONSENT AGENDA: JUDGE THOMPSON NOTED ITEM C INCLUDES AN ADDENDUM IN THE AMOUNT OF \$58,187.55. MOTIONED BY RONNIE VINCENT, SECONDED BY BOB WILLIS, TO APPROVE THE CONSENT AGENDA AS FOLLOWS: (ALL VOTING YES)
  - A. APPROVE MINUTES OF SEPTEMBER 13, 2011 (SPECIAL & REGULAR SESSIONS).
  - B. APPROVE BUDGET REVISIONS #2011-23, AS PRESENTED BY THE COUNTY AUDITOR AND BUDGET AMENDMENTS #2011-23(A), AS SUBMITTED AND REVIEWED BY COURT APPOINTED COMMITTEE. (SEE ATTACHED)
  - C. APPROVE SCHEDULE OF BILLS, INCLUDING ADDENDUM. (SEE ATTACHED)

DATE	AMOUNT	CHECK #
9/7/11	28,728.00	231238 - 231239
9/8/11	124.30	231240 - 231241
9/8/11	79,034.03	231242 - 231273
9/8/11	388.15	231274 - 231275
9/8/11	10,172.15	76 - 77
9/9/11	2,192.26	231276 - 231287
9/9/11	2,158.00	107463 - 107573
9/12/11	140,244.42	231288 - 231309
9/12/11	138.00	231310
9/13/11	353,588.37	ACH 136 - 141

9/13/11	3,244.83	231311 - 231319
9/15/11	1,000.00	231320
9/16/11	2,938.94	231321 - 231331
9/16/11	33,754.79	231332 - 231366
9/16/11	14,147.57	78 - 79
9/19/11	26,742.90	80
9/19/11	367,351.25	150
9/19/11	481.75	231367 - 231368
9/20/11	350,177.87	231369 - 231469
9/27/11	Addendum	\$58,187.55 (to appear on future schedule)
<b>TOTAL</b>	<b>\$1,416,607.58</b>	

- D. APPROVE PERSONNEL ACTION FORMS, AS REVISED. (SEE ATTACHED)
- E. APPROVE INVOICE #71.001.06-036 IN THE AMOUNT OF \$421.54 AND INVOICE #74.001.11-007 IN THE AMOUNT OF \$16,734.95, AS SUBMITTED FROM HESTER + HESTER FOR JUDICIAL CENTER PROJECT.
- F. APPROVAL OF OFFERS TO PURCHASE TAX FORECLOSED PROPERTIES: (PCT 1) LOTS 253 & 254, SECTION 2, RIVER LAKE ESTATES, CAUSE NO. T08-104; LOTS 22 & 23, SECTION 6, WILD COUNTRY LAKE ESTATES, CAUSE NO. T10-271 (PCT 3) LOTS 21 & 22, BLOCK 2, DUNBAR ADDITION, CAUSE NO. T03-060.  
(REVISED LATER IN MEETING)
- G. APPROVE ORDER DESIGNATING REGULAR TERMS OF THE POLK COUNTY COMMISSIONERS COURT FOR FY2012 AS SECOND AND FOURTH TUESDAY OF EACH MONTH AT 10:00 A.M. IN THE COMMISSIONERS COURTROOM OF THE POLK COUNTY COURTHOUSE, PURSUANT TO TEXAS LOCAL GOVERNMENT CODE 81.005(a). (SEE ATTACHED)
- H. APPROVE RENEWAL OF LEASE AGREEMENT WITH MOLLY LOCKE FOR OFFICE SPACE LOCATED IN THE M.G. REILY HUMANITARIAN BUILDING IN CORRIGAN.
- I. APPROVE LETTER OF AGREEMENT WITH CONSTRUCTION CODE CONSULTANTS RENEWING SERVICES FOR THE PERFORMANCE OF LIFE SAFETY INSPECTIONS FOR A ONE (1) YEAR TERM BEGINNING OCTOBER 1, 2011 TO INCLUDE STATE MANDATED FIRE SAFETY INSPECTIONS.
- J. APPROVE SAFETY COMMITTEE RECOMMENDATION FOR SAFETY AWARD PROGRAM REVISION FOR MINIMUM DEPARTMENTAL PERCENTAGE OF TRAINING COMPLIANCE.
- K. APPROVE UPDATE TO PERSONNEL MANAGEMENT SYSTEM TO INCLUDE NEW JOB DESCRIPTION 1059-ASSISTANT JAIL ADMINISTRATOR/LIEUTENANT, AS APPROVED FOR FY2012 BUDGET.
- L. APPROVE CERTIFIED RETIREMENT COMMUNITY PROGRAM EXPENDITURE.
- M. APPROVE CERTIFICATE OF SUBSTANTIAL COMPLETION FOR JAIL EXPANSION PROJECT.
- (N)** DESIGNATE HABITAT FOR HUMANITY AS THE COUNTY'S POINT OF CONTACT TO ASSIST IN THE RECONCILIATION AND MAINTAIN DOCUMENTATION OF FAIR HOUSING DISCRIMINATION COMPLAINTS FROM CITIZENS RESIDING WITHIN POLK COUNTY.
- O. APPROVE COUNTY AUDITOR'S RECOMMENDED FUND BALANCE POLICY IN COMPLIANCE WITH GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENT NO. 54 (GASB 54). (SEE ATTACHED)

DISCUSSION OF AGENDA ITEM 5 BY JUDGE THOMPSON.

5. MOTIONED BY MILTON PURVIS, SECONDED BY TOMMY OVERSTREET, APPROVAL OF PAYMENT OF COUNTY MAINTENANCE EMPLOYEE OVERTIME HOURS RELATED TO JUDICIAL CENTER PROJECT COMPLETION DURING THE PERIOD OF SEPTEMBER 5 THROUGH 23, 2011 FROM DEPARTMENT'S CURRENTLY BUDGETED (FY2011) REMAINING SALARY FUNDS IN ACCORDANCE WITH COUNTY POLICY SECTION 6.06 - OVERTIME COMPENSATION.  
ALL VOTING YES.

DISCUSSION OF AGENDA ITEM 6 BY SHERIFF HAMMACK.

6. MOTIONED BY BOB WILLIS, SECONDED BY MILTON PURVIS, TO APPROVE SHERIFF'S REQUEST TO DESIGNATE CERTAIN RADIOS, LIGHT BARS AND SIREN BOXES AS SURPLUS PROPERTY OF THE COUNTY AND FOR DONATION OF SAID EQUIPMENT TO THE GOODRICH VOLUNTEER FIRE DEPARTMENT.  
ALL VOTING YES. (SEE ATTACHED)

DISCUSSION OF AGENDA ITEM 7 BY PAT OATES WITH GOODWIN LASITER WHO RECOMMENDED AWARDED BID TO BERRY & CLAY INC. OF RUSK.

7. MOTIONED BY MILTON PURVIS, SECONDED BY TOMMY OVERSTREET, TO AWARD BID FOR 2008 IKE DISASTER RECOVERY PACKAGE #3 "DUNBAR GYM RENOVATIONS" TO BERRY & CLAY INC. OF RUSK.  
ALL VOTING YES.

JUDGE THOMPSON INTRODUCED COURT TO DAVID STACKS WARDEN AT IAH DETENTION CENTER.

EXECUTIVE SESSION BEGAN AT 10:11 A.M.

EXECUTIVE SESSION: CONSULTATION WITH ATTORNEY;

- A. DISCUSSION REGARDING THE IAH (POLK COUNTY) DETENTION CENTER, CONFIDENTIAL LEGAL ISSUES AND ADVICE RELATING TO THE OPERATION AND FINANCING THEREOF, AGREEMENTS RELATING THERETO, AND LEGAL LIABILITY ISSUES RELATED TO THE IAH (POLK COUNTY) DETENTION CENTER, INCLUDING WITHOUT LIMITATION, THE USE OF FUNDS AND CAPITAL IMPROVEMENTS TO THE FACILITY AND ISSUANCE OF QUALIFYING OPERATION AND MANAGEMENT ACT.
- B. DISCUSSION WITH ATTORNEY REGARDING CONTEMPLATED LITIGATION.

EXECUTIVE SESSION ENDED AT 10:46 A.M.

OPEN SESSION BEGAN AT 10:46 A.M.

DISCUSSION OF AGENDA ITEM 8 BY HERB BRISTOW.

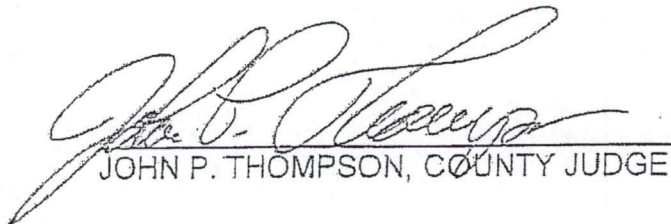
8. MOTIONED BY TOMMY OVERSTREET, SECONDED BY BOB WILLIS, TO AUTHORIZE AND ADVERTISE A REQUEST FOR PROPOSALS FOR IAH DETENTION FACILITY OPERATIONS & MANAGEMENT, SET COMMISSIONERS COURT MEETING TO REVIEW PROPOSALS ON NOVEMBER 21, 2011 AT 1:30 P.M. AND AWARD BID IN REGULAR SESSION ON TUESDAY NOVEMBER 22, 2011 AT 10:00 A.M.  
ALL VOTING YES.



COMMISSIONER WILLIS REQUESTED TO AMEND CONSENT AGENDA ITEM F.

CONSENT AGENDA ITEM F: MOTIONED BY RONNIE VINCENT, SECONDED BY BOB WILLIS, TO REJECT OFFER TO PURCHASE LOT 253 & 254, SECTION 22, RIVER LAKE ESTATES, CAUSE NO. T08-104 AND ACCEPT OFFER TO PURCHASE REMAINDER OF TAX FORECLOSED PROPERTIES.  
ALL VOTING YES.

ADJOURN:  
MOTIONED BY TOMMY OVERSTREET, SECONDED BY MILTON PURVIS, TO ADJOURN COURT THIS 27TH DAY OF SEPTEMBER, 2011 AT 10:59 A.M.  
ALL VOTING YES.

  
\_\_\_\_\_  
JOHN P. THOMPSON, COUNTY JUDGE

ATTEST:

\_\_\_\_\_  
SCHELANA WALKER, COUNTY CLERK

## Polk County, TX Anti-NIMBYism Action Plan

It is the policy of Polk County to combat 'NIMBYism' within our County. NIMBY is an acronym for "Not In My Backyard". The County of Polk understands the importance of informed residents, the importance of fair housing, and a diversified tax base that does not rely solely on one type of use within the County. Our County does not have Codes or Ordinances in place that would require certain buffering and screening requirements between different uses and zoning categories; however, Polk County does have an efficient residential and commercial development permitting program. This program regulates development in the floodplain, septic installation, and septic maintenance. For a residence to be constructed in the floodplain, a base flood elevation (BFE) certificate issued by an evaluator is required. The residence, depending on the base flood elevation (BFE), may have to be raised above flood levels. The County does have an order for the development of subdivisions, but it only addresses road construction and drainage. Since there are no zoning codes in the County proper, there are no administrative practices that will impede fair housing choice and fail to affirmatively further fair housing. Polk County is dedicated to ensuring that new developments and fair housing opportunities within the County are met with cooperation and understanding rather than opposition and misinformation.

To combat NIMBYism, Polk County will take the following steps:

1. The County will strive, when appropriate, to host public hearings and town hall-type meetings on any proposed developments that the County feels will harbor any NIMBY-type sentiments. This has been the County's practice in the past, and the County will continue to work toward spreading factual information using all available technology and resources. This is especially important when new commercial or residential development is proposed at a location that is adjacent to an existing development.
2. Polk County will begin holding Development Review Committee meetings with potential developers in the community. At these "DRC" meetings, County staff will make an effort to speak with these potential developers about potential NIMBY pitfalls within the County. We will share institutional knowledge about past NIMBY issues and encourage the developer to work with the County to ensure a quality development. Staff involved with DRC will also participate in training and education programs concerning fair housing as available during various times of the year.