

# PANHANDLE REGIONAL PLANNING COMMISSION

## BOARD OF DIRECTORS

### Minutes

January 29, 2015

The regular meeting of the Board of Directors of the Panhandle Regional Planning Commission was held on Thursday, January 29, 2015, at 1:30 p.m. in the PRPC Board Room, 415 South West Eighth Avenue, Amarillo, Potter County, Texas.

Judge John James, Chair, presided.

#### MEMBERS PRESENT:

- Don Allred, Oldham County Judge
- Juan Cantu, Lipscomb County Commissioner
- Cleo Castro, Cactus
- Irene Favila, Hereford
- Brian Gillispie, Mayor, City of Spearman
- Bob Gober, Councilman, City of Canadian
- Ronnie Gordon, Hartley County Judge
- Dr. William Hallerberg, Canadian River Municipal Water Authority
- Paul Harpole, Mayor, City of Amarillo
- Dr. John Howard, Donley County Judge
- Ernie Houdashell, Randall County Judge
- John James, Collingsworth County Judge
- Zelda Lang, Councilwoman, City of Dalhart
- Dan Looten, Carson County Judge
- Jay Mayden, Childress County Judge
- Wayne Nance, Briscoe County Judge
- Karen Price, Pampa
- Sal Rivera, Sheriff, Castro County
- Amelia Salazar, Alderwoman, Palisades Village
- Winston Sauls, Borger
- Phillip Self, Greenbelt Municipal & Industrial Water Authority
- Nancy Tanner, Potter County Judge
- Ricky White, Mayor, City of Friona

#### MEMBERS ABSENT:

- Saul Hernandez, Amarillo
- Harold Keeter, Swisher County Judge
- Walter "Four" Price, Texas State Representative, District 87
- Kerry Symons, Mayor Pro-Tem, City of Perryton

STAFF PRESENT: Ms. Lori Gunn, Regional Services Program Specialist; Mr. John Kiehl, Regional Services Director; Mr. Kyle Ingham, Local Government Services Program Director; Ms. Melissa Henderson, Local Government Services Program Coordinator; Mr. Joe Price, Local Government Program Specialist; Mr. Mike Peters, Regional 9-1-1 Network Director; Mr. Marin Rivas, Workforce Development Director; Ms. Cindy Boone, CPA, Finance Director; Mr. Gary Pitner, Executive Director

OTHERS PRESENT: Jessica Mitchell, State Representative Four Price's Office

#### 1. CALL TO ORDER

Judge John James, Chair, called the meeting to order and noted that a quorum was present.

#### 2. INVOCATION

Commissioner Juan Cantu gave the invocation.

#### 3. MINUTES

Mayor Brian Gillispie moved to approve the minutes from the meeting held on December 11, 2014, noting a correction to the motion made for Agenda Item 16. Sheriff Sal Rivera seconded the motion; the motion carried by unanimous vote.

4. **VOUCHERS**

Judge Ronnie Gordon moved to approve the vouchers for the month of December, 2014. Mayor Brian Gillispie seconded the motion; the motion carried by unanimous vote.

5. **PRPC INVESTMENT FUND QUARTERLY REPORT**

Ms. Cindy Boone, CPA, stated that pursuant to the Public Funds Investment Act, which was passed by the Texas Legislature in 1987 and amended in 1995 and 1997, PRPC adopted written investment policies on August 23, 1996 for funds under our control. In accordance with this Act, the investment officer of PRPC, which is the Finance Director, is required to submit to the Board of Directors a quarterly report of investment transactions. Ms. Boone presented the report for the period of October 1, 2014 through December 31, 2014.

Dr. Bill Hallerberg moved to accept the PRPC's Investment Funds Quarterly Report for the period ended December 31, 2014, as presented. Councilwoman Zelda Lang seconded the motion; the motion carried by unanimous vote.

6. **FAIR HOUSING MONTH PROCLAMATION**

Ms. Melissa Henderson reminded the Board that the Planning Commission (PRPC) is under contract with the Texas Department of Agriculture to provide community and economic planning activities for the Texas Panhandle. Through the contract, the PRPC receives a grant to provide technical assistance to communities in the Panhandle regarding community and economic development programs.

Under the requirements of the contract, PRPC is required to conduct a Fair Housing Activity in the region. Title VIII of the Civil Rights Act of 1968, The Fair Housing Act, prohibits discrimination in the sale or rental of units in the private housing market against any person on the basis of race, color, religion, sex, national origin, age, physical/mental handicap, or familial status (i.e. children under 18) and provides for relief including the award of monetary damages where discriminatory housing practices are found. The passage of a proclamation will fulfill PRPC's requirement to conduct a Fair Housing Activity and will raise the awareness of the importance of equal housing opportunities in the Panhandle.

Judge Don Allred moved to pass a proclamation designating March 2015 as Fair Housing Month in the Texas Panhandle. Ms. Irene Favila seconded the motion; the motion carried by unanimous vote.

7. **PANHANDLE REGIONAL 9-1-1 NETWORK QUARTERLY PERFORMANCE REPORT**

Mr. Mike Peters reminded the Board that in the agreement between Panhandle Regional Planning Commission (PRPC) and the Commission on State Emergency Communications (CSEC), the Panhandle 9-1-1 Network must establish and accomplish certain goals and objectives. In order to check progress throughout the year, we are required to submit to CSEC a quarterly performance report that includes 9-1-1 call volumes, monitoring results, network outage reports, system testing, and the status of equipment replacement. The following items make up the key points of the FY15 Q1 performance report covering September, October, and November.

- 13 Public Service Answering Points (PSAPs) were monitored with no findings.
- 1,978 network test calls were made by PSAP staff and PRPC employees.
- The program experienced 4 outages, 3 network and 1 equipment issue.
- There were 48,237 9-1-1 calls with almost 80% being wireless compared to the same quarter in 2014 with 37,328 calls and 79% wireless.

Sheriff Sal Rivera moved to accept the Panhandle Regional 9-1-1 Network's FY2015 First Quarter Performance Report as presented. Dr. Bill Hallerberg seconded the motion; the motion carried by unanimous vote.

8. **REGIONAL CRIMINAL JUSTICE ADVISORY COMMITTEE APPOINTMENT**

Ms. Lori Gunn reminded the Board that the main duties of the Criminal Justice Advisory Committee (CJAC) are to oversee the grant programs made available through the Office of the Governor's Criminal Justice Division. Funding comes from a variety of state and federal sources which includes:

- VOCA Funds through the Victims of Crime Act;
- VAWA funds through the Violence Against Women Act;
- JAG Funds through the Edward Byrne Justice Assistance Grants and State 421 Funds; and
- JJDP Funds through the Juvenile Justice and Delinquency Prevention Act.

PRPC Administrative Regulation No. 34 establishes the size and composition of the committee and sets the member term lengths. The CJAC is a 16-member body who serve 3-year staggered terms, with one-third of the membership be appointed or reappointed by the PRPC Board each October. A vacancy currently exists due to a member resigning from the Committee. Staff has contacted Diana Van Scoy, Adult Program Director, Texas Panhandle Centers, and she has expressed a willingness to serve on this Committee.

Councilwoman Zelda Lang moved to appoint Diana Van Scoy to the Planning Commission's Regional Criminal Justice Advisory Committee. Judge Dan Looten seconded the motion; the motion carried by unanimous vote.

9. **PANHANDLE REGIONAL EMERGENCY MANAGEMENT ADVISORY COMMITTEE APPOINTMENT**

Mr. John Kiehl informed the Board that having anywhere from 31-57 members, the PRPC's Panhandle Regional Emergency Management Advisory Committee (PREMAC) is the largest advisory group to the PRPC Board of Directors and therefore, it's subject to frequent change. As members move, retire or change professions, new individuals that fit one or more of the designated categories of PREMAC membership have to be identified, then induced to consider serving on the committee.

Staff is recommending that the Board consider the appointment of an individual to the PREMAC; not necessarily to replace a departing member but to take advantage of the individual's background and areas of expertise. Dr. Xiangyu (Dale) Li, recently came to WTAMU's Department of Political Science and Criminal Justice. He is an Assistant Professor/Emergency Management Program Director.

PRPC staff is recommending that Dr. Li be appointed to the PREMAC because his participation could benefit the committee's work; especially in the area of regional planning. Blending his academic background with the hands-on experience of the many emergency management practitioners that currently serve on the PREMAC would add another facet of thought to the committee's deliberations.

Dr. Bill Hallerberg moved to appoint Dr. Xiangyu (Dale) Li to serve on the Planning Commission's Regional Emergency Management Advisory Committee. Judge Ronnie Gordon seconded the motion; the motion carried by unanimous vote.

10. **2013 STATE HOMELAND SECURITY PROGRAM "SWEPT FUNDS" PROJECT APPLICATION**

Mr. John Kiehl informed the Board that it's inevitable that at the end of each State Homeland Security Program (SHSP) grant year that some jurisdictions in the State will have not fully spent their SHSP funds for the year. Now, as a matter of practice, this doesn't occur in the Panhandle. He stated that over the past 5-6 years; there was one occasion when \$700 had to be returned to the State and even then, we eventually got it back and then some.

The SHSP grants have a prescribed performance period and as the grant closure date approaches, the State Administrative Agency (SAA) will begin identifying all unspent funds and set in motion a process for redistributing them to other jurisdictions. The SAA wants to ensure that every effort is made to spend these funds in Texas because once the grant period ends; any unspent funds have to be returned to FEMA.

The SAA recently completed the sweeping of unspent funds for the 2013 SHSP grant year. Each Council of Governments in the state was then invited to submit one application in an amount not to exceed \$50,000 for a project in their region. This year's call for swept fund applications was issued on December 16; with the applications due to the SAA by January 9.

Normally, PRPC staff will seek the Board's approval before we submit any type of grant application but this year's announcement/submission deadline fell between Board meetings. Rather than take a pass on trying to get additional funding into the region, PRPC staff applied for the funds hoping to get your forgiveness later.

Mr. Kiehl reviewed with the Board the PRPC's FY13 Swept Funds application. The proposal requests a total of \$44,800. The funds will be used to upgrade the microwave radio links at several critical junctures in the PANCOM system. The benefit of which will be to increase the radio traffic capacity at key points in the system where older model radio links are currently being used. This will help to eliminate potential choke points in the system.

This proposal was submitted to the SAA by January 9 and is now being considered for funding. Replacing the equipment is a cost we'll have to incur one way or the other. Hopefully, we'll receive a favorable response from the State and then we can use federal funds to cover the cost.

Mr. Kiehl stated it is within the purview of the Board to determine that this application should not remain under consideration of funding and if that's the case; we can contact the SAA and ask that the Panhandle's 2013 application be withdrawn. However, staff hopes that the regional benefits of this project will outweigh the procedural lapses in not presenting the proposal to the Board first.

Dr. John Howard moved to authorize the submission of a "2013 Swept Funds" application to the Texas Department of Public Safety/State Administrative Agency for funds to upgrade the microwave link portion of the Panhandle Regional Interoperable Radio Communications System (PANCOM). Dr. Bill Hallerberg seconded the motion; the motion carried by unanimous vote.

#### **11. PANHANDLE ELECTRONIC WARRANT SYSTEM INTERLOCAL COOPERATION AGREEMENTS**

Mr. John Kiehl stated that last year, the City of Amarillo initiated a new program that enables law enforcement officers to submit warrant requests to area judges/magistrates electronically. If the Judge deems the request to be justified, he/she can then sign the warrant electronically and then return it by email to the requesting officer. The District Attorney offices in the Potter/Randall County area are also using the program to electronically file criminal complaints. This process is permissible by law. The Electronic Signatures Act (Public Law No: 106-229) went into effect on October 1, 2000 and gives electronically-signed contracts and other legal document the same weight as those executed on paper.

The benefits of this program include the convenience and cost-savings realized by not having to follow the traditional approach of physically sending an officer to track down the Judge for his/her signature. There are evidentiary benefits as well. Officers can no longer compel a DUI suspect to submit to a blood test against their will. In instances when a driver is pulled over for suspicion of being under the influence, if the officer has to hand-carry a warrant request to the Judge for signature, the suspect's blood alcohol content could potentially dissipate before a blood draw is made.

The City of Amarillo realized that the benefits of this program could easily extend to other areas of the Panhandle. Because the City is not in the business of running regional programs, the PRPC was asked to take it on as a Panhandle-wide project. There is a strong potential that other agencies in the region will eventually benefit from using e-warrants/complaints. If the interested agencies can work together under a common regional umbrella, further legal and cost efficiencies could be realized.

Amarillo's contract with its e-warrants vendor expires on January 31. PRPC staff is now working on getting a new contract in place before the end of the month. At the same time, we've been working on the development of an interlocal agreement between the PRPC and those agencies that want to participate in the program. The intent of the agreement is to identify the responsibilities of the contracting parties (the PRPC and the agency) and to recover the actual costs of operating the program. Mr. Kiehl reviewed the draft agreement with the Board.

Judge Don Allred moved to authorize the Executive Director to execute Interlocal Cooperation Agreements with eligible and interested Panhandle area local entities to establish, administer and maintain a system for the electronic execution and delivery of certain warrants and related court documents in order to automate the complaint-to-warrant service process, to create efficiencies in the judicial process, to reduce the amount of time required to request and issue warrants and related documents and to improve public safety. Commissioner Juan Cantu seconded the motion; the motion carried by unanimous vote.

#### **12. TEXAS REVENUE RECOVERY ASSOCIATION ADMINISTRATIVE SERVICES CONTRACT RENEWAL**

Mr. Joe Price stated that the Panhandle Regional Planning Commission has served as the administrative agent for the Texas Revenue Recovery Association (TRRA) since its inception in 2004, to help facilitate local governments' efforts to collect delinquent accounts for municipal services. The TRRA was created at the request of local governments in the Texas Panhandle to be a mechanism by which communities could help collect delinquent accounts for each other as individuals moved around the region. The program was such a

success in its early years that it became a statewide program with over 70 member cities across the State of Texas.

PRPC staff developed a software system that allows member cities to identify records of individuals who owe other member cities and collect that amount under threat of disruption of utilities. The city that is owed the debt retains 75% of the collected amount (far more than writing the debt off) and the collecting city retains 25% of the amount for its efforts. The TRRA receives a \$25 fee charged to each delinquent account that is collected for the operation and maintenance of the system. Additionally, many cities are using the system to identify and collect their own delinquent accounts in which instance they retain the full amount collected.

As the administrative agent for the TRRA, the PRPC is responsible for all of the record keeping and daily transactions of TRRA. The Planning Commission operates and maintains a database of all delinquent accounts that are reported and that is accessible only to authorized individuals within each Member City. We will also provide a meeting location and office of record as well as management and reporting of the finances and records of the TRRA. In general, the Planning Commission provides all of the services the Revenue Recovery Association needs to operate on a day-by-day basis.

The relationship between PRPC and the TRRA is established through an interlocal agreement that has been updated periodically over the last 10 years. Last year it was determined that it would be advantageous to both parties to revisit this interlocal arrangement on an annual basis, and it is now time to renew the contract.

Judge Ronnie Gordon moved to authorize the Executive Director to execute a contract renewal with the Texas Revenue Recovery Association for the Planning Commission's continued performance of necessary administrative services for the Association. Mayor Brian Gillispie seconded the motion; the motion carried by unanimous vote.

### **13. TEXAS REVENUE RECOVERY ASSOCIATION SYSTEMS IMPROVEMENT CONTRACT AMENDMENT**

Mr. Joe Price stated that as the administrative agent for the TRRA, the PRPC is responsible for all of the record keeping and daily transactions of TRRA. The Planning Commission operates and maintains a database of all delinquent accounts that are reported and that is accessible only to authorized individuals within each member city. We will also provide a meeting location and office of record as well as management and reporting of the finances and records of the TRRA. In general, the Planning Commission provides all of the services the Revenue Recovery Association needs to operate on a day-by-day basis.

On January 31, 2013, PRPC entered into an agreement with McClain Decision Support Systems (MDSS) for the provision of services related to a system upgrade. Specifically, the following are included in the scope of work for the contract to improve the Texas Revenue Recovery Association Program:

1. Relocation of TRRA Database to a New Server
2. Development of a New Website User Interface and Functionality with Both Administrator and User Reporting Tools
3. Development of Database/Website Management Tools
4. Development of Software that will integrate with other commercially available software that member cities are currently utilizing for billing.
5. Website and database hosting of TRRA Website and Database for the period of the agreement.

The contract was entered into for a period of two years with incremental payments based on progress towards the completion of each deliverable. Delays in achieving deliverables necessitates that the contract be extended by six months to ensure that the upgrade project is completed in full. The current expiration of the contract is July 30, 2015, so a six month extension would place the revised contract expiration at January 31, 2016.

Mayor Paul Harpole moved to authorize the Executive Director to execute a services contract amendment to extend a current contract with McClain Decision Support Systems for database, website and system integration improvements to the Texas Revenue Recovery Association System hosted by the Planning Commission. Judge Dan Looten seconded the motion; the motion carried by unanimous vote.

### **14. 2016 PANHANDLE REGIONAL WATER PLAN DEVELOPMENT CONTACT AMENDMENT**

Mr. Kyle Ingham reminded the members that in 2014, the PRPC Board of Directors authorized the amendment of Texas Water Development Board (TWDB) Contract

#1148301312 to accept all Tasks and funds associated with a total \$527,865 Regional Water Planning Contract for the 2016 Plan. The funding was broken into two phases related to the fact that the planning cycle spans two legislative sessions. At that point the contract was fully funded for the completion of the 2016 Panhandle Regional Water Plan.

As the region moves towards the completion of the 2016 Panhandle Regional Water Plan the Texas Water Development Board has opted to revise the timeline associated with certain deliverables.

Specifically, the timeline revisions include:

1. The submission of the Initially Prepared Plan is being moved back one month to December 1, 2015;
2. The final reimbursable expense date is pushed back two months to March 1, 2016;
3. The final payment request date is delayed one month to March 31, 2016; and
4. The contract expiration date is moved one month earlier to April 29, 2016.

Technical modifications provide slightly more flexibility in the transfer of funds from one budgeted line item to another to account for the three new Tasks that have been added. All of these amendments are technical in nature and do not change the responsibility of the delivery of tasks and do not affect the total regional allocation of funds to the region.

Dr. Bill Hallerberg moved to authorize the Executive Director to execute a contract amendment with the Texas Water Development Board to make technical adjustments related to certain deliverables. Mayor Ricky White seconded the motion; the motion carried by unanimous vote.

#### 15. **2021 PANHANDLE REGIONAL WATER PLAN DEVELOPMENT APPLICATION**

Mr. Kyle Ingham stated that on April 17, 1998, the Board of Directors approved an agreement with the Panhandle Water Planning Group (PWPG) designating the Planning Commission as the administrative entity for the regional water planning process. Since that time, Local Government Services staff has assisted the Panhandle Water Planning Group in the development of three regional water plans completed in 2001, 2006, and 2011 with the 2016 Plan nearing the adoption phase. Freese and Nichols, Inc. has been contracted to assist in the development of each of the regional water plans.

In December of 2014 the Texas Water Development Board released the general guidelines for the Regional Water Plan Development (2017-2021) and the Request for Application for Planning. Under these documents, PRPC on behalf of PWPG may apply for \$77,520 of base funding for Region A (the Panhandle Region) for the initial development of the 2021 Regional Water Plan. These funds are specifically allocated to Task 10 – Public Participation and Task 2 – Water Supplies to get the next five year process under way.

In previous cycles the PWPG has worked with the contracted engineer to develop the application and Scope of Work for the planning cycles. However, in this cycle the Texas Water Development Board (TWDB) has pre-developed the region's application and Scope of Work. The Panhandle Water Planning Group has authorized PRPC staff to populate the remaining application fields, attach the pre-developed scope of work, and submit the application package on their behalf contingent upon PRPC Board approval. The application will contain a proposed budget for basic services of \$77,520 with specific denotation that additional funds will be necessary for the remaining legislatively required tasks. The deadline for the submission of the proposal to the Texas Water Development Board is March 3, 2015, so PRPC staff is developing the application for TWDB with the understanding that contingent upon the PRPC Board of Director's action it will be submitted in the next 30 days. Additionally, it is anticipated that all of the public notices associated with the posting of the application will be issued in that same timeframe. This application represents the first step towards the development of the 2021 Plan.

Judge Ronnie Gordon moved to authorize the submittal of a grant application to the Texas Water Development Board for funding to develop the 2021 Panhandle Regional Water Plan on behalf of the Panhandle Water Planning Group. Sheriff Sal Rivera seconded the motion; the motion carried by unanimous vote.

#### 16. **MISCELLANEOUS NON-ACTION INFORMATION ITEMS**

A. Mr. Gary Pitner discussed with the Board the Panhandle Regional Planning Commission's FY14 Productivity and Performance Report as submitted to the Office of the Governor, State Auditor, Comptroller of Public Accounts and the Legislative Budget Board.

B. Mr. Gary Pitner reported on the recent and upcoming Planning Commission sponsored regional meetings.

17. **ADJOURNMENT**

There being no further business to come before the Board, the meeting adjourned at 2:40 p.m.



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John James, Chairman  
Panhandle Regional Planning Commission  
Board of Directors

ATTEST:



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Ernie Houdashell, Secretary/Treasurer  
Panhandle Regional Planning Commission  
Board of Directors