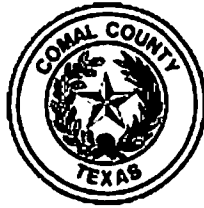


RESOLUTION 2016-2



STATE OF TEXAS § IN THE COMMISSIONERS COURT

COUNTY OF COMAL §

RESOLUTION OF COMAL COUNTY AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE ALAMO AREA COUNCIL OF GOVERNMENTS (AACOG) FOR A REGIONAL SOLID WASTE GRANTS PROGRAM GRANT; AUTHORIZING ROBERT BOYD TO ACT ON BEHALF OF COMAL COUNTY IN ALL MATTERS RELATED TO THE APPLICATION; AND PLEDGING THAT IF A GRANT IS RECEIVED, COMAL COUNTY WILL COMPLY WITH THE GRANT REQUIREMENTS OF THE ALAMO AREA COUNCIL OF GOVERNMENTS, THE TEXAS COMMISSION OF ENVIRONMENTAL QUALITY AND THE STATE OF TEXAS.

WHEREAS, the Alamo Area Council of Governments (AACOG) is directed by the Texas Commission on Environmental Quality (TCEQ) to administer solid waste grant funds for implementation AACOG's adopted regional solid waste management plan; and

WHEREAS, Comal County in the State of Texas is qualified to apply for grant funds under the Request for Applications.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS COURT OF COMAL COUNTY IN NEW BRAUNFELS, TEXAS THAT:

1. Assistant County Engineer, Robert Boyd, is authorized to request grant funding under the AACOGs' Request for Applications of the Regional Solid Waste Grants Program and act on behalf of Comal County in all matters related to the grant application and any subsequent grant contract and grant project that may result.
2. If the project is funded, Comal County will comply with the grant requirements of the AACOG, Texas Commission on Environmental Quality and the State of Texas.
3. If the project is funded, the grant funds and any grant-funded equipment or facilities will be used only for the purposes for which they are intended under the grant.
4. If the project is funded, activities will comply with and support the adopted regional and

local solid waste management plans adopted for the geographical area in which the activities are performed.

PASSED AND ADOPTED by Comal County Commissioners' Court in New Braunfels, Texas on this the, 4th day of February, 2016.




Sherman Krause, County Judge



Donna Eccleston
Commissioner, Pct. #1



Scott Haag
Commissioner, Pct. #2



Kevin Webb
Commissioner, Pct. #3



Jen Crownover
Commissioner, Pct. #4



Attest: Bobbie Koepf
Comal County Clerk



**ALAMO AREA COUNCIL OF GOVERNMENTS
IN COOPERATION WITH THE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
ISSUES THE FY 2016-2017 REGIONAL SOLID WASTE GRANTS
APPLICATION FORM**

FORM 1. APPLICATION INFORMATION AND SIGNATURE PAGE

Please Type or Legibly Print the Application. Typing is Preferred

Applicant: Comal County	Phone/Fax: (830) 608-2090 / (830) 608-2009
Address: 195 David Jonas Drive New Braunfels, TX 78132	Email: boydro@co.comal.tx.us
Contact Person: Robert Boyd, P.E.	Date Submitted: 2/5/16

Project Category

<input type="checkbox"/> Local Enforcement <input type="checkbox"/> Litter and Illegal Dumping Cleanup and Community Collection Events <input type="checkbox"/> Citizens' Collection Stations and "Small" Registered Transfer Stations <input type="checkbox"/> Source Reduction and Recycling <input checked="" type="checkbox"/> Household Hazardous Waste (HHW) Management <input type="checkbox"/> Technical Studies <input type="checkbox"/> Educational and Training Projects <input type="checkbox"/> Local Solid Waste Management Plans <input type="checkbox"/> Other	Grant Request: \$ 25,000
	Cash Match: \$ 0
	In-Kind (Optional): \$ 0
	Total Project Amount (add 3 lines above): \$ 25,000
	Estimated Project Timeframe: 8 months
	Year: 0 Months to Complete: 8
	Regional Plan Goal #(s): 1
	Check ONE
	<input type="checkbox"/> New Project
	<input type="checkbox"/> Enhancement/expansion
<input checked="" type="checkbox"/> Continuation of existing project	

Signature

By the following signature, the Applicant certifies it has reviewed the certifications, assurances, and deliverables included in this application; that all certifications are true and correct; that assurances have been reviewed and understood; and that all required deliverables are included with this application.	
Signature	Title: Comal County Assistant Engineer
Typed/Printed Name: Robert Boyd	Date Signed: 2/4/16

For Use by AACOG

Date application was received: _____
Does the application meet all of the required criteria: _____ Yes _____ No
Is this application administratively complete: _____ Yes _____ No

FORM 2. Authorized Representatives

The Applicant hereby designates the individual(s) named below as the person or persons authorized to receive direction from AACOG, to manage the work being performed, and to act on behalf of the Applicant for the purposes shown:

- 1. Authorized Project Representative.** The following person is authorized to receive direction, manage work performed, sign required reports, and otherwise act on behalf of the Applicant.

Signature:
Typed/Printed Name: Robert Boyd
Title: Assistant Engineer
Entity: Comal County
Address (No P.O. Boxes): 195 David Jonas Drive
City, State, Zip Code: New Braunfels, TX 78132
Telephone Number: (830) 608-2090
FAX Number: (830) 608-2009
Email Address: boydro@co.comal.tx.us
Date: 2/4/16

- 2. Authorized Financial Representative.** In addition to the authorized project representative, the following person is authorized to act on behalf of the Applicant in all financial and fiscal matters, including signing financial reports and requests for reimbursement.

Signature:
Typed/Printed Name: David Renken
Title: County Auditor
Telephone Number: (830) 221-1200
Email Address: renked@co.comal.tx.us
Date: 2/4/16

FORM 3. Certifications and Assurances

Certifications

In order to receive grant funds under this program, the proposed project must conform to the provisions set forth in the Request for Applications (RFA). The following certifications are intended to help AACOG ensure that these provisions are met. By signing this Application, the person acting on behalf of the Applicant makes the certifications listed below.

1. Authority to Sign Application

The person signing this Application hereby certifies that he/she is the official contact regarding this Application and has authority from the Applicant to sign the Application and that such authority will bind the Applicant in subsequent agreements.

2. Application Contains No False Statements

Applicant certifies this Application has no false statements and the Applicant understands that signing this Application with a false statement is a material breach of contract that shall void the submitted Application and any resulting contracts. The Applicant understands AACOG will not accept any amendment, revision, addition or alteration to this Applicant after the final date and time for submission.

3. Governmental Status

Applicant certifies that it is located in the State of Texas and fits within one of the governmental classifications listed below, as determined under state law:

- a. City
- b. County
- c. Public school or school district (not including Universities or post secondary educational institutions)
- d. Other general and special law district with the authority and responsibility for water quality protection or municipal solid waste management, including river authorities
- e. Council of Governments

4. Solid Waste Fee Payments

Applicant certifies it is not delinquent in payment of solid waste disposal fees owed the State of Texas.

5. Debarment from State Contracts

Applicant certifies it is not barred from participation in state contracts by the Texas Building and Procurement Commission (TBPC), under the provisions of §2155.077, Government Code, and 1 TAC §113.02, TBPC Regulations, or by the State of Texas Comptroller of Public Accounts under the provisions of §2155.077, Government Code.

6. Conformance to Standards

The Applicant certifies, to the best of its knowledge and ability, that the proposed project, including all activities in the proposed Scope of Work and the proposed expenditures, conforms to the eligible standards for the category of project for which submitted, and allowable expense and funding standards as set forth in the Request for Applications.

7. Consideration of Private Industry

The following certification only applies if the project is under one of the following grant categories:

- a. Source Reduction and Recycling
- b. Citizens' Collection Stations and "Small" Registered Transfer Stations
- c. A demonstration project under the Educational and Training Projects category
- d. Other

Applicant certifies it has notified private service providers in accordance with the requirements set forth in the Request for Applications and the instructions provided with this application form. Applicant further certifies, to the best of its knowledge and ability (after completing Form 5), that the proposed project will promote cooperation between public and private entities, is not otherwise readily available, and will not create a competitive advantage over a private industry that provides recycling or solid waste services.

8. Consistency with Regional Solid Waste Management Plan

Applicant certifies, to the best of its knowledge and ability, that the proposed project is consistent with applicable goals, objectives, and recommendations of the adopted regional solid waste management plan of AACOG.

9. Technical Feasibility

Applicant certifies it has carefully reviewed its Scope of Work and, to the best of its knowledge and ability, all activities are technically feasible and can be satisfactorily completed within the grant period as set forth in the Request for Applications.

10. Costs Reasonable and Necessary

Applicant certifies, to the best of its knowledge and ability, that the proposed project activities in the Scope of Work and the expenses outline in the budget are reasonable and necessary to accomplish the project objectives, and that the proposed expenses are consistent with the costs of comparable goods and services.

11. Certification by Law Enforcement Programs

If the Applicant is a law enforcement entity regulated by Chapter 1701 of the Texas Occupations Code, the Applicant certifies that it is in compliance with all rules developed by the Commission on Law Enforcement Officer Standards and Education (TCLEOSE) pursuant to Chapter 1701, Texas Occupations Code; or that it is in the process of achieving compliance with such rules. If compliance is pending, a certification from TCLEOSE must be attached to indicate that the Applicant is in the process of achieving compliance with the rules.

Assurances

If the application is approved for funding, the grant funds will be awarded through a contract between the Applicant and AACOG. The grant contract will contain a number of standards, requirements, and processes that must be complied with as a condition of receiving grant funds. To ensure an understanding by the Applicant of some of the main conditions to be included in the contract; the Applicant shall review the following assurances. By signing this Application, the person acting on behalf of the Applicant indicates an understanding of these conditions and provides assurances that these and other conditions set forth in the grant contract will be adhered to if funding is awarded.

1. Compliance with Standard Pertaining to Real Property and Equipment

Applicant provides assurances that, if funded, the Applicant will comply with the contract provisions pertaining to title to and management of real property and equipment as required by the Uniform Grant Management Standards. The contract will contain obligations and conditions regarding use of equipment and/or facilities (the "property") acquired under the agreement. Included in the provisions are obligations to provide adequate maintenance and conduct physical property inventories; restrictions and conditions on the use, replacement, sale, or transfer of the property; and obligations to continue to adhere to the provisions that grant funds not be used to create a competitive advantage over private industry in the use or transfer of the property.

2. Participation in TCEQ Recycling Surveys and Reporting

Applicant provides assurances that, if funded, the Applicant will respond to annual recycling program surveys and/or other requests from AACOG or the Texas Commission on Environmental Quality for information on municipal solid waste management activities.

3. Compliance with Progress and Results Reporting Requirements

Applicant provides assurances that, if funded, the Applicant will comply with requirements for reporting on the progress of the project tasks and deliverables; documenting results of the project and providing those results to AACOG on a schedule established by AACOG; continue to document the results of the project activities for the life of the project; and provide AACOG with a follow-up results report approximately one year after the end of the grant term.

4. Financial Management

Applicant provides assurances that, if funded, the Applicant will comply with contract provisions and requirements necessary to ensure expenses are reasonable and necessary, and to adhere to financial administration and reimbursement procedures and provide financial reports on a schedule established by AACOG.

5. Compliance with Americans with Disabilities Act

Applicant provides assurances that, if funded, the Applicant will comply with all the applicable requirements of the Americans with Disabilities Act of 1990, Title 42, Chapter 26 §§1201-12213 (P.L. 110-325), as well as state and federal standards relating to non-discrimination which include, but are not limited to, those listed in the Uniform Grant Management Standards.

6. Compliance with the Single Audit Act

Applicant provides assurances that, if funded, the Applicant will comply with the Single Audit Provisions of the Uniform Grant Management Standards (UGMS), prepared by the Governor's Office under §§783.001 et seq., Texas Government Code, and 1 TAC §§5.141 et seq., through 5.167 (collectively UGMS) Governor's Office Regulations. Provisions of the Single Audit Circular in Part IV of the UGMS apply to all recipients of funding under this grant.

7. Compliance with Program and Fiscal Monitoring

Applicant provides assurances that, if funded, the Applicant will comply with program and fiscal monitoring provisions of the contract, including: providing additional reports or information as may be requested to adequately track the progress of the project and allowing site visits to evaluate progress of the project and view any grant-funded equipment or facility.

FORM 5: Explanation Regarding Private Industry Notification

According to state law (Section 361.014(b) Texas Health & Safety Code), a project or service funded under this program must promote cooperation between public and private entities and the grant funded project or service may not be otherwise readily available or create a competitive advantage over a private industry that provides recycling or solid waste services. In accordance with grant requirements established by the TCEQ, an Applicant for funding under one of the above listed project categories must adhere to the requirements listed below.

- a. Source Reduction and Recycling
 - b. Citizens' Collection Stations and "Small" Registered Transfer Stations
 - c. A demonstration project under the Educational and Training Projects category
 - d. Other
1. Contact in person or in writing the known private service providers of similar services which, at the time of the application development, are providing services within the geographic service area that the project intends to serve, prior to making the application. A list of private service providers within the region is available from the COG.
 2. Inform the private service providers of the basic details of the proposed project and consider any input and concerns from the private service providers about the project when completing the project proposal.
 3. Consider, where appropriate, meeting directly with private service providers that may have a concern about the proposed project to attempt to resolve any concerns before an application is submitted.
 4. Complete applicable information on Forms 5a and 5b to provide documentation that private service provider were notified of the project prior to submission of the application.

Please Attach Copies of Letters Sent to Providers and their Responses

FORM 5b. Summaries of Discussion with Private Industry

In this section you must provide summaries of any input and concerns raised by private service providers, summaries of any meetings or discussions held between the applicant and private service providers, an explanation of any changes made to the proposed project to address private service provider concerns, and an explanation of any remaining concerns that were not addressed and why the applicant determined that the concerns are not valid under the statutory requirements. Attach to the application any written comments or concerns provided by a private service provider concerning the project. Please include the contact name and number from the private provider.

FORM 6: Project Summary
(add additional pages as necessary)

Please provide a complete project summary. Be concise. Include the following information if applicable.

What are you requesting (HHW event, a chipper) and why. **Comal County is requesting \$25,000 to put towards a joint HHW event between Comal County and the City of New Braunfels.**

How does the project support the COG's Regional Solid Waste Management Plan – reference the goals and/or objectives from the Regional Solid Waste Management Plan that may apply to the project and how the project will assist in implementing the plan.

This project supports the COG's Regional Solid Waste Management Plan by meeting Objective 1E of Goal #1. This project promotes programs for the collection, reuse and management of special wastes such as household hazardous waste.

Why is this project necessary and a good use of the funds?

There are few locations to dispose of HHW, which leads to improper disposal and potential negative impacts on the environment. By providing HHW collection days, we can eliminate the negative impacts of improper HHW disposal.

Who will directly benefit from the project? **Residents of the City of New Braunfels and Comal County will directly benefit from the project.**

What exactly will the funds be used for? **The funds will be used to host joint use HHW Collection days between Comal County and the City of New Braunfels.**

When and where will the event be held? **The events will be held between January 1, 2016 and September 31, 2016 and will held at 955 North Walnut Ave. New Braunfels, Texas 78130.**

Where will equipment be stored and how often will it be used? **N/A**

What will happen with the funds, if any, generated from this project? **N/A**

Refer to the application instructions when completing these forms. If necessary, attach additional pages for each form.

FORM 6a: Project Cost Evaluation
(add additional pages as necessary)

Provide an evaluation of the costs associated with the proposed project. Explain how the total related costs of the proposed project were adequately considered; compare project costs to established averages or to normal costs for similar projects. Present the costs in unit terms, such as cost per ton, cost per customer, or cost per capita, as applicable. Describe any measurable costs savings, or reasonably justified costs of the project.

1. If the project is ongoing, how will it be funded after the grant period ends?
Funding for future HHW collection events will depend on future interlocal agreements between Comal County and the City of New Braunfels.

2. Target population to be served by Project **108,472**.
List community or communities that will benefit from the project.
New Braunfels Bulverde Canyon Lake Sattler
Garden Ridge Cibolo Schertz Comal County

3. Cost per impacted capita **\$0.23**.
Please explain calculations.
Example: $\$178,145 \div 13,924 \text{ population (grant total)} = \12.80
 $\$25,000 \div 108,472 = \0.23

4. Amount to be processed, if applicable: **15,000 pounds**
Please explain your calculations.
Based on previous collection event from October 2015 where 12,734 pounds was collected.

5. Cost per ton processed, if applicable: _____.
Please explain your calculations.
Example: $\$30,382 \text{ (disposal cost)} \div \text{by tons} = 441.9 \text{ tons}$.

OR

6. Landfill costs saved, if applicable: **\$472.50**
Example: $70 \text{ tons recycled} \times \$15/\text{ton tip fee} = \$1,050$
 $7.5 \text{ tons} \times \$63/\text{ton tip fee} = \472.50

OR

7. Cleanup costs saved. (Use this one for Local Enforcement. The cost would be the cost saved by the community for cleanup if the “dumper” is pursued for cleanup.)
Please explain calculations.
Example: $10 \text{ tons} \times \$15/\text{ton tip fee} = \$150 \text{ saved by community}$.

FORM 6b. Level of Commitment of the Applicant
(add additional pages as necessary)

Provide information related to the Applicant's level of commitment to preferred solid waste management practices. If the proposed project is an ongoing service, demonstrate the ability to sustain the program beyond the term of the grant. Explain the extent to which the appropriate governing bodies support the proposed project.

Comal County has a long history of commitment to the reuse, reduction and recycling. The rural recycling program has existed for several years and continues to use innovative strategies to increase the amount of recyclables for processing and decreasing the amount of materials going to the landfill. Examples of Comal County's strategies range from the mulch pick-up / brush drop off program, single stream recycling, recycle pick-up spots throughout Comal County, recycled tire program, glass crushing/recycling, e-recycling program, previous HHW Collection days with support from Comal County and the City of New Braunfels and the new program focused on baling of paper and aluminum. The program has been sustained in the past through the general budget of Comal County, revenues realized from sales of recyclables, and funding provided through this grant program. The program will continue to be sustained through similar funding sources in the future.

The support of this project is supported by Comal County as evidenced by the executed resolution included in the grant application.

List any previously demonstrated commitment to preferred solid waste management practice, such as: implementing other solid waste management projects; involvement in a local or subregional solid waste management plan or study; membership in Keep Texas Beautiful; or, participation with the TCEQ's Lake and Waterway Cleanup Program, or other TCEQ predecessor program, e.g., TCEQ's Clean Texas Program.

As mentioned above, Comal County has demonstrated commitment to preferred solid waste management practice through the implementation of the mulch pick-up / brush drop off program, single stream recycling, recycle pick-up spots throughout Comal County, the recycled tire program, the glass crushing/recycling program, the e-recycling program, HHW Collection days with the City of New Braunfels and the new program focused on baling of paper and aluminum. In addition, Comal County also has two representatives on the AACOG Resource Recovery Committee. Finally, Comal County has participated in the Texas Association of Resource Conservation and Development Areas, Inc. – Abandoned Tire Clean-Up Program.

If the proposed project has received previous grant funding under this program, explain to what extent the proposal involves expansion of current services or operations, and present quantifiable documentation of the success of the project in order to warrant further funding. Demonstrate a good record of past grant contractual performance.

Comal County has not received previous grant funding for this specific project.

FORM 6c. Scope of Work

Provide a work program with a schedule of deliverables for the proposed project or program. The work program with the schedule of deliverables will be considered the Scope of Work to be performed under the contract agreement, if funded. Once the details of the work program have been negotiated with the Applicant and approved by the AACOG, the work program will be entered into the grant contract.

As concisely as possible, for each task of the proposed project, describe the major steps or activities involved, identify the responsible entities and establish a specific timeframe to accomplish each task. Please follow the format on the next page. The scope of work for the project or program **must** include:

- Detailed purpose and goal of the project (should be consistent with implementing the goals, objectives, and recommendations from the regional solid waste management plan, as stated in the Project Summary on Form 6).
- Specific task statements with responsible entity identified.
- List of deliverables/products/activities under each task.
- Schedule of deliverables.

Project Purpose and Goal Statement: The purpose and goal of this project is to receive \$25,000 to put towards HHW Collection days.

1. Task: Provide \$25,000 to the City of New Braunfels in accordance with the Interlocal Agreement for Household Hazardous Waste Collection by and between the City of New Braunfels and Comal County.

2. Task: Record Keeping and Reports

a. Turn in all applicable reports as listed below

- **Quarterly Reports**
- **Final Report**
- **Follow-up Results Report**
- **Responsible Entity: Comal County Rural Recycling**

FORM 7. GRANT BUDGET SUMMARY

Please provide a breakdown of the total amount of grant funding being requested. The expenses must be consistent with the category expense standards provided with the RFA. Please list cost for each item requested:

<u>Budget Category</u>		<u>Funding Amount</u>
1. Personnel/Salaries		
2. Fringe Benefits		
3. Travel		
4. Supplies		
5. Equipment		
6. Construction		
7. Contractual		\$25,000
8. Other		
9. Total Direct Charges (<i>sum of 1 – 8</i>)		\$25,000
10. Indirect Charges		
11. Total (<i>sum of 9 – 10</i>)		\$25,000
12. Fringe Benefit Rate:	%	
13. Indirect Cost Rate:	%	
<p>Identify, in detail, each budget category to which your indirect cost rate applies and explain any special conditions under which the rate will be applied:</p> <p>*In accordance with the UGMS, indirect charges may be authorized if the Applicant has a negotiated indirect cost rate agreement signed within the past 24 months by a federal cognizant agency or state single audit coordinating agency. Alternatively, the Applicant may be authorized to recover up to 10% of direct salary and wage costs (excluding overtime, shift premiums, and fringe benefits) as indirect costs, subject to adequate documentation. If you have an approved cost allocation plan, please enclose documentation of your approved indirect rate.</p>		

FORM 7a: Detailed Matching Funds/In-Kind Services

Matching funds or contribution of in-kind services are not required under this grant program and are therefore, not included in the Grant Budget Summary. However, to fully evaluate the proposed project, any match of funds or in-kind services should be disclosed in this application. This budget form should be completed if any matching funds or in-kind services are directly related to the proposed project.

Matching Funds: **Optional, Not Required. If offered, must be spent first.**

In the space below, please explain in detail the application of any matching funds to be provided by the Applicant, as directly related to the proposed project:

Matching Funds: \$ 0

In the space below, please explain in detail the application of any matching funds to be provided by the Applicant, as directly related to the proposed project:

In-Kind Services: \$0 (monetary equivalent)

In the space below, please explain in detail the application of any in-kind services to be provided by the Applicant, as directly related to the proposed project:

What is the TOTAL COST of the proposed project, considering the total grant funding requested, any matching funds being provided by the Applicant, and the monetary equivalent of any in-kind services being provided by the Applicant:

\$ 0

FORM 7f: Detailed Contractual Expenses

All contractual expenses must be pre-approved by AACOG. If the specific details of contractual costs are not known at this time, list the general details on this form. The more specific details of the contractual costs will then need to be provided to and approved by AACOG before the costs are incurred. The request for approval will need to include evidence that the contract price is reasonable and necessary. As applicable under state law and regulations for the activity or service being contracted for, this evidence may take the form of bid tab sheets or other form of evaluation of competitive price offers or competitive proposals, and/or a cost analysis of price analysis under the UGMS. **In addition, the subcontract scope of work must be approved by AACOG before work begins.**

Purpose	Contractor(s)	Contract Amount
Funding for Comal County’s portion in accordance with the Interlocal Agreement for Household Hazardous Waste Collection by and between the City of New Braunfels and Comal County.		\$25,000
TOTAL <i>(Must equal Line 7 of the Overall Budget Summary)</i>		\$ 25,000

FORM 7h: Regional Coordinated Effort

Does your project involve 2 or more entities?

Yes No

List other participating entities (other entity may be a local government, non-profit organization, school district, and/or private company. Two departments in the same jurisdiction will not qualify as a joint project. If this project is selected, a resolution or appropriate statement of commitment from each partner will be expected by February 2, 2016 by 10:00 a.m.).

Other Participating Entities

City of New Braunfels (Interlocal Agreement Attached)

**INTERLOCAL AGREEMENT
FOR
HOUSEHOLD HAZARDOUS WASTE COLLECTION
BY AND BETWEEN
THE CITY OF NEW BRAUNFELS
AND
THE COUNTY OF COMAL**

This Interlocal Agreement is entered into by and between the City of New Braunfels, Texas, a home rule municipality (“New Braunfels”) and the County of Comal, a political subdivision of the State of Texas (“County”), is to be effective upon the date of last signature below (“Effective Date”). This Interlocal Cooperation Agreement (“Agreement”) is entered into under the authority of Chapter 791 of the Texas Government Code.

I.

Recitals

WHEREAS, Texas Government Code, §791.011 provides that a local government may contract with another local government to perform governmental functions and services, and §791.003(3)(H) defines waste disposal as a governmental function and service; and

WHEREAS, The City of New Braunfels and Comal County held a highly successful Household Hazardous Waste Collection on May 16, 2015 that benefited the citizens of The City of New Braunfels and Comal County; and

WHEREAS, the City of New Braunfels and Comal County desire to participate in and contribute to additional Household Hazardous Waste Collection events; and

WHEREAS, future events for the City of New Braunfels and Comal County shall be held at 955 North Walnut Ave. New Braunfels, Texas (“Collection Site”).

NOW, THEREFORE, for and in consideration of the mutual benefits to be derived by each of the Parties hereto, said Parties agree and covenant as follows:

II.

Agreement

- a) New Braunfels will contribute fifty percent (50%) of the costs of the HHWC events held under this agreement. The total amount paid by New Braunfels during the term of this agreement shall not exceed \$25,000. Additionally, New Braunfels shall be responsible for organization of the HHWC events and the disposal of the hazardous materials through a contractor, will provide

staff, volunteers, promotional items, advertising, and equipment, including one rear load trash collection vehicle, one 3-yard trash dumpster, one 8-yard cardboard dumpster, at the Collection Site on Collection Day.

- b) For HHWC events held between October 1, 2015, and December 31, 2015, Comal County's sole obligation is the provision of inmate labor and food and beverages as necessary, at the Collection Site on Collection Day.
- c) Comal County will contribute fifty percent (50%) of the costs of the HHWC events held from January 1, 2016 to September 31, 2016. The total amount paid by County during the term of this agreement shall not exceed \$25,000. Additionally, Comal County shall provide inmate labor, food and beverages as necessary, at the Collection Site on Collection Day.

III.

Term

This Agreement shall begin on October 1, 2015, and shall remain in full force and effect until September 31, 2016.

IV.

Notice

The designated representatives of the Parties shall be the following, or their successors, who shall be fully authorized by their respective governmental entities to receive notification required under this Agreement and to take any action delegated to a designated representative under this Agreement:

- a) New Braunfels: Robert Camareno, City Manager, 424 S. Castell Avenue, New Braunfels, Texas 78130; 830-221-4285.
- b) County: Sherman Krause, County Judge, 150 North Seguin, New Braunfels, Texas 78130; 830-221-1100.

V.

Hold-Harmless

All parties agree that each party, each through the public officials, employees, and agents, shall each be responsible for their own negligent acts or omissions or other tortious conduct in the course of performance of this Agreement, without waiving any sovereign or governmental immunity available to any party under Texas law and without waiving any available defenses under Texas law. Nothing in this paragraph shall be construed to create or grant any rights, contractual or otherwise, in or to any third persons or entities.

VI.

Venue

This Agreement is entered into under and pursuant to, and is to be construed and enforceable in accordance with the laws of the State of Texas, without regard to its conflict of laws principles. Exclusive venue shall be in a court of competent jurisdiction in Comal County, Texas.

VII.


Funding Out

The failure by either party to appropriate funds for this Agreement in any given fiscal year shall terminate this agreement, without further recourse to either party.

IN WITNESS WHEREOF, the parties hereto have signed this Agreement as of the date below:

CITY OF NEW BRAUNFELS, TEXAS

EXECUTED on this the 20th day of September, 2015.

By: 
Robert Camareno
City Manager

Attest: 
By: Patrick Aten, City Secretary



COMAL COUNTY, TEXAS

EXECUTED on this the 15 day of October, 2015.

By: 
~~Sherman Krause~~ Donna Eccleston
Comal County Judge, Acting

Attest: 
By: Bobbie Koepf, Comal County Clerk

