

State of Texas *

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County of Comal *

Resolution 2007-31

RESOLUTION ADOPTING DISTRIBUTION GUIDELINES FOR THE FAMILY PROTECTION FEE FUNDS

WHEREAS, Comal County has established a family protection fee in accordance with Texas Government Code Section 51.961; and

WHEREAS, Comal County wishes to distribute family protection fee funds in accordance with Texas Government Code Section 51.961; and

WHEREAS, Comal County believes it is in the public interest to institute a policy to support service providers and non-profit organizations that provide family violence and child abuse prevention, intervention, family strengthening, mental health, counseling, legal, and marriage preservation services to families that are at risk of experiencing or that have experienced family violence or the abuse or neglect of a child; and

WHEREAS, Comal County finds it necessary to appoint a committee comprised of individuals that have the resources to review and advise the Commissioners Court as to which organizations shall qualify to receive funding per Texas Government Code Section 51.96 ; and

NOW THEREFORE BE IT RESOLVED that the Commissioners Court of Comal County, duly convened and acting in its capacity as the governing body of Comal County, does hereby adopt the following family protective fee funds guidelines and criteria;

1. Definitions:

“Family Violence” means (1) an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself; (2) abuse, as that term is defined by Sections 261.001(1)(C), (E), and (G), by a member of a family or household toward a child of the family or household; or (3) dating violence, as that term is defined by Section 71.0021. TEX. FAMILY CODE § 71.004.

2. Purpose and Goals:

The Commissioners Court of Comal County believes it is in the public interest to support service providers and non-profit organizations that provide family violence and child abuse prevention, intervention, family strengthening, mental health, counseling, legal, and marriage preservation services to families that are at risk of experiencing or that have

experienced family violence or the abuse or neglect of a child. Furthermore, Section 51.961 of the Texas Government Code authorizes Comal County's Commissioners Court to charge a 'family protection fee' of \$15 at the time a suit for dissolution of a marriage under Chapter 6, Family Code, is filed subject to the limitations of Section 51.961(c) of the Texas Government Code. Section 51.961 (d) and (e) of the Texas Government Code authorizes Comal County Commissioners Court to distribute said fee collected to service providers and non-profit organizations that provide family violence and child abuse prevention, intervention, family strengthening, mental health, counseling, legal, and marriage preservation services to families that are at risk of experiencing or that have experienced family violence or the abuse or neglect of a child

Nothing in this policy shall imply or suggest that Comal County is under any legal or equitable obligation to provide any monies to any applicant under this order. All applications for funding under this resolution shall be considered on an individual basis. The Commissioners' Court of Comal County has the final approval or disapproval of any application. The Commissioners' Court of Comal County has the option of adopting guidelines and/or procedures for disbursement of funds pursuant to Section 51.961 of the Texas Government Code different from the guidelines and/or procedures of other counties. The Commissioners' Court of Comal County shall exercise that option at its discretion.

3. Application:

For a service provider or non-profit organization to be considered to receive funds under this resolution, a funding request letter signed by the organizations board president, authorized officer or Executive Director, must be submitted to Comal County Commissioners Court, 199 Main Plaza, New Braunfels, TX 78130. Attn: Family Protection Fee Funding.

The funding letter at a minimum shall include:

- a. The Applicant's name;
- b. Address;
- c. Contact Person;
- d. Phone Number;
- e. Fax Number;
- f. A paragraph statement about the Applicant and its mission;
- g. An explanation of how the Applicant provides services consistent with the purposes and intents of Section 51.961(d) and (e);
- h. The amount of funding being sought; and
- i. Applicant's previous year profit & loss statement balance sheet and budget.

4. Other Information:

The Commissioners Court has sole discretion to request any other information it may deem necessary pursuant to fulfilling its duties under Section 51.961 of the Texas Government Code.

5. Interview:

Applicants are not required to interview to be eligible for funds pursuant to this Resolution. The Commissioners' Court of Comal County expressly reserves the right to request any Applicant(s) to appear before the Court and/or Committee as the Commissioners' Court deems necessary in fulfilling its duties under Section 51.961 of the Texas Government Code.

6. Deadline and Awards:

Funding Requests shall be submitted after January 1 but not later than March 1 of the current year. The Commissioners' Court of Comal County shall announce the funding awards in April of the current year.

7. Review Committee:

The Commissioners Court finds it necessary to appoint a committee comprised of a member from each entity to include: Commissioners Court, the Criminal District Attorney's Office, the County Auditor's Office, the County Tax Assessor/Collector's Office, and the District Clerk's Office.

The Committee shall have the authority to receive, review, rank and recommend which Applicants shall qualify to receive funding per this resolution and the suggest amounts of funding to be allocated to each applicant. The committee recommendations shall be in writing to the Commissioners Court. Further, the Commissioners Court reserves the right to approve or disapprove the Committee's recommendations and further allocate funds at its sole discretion.

PASSED AND ADOPTED this the 4th day of October 2007.

Danny Scheel, County Judge

Jack Dawson, Commissioner Pct 1

Jay Millikin, Commissioner Pct 2

Gregory Parker, Commissioner Pct 3

Jan Kennady, Commissioner Pct 4

Attest: _____
Joy Streater, County Clerk