

**Interlocal Cooperation Agreement between
Travis County and the City of Austin Implementing the
Balcones Canyonlands Conservation Plan-
Shared Vision**

Article I. PREAMBLE

Sec. 1.1. Brief History of the Balcones Canyonlands Conservation Plan-Shared Vision

The Balcones Canyonlands region of Central Texas is home to several species of animals and plants listed as endangered under the federal Endangered Species Act of 1973, as amended. 16 U.S.C. § 1531, et seq. (the "Act"). Development of endangered species habitat in the region is subject to approval under the Act, and to avoid the burden of project-by-project approval, a group of individuals representing federal, state, and local governments, the private business sector, private landowners and environmental interests has worked since 1988 to create a regional habitat conservation plan in accordance with Section 10(a) of the Act.

Balcones Canyonlands Conservation Plan-Shared Vision ("BCCP-Shared Vision") will ensure the protection of endangered species under the Act, while providing a mechanism to permit continued economic development in the region without the need for individual project approval. BCCP-Shared Vision provides for the issuance of a permit under Section 10(a) of the Act to the City of Austin and Travis County as joint permit holders, establishes a mechanism by which permit holders may proceed with public capital improvement projects in compliance with the Act, provides a funding mechanism for the purchase and management of preserve system land, and provides a mechanism to allow private sector participation.

Sec. 1.2. Goals of the Plan

The goals of the BCCP-Shared Vision are:

(a) To ensure protection of the habitat of the species of concern in Travis County by acquiring and setting aside in public preserves the best remaining habitat.

(b) To manage the habitat preserve system so as to continue to support viable populations of the species of concern.

(c) To obtain and hold a permit under Section 10(a) of the Act.

(d) To provide adequate revenue to ensure the goals of the BCCP-Shared Vision are met.

(d) For the purpose of this section, "amendments" is defined to include those changes to the BCCP-Shared Vision or the Permit which may materially affect the scope of mitigation or method of implementation of the terms of the BCCP-Shared Vision or the Permit.

(e) For the purpose of this Agreement, "preserve system" is defined to include all land required to provide preserves to protect the species of concern including the Golden-cheeked Warbler, Black-capped Vireo and six cave invertebrates as specified in the BCCP-Shared Vision and the Permit.

(f) For the purpose of this Agreement, "Participation Certificate sales" is defined to include any sale or transfer of mitigation value by the parties to this Agreement.

ARTICLE II. CREATION OF COORDINATING COMMITTEE

Sec. 2.1. Creation and Purpose

(a) The Balcones Canyonlands Coordinating Committee ("the Coordinating Committee") is hereby created pursuant to Section 791.013 of the Texas Government Code, as an instrumentality of the parties to this Agreement.

(b) The parties to this Agreement are authorized by state laws to implement the BCCP-Shared Vision and the Coordinating Committee is created to carry out those essential governmental purposes.

Sec. 2.2. Effective Date of Creation

The Coordinating Committee is created on the effective date of this Agreement.

Sec. 2.3 Coordinating Committee Membership

(a) The Coordinating Committee shall consist of two (2) voting members and one (1) non-voting ex-officio member to be appointed as follows:

- (1) One voting member appointed by the County from among the County Commissioners Court,
- (2) One voting member appointed by Austin from among the City Council, and
- (3) One non-voting ex-officio member appointed by the United States Fish and Wildlife Service ("USFWS").

(b) The position of Coordinating Committee Chair shall rotate annually between the member appointed by the County and the member appointed by Austin. The first Chair shall be the member appointed by the County.

(c) Members of the Coordinating Committee by virtue of their membership on the Coordinating Committee, do not hold a civil office, an office of profit or trust, or civil office of emolument, within the meaning of Article XVI, Section 12, 30, or 40 of the Texas Constitution.

(d) The governing body appointing a Coordinating Committee member shall furnish a certified copy of the appointing resolution to the Coordinating Committee Secretary; and the Coordinating Committee members shall serve at the pleasure of the appointing governing body.

Sec. 2.4 Term

(a) Coordinating Committee members shall serve one year terms.

(b) A member whose term expires continues to serve until a successor is appointed.

(c) Coordinating Committee members may be re-appointed for successive terms by the party appointing a member.

Sec. 2.5. Meetings of the Coordinating Committee

(a) The Coordinating Committee members shall meet regularly at least once each quarter, on the dates and at locations determined by resolution of the Coordinating Committee.

(b) The Coordinating Committee shall meet specially if called by the Chair or requested in writing by any Coordinating Committee member. A request by a Coordinating Committee member for a special meeting must be in writing, addressed to the Chair, and describe the purpose or purposes of the meeting. Only that business reasonably related to the purpose or purposes described in the request may be conducted at the special meeting.

(c) A quorum of the Coordinating Committee is two voting members. A majority vote is required to enact Coordinating Committee motions. A Coordinating Committee member may send a proxy to vote in his or her place, provided that the proxy is a member of the same governing body as the Coordinating Committee member.

(d) Except where this Agreement or the bylaws of the Coordinating Committee provides otherwise, the conduct of Coordinating Committee meetings is governed by the latest edition of Robert's Rules of Order Newly Revised.

Sec. 2.6. Notice

(a) Written notice, including an agenda, of each regular or special meeting of the Coordinating Committee must be mailed or personally delivered to each Coordinating Committee member. The notice and agenda must be mailed or delivered at least three calendar days before a regular or special meeting.

(b) Meetings of the Coordinating Committee are subject to the Texas Open Meetings Act, Chapter 557 of the Texas Government Code.

Sec. 2.7. Bylaws

The Coordinating Committee may adopt, amend, and repeal bylaws to govern its operations.

Article III. ADMINISTRATION AND DUTIES OF THE COORDINATING COMMITTEE

Sec. 3.1. Administration

(a) Secretary services for the Coordinating Committee shall be provided by either Austin through the City Manager or the County through the Executive Manager for Transportation and Natural Resources. The Coordinating Committee may in their discretion vote to rotate said function after two years from the effective date of this Agreement. Initially the City of Austin shall provide secretary services.

(b) The Secretary serves as the chief administrative officer to the Coordinating Committee. The Secretary's duties include, but are not limited to, negotiation and oversight of contracts, execution of contracts upon authorization by the Coordinating Committee, assuring that Participation Certificate Sales proceed in accordance with established policies and with the Permit, authorization of payments, oversight of the Operating Fund and mitigation bank, policy and plan amendment recommendations, land management compliance recommendations, and development of administrative guidelines and reports to the Coordinating Committee.

Sec. 3.2. Annual Budget, Capital Program and Report

(a) The Secretary shall prepare a proposed annual budget, including, when necessary, a capital program, for review and submission by the Coordinating Committee to the permit holders. Submission by the Coordinating Committee shall occur no later than

May 1 for the following fiscal year; provided that FY 1994-95 and 1995-96 proposed annual budget submissions shall be made by the Secretary directly to the governing bodies of the County and Austin for review and approval. Consistent with Article IV of this Agreement, the budget must be reviewed and approved by the governing bodies of the County and Austin.

(b) The budget shall include a calculation of the direct and indirect costs, excluding land management related costs, of implementing the BCCP-Shared Vision. This amount shall be funded by the County and Austin in equal shares, through general fund contributions.

(c) The Coordinating Committee's fiscal year shall be October 1 through September 30.

(d) The Secretary shall prepare an annual program report for review and submission by the Coordinating Committee to the permit holders.

Sec. 3.3. General Powers

The Coordinating Committee has all of the powers of the parties to this Agreement that are necessary and consistent with its duties set forth in this Agreement.

Sec. 3.4. Principal Duties

(a) The Coordinating Committee is created and shall operate to carry out the BCCP-Shared Vision, whose goals are described in Section 1.2 of this Agreement. The Coordinating Committee shall not jeopardize the Permit by any action or inaction.

(b) To this end, the Coordinating Committee's principal duties are:

- (1) To make recommendations to the parties to this Agreement regarding proposed amendments to the BCCP-Shared Vision or the Permit.
- (2) To make recommendations to the parties of this Agreement regarding the annual budget, in accordance with Section 3.2 of this Agreement.
- (3) To provide policy oversight and coordination for implementing the BCCP-Shared Vision.
- (4) To establish advisory groups as appropriate to implement the BCCP-Shared Vision.
- (5) To assist the parties in recommending alternative funding sources.

- (6) To approve contractual agreements with governmental or non-profit entities who wish to participate in BCCP-Shared Vision as Managing Partners.
- (7) To approve contractual agreements with USFWS or others for the issuance and redemption of Participation Certificates.
- (8) To assist the parties in assessing biological quality and preserve value of lands for acquisition of property rights.
- (9) To develop and administer guidelines for the management of all the lands in the BCCP-Shared Vision preserve system to ensure protection of the species of concern therein, pursuant to Section 5.2.
- (10) To review and evaluate on an ongoing basis the effectiveness of the BCCP-Shared Vision's adopted policies and their implementation to assure that the conditions of the Permit are being met.
- (11) To educate the public about the species of concern and the importance of carrying out the BCCP-Shared Vision.
- (12) To make recommendations to the parties to this Agreement regarding actions necessary to implement the BCCP-Shared Vision.

Article IV. FUNDING THE BALCONES CANYONLANDS CONSERVATION PLAN

Sec. 4.1. Obligations of Parties

(a) To ensure that the goals of the BCCP-Shared Vision as stated in Article I of this Agreement are met, the parties agree to the following obligations:

- (1) The City of Austin's obligations:
 - a. Provide 2,562 acres of its current lands owned prior to October 1, 1992 for designation as preserve systems lands as illustrated in Exhibit "B" to this Agreement;
 - b. Prior to execution of this Agreement, issue general obligation bonds in the amount of \$25.7 million for the purpose of funding preserve system land acquisition and preserve system needs;