

RESOLUTION NO.

WHEREAS, the Texas Transportation Corporation Act, Chapter 431 of the Texas Transportation Code (the “Act”), and Chapter 394 of the Texas Local Government Code (“Chapter 394”) authorize the creation of a joint local government corporation to aid and act on behalf of local governments to accomplish a governmental purpose of the local governments; and

WHEREAS, Chapter 394 requires, as a condition to the creation of a joint local government corporation, that three residents of each sponsoring local government who are citizens of the state and at least 18 years of age submit a written application for the incorporation of the joint local government corporation with the Articles of Incorporation; and

WHEREAS, the City Council of the City of Austin, Texas (“City Council”) and the Commissioners Court of Travis County, Texas (the “Commissioners Court”) have determined that chronic inebriation can consume public resources, such as depleting law enforcement time and energy, judicial and medical resources, and also negatively impact individual health; and

WHEREAS, the City Council and Commissioners Court have recognized the benefits of providing a sobriety center and determined that the operation of a sobriety center would provide an alternative for the safe short-term treatment and management of

persons under the influence of alcohol, and divert intoxicated persons from the County Jail; and

WHEREAS, as reflected in an interlocal agreement executed earlier this year by both parties, the City of Austin (“City”) and Travis County (the “County”) desire to jointly create a local government corporation to aid and act on their behalf to accomplish the governmental purpose of staffing, operating and managing a sobriety center; and

WHEREAS, the City has received an application that meets the requirements of the Act and Chapter 394, requesting the creation of a joint local government corporation to be known as the Austin/Travis County Sobriety Center Local Government Corporation, and desires to grant the application, approve the proposed Articles of Incorporation of the joint corporation, approve its Bylaws, confirm the appointment of the joint corporation’s members of the Board of Directors and of the Chair of the Board of Directors, and take such other actions as the City deems appropriate; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

- I. The recitals of facts contained in the preamble of this Resolution are found and declared to be true and correct and are adopted as part of this Resolution for all purposes.
- II. The City Council determines that it is wise, expedient, necessary and advisable that a local government corporation, to be named the Austin/Travis County Sobriety Center Local Government Corporation, be created to aid and

act on behalf of the City and County to accomplish the governmental purpose of staffing, managing, and operating a sobriety center for the safe short-term treatment and management of persons under the influence of alcohol, and to provide those persons with information on and referrals to community based outpatient services for the purposes of preservation of law enforcement, judicial and medical resources in the City.

- III. The City Council authorizes the creation and incorporation of the Austin/Travis County Sobriety Center Local Government Corporation (the “Corporation”) under the Act and Chapter 394.
- IV. The City Council approves the Articles of Incorporation that are attached as **Exhibit A** and authorizes the incorporators of the Corporation to file the Articles of Incorporation with the Secretary of State of the State of Texas in the manner provided by law.
- V. The City Council confirms the appointment of the persons listed in the Articles of Incorporation to serve as the initial members of the Board of Directors of the Corporation.
- VI. The City Council confirms the appointment of Judge Nancy Hohengarten as the initial Chair of the Corporation’s Board of Directors.

VII. The City Council approves the Bylaws of the Corporation that are attached as **Exhibit B.**

VIII. The City Council directs and declares that the Articles of Incorporation and the Bylaws of the Corporation may be amended from time to time by the Board of Directors of the Corporation as long as both the City Council and Commissioner's Court approve of such amendments and they are in accordance with the Act, Chapter 394 and other applicable law.

IX. The City Council directs that the Corporation comply with the Open Meetings Act, Chapter 551, Texas Government Code, and the Public Information Act, Chapter 552, Texas Government Code as required by the Act.

X. The City Council authorizes and directs the City Manager and all other City officials and employees to perform all such acts as may be necessary or desirable in order to carry out the terms and provisions of this Resolution.

ADOPTED: _____, 2016 **ATTEST:** _____

Jannette S. Goodall
City Clerk