

#12,181  
RESOLUTION

FILED FOR RECORD  
at 10:45 o'clock A M  
NOV 22 2011  
By JENNIFER LINDENZWEIG  
County Clerk, HUNT COUNTY, TEX.  
*[Signature]*

**A RESOLUTION OF THE COUNTY COMMISSIONERS COURT OF HUNT COUNTY, TEXAS, APPROVING A TAX ABATEMENT AGREEMENT WITH WEATHERFORD LIFT SYSTEMS, INC.; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Weatherford Lift Systems, Inc. has made application for commercial-industrial tax abatement for certain real property, improvements to be constructed thereon, and pursuant to the tax abatement guidelines and criteria adopted by the County Commissioners Court on November 8, 2011 on property being located in Industrial Park West, being situated in Hunt County, Texas, more fully described in the Tax Abatement Agreement attached as Exhibit "A"; and

**WHEREAS**, the Reinvestment Zone Advisory Committee has reviewed the request of Weatherford Lift Systems, Inc., and has recommended tax abatement for the proposed eligible improvements pursuant to the following schedule, more fully described in the Tax Abatement Agreement attached as Exhibit "A":

Year 1 = 100%                      Year 5 = 40%; and  
Year 2 = 85%  
Year 3 = 70%  
Year 4 = 55%

Additional tax abatement for the projected eligible Business and Personal Property taxes pursuant to the following schedule, more fully described in the Tax Abatement Agreement attached as Exhibit "A":

Year 1 = 100%  
Year 2 = 75%  
Year 3 = 50%

**WHEREAS**, notice of intent to enter into this tax abatement agreement was given to the presiding officer of each taxing entity eligible to enter into an abatement agreement required by Texas Tax Code, Section 312.2041;

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS COURT OF HUNT COUNTY, TEXAS:**

**SECTION 1.** That the facts set forth in the preamble to this Resolution are found to be true and that the terms of the tax abatement agreement, attached hereto as Exhibit "A" and incorporated herein by reference for all purposes, and the property subject to said agreement meets the applicable guidelines and criteria for tax abatement.

**SECTION 2.** That the commercial-industrial tax abatement agreement with Weatherford Lift Systems, Inc., attached hereto as Exhibit "A" and incorporated herein by reference for all purposes, is hereby approved and the County Judge is hereby authorized to execute the same for the County.


**SECTION 3.** That if any section, provision, subsection, paragraph, sentence, clause, phrase, or word in this Resolution or application thereof to any person or circumstances is held invalid by any court of competent jurisdiction, such holdings shall not affect the validity of the remaining portions of this Resolution, and the County Commissioners of Hunt County, Texas hereby declares it would have enacted such remaining portions, despite such invalidity.

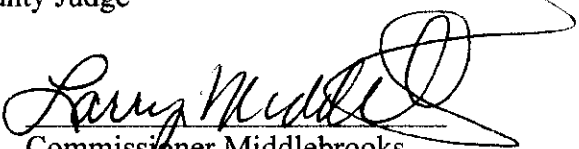
**SECTION 4.** All of this Resolution or parts of this Resolution in conflict herewith are repealed to the extent of conflict only.

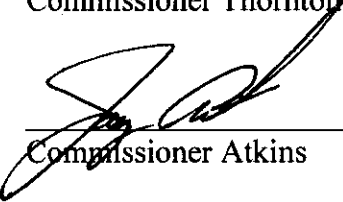
**SECTION 5.** This Resolution shall be in full force and effect immediately upon its passage and approval. **AND IT IS SO RESOLVED.**

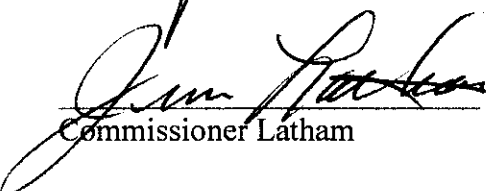
**PASSED AND APPROVED,** this 22nd day of November, 2011.

  
John Horn, Hunt County Judge


  
Commissioner Thornton

  
Commissioner Middlebrooks

  
Commissioner Atkins

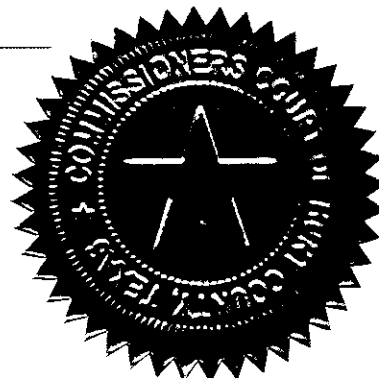
  
Commissioner Latham

**ATTEST:**

  
Jennifer Lindenzweig, Hunt County Clerk

**APPROVED AS TO FORM:**

  
Daniel Ray,  
County Civil Attorney



# CERTIFICATE OF PARTICIPATION

The V.G. Young Institute of County Government

Awards This Certificate To

**Jim Latham**

For Successfully Completing 7 Hours of Educational Training

During the

89<sup>th</sup> Annual County Judges and Commissioners Association of Texas  
Conference

October 3-6, 2011  
Odessa, Texas

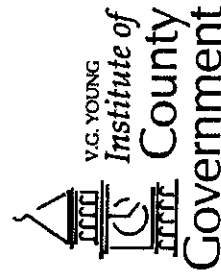
# 12,182 (i)



*Ed Smith*  
Ed Smith, Director, Texas AgriLife Extension Service

*Rick Avery*  
Rick Avery, Director, V.G. Young Institute of County Government

*Don P. Alford*  
President, County Judges and Commissioners Association of Texas



FILED FOR RECORD  
at 12:45 o'clock 4 M

NOV 22 2011

JENNIFER LINDENZWEIG  
County Clerk, Elbert County, TX  
By *J. Lindenzweig*

# CERTIFICATE OF PARTICIPATION

The V.G. Young Institute of County Government

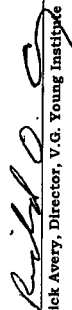
Awards This Certificate To

**Larry Middlebrooks**

For Successfully Completing 17 Hours of Educational Training  
During the  
89<sup>th</sup> Annual County Judges and Commissioners Association of Texas  
Conference

October 3-6, 2011  
Odessa, Texas

  
Ed Smith, Director, Texas AgriLife Extension Service

  
Rick Avery, Director, V.G. Young Institute of County Government

  
President, County Judges and Commissioners Association of Texas



FILED FOR RECORD  
at 10:45 o'clock A M

NOV 22 2011

JENNIFER LINDENZWEIG  
County Clerk, Hunt County, Tex.  
By 

#12,182(2)

#12,182(4)

FY 2011  
CHAPTER 59 ASSET FORFEITURE REPORT  
BY LAW ENFORCEMENT AGENCY

FILED FOR RECORD  
at 10:25 o'clock A M  
NOV 22 2011  
JENNIFER LINDENZWEIG  
County Clerk Hunt County, Tex.  
By [Signature]

Agency Name: HUNT COUNTY SHERIFF'S OFFICE

Reporting Period:  
(local fiscal year)

10/1/10 - 9/30/11

Agency Mailing Address: 2801 STUART STREET  
GREENVILLE TX 75401

example:

01/01/11 to 12/31/11,  
09/01/10 to 08/31/11 etc.

Phone Number: 903-453-6800

County: HUNT COUNTY, TX

Email Address: SGRAZER@HUNT.COUNTY.TX

This should be a permanent agency email address

NOTE: PLEASE ROUND ALL DOLLAR FIGURES TO NEAREST WHOLE DOLLAR.

I. SEIZED FUNDS

A) Beginning Balance: <b>Instructions:</b> Include total amount of seized funds on hand (in your agency's possession) at beginning of reporting period. Include funds that may have been forfeited but have not been transferred to your agency's forfeiture account. Do not include funds that are in an account held by another agency, e.g., the District Attorney's account.	\$ 0
B) Seizures During Reporting Period: <b>Instructions:</b> Include only those seizures which occurred during the reporting period and where the seizure affidavit required by Article 59.03 is sworn to by a peace officer employed by your agency.	
1) Amount seized and retained in your agency's custody.	\$ 0
2) Amount seized and transferred to the District Attorney pending forfeiture.	\$ 806,136
C) Interest Earned on Seized Funds During Reporting Period: <b>Instructions:</b> Enter amount of interest earned on funds in your agency's seizure account during the reporting period. Do not include interest earned if funds are on deposit in an account that does not belong to your agency, e.g. the District Attorney's account.	\$ 0
D) Amount Returned to Defendants/Respondents:	\$ 0
E) Amount Transferred to Forfeiture Account: <b>Instructions:</b> Include all amounts in your agency's possession forfeited during the reporting period and transferred to your forfeiture account. Do not include funds that are in an account held by another agency, e.g. the District Attorney's account.	\$ 0
F) Ending Balance: <b>Instructions:</b> Add lines A, B(1), and C, subtract lines D and E, put total in line F.	\$ 0

**II. FORFEITED FUNDS**

A) Beginning Balance: <b>Instructions:</b> Include total amount of forfeited funds that have been forfeited to your agency and are on hand (in your agency's account or in your agency's possession) at beginning of the reporting period including interest. Do not include funds that have been forfeited but not yet received by your agency.	\$ 53,874 <sup>03</sup>
B) Amount Forfeited to and Received by Reporting Agency (Including Interest) During Reporting Period: <b>Instructions:</b> Do not include amounts forfeited but not yet received by your agency; interest refers to the amount earned prior to forfeiture and distributed as part of the judgment of forfeiture.	\$ 524,581 <sup>32</sup>
C) Interest Earned on Forfeited Funds During Reporting Period : <b>Instructions:</b> Include only the amount of interest earned on funds in your agency's forfeiture account or interest earned on funds derived from the sale of forfeited property during the reporting period. Do not include interest earned if funds are on deposit in an account that does not belong to your agency, e.g. the District Attorney's account.	\$ 0
D) Proceeds Received by Your Agency From Sale of Forfeited Property: <b>Instructions:</b> include amounts received for all property sold during the reporting period, even if the subject property was forfeited in a prior reporting period.	\$ 855 <sup>00</sup>
E) Total Expenditures of Forfeited Funds During Reporting Period: <b>Instructions:</b> From Total on Section VI.	\$ 297,253 <sup>94</sup>
F) Ending Balance: <b>Instructions:</b> Add lines A through D, subtract line E, place total in line F.	\$ 282,056 <sup>41</sup>

**III. OTHER PROPERTY**

**Instructions:** List the number of items seized for the following categories. Include only those seizures where a seizure is made by a peace officer employed by your agency. If property is sold, list under "Proceeds Received by Your Agency From Sale of Forfeited Property" in Section II (D) in the reporting year in which the proceeds are received.

Please note - this should be a number not a currency amount. Example 4 cars seized, 3 cars forfeited and 0 cars put into use.	SEIZED	FORFEITED TO AGENCY	RETURNED TO DEFENDANTS / RESPONDENTS	PUT INTO USE BY AGENCY
1) MOTOR VEHICLES (Include cars, motorcycles, tractor trailers, etc.)	4	1	1	2
2) REAL PROPERTY (Count each parcel seized as one item)	0	0	0	0
3) COMPUTERS (Include computer and attached system components, such as printers and monitors, as one item)	0	0	0	0
4) FIREARMS (Include only firearms seized for forfeiture under Chapter 59. Do not include weapons disposed under Chapter 18.)	4	0	0	0
5) Other Property - Description:	SEE EXHIBIT A	0	0	0
Other Property -Description:				
Other Property -Description:				

**IV. FORFEITED PROPERTY RECEIVED FROM ANOTHER AGENCY**

**Instructions:** Enter the total number of items transferred to your agency where the forfeiture judgment awarded ownership of the property to another agency prior to the transfer.

A) Motor Vehicles (the number of vehicles, not a currency amount):	N/A
B) Real Property (the number of separate parcels of property, not a currency amount):	↓
C) Computers (the number of computers, not a currency amount):	
D) Firearms (the number of firearms, not a currency amount):	
E) Other (the number of items, not a currency amount):	

**V. FORFEITED PROPERTY TRANSFERRED OR LOANED TO ANOTHER AGENCY**

**Instructions:** Enter the total number of items transferred or loaned from your agency where the forfeiture judgment awarded ownership of the property to your agency prior to the transfer.

A) Motor Vehicles (the number of vehicles, not a currency amount):	N/A
B) Real Property (the number of separate parcels of property, not a currency amount):	↓
C) Computers (the number of computers, not a currency amount):	
D) Firearms (the number of firearms, not a currency amount):	
E) Other (the number of items, not a currency amount):	

**VI. EXPENDITURES**

**Instructions:** This category is for **Chapter 59 expenditures SOLELY for law enforcement purposes** - not for expenditures made pursuant to your general budget. List the total amount expended for each of the following categories. If proceeds are expended for a category not listed, state the amount and nature of the expenditure under the Other category.

<b>A) SALARIES</b>	
1. Increase of Salary, Expense, or Allowance for Employees (Salary Supplements):	\$ 52,124 <sup>70</sup>
2. Salary Budgeted Solely From Forfeited Funds:	\$ 0
3. Number of Employees Paid Using Forfeiture Funds:	27
<b>TOTAL SALARIES PAID OUT OF CHAPTER 59 FUNDS:</b>	\$ 52,124 <sup>70</sup>
<b>B) OVERTIME</b>	
1. For Employees Budgeted by Governing Body:	\$ 0
2. For Employees Budgeted Solely out of Forfeiture Funds:	\$ 0
3. Number of Employees Paid Using Forfeiture Funds:	0
<b>TOTAL OVERTIME PAID OUT OF CHAPTER 59 FUNDS:</b>	\$ 0

C) EQUIPMENT	
1. Vehicles:	\$ 141,625 <sup>00</sup>
2. Computers:	\$ 17,761 <sup>21</sup>
3. Firearms, Vests, Personal Equipment:	\$ 20,500 <sup>84</sup>
4. Furniture:	\$ 0
5. Software:	\$ 0
6. Maintenance Costs:	\$ 1769 <sup>75</sup>
7. Uniforms:	\$ 0
8. K9 Related Costs:	\$ 0
9. Other (Provide Detail on Additional Sheet):	\$ 34,953 <sup>41</sup>
<b>TOTAL EQUIPMENT PURCHASED WITH CHAPTER 59 FUNDS:</b>	<b>\$ 216,610<sup>21</sup></b>

D) SUPPLIES	
1. Office Supplies:	\$ 0
2. Cellular Air Time :	\$ 0
3. Internet:	\$ 0
4. Other (Provide Detail on Additional Sheet) :	\$ 7,776 <sup>81</sup>
<b>TOTAL SUPPLIES PURCHASED WITH CHAPTER 59 FUNDS:</b>	<b>\$ 7,776<sup>81</sup></b>

E) TRAVEL	
1. Total In State Travel	\$ 0
a) Lodging:	\$ 0
b) Air Fare:	\$ 0
c) Meals (including per diem):	\$ 0
d) Car Rental:	\$ 0
2. Total Out of State Travel	\$ 0
a) Lodging:	\$ 0
b) Air Fare:	\$ 0
c) Meals (including per diem):	\$ 0
d) Car Rental:	\$ 0
3. Fuel:	\$ 0
4. Parking:	\$ 0



5. Other (Provide Detail on Additional Sheet): \$ 0

**TOTAL TRAVEL PAID OUT OF CHAPTER 59 FUNDS:** \$ 0

**F) TRAINING**

1. Fees (Conferences, Seminars): \$ 4,500.00

2. Materials (Books, CDs, Videos, etc.): \$ 91.04

3. Other (Provide Detail on Additional Sheet): \$ 3,675.00

**TOTAL TRAINING PAID OUT OF CHAPTER 59 FUNDS** \$ 8,266.04

**G) INVESTIGATIVE COSTS**

1. Informant Costs: \$ 0

2. Buy Money: \$ 5,000.00

3. Lab Expenses: \$ 0

4. Other (Provide Detail on Additional Sheet): \$ 6,643.00

**TOTAL INVESTIGATIVE COSTS PAID OUT OF CHAPTER 59 FUNDS:** \$ 11,643.00

**H) TOTAL PREVENTION/TREATMENT PROGRAMS/FINANCIAL ASSISTANCE**

1. Total Prevention/Treatment Programs (pursuant to 59.06 (h), (l), (j)): \$ 0

2. Total Financial Assistance (pursuant to Articles 59.06 (n) and (o)): \$ 0

**TOTAL PREVENTION/TREATMENT PROGRAMS/FINANCIAL ASSISTANCE (pursuant to Articles 59.06 (h), (l), (j), (n), (o)):** \$ 0

**I) FACILITY COSTS**

1. Building Purchase: \$ 0

2. Lease Payments: \$ 0

3. Remodeling: \$ 0

4. Maintenance Costs: \$ 0

5. Utilities: \$ 0

6. Other (Provide Detail on Additional Sheet): \$ 0

**TOTAL FACILITY COSTS PAID OUT OF CHAPTER 59 FUNDS:** \$ 0

**J) MISCELLANEOUS FEES**

1. Court Costs: \$ 0

2. Filing Fees: \$ 0

3. Insurance:	\$ 833 18
4. Witness Fees:	\$ 0
5. Audit Costs and Fees:	\$ 0
6. Other (Provide Detail on Additional Sheet):	\$ 0
<b>TOTAL MISCELLANEOUS FEES PAID OUT OF CHAPTER 59 FUNDS:</b>	
	\$ 833 18

K) **TOTAL PAID TO COOPERATING AGENCY(IES) PURSUANT TO LOCAL AGREEMENT:** \$ 0

L) **TOTAL OTHER PAID OUT OF CHAPTER 59 FUNDS (provide detailed descriptions on additional sheet(s) and attach to this report):** \$ 0

M) **TOTAL EXPENDITURES:** \$ 297 253 94

**NOTE: If you are governed by a Commissioners Court or a City Council, BOTH CERTIFICATIONS MUST BE COMPLETED. Otherwise, please complete the Agency Head Certification.**

CERTIFICATION

I swear or affirm that the Commissioners Court or City Council has conducted the audit required by Article 59.06 of the Code of Criminal Procedure, unless after due inquiry, it has been determined that no accounts, funds or other property pursuant to Chapter 59 of the Code of Criminal Procedure are being held or have been transacted in the relevant fiscal year by the agency for which this report is being completed, and that upon diligent inspection of all relevant documents and supporting materials, I believe that this asset forfeiture report is true and correct and contains all of the required information.

COUNTY JUDGE, MAYOR or CITY  
MANAGER  
(Printed Name): \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

AGENCY HEAD CERTIFICATION

I swear or affirm, under penalty of perjury, that I have accounted for the seizure, forfeiture, receipt, and specific expenditure of all proceeds and property subject to Chapter 59 of the Code of Criminal Procedure, and that upon diligent inspection of all relevant documents and supporting materials, this asset forfeiture report is true and correct and contains all information required by Article 59.06 of the Code of Criminal Procedure. I further swear or affirm that all expenditures reported herein were lawful and proper, and made in accordance with Texas law.

AGENCY HEAD (Printed Name): \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

DATE:

---

**RETURN COMPLETED FORM TO:** Office of the Attorney General  
Criminal Prosecutions Division  
P.O. Box 12548  
Austin, TX 78711-2548  
Attn: Kent Richardson  
(512)936-1348  
[kent.richardson@oag.state.tx.us](mailto:kent.richardson@oag.state.tx.us)

**WE CANNOT ACCEPT FAXED OR EMAILED COPIES. PLEASE MAIL THE SIGNED, ORIGINAL DOCUMENT TO OUR OFFICE AT THE ADDRESS ABOVE.**

**FY 2011 CHAPTER 59 ASSET FORFEITURE REPORT**

1

**SEIZED FUNDS**

<b>FY11 BEG</b>	<b>FY11 END</b>
\$53,874.03	\$282,056.41

A)	BEGINNING BALANCE	\$	-
B)	SEIZURES DURING REPORTING PERIOD		
	B1) AMOUNT SEIZED AND RETAINED IN YOUR AGENCY'S CUSTODY	\$	-
	B2) AMOUNT SEIZED AND TRANSFERRED TO DA PENDING FORFEITURE	\$	806,136.61
C)	INTEREST EARNED ON SEIZED FUNDS DURING REPORTING PERIOD	\$	-
D)	AMOUNT RETURNED TO DEFENDANTS/RESPONDENTS:	\$	-
E)	AMOUNT TRANSFERRED TO FORFEITURE ACCOUNT	\$	-
F)	ENDING BALANCE (add A, B1, and C, subtract lines D & E put total in line F)	\$	-

II.

**FORFEITED FUNDS**

A)	BEGINNING BALANCE	\$	53,874.03
	TOTAL FORFEITED FUNDS ON HAND AT 10.01.10		
B)	FORFEITURES DURING REPORTING PERIOD		
	Settlement Cause # 74,711	\$	14,001.55
	Settlement Cause # 74,698	\$	9,983.15
	Settlement Cause # 26,559	\$	15,288.45
	Settlement Cause # 76,088	\$	840.04
	Settlement Cause # CR1001369	\$	1,949.50
	Settlement Cause # 74,504	\$	15,943.89
	Settlement Cause # 74,306	\$	4,032.84
	Settlement Cause # 74,812	\$	9,278.02
	Settlement Cause # 76,971	\$	19,901.87
	Settlement Cause # 76,575	\$	30,531.64
	Settlement Cause # 76,105	\$	\$402,830.37
	TOTAL FORFEITURES DURING REPORTING PERIOD	\$	524,581.32
C)	INTEREST EARNED DURING REPORTING PERIOD	\$	-
D)	PROCEEDS FROM SALE OF FOREITED PROPERTY	\$	855.00
	FY11 Deposit From Sale of Seized Vehicle	\$	855.00
E)	TOTAL EXPENDITURES OF FORFEITED FUNDS	\$	297,263.94
F)	ENDING BALANCE (add A thru D, subtract E, place total in line F)	\$	282,056.41

III.

**OTHER PROPERTY**

	Seized	Forfeited	Returned	Put Into Use By Agency
1) MOTOR VEHICLES	4	1	1	2
2) REAL PROPERTY	0	0	0	0
3) COMPUTERS	0	0	0	0
4) FIREARMS	4	0	0	0
5) OTHER PROPERTY				
OTHER PROPERTY			See Exhibit A	

IV. A-E)

FORFEITED PROPERTY RECEIVED FROM OTHER AGENCY

V. A-E)

FORFEITED PROPERTY TRANSFERRED TO OTHER AGENCY

VI.

**EXPENDITURES**

A)	SALARIES		
1	Salary Stipend Ck #'s 1790, 1795, 1809, 1816, 1817, 1860, 1861, 1893 + Unused Cart Pay Ref.	\$	52,124.70
2	Salary Budgeted Solely from Forfeiture Funds		0
3	Number of Employees Paid Using Forfeiture Funds		27
	Washington, Gresham, Grazer, Prather, Ben Roberts, Claudia Alvarado & 21 Certificate Pay Empl.		
	TOTAL SALARIES PAID OUT OF CHAPTER 59	\$	52,124.70
B)	OVERTIME		
1	# Employess Budgeted...	\$	-

2	# Employess Budgeted...		\$	-	
3	# Employees Paid		\$	-	
	<b>TOTAL OVERTIME PAID OUT OF CHAPTER 59</b>		\$	-	
<b>C) EQUIPMENT</b>					
1	Vehicles Ck # 1845, 1855 Caldwell Country Chev., Ck # 1864 Dallas Dodge		\$	141,625.00	
2	Computers Ck#1843, 1848		\$	17,761.21	
3	Firearms, Vest, Personal Equip Ck# 1804, 1805, 1821-24, 1833-34, 1837 continued: Ck#1833-34, 1837, 1846-47, 1851, 1853, 1866, 1876		\$	20,500.84	
4	Furniture		\$	-	
5	Software		\$	-	
6	Maintenance Costs Ck#1812		\$	1,769.75	
7	Uniforms		\$	-	
8	K9 Related Costs		\$	-	
9	Other		\$	34,953.41	
	Pursuit Safety Ck # 1789				Other \$ 2,384.69
	Inter County Communications Ck #'s 1800				\$ 3,146.50
	CDW-G Ck # 1815				\$ 1,127.92
	Gall's Ck # 1826				\$ 830.00
	GT Distributors Ck #'s 1827, 1849				\$ 481.95
	Hunt County / Photo Pro Ck # 1828 Reimburse Credit Card Charge				\$ 221.99
	Hunt County / SpyCenter Ck # 1829 Reimburse Credit Card Charge				\$ 249.99
	Hunt County / Best Buy Ck # 1830-31 Reimburse Credit Card Charge				\$ 3,739.93
	Apollo Fitness Ck # 1820 - Refund, 1835,				\$ 165.00
	Centeline Supply Ck #'s 1838				\$ 1,266.00
	Kustom Signals Ck # 1839 + Refund				\$ 1,227.14
	Government Connection Ck #'s 1840				\$ 1,134.90
	B & H Ck # 1842				\$ 103.01
	Parker Security Ck # 1850				\$ 9,326.14
	Philpot Motors Ck # 1859				\$ 1,860.00
	Hunt County / Wal-mart Ck# 1863 Reimburse Credit Card Charge				\$ 164.20
	DFW Communication Ck # 1865				\$ 2,220.40
	Motorola Ck # 1872				\$ 2,127.16
	West Tawakoni RV Ck # 1875, 1881				\$ 2,551.49
	Greenville Hardware Ck # 1885				\$ 625.00
	<b>TOTAL EQUIPMENT PURCHASED WITH CHAPTER 59 FUNDS</b>		\$	216,610.21	
<b>D) SUPPLIES</b>					
1	Office Supplies				
2	Cellular Ait Time				
3	Internet				
4	Other		\$	7,776.81	
	Hunt County / English Color Ck # 1794 Reimburse Credit Card Charge				Other \$ 34.48
	United Pawn Ck # 1798, 1884				\$ 1,866.80
	Leads On-Line Ck # 1801				\$ 2,148.00
	Hunt County / Fed-X Ck# 1808 Reimburse Credit Card Charge				\$ 170.00
	Lonestar Wholesale Ck# 1818				\$ 615.00
	ApolloFitness Ck# 1820 - Refund				\$ 126.00
	AppleTime Ck# 1857				\$ 582.95
	Hunt County / Home Depot Ck# 1867 Reimburse Credit Card Charge				\$ 24.31
	Precision Delta Ck# 1868				\$ 863.84
	Hunt County / Home Depot Ck# 1869 Reimburse Credit Card Charge				\$ 45.47
	Sam Speir Ck# 1871				\$ 250.00
	Hunt County / Home Depot Ck# 1873-Ref. Reimburse Credit Card Charge				\$ 55.88
	Hunt County / Home Depot Ck# 1874 Reimburse Credit Card Charge				\$ 11.76
	GT Distributors Ck# 1890				\$ 982.32
	<b>TOTAL SUPPLIES PURCHASED WITH CHAPTER 59 FUNDS</b>		\$	7,776.81	
<b>E) TRAVEL</b>					
1	Instate Travel				
	a) Lodging		\$	-	
	b) Air Fare		\$	-	
	c) Meals (including per diem)		\$	-	
	d) Car Rental		\$	-	
	Out of State Travel				
2	a) Lodging		\$	-	
	b) Air Fare		\$	-	
	c) Meals (including per diem)		\$	-	
	d) Car Rental		\$	-	
	Fuel		\$	-	
3	Parking		\$	-	
4	Other		\$	-	
5	<b>TOTAL TRAVEL PAID OUT OF CHAPTER 59</b>		\$	-	
<b>F) TRAINING</b>					
1	Fees (Conferneces, Seminars) Ck # 1813, 1886		\$	4,500.00	
2	Materials, Books, CD's, Videos, etc.- (Ck # 1887- Books)		\$	91.04	
	Other		\$	3,675.00	Other

3	TCLEDOS Subscription,License... Ck # 1879, 1888		\$ 1,875.00
	South MS Canine Consultants Ck # 1882		\$ 1,800.00
	<b>TOTAL TRAINING PAID OUT OF CHAPTER 59</b>	<b>\$ 8,266.04</b>	
	<b>INVESTIGATIVE COSTS</b>		
G)	Informant Costs	\$ -	
1	Buy Money Ck # 1796	\$ 5,000.00	
2	Lab Expenses	\$ -	
3	Other:	\$ 6,643.00	Other
4	Sprint Ck #'s 1791, 1799, 1803, 1807, 1811, 1819, 1841, 1852, 1862, 1877, 1883, 1891		\$ 1,347.01
	Locate Plus Ck #'s 1788, 1792, 1802, 1810, 1814, 1825, 1832, 1844, 1856, 1870, 1880, 1889		\$ 1,259.28
	Raid Supplies Ck # 1793		\$ 37.71
	Crime Center Command Center Generator, Ck# 1878		\$ 3,999.00
	<b>TOTAL INVESTIGATIVE COSTS PAID OUT OF CHAPTER 59 FUNDS</b>	<b>\$ 11,643.00</b>	
	Sinclair Ramsey Ck # 1797, 1806		\$ 833.18
H)	<b>TOTAL PREVENTION TREATMENT PROGRAMS - No Expenses</b>	\$ -	
I)	<b>FACILITY COSTS - No Expense</b>	\$ -	
J)	<b>MISCELLANEOUS FEES</b>	\$ 833.18	
	3. Insurance: Sinclair Ramsey Ck# 1797, 1806		
K)	<b>TOTAL PAID TO COOPERATING AGENCY(IES) PURSUANT TO LOCAL AGREEM.</b>	\$ -	
L)	<b>TOTAL OTHER PAID OUT OF CHAPTER 59 FUNDS</b>	\$ -	
M)	<b>TOTAL EXPENDITURES</b>	<b>\$ 297,253.94</b>	

# Exhibit A

- a) Pool sticks with case
  
- b) Mossberg Maverick pistol grip shotgun serial number LV64135K
- c) (1) 100 round magazine for AR15 type rifle
- d) Smith & Wesson M&P 15 rifle, black in color, serial number 99922
- e) (75) round magazine for an AK-47 style weapon
- f) Draco AK-47 (7 62x39mm) rifle, serial number DC-0902-10 RO, pistol grip
- g) Star BM 9mm colt style semi-auto pistol, serial number 12361, with second serial number engraved as SBM03255
- h) OD green military ammo box containing boxes of ammunition
- i) (3) pair of black sunglasses
- j) (2) silver rings
- k) (1) silver chain necklace
- l) (1) silver watch
- m) coins in safe
- n) white body armor found in dresser
- o) pair of Nike Air Jordan shoes which money was secreted inside
- p) Sony Playstation 3 video game system with cords and controller, with Madden NFL 2009 game, and Call of Duty game, from living room, serial number: CE92180068-CECHE01
- q) (11) pair of size 10 Nike shoes from bedroom down hallway
- r) Sony Playstation 3 video game system with cords and controller, from bedroom down hallway, serial number: CK009872691-CECHK01
- s) Mueller Eradicator rifle scope, serial number: MU852550IGR
- t) (2) T-view car visor DVD players, unknown serial number
- u) Toshiba flat screen television, serial number: 82610117155811
  
- v) (9) pair of Nike shoes size 11-11.5 from bedroom near front door
- w) Vizio flat screen television from living room, serial number plate removed
- x) Hitachi digital video camera found in bedroom near front door, serial number: 61038171

#12,182(5)

Delores Shelton, CIO, CCT  
Hunt County Treasurer  
FY 11: Monthly Report, October 2011

FILED FOR RECORD  
at 10:45 o'clock A M  
NOV 22 2011  
JENNIFER LINDENZWEIG  
County Clerk, Hunt County, Tex  
By *Jennifer Lindenzweig*

The Treasurers' Monthly Report includes money received and disbursed as well as funds invested and debt due by Hunt County. The Treasurer's Books and the Auditor's General Ledger agree. The Bank Statements have been reconciled and approved by the County Auditor.

This affidavit must state the amount of cash and other assets that are in the custody of the county treasurer at the time of the examination. (LGC 114.026) **\$8,258,896.23** Month End Balance

Therefore, Delores Shelton, County Treasurer of Hunt County, Texas, who being fully sworn, upon oath says that the within and foregoing report is true and correct to the best of her knowledge.

This report will be filed with accompanying reports this 22 day of November, 2011.

*Delores Shelton*  
Delores Shelton, Hunt County Treasurer

Commissioners' Court having compared and examined the Treasurer's Report as presented and subject to independent auditor's review, certify the report to be correct and therefore request it be filed with the official minutes of this meeting. LGC 114.026(c)

*John L. Horn*  
John L. Horn, Hunt County Judge

*Kenneth P. Thornton*  
Kenneth Thornton, Commissioner, Pct #1

*Joy Atkins*  
Joy Atkins, Commissioner, Pct 2

*Larry Middlebrooks*  
Larry Middlebrooks, Commissioner, Pct #3

*Jim Latham*  
Jim Latham, Pct 4



#12,185  
HUNT COUNTY

**FLOOD DAMAGE PREVENTION ORDER**

**ARTICLE I**

FILED FOR RECORD  
at 10:45 o'clock 4 M  
NOV 22 2011  
JENNIFER LINDENZWEIG  
County Clerk, Hunt County, Tex.  
*[Signature]*

**STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS**

**SECTION A. STATUTORY AUTHORIZATION**

The Legislature of the State of Texas has in the Flood Control Insurance Act, Texas Water Code, Section 16.315, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Commissioners Court of Hunt County, Texas does ordain as follows:

**SECTION B. FINDINGS OF FACT**

(1) The flood hazard areas of unincorporated Hunt County are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

**SECTION C. STATEMENT OF PURPOSE**

It is the purpose of this order to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) Minimize prolonged business interruptions;

(5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

(6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and

(7) Insure that potential buyers are notified that property is in a flood area.

#### **SECTION D. METHODS OF REDUCING FLOOD LOSSES**

In order to accomplish its purposes, this order uses the following methods:

(1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;

(2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;

(4) Control filling, grading, dredging and other development which may increase flood damage;

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

## **ARTICLE 2**

### **DEFINITIONS**

Unless specifically defined below, words or phrases used in this order shall be interpreted to give them the meaning they have in common usage and to give this order its most reasonable application.

**ALLUVIAL FAN FLOODING** - means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

**APEX** - means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

**APPURTENANT STRUCTURE** - means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure

**AREA OF FUTURE CONDITIONS FLOOD HAZARD** - means the land area that would be inundated by the 1-percent-annual chance (100 year) flood based on future conditions hydrology.

**AREA OF SHALLOW FLOODING** - means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**BASE FLOOD** - means the flood having a 1 percent chance of being equaled or exceeded in any given year.

**BASE FLOOD ELEVATION (BFE)** - The elevation shown on the Flood Insurance Rate Map (FIRM) and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1% chance of equaling or exceeding that level in any given year - also called the Base Flood.

**BASEMENT** - means any area of the building having its floor subgrade (below ground level) on all sides.

**BREAKAWAY WALL** - means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse

under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

**DEVELOPMENT** - means any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

**ELEVATED BUILDING** - means, for insurance purposes, a non-basement building, which has its lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

**EXISTING CONSTRUCTION** - means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

**EXISTING MANUFACTURED HOME PARK OR SUBDIVISION** - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

**EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION** - means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**FLOOD OR FLOODING** - means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters.
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

**FLOOD INSURANCE RATE MAP (FIRM)** - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY (FIS)** - means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and /or flood-related erosion hazards.

**FLOODPLAIN OR FLOOD-PRONE AREA** - means any land area susceptible to being inundated by water from any source (see definition of flooding).

**FLOODPLAIN MANAGEMENT** - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

**FLOODPLAIN MANAGEMENT REGULATIONS** - means zoning orders, subdivision regulations, building codes, health regulations, special purpose orders (such as a floodplain order, grading order and erosion control order) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**FLOOD PROTECTION SYSTEM** - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

**FLOOD PROOFING** - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**FLOODWAY** - means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**FUNCTIONALLY DEPENDENT USE** - means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship

repair facilities, but does not include long-term storage or related manufacturing facilities.

**HIGHEST ADJACENT GRADE** - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**HISTORIC STRUCTURE** - means any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:

(a) By an approved state program as determined by the Secretary of the Interior or;

(b) Directly by the Secretary of the Interior in states without approved programs.

**LEVEE** - means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

**LEVEE SYSTEM** - means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

**LOWEST FLOOR** - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; **provided** that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

**MANUFACTURED HOME** - means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

**MANUFACTURED HOME PARK OR SUBDIVISION** - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**MEAN SEA LEVEL** - means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

**NEW CONSTRUCTION** – means structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

**NEW MANUFACTURED HOME PARK OR SUBDIVISION** - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

**RECREATIONAL VEHICLE** - means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**RIVERINE** – means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**SPECIAL FLOOD HAZARD AREA (SFHA)** – is the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

**START OF CONSTRUCTION** - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**STRUCTURE** – means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

**SUBSTANTIAL DAMAGE** - means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT** - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code



enforcement official and which are the minimum necessary to assure safe living conditions or (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

**VARIANCE** – means a grant of relief by a community from the terms of a floodplain management regulation. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

**VIOLATION** - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

**WATER SURFACE ELEVATION** - means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

### **ARTICLE 3**

#### **GENERAL PROVISIONS**

##### **SECTION A. LANDS TO WHICH THIS ORDER APPLIES**

The order shall apply to all areas of special flood hazard within the jurisdiction of Hunt County Commissioners Court.

##### **SECTION B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD**

The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Hunt County, Texas and Incorporated Areas" dated January 6, 2012, with accompanying Flood Insurance Rate Maps (FIRM) dated January 6, 2012 and any revisions thereto are hereby adopted by reference and declared to be a part of this order.

**SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT**

A Floodplain Development Permit shall be required to ensure conformance with the provisions of this order.

**SECTION D. COMPLIANCE**

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this order and other applicable regulations.

**SECTION E. ABROGATION AND GREATER RESTRICTIONS**

This order is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this order and another order, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**SECTION F. INTERPRETATION**

In the interpretation and application of this order, all provisions shall be; (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under State statutes.

**SECTION G. WARNING AND DISCLAIMER OR LIABILITY**

The degree of flood protection required by this order is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This order does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This order shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this order or any administrative decision lawfully made hereunder.

**ARTICLE 4**

**ADMINISTRATION**

## **SECTION A. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR**

The Hunt County Health Department Administrator, is hereby appointed the Floodplain Administrator to administer and implement the provisions of this order and other appropriate sections of 44 CFR (Emergency Management and Assistance - National Flood Insurance Program Regulations) pertaining to floodplain management.

## **SECTION B. DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR**

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

(1) Maintain and hold open for public inspection all records pertaining to the provisions of this order.

(2) Review permit application to determine whether to ensure that the proposed building site project, including the placement of manufactured homes, will be reasonably safe from flooding.

(3) Review, approve or deny all applications for development permits required by adoption of this order.

(4) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

(5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.

(6) Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the Texas Water Development Board (TWDB) and also the Texas Commission on Environmental Quality (TCEQ), prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

(8) When base flood elevation data has not been provided in accordance with Article 3, Section B, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Article 5.

(9) When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(10) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than 1 foot, provided that the community **first** completes all of the provisions required by Section 65.12.

### **SECTION C. PERMIT PROCEDURES**

(1) Application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

(a) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;

(b) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;

(c) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Article 5, Section B (2);

(d) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;

(e) Maintain a record of all such information in accordance with Article 4, Section (B)(1);

(2) Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this order and the following relevant factors:

(a) The danger to life and property due to flooding or erosion damage;

(b) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(c) The danger that materials may be swept onto other lands to the injury of others;

(d) The compatibility of the proposed use with existing and anticipated development;

(e) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(f) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

(g) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;

(h) The necessity to the facility of a waterfront location, where applicable;

(i) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

#### **SECTION D. VARIANCE PROCEDURES**

(1) The Appeal Board, as established by the community, shall hear and render judgment on requests for variances from the requirements of this order.

(2) The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this order.

(3) Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.

(4) The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

(5) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this order.

(6) Variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C (2) of this Article have been fully considered. As the lot size increases beyond the 1/2 acre, the technical justification required for issuing the variance increases.

(7) Upon consideration of the factors noted above and the intent of this order, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this order (Article 1, Section C).

(8) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(9) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

[10) Prerequisites for granting variances:

(a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(b) Variances shall only be issued upon: (i) showing a good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or orders.

(c) Any application to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(11) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria outlined in Article 4, Section D (1)-(9) are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

## **ARTICLE 5**

### **PROVISIONS FOR FLOOD HAZARD REDUCTION**

#### **SECTION A. GENERAL STANDARDS**

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

(1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

(4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,

(7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

## **SECTION B. SPECIFIC STANDARDS**

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Article 3, Section B, (ii) Article 4, Section B (8), or (iii) Article 5, Section C (3), the following provisions are required:

(1) **Residential Construction** - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to a minimum of two feet above the base flood elevation (BFE). A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Article 4, Section C (1) a., is satisfied.

(2) **Nonresidential Construction** - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to a minimum of two feet above the base flood elevation or together with attendant utility and sanitary facilities, be designed so that below that level (BFE + 2) the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of



practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.

(3) **Enclosures** - new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

(a) A minimum of two openings on separate walls having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.

(b) The bottom of all openings shall be no higher than 1 foot above grade.

(c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(4) **Manufactured Homes** -

(a) Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated to a minimum of two feet above the base flood elevation and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

(b) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent

foundation such that the lowest floor of the manufactured home is elevated to a minimum of two feet above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(c) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either:

(i) the lowest floor of the manufactured home is at a minimum of two feet above the base flood elevation, or

(ii) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(5) **Recreational Vehicles** - Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either (i) be on the site for fewer than 180 consecutive days, or (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements of Article 4, Section C (1), and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

### **SECTION C. STANDARDS FOR SUBDIVISION PROPOSALS**

(1) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Article 1, Sections B, C, and D of this order.

(2) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of Article 3, Section C; Article 4, Section C; and the provisions of Article 5 of this order.

(3) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres,

whichever is lesser, if not otherwise provided pursuant to Article 3, Section B or Article 4, Section B (8) of this order.

(4) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

(5) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

#### **SECTION D. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES)**

Located within the areas of special flood hazard established in Article 3, Section B, are areas designated as shallow flooding. These areas have special flood hazards associated with flood depths of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

(1) All new construction and substantial improvements of **residential** structures have the lowest floor (including basement) elevated to a minimum of 2 feet above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified).

(2) All new construction and substantial improvements of **non-residential** structures;

(a) have the lowest floor (including basement) elevated to a minimum of 2 feet above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified), or

(b) together with attendant utility and sanitary facilities be designed so that below the base specified flood depth in an AO Zone, or below the Base Flood Elevation in an AH Zone, level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

(3) A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Article 4, Section C are satisfied.

(4) Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

#### **SECTION E. FLOODWAYS**

Floodways - located within areas of special flood hazard established in Article 3, Section B, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

(1) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(2) If Article 5, Section E (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5.

(3) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community **first** completes all of the provisions required by Section 65.12.

#### **SECTION F. SEVERABILITY**

If any section, clause, sentence, or phrase of this Order is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Order.

#### **SECTION G. PENALTIES FOR NON COMPLIANCE**

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this court order and other applicable regulations. Violation of the provisions of this court order

by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this court order or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$ 500.00 and each day the violation exists is eligible for a new fine for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent Hunt County from taking such other lawful action as is necessary to prevent or remedy any violation.

**SECTION H. CERTIFICATION OF ADOPTION**

**APPROVED:** \_\_\_\_\_

*John Horn*  
(community official)

**PASSED:** \_\_\_\_\_

*11-22-2011*  
(adoption date)

**ORDER BECOMES EFFECTIVE: January 6, 2012**

I, the undersigned, John Horn, do hereby certify that the above is a true and correct copy of an order duly adopted by the Hunt County Commissioners Court, at a regular meeting duly convened on November 22, 2011.

*John Horn*  
John Horn, Hunt County Judge



{SEAL}

# 12,186

**INTERGOVERNMENTAL SERVICES AGREEMENT**

FILED FOR RECORD  
at 10:45 o'clock A M  
NOV 22 2011

By JENNIFER LINDENZWEIG  
County Clerk, Hunt County, Tex.

THIS AGREEMENT is entered into on the 22<sup>nd</sup> day of November, 2011 by and between the Lone Oak City Library and Hunt County, a political subdivision of the State of Texas.

**RECITALS**

1. The County owns the necessary equipment for installing safety posts.
2. The Lone Oak City Library desires to have safety posts installed around the library property. Therefore, under the authority of the Inter Local Cooperative Act. Tex. Rev. Civ. Stat. Ann. Art 4413 (32c) Vernon 1976, the parties agree as follows:

**SECTION 1. SERVICES**

The County agrees to install approximately 50 safety post around the City of Lone Oak Library. This work will be done only as equipment and manpower are available to the County. The time available will be at the County's discretion.

**SECTION 2. CIVIL LIABILITY**

Any civil liability relating to the furnishing of services under this agreement shall be the responsibility of the library. The parties agree the county shall be acting as agent for the library in performing services contemplated by this agreement. The library shall hold the county free and harmless and indemnify the county from any obligation, costs, claims judgment, attorneys' fees, attachments, and other such liabilities arising from or growing out of the services rendered to the library pursuant to the terms of the agreement or in any way connected with the rendering of said services, except when the same shall arise because of willful misconduct or culpable negligence of the county, and the county is adjudged to be guilty of willful misconduct or culpable negligence by a court competent jurisdiction.

**SECTION 3. AMENDMENT**

This agreement shall not be amended or modified other than in a written agreement signed by both parties.

**SECTION 4. CONTROLLING LAW**

This agreement shall be deemed to be made under governed by and construed in accordance with the laws of the State of Texas.

**SECTION 5. AGREEMENTS**

This agreement is the only agreement with the county or any other party pertaining to installation of safety post on the City of Lone Oak Library property.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the day and year first written above.

**COUNTY OF HUNT COUNTY  
STATE OF TEXAS**

By: 

Title: Casey Chasie

Date: 11-22-2011

**LONE OAK CITY LIBRARY  
COUNTY OF HUNT  
STATE OF TEXAS**

By: 

Title: Library Director

Date: 12-1-2011