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State of Texas Plan for Disaster Recovery

Council of Governments **PARTIAL** Method of Distribution for Round Two Disaster Recovery Supplemental Allocation

Summary Information

Contact Information

Council of Governments: **Lower Rio Grande Valley Development Council**

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City, State, Zip: **McAllen, TX 78501**

Allocation Summary

	Overall MOD	Eligible for Allocation Under Partial MOD
Regional Allocation for All Activities:	\$185,515,915.	\$61,220,252.
Housing Activities Total:	\$106,925,787.	\$2,238,725.
Non-Housing Activities Total:	\$63,481,528.	\$58,981,527.

Citizen Participation

Below is a description addressing how the Council of Governments complied with the Citizen Participation Plan regarding citizen and non-governmental organization outreach, and any efforts exceeding TDRA minimum public participation requirements:

The LRGVDC has scheduled three Public Hearings, one in each County (Cameron, Hidalgo & Willacy). LRGVDC is promoting written comments for those unable to attend the meetings. Notices for the Public Meetings will be advertised in local newspapers in English and Spanish and notice will also be published in local newspapers that are provided free of cost to the public. LRGVDC will also submit a public service announcement to all local news media. Notices will also be sent to CDBG Directors, housing agencies, housing authorities, emergency management staff, DHHS contacts and many other interested entities.

LRGVDC will also schedule a meeting with housing groups to develop and finalize the draft MOD. All information pertaining to the MOD will be posted on LRGVDC Web site.

Posting and 15-day Public Comment Period Information

Date MOD Posted: 07/30/2010 End Date of Comment Period: 08/20/2010

Public Hearing Information (Copy and paste this section for additional public hearings)

Date/Time: 08/10/2010 Location: Willacy County Courthouse, 576 W. Main St.,
10:00a.m. - 12:00 noon Raymondville, Texas

Attendance: 13

Second Public Hearing Scheduling Information

Date/Time: 08/11/10 Location: Transit Center, 510 S. Pleasantview Drive,
2:00 p.m. - 4:00 p.m. Weslaco, Texas

Attendance: 37

Third Public Hearing Scheduling Information

Date/Time: 08/12/10 Location: Cameron County Courthouse, Exhibit Room
5:30 p.m. 1st Floor, 1100 E. Monroe, Brownsville, Texas

Attendance: 20

Personal Notice. As required, personal notice was sent to eligible entities at least **five** days in advance of the public hearing using the following method(s) (at least one must be selected):

	Method	Date Sent	Documentation
<input checked="" type="checkbox"/>	Electronic Mail	07/26/2010	See the attached list of individuals receiving notification in this manner, copy of the email, as well as the copy of the email sent to chance.sparks@tdra.state.tx.us .
<input checked="" type="checkbox"/>	Fax	07/26/2010	See the attached list of individuals receiving notification in this manner, copy of the letter sent by fax, and the fax transmission receipts.
<input checked="" type="checkbox"/>	Regular Mail	07/26/2010	See the attached list of individuals receiving notification in this manner, copy of the letter mailed.
<input type="checkbox"/>	Hand Delivery		See the attached list of individuals receiving notification in this manner, copy of the letter given by hand-delivery, and a signature sheet signed by a representative of the entity that the notice was received.
<input type="checkbox"/>	Certified Mail		See the attached list of individuals receiving notification in this manner, copy of the letter, and copies of each of the signed delivery receipts.

Internet Notice. As required, public notice was distributed on the Internet at least **five** days in advance using all of the following methods:

	Method	Date Published	Documentation
<input checked="" type="checkbox"/>	COG Website	07/27/2010	See attached printed copy of the hearing notice on the website and the link emailed to chance.sparks@tdra.state.tx.us .
<input checked="" type="checkbox"/>	Secretary of State Website	08/04/2010	See attached printed copy of the hearing notice on the website and the link emailed to chance.sparks@tdra.state.tx.us .

Published Notice. As required, notice of the public hearing was published in at least one regional newspaper at least **three** days in advance. Notice of public hearing was published in the following regional newspaper(s):

	Newspaper Name	Date Published	Documentation
<input checked="" type="checkbox"/>	The Monitor, Valley Morning Star, Raymondville Chronicle, Brownsville Herald	07/28/2010	See attached copy of the hearing notice and a publisher's affidavit.
<input checked="" type="checkbox"/>	Town Crier, La Feria News, San Benito News, The Advance News	07/28/2010	See attached copy of the hearing notice and a publisher's affidavit.
<input checked="" type="checkbox"/>	El Nuevo Herald Progress Times	07/29/2010 07/30/2010	See attached copy of the hearing notice and a publisher's affidavit.

Citizen Comment Documentation

<input checked="" type="checkbox"/>	The required copy of a sign-in sheet from the public hearing is attached.	
<input checked="" type="checkbox"/>	A summary of the citizen comments and meeting discussion is attached.	
Describe any efforts to notify and accommodate those with modified communication needs, such as posting information and providing interpretive services for other languages.		Translation services will be available at all three public hearings. Public Service announcements will be submitted to all local media (Spanish & English). Notice will be posted on local newspapers free to the public.

The COG specifically targeted organizations representing protected classes of individuals and interested in fair housing issues to gain additional perspective on fair housing and civil rights issues in the region, and how the people they represent were affected by Hurricanes Dolly and/or Ike. The COG employed approaches beyond simple written notification of public hearings. The methods used to contact, the organizations, and the issues identified by those discussions are discussed below:

In addition to the public hearings, LRGVDC sent public service announcements to all local media on the MOD. LRGVDC Executive Director provided interviews at local radio & TV stations on the issue. LRGVDC Staff also met with sever nonprofit organizations such as Valley Interfaith, Proyecto Azteca, etc to discuss the MOD. LRGVDC also responded to several inquiries from citizens via email and phone on the MOD.

Long-Term Planning and Recovery

The following is an explanation of the region's method of distribution fosters long-term community recovery that is forward-looking and focused on permanent restoration of infrastructure, housing and the local economy.

The Lower Rio Grande Valley Development Council, along with Advisory Committees reviewing all Dolly related issues have determined that addressing the flooding and drainage problems is the over-riding regional priority to better serve all communities within the three County Region. The LRGVDC reviewed the “Cover the Border Hazard Mitigation Plan for Rio Grande Border” (2007-2012) and Drainage Studies provided by Cameron, Hidalgo and Willacy County Drainage Districts. The LRGVDC will be submitting “Project Specific” projects for this region to address these issues. Most of the housing and non-housing damage that occurred during Hurricane Dolly was due to flooding and these projects will address the failure-to-function issues and prevent further flooding in the region.

In an effort to truly achieve a sustainable long-term recovery, LRGVDC will target portions of the housing funds to compliment the regional drainage system. In addition, LRGVDC will pursue, if deemed necessary after further study of housing needs, development of a floodplain hazard area buyout program that incentivizes relocation out of areas at severe risk for a future disaster, provided that the households and employers were affected by Hurricane Dolly. Furthermore, LRGVDC will develop, if deemed necessary after further study of housing needs, individual mitigation measures, such as elevating structures, to make residential properties less prone to damage. These programs including funding levels are further discussed in the housing program design.

Despite efforts to target funding toward creating a resilient built environment, the region still has unmet recovery needs. Many of these needs impact long-term recovery, with region’s ambitious goals of reducing the regional impact of flooding so as to avoid repeat damage in future disasters, the region still has unmet recovery needs. As shown with the drainage system, approximately \$50 million is still needed to complete the major drainage needs of the region as a direct result of Hurricane Dolly.

Based on public hearing feedback, the region suspects the nearly \$105 million allocated toward housing will still not be sufficient to address long-term recovery. Buyouts and individual mitigation measures are expensive. In addition, many affordable rental housing providers have indicated desires to relocate and harden facilities, which can be expensive.

The following documents related to civil rights, fair housing and community development activities were reviewed as part of the effort to inform this method of distribution:

**The 2006 TDHCA Community Needs Survey Report
The 2008 TDHCA Market Analysis of the McAllen-Edinburg-Mission and the Brownsville-Harlingen MSA
The 2006 TDHCA Report on Migrant Labor Housing Facilities in Texas
The 2005 TDHCA Report on Housing Needs of Texans with Disabilities
The 2009-2014 LRGVDC Regional Strategic Plan
The 3-5 Year Rio Grande Valley Strategic Plan (HUD Consolidated Plan of all entitlement jurisdictions)**

A summary of key findings and themes from the civil rights, fair housing and community development activities documents appear below:

The existing Statewide Analysis of Impediments to Fair Housing identifies a number of statewide issues, though they have varying levels of impact on the Lower Rio Grande Valley. Statewide issues include: lack of funding available for affordable housing (particularly below 30% AMI), lack of affordable housing stock to meet growing demand, limited organizational capacity in rural areas, NIMBY-ism when affordable housing projects are proposed, zoning practices that increase construction costs to the point that affordable housing projects are no longer financially feasible, inconsistent building codes between jurisdictions, restricted construction options (optimal value engineering, manufactured housing, etc.), impact fees, overlapping authorities within the construction process, environmental regulations, low rural median incomes, difficulty entitling housing for special needs populations (group homes & institutions), higher insurance rates for less coverage for minority/low-income populations, ignorance of fair housing laws (organizations as well as individuals), lack of universal design in many existing affordable units, large unmet need for multi-bedroom affordable housing for large families, substandard housing for migrant workers and in colonias, and deterioration of and lack of new public housing units.

Local documents indicate some statewide issues are present in the region, while others are not or fail to reach a level to negatively affect fair housing. As expected, there was only limited discussion of infrastructure. However, inadequate drainage infrastructure was cited as a key contributor to creating an unsafe environment for low-income persons, particularly in rural subdivisions and colonias (which are further exacerbated by poor water, sewer and transportation infrastructure). Poor roads, drainage and utilities were also cited as a significant issue in developing and improving housing for migrant workers. Migrant housing was also affected by lack of financial support to develop new or improve existing facilities, substandard construction, lack of appropriate zoning, and NIMBY-ism.

The documents were far more revealing for housing. Low educational attainment and limited job skills were listed as a primary reason for populations to remain in the low income category. A lack of affordable rental housing, particularly multi-bedroom low-income housing for large families is a serious issue in the region. In addition, there is a scarcity of land that could be developed easily for affordable housing (appropriate drainage improvements will help address this scarcity). Rising costs for rehabilitation are a key market issue affecting fair housing, especially the rising cost of materials. Unlike some regions, the Lower Rio Grande Valley does not face many issues related to zoning or building codes excluding protected groups or negatively affecting fair housing. One city was mentioned as having a minimum lot size that could discourage affordable housing. Most of the cities and counties have similar building codes (International Building Code) with similar or identical local amendments. Likewise, many of the zoning regulations are similar between jurisdictions, helping to create an environment for each community to support its regional fair share of affordable housing and encourage equal treatment of protected classes.

There is also a lack of knowledge about fair housing laws and regulations, both within organizations related to housing and citizens, which creates higher risk of violations and violations going unreported. In addition, there appears to be a public culture of fear/skepticism of government programs (too good to be true, etc.).

Method of Distribution Between Housing and Non-Housing Activities

The split between housing and non-housing activities should be 55% and 45%, respectively, between the activities for the region's combined Round One and Round Two total allocations. The *State of Texas Plan for Disaster Recovery – Amendment No. 1* for the Round Two provides the appropriate amounts by COG to achieve this activity split. COGs are reminded that grantees and subrecipients for funding must comply with all applicable Federal requirements, including, but not limited to, the Civil Rights Act and other associated anti-discrimination laws, the Fair Housing Act, and the state's requirement to ensure at least 55 percent of all Disaster Recovery Supplemental

funds serve the “benefiting low and moderate income persons” national objective. While the Partial MOD did not require a particular breakdown between housing and non-housing, the COG has explained below why it chose to split housing and non-housing funds as it did for the Partial MOD and ensure any breakdown of housing or non-housing funds remains consistent with the Plan. This discussion is consistent with findings from document research discussed in long-range planning and feedback from housing and civil rights organizations.

Drainage improvements related to flooding during Hurricane Dolly are continually mentioned in local media and public meetings as a major need given its contribution to damage and failure to function of other facilities and housing. In the region, low-income populations were severely impacted by flooding, particularly in rural areas (though the flooding was widespread and affected all urbanized areas as well). Drainage is a serious, pressing need for the region, reaching a level of need that can only be addressed using hurricane recovery funds. LRGVDC is pursuing development of housing programs to compliment the drainage improvements, and plans to target a portion of the future housing funds toward the service areas of the drainage projects. This effort will result in both the reduction of risk to housing in future hurricane and flood events and eventually the improvement of affordable housing stock in the region. By addressing the drainage, it is less likely that low-income households will have a need for Federal assistance funds to repair homes as a result of flooding in future events. In short, the drainage improvements are necessary to achieve an acceptable level of resiliency and sustainability in the use of housing funds—they are intertwined.

The regional approach to drainage was necessary due to the interconnectedness of drainage infrastructure in the region—the cause of flooding in one city could be the result of an inadequate facility further downstream, outside of the city’s jurisdiction, causing a backup. The projects identified are consistent with recommendations in the long-range plans. Also, the drainage facilities serve to address some of the impediments to fair housing, as it should result in the following:

- **Improvement of flooding issues in low-income rural subdivisions and colonias, a commonly cited contributor to substandard housing**
- **Reduced flood risk to low-income and minority populations, which should reduce insurance costs**
- **Ease development of new/improved affordable housing through the reduction of flood risk, thus addressing issues with scarcity of land available for affordable housing**

Additionally, it is preferable to address the cause of so much housing damage in the region, flooding, first so that investments in housing can be more lasting and resilient.

The LRGVDC attempted to conduct a survey among local entities to try to determine or identify the specific needs for housing and the numbers submitted could not be verified. Given LRGVDC’s lack of experience in developing and administering housing programs, coupled with difficulties in accurately identifying housing need related to the hurricane, LRGVDC has chosen in the Partial MOD to fund housing to a level to allow the hiring of a consultant and staff to develop the organizational capacity necessary to develop appropriate housing programs for the region. This will allow more accurate assessment of needs, allow the region to efficiently contribute information to the new State Analysis of Impediments to Fair Housing being developed, educate local organizations and citizens in regards to fair housing, and ensure effective implementation of housing programs consistent with the Federal obligation to affirmatively further fair housing. The LRGVDC expects it would take a couple of months to develop housing program designs, and would prefer to include any findings of the new State Analysis of Impediments to Fair Housing along with improved local knowledge of housing issues directly related to the disaster before proceeding. The LRGVDC will adopt a regional approach to disaster recovery housing programs in an effort to address issues present in the various fair housing documents reviewed. This regional approach will help ensure housing needs are addressed throughout the area, achieve economies of scale, ensure program consistency given the fragmented political jurisdictions, and build organizational capacity.

Non-Housing Method of Distribution Detail

The Council of Governments is required to prepare a method of distribution for non-housing activity funds between the eligible entities. TDRA has directed the COG to use a direct allocation technique based on objective, verifiable data. For the partial MOD, the COG must prioritize the grantees so that back-up applications are available in case of disqualification. This ensures funding through the partial MOD process is utilized and available to communities as fast as possible. The Method of Distribution clearly identifies appropriate national objectives for each activity type, the entities eligible to serve as grantees and contract with TDRA, supports minimum allocation amounts that help ensure project feasibility and provides an explanation of the distribution factors selected.

In selecting funding distribution factors and grantees to receive partial funds, the COG was mindful of the Federal obligation to affirmatively further fair housing. The COG has indicated how it has considered fair housing in developing its non-housing method of distribution as well as how the factors direct funds toward those communities most likely to have locally-determined priority projects that cannot proceed without Hurricane Recovery Funds. The COG also considered that only locally-identified priority projects meeting the LMI national objective would be considered during the Partial MOD application cycle. Discussion is given below:

Local Need and Fair Housing Consideration in Non-Housing Distribution

Drainage has been continually identified by citizens, communities and organizations as the most pressing need to reduce the likelihood of repeat damage in the inevitable future storm events. In the region, low-income populations were severely impacted by flooding, particularly in rural areas (though the flooding was widespread and affected all urbanized areas as well). Drainage is a serious, pressing need for the region, reaching a level of need that can only be addressed using hurricane recovery funds. The projects listed in the non-housing distribution are based on local need identified through recent drainage planning documents developed regionally, further verified during the citizen participation process. This effort will result in both the reduction of risk to housing in future hurricane and flood events and eventually the improvement of affordable housing stock in the region. By addressing the drainage, it is less likely that low-income households will have a need for Federal assistance funds to repair homes as a result of flooding in future events.

The projects identified are consistent with recommendations in the long-range plans. Also, the drainage facilities serve to address some of the impediments to fair housing, as it should result in the following:

- Improvement of flooding issues in low-income rural subdivisions and colonias, a commonly cited contributor to substandard housing**
- Reduced flood risk to low-income and minority populations, which should reduce insurance costs**
- Ease development of new/improved affordable housing through the reduction of flood risk, thus addressing issues with scarcity of land available for affordable housing**

Repair Weirs/Bridges & Bank Erosion & connecting outfall laterals in and around Sebastian area was not fully-funded in the Partial MOD. In discussions with the local drainage districts, it was determined that given the limited funds available in the Partial MOD, a portion of this project could wait until the Full MOD is prepared. This was based on the shorter construction schedule necessary for the portion of the project removed from the Partial MOD.

Project Specific Distributions

From the State's experience with Hurricanes Ike and Dolly and examples from other states, the state has determined that the citizens and communities of Texas can derive long-term, cost-effective benefits by introducing a comprehensive and holistic approach to selecting, planning, funding and implementing certain disaster recovery projects. Recognizing that the regional impact of the storms may lead to identification of regional projects affecting

multiple entities, TDRA has allowed the Council of Governments to make direct allocations to specific regional projects under limited circumstances. These projects must be of significant scope beyond what may be achieved regionally through the distribution formula. There must be documented regional agreement of the need and willingness to accept lesser local formulaic allocations in order to address regional need. Examples include regionalized sheltering and drainage programs benefiting multiple jurisdictions. The Council of Governments has identified the following project(s) for a Project Specific Distribution:

Project Name	Detailed Description, including National Objective and Storm Relationship	Assigned Grantee	Estimated Beneficiaries	Cost Estimate*	Amount Funded by 1 st Phase
Repair Weirs/Bridges & Bank Erosion & connecting outfall laterals in and around Sebastian area.	Drainage improvements in and around the community of Sebastian and surrounding area to include other local jurisdictions which failed to function during Hurricane Dolly. Also, repair to the two county main floodways and north and south main drain consisting of bank scour repair of main floodway, main floodway upstream and downstream embankment scour repair on the downstream of the weir. Riprap repair and severe bank failures downstream of weir, as well as all associated structures.	Hidalgo/Willacy County Inter-local with appropriate Drainage District or local jurisdiction	Hidalgo/Willacy Total: 132,320 LMI: 58.03%	\$14,834,290.	\$10,334,290.
Raymondville Drain & Connecting Outfall laterals	Clean existing ditches of proposed Raymondville Drain project for flood control, from Delta Lake Irrigation District's lateral L-5 to the Laguna Madre in Hidalgo & Willacy Counties. Project includes construction activities for cleaning existing ditches; project	Willacy County Inter-local with Irrigation District or appropriate Drainage District or local jurisdiction	Willacy County Total:16,969 LMI: 63.47%	\$3,162,500.	\$3,162,500.

	length is approximately 45.5. The project is located in Hidalgo & Willacy Counties, beginning northeast of Edinburg and ending near just south of Port Mansfield at the Laguna Madre.				
Drain "A" Widening & connecting laterals	The drainage system which drains the area from Rio Grande River, near Los Indios, and the eastern side of the City of San Benito, is deficient in capacity. With continued development over the years this channel failed to function during Hurricane Dolly and proven inadequate and the section of Drain "A" from US Expressway 77/83, north to County Road 596. The proposed project is to widen the existing channel to a 50' bottom width, where it currently is approximately 10' wide. A section of the drain where the right of way is restricted is proposed to be concrete lined. One bridge will be removed at County Road 596 and the existing bridge at FM510 will need to be widened. Right of Way for the widening of the drain is also required. Project specific location is generally east and north of the city of San Benito in Cameron County,	Cameron County Inter-local with Respective Drainage District or local Jurisdiction	Cameron County Total: 42,418 LMI: 54.05%	\$2,825,500.	\$2,825,500.

	<p>Texas. The project extends from US Expressway 77/83 in San Benito, northeast of County Road 596 a distance of approximately 4.3 miles. The project is within a number of subdivisions but lies principally within the City of San Benito city limits and is mostly located outside of incorporated areas.</p>				
<p>Tio Cano/Tamm Lane/Southwest Drain to include Santa Rosa connections</p>	<p>Drainage improvements in and around La Feria which failed to function during Hurricane Dolly. A portion of the project is located inside the city limits of La Feria and the remainder outside the city limits of La Feria.</p> <p>Tamm Lane drainage ditch improvement entails land acquisition and the design and construction of the drainage system ditch to include Santa Rosa drainage improvements, (\$500,000.) Jesus avila outfall 48" rcp, inlets, 1st street outfall, 36" rcp & inlets.</p> <p>Drainage improvements will extend from the Cameron County Drainage District #5 southwest drain to the low lying area at Hoss Lane. Improvements will include the construction of storm sewer, a drain</p>	<p>City of La Feria</p> <p>Inter-local with appropriate Drainage District or local Jurisdiction</p> <p>City of Santa Rosa</p>	<p>Cameron County</p> <p>Total: 14,082</p> <p>LMI: 51.14%</p>	<p>\$18,474,242.</p> <p>\$500,000.</p>	<p>\$18,474,242.</p> <p>\$500,000.</p>

	ditch and road closings. Project location is outside of the city limits of Harlingen, just east of Tamm Lane, in Survey 296 of the Leelands subdivision.(Census tract #120).				
Peñitas Drain	Peñitas Drainage Basin(Expressway 83-Tom Gill Road) Ditch Excavation, 8'x6' Box culvert, 8'x6' Box culvert(Jack & Bore Expwy. 83), 8'x6' Box Culvert Jack & Bore District No 6 Canal), 72" RCP(Jack & Bore Tom Gill Road, Concrete Rip Rap (Erosion Protection), 72" Headwall, 8'x6' Headwall	Hidalgo County Inter-local with Hidalgo County Drainage District No. 1.	Hidalgo County Total:11,574 LMI: 57.01%	\$4,674,450.	\$4,674,450.
South Fork Drain	Phase I – Right of way acquisition cost Phase II – Excavation (channel), trench excavation protection, concrete rip-rap, concrete box (5'x5'), concrete box (7'x6'), concrete box (8'x7'), concrete box (8'x8'), concrete box (10'x8'), 6'x6' gated box structure @ibwc levee, gates for 6'x6' gated box structure, 18" rcp field drain, concrete headwall, concrete weir @ tributary junctions, irrigation pipes (18") (rclhpp), irrigation stand pipes (18") Phase I & Phase II	Hidalgo County Inter-local with Hidalgo County Drainage District No 1.	Hidalgo County Total: 1,907 LMI: 84.60%	\$4,166,252.	\$4,166,252.

	addresses failure to function during Hurricane Dolly.				
Pharr-McAllen South Drain	Basic Project – Barricades & signs, rock filter dams (install) (ty 3), rock filter dams (remove), temporary sediment control fence. Preparing Right of Way, dewatering (cofferdam), riprap (conc) (cl-b). Roadway construction – proof rolling,, cement treatment, cement, roadway base (flex base). Structures – excavation, backfill (flowable backfill), concrete structures, conc box culv (8’x8’ box), reinforced concrete pip (36” diameter), conc headwall (sw-o) (hw=8’), conc headwall (pw-15) (hw=8’), sluice gates, grates & frame (5.5’x20’), ladder, clean exist culvs.	Hidalgo County Inter-local with Hidalgo County Drainage District No. 1.	Hidalgo County Total: 23,188 LMI: 51.79%	\$1,031,581.	\$1,031,581.
Connection Between Municipal Communities & Drainage	Combes (\$1,000,000.) – SW Area Ditch widening, Ditch widening & grading, pavement replacement, 6” stabilized subgrade, 8” flexible base, & culvert replacement. Primera (\$1,000,000.) – Stuart Place Road, re-grade road ditch, culvert adjustment, west primera road, re-grade road ditch, culvert adjustment, street culvert crossings, drainage outfall grading,	Town of Combes City of Primera	Cameron County Total: 9,285 LMI:52.17%	\$1,000,000. \$1,000,000.	\$1,000,000. \$1,000,000.

	<p>& lantana court drainage.</p> <p>Rio Hondo (\$1,000,000.) – Madero outfall, 36” rcp, grate inlets, junction box, 72” bore & casing, pavement repair, outfall structure, Robert Garza Storm sewer, 36” rcp, 24” rcp, grate inlets, regrade road ditches, connection structures, pavement repair, & driveway replacement.</p>	City of Rio Hondo		\$1,000,000.	\$1,000,000.
Delta Area Connector & Connecting laterals	Channel Excavation, hydro-mulching for erosion control, 8’x8’ reinforced concrete box, 5” concrete riprap & storm water connections.	Hidalgo County Inter-local with appropriate Drainage District or local jurisdiction	Hidalgo County Total: 3,249 LMI: 71.47%	\$5,236,790.	\$5,236,790.
East Line Drain & Relief	<p>The east line drain improvements project entails the design and construction of widening of an existing drainage ditch. The proposed project will commence at FM 1516 (Fresnal Road) and will extend North a distance of 9.4 miles of FM 2925.</p> <p>The east line relief drain improvements project entails the design and construction of widening and existing drainage ditch. The proposed east line relief drain improvements project will commence North of San Fernando, east road located approximately 0.5 mile east of FM 2925. The project will then</p>	Cameron County Inter-local with appropriate Drainage District or Local Jurisdiction	Cameron County Total: 7,449 LMI: 61.85%	\$4,798,401.	\$4,798,401.

	extend in north eastern direction of distance of 7.1 miles to Arroyo Colorado.				
J-09 Channel Project	The J-09 Channel is a drainage improvement project to provide flooding relief in Hidalgo County directly north and west of Edinburg. The Channel limits are from the North Main Drain to County Road 3601 approximately following the Mile 11 North alignment. One significant deviation is at Lone Star citrus Farms where the channel follows existing drainage ditches north around the edge of the property and back down to just north of Mile 11. The construction project consists of an open channel and culverts that run along both existing ditches and virgin ground to outfall into a major existing drainage channel. Total project costs include engineering, geotechnical, survey, ROW, and appraisal costs.	Applicant: Hidalgo County Inter-local with Hidalgo County Drainage District No. 1.	Hidalgo County Total: 10,545 LMI: 60.53%	\$11,502,229.	\$777,521.
East Lateral Improvements	The East Lateral Drain is a flood and drainage improvement project located in southeast Hidalgo County near the towns of Elsa, Edcouch and La Villa, Texas. The proposed channel begins on the Mercedes Lateral	Benefit: Cameron/Hidalgo & Willacy Applicant: Hidalgo County Inter-local with	Hidalgo County Total: 9,610 LMI: 73.65%	\$17,915,479.	-0-

	channel and outfalls into the main floodway. The East Lateral drain will involve approximately 7.54 miles of channel improvements. The purpose of the East Lateral Drain is to relieve local flooding in the area due to inadequate drainage along with the flat terrain that is prevalent in the region. This construction will address disaster damages caused by hurricane Dolly and thereby alleviating additional damages to these areas.	Hidalgo County Drainage District No. 1.			
Rancho Grande South	Immediately after Hurricane Dolly in Precinct 4 the area surrounding La Tierra was under water due to the drainage system not being able to handle the amount of rain experienced. Residents in this area experienced from 1 to 3 feet of water in their homes. The project entails land acquisition, design and construction of the drainage system ditch.	Cameron County Inter-local with appropriate Drainage District or Local Jurisdiction	Cameron County Total: 7,085 LMI: 54.96%	\$9,071,211.	-0-
Hardin Ranch	This project is located in Cameron County from Bouldin Road (East of Combes) to FM 1420. Replacement of crossing on Hardin Ranch Drain to alleviate flooding that occurred from Hurricane Dolly.	Cameron County Inter-local with appropriate Drainage District or Local Jurisdiction	Cameron County Total: 3,552 LMI: 52.46%	\$1,300,000.	-0-

San Benito Lateral Drains	Two lateral drains (A1" & A2") situated perpendicular to drain "A" are deficient in capacity and failed to function during hurricane Dolly. Lateral drain "A1" is approximately 9,000 feet in length. It begins near the intersection of McColloch St. & U.S. Business 77 and terminates at drain "A". Lateral drain "A2" is approximately 9,000 feet in length. I begins near the intersection of McColloch St. & Batts Street and terminates at Drain "A". Storm sewers (30" - 60" in diameter), are proposed upstream of drain "A2". Due to limited space in some areas of drains "A2 & A2", concrete channel lining is proposed. Space limitations are due to existing irrigation canal and railroad.	Cameron County Inter-local with Drainage District or local jurisdiction	Cameron County Total: 1,898 LMI: 65%	\$3,125,000.	-0-
Brownsville	Project will remove approximately two hundred thousand cubic yards (200,000 c.y.) of excavated material, install approximately twenty thousand cubic yards (20,000 c.y.) of compacted fill material, three hundred linear feet (300 l.f.) concrete riprap weir structure, on hundred linear feet (100 l.f.) concrete riprap weir	City of Brownsville	Cameron County Total : 3,727 LMI: 62%	\$8,000,000.	-0-

	<p>structure, one hundred linear feet (100 l.f.) of twenty four inch (24 in.) diameter RCP, two each (2 e.a.) of twenty four inch concrete headwall with flap gate, seven hundred and fifty linear feet (750 l.f.) of 5-foot wide concrete sidewalk, one thousand linear feet (1,000 l.f.) of 9 foot wide caliche access road, four thousand square yards (4,000 s.y.) HMAC pavement repair, native seeding approximately thirty (30) acres of disturbed area, fifty thousand square feet (50,000 s.f.) of wetland plantings and associated appurtenances. Proposed improvements will provide approximately 130 acre feet of additional storm water storage for the City of Brownsville North Main Drain.</p>				
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Explanation:

The Representatives from the three counties and the cities within met to develop a regional approach to drainage to address the flooding and drainage issues. Representatives agree that addressing these flooding issues will not only address the Dolly impacted flooding areas, but will ultimately address flooding issues and long term planning and recovery, and economic sustainability. The Building Disaster Resilient Communities Planning Committee was created and charged with the development of the regional drainage project for the non-housing allocation was the, which is comprised of members appointed from the LRGVDC Board of Directors and the Rio Grande Regional Water Authority (RGRWA). All the members of the various committees have been directly involved in the development of individual local drainage plans within their respective districts and communities and will also be instrumental in the development of the Regional Master Drainage Plan that will cover Cameron, Hidalgo, Starr, and Willacy Counties.

To provide an opportunity for cities to access funds, the committee members made contact with individual cities and drainage districts to determine their needs and root causes of the drainage system failures. Using the committee, which included drainage experts and community development professionals,

LRGVDC developed a regional drainage project and strategy totaling approximately \$106,000,000. To address funding constraints and the need for a Unit of General Local Government to serve as the grantee, the committee broke the regional drainage project into separate sub-projects, targeting those sub-projects that would address the root issues and benefit multiple jurisdictions. Factors that were taken into consideration by the Building Disaster Resilient Communities Planning Committee for the prioritization of the drainage sub-projects were; the areas that received the majority of the impact and flooding during Hurricane Dolly based on total precipitation, Low Moderate Income (LMI) that the sub-project(s) would serve, and whether the drainage sub-project(s) was ready for implementation within the allotted two-year TDRA timeframe. Upon completion of the proposed regional drainage sub-projects list, the Disaster Recovery Advisory Committee (DRAC) gave a final recommendation to the LRGVDC Board of Directors. The sub-project ranking is included with the MOD submission.

As a result, focusing on an interconnected, regionalized drainage system represents the most advantageous use of federal funds to achieve long-term recovery and resilience. Many comments received at the public meetings were related to flooding problems and homes that received major damage due to flooding (see “Common Themes of Public Comment” section). The LRGVDC has identified the sub-project(s) of the regional drainage project listed above for a Project Specific Distribution to resolve the failure to function drainage issues. A total of fifteen (15) sub-projects have been identified for a total funding amount of \$105,668,725. While the 15 sub-projects function as part of a single regional drainage project, they are listed separately to provide greater detail and more accurate cost estimates and beneficiaries. In addition, the separate listing allows the COG to properly assign portions of the drainage project to each county as the unit of general local government to serve as grantee. Though the value of all projects exceeds available non-housing funds, LRGVDC has listed the projects in priority order in case additional funds become available. If one of the recommended sub-projects is determined ineligible, then the funding shall be allocated to the next recommended project. With the region’s ambitious goals of reducing the regional impact of flooding so as to avoid repeat damage in future disasters, the region still has unmet recovery needs. As shown with the drainage system, approximately \$50 million is still needed to complete the major drainage needs of the region. Additional drainage needs not submitted remain throughout the region. Should available funding exist after all submitted projects have been considered the LRGVDC will submit additional drainage projects focused on direct municipal drainage needs.

A map of all projects is included with the Method of Distribution submission.

* Cost estimate attached and prepared by a relevant professional

Determination of Grantees

The processes and factors used to determine which grantees will receive funds under this partial MOD are described below. If separate factors were used to select grantees than the factors used to make the allocations, then they are indicated below.

Describe process:

Determination of grantees was based on the jurisdiction of the sub-project and capacity to administer the grant while achieving economies of scale and efficiency. As the Partial MOD for non-housing is project-specific, a formulaic approach was not appropriate for assigning grantees.

Distribution Factor	Weight	Documentation Source	Explanation of Factor Selection and Weighting
LMI percentage for entity		HUD Census Information from the TDRA Website	TDRA requires LMI percentage for the entity be included in the distribution factors. This factor recognizes the likely limited resources of entities with large low-moderate income populations.

Funding Distribution Factors

The Council of Governments has selected the following distribution factors to allocate funds under the partial MOD:

Distribution Factor	Weight	Documentation Source	Explanation of Factor Selection and Weighting
LMI percentage for entity	10	HUD Census Information from the TDRA Website	TDRA requires LMI percentage for the entity be included in the distribution factors. This factor recognizes the likely limited resources of entities with large low-moderate income populations.
Estimated Number of Units of General Local Government Benefitting	20	Service maps of each subproject	Assess the regional nature of each subproject and how it addresses the needs of multiple jurisdictions.
Project connectivity to others	10	Service maps of all projects	Assure that sub-projects that are necessary to the success of other sub-projects are implemented to ensure maximum benefit in reducing damage/failure-to-function is achieved.
Total Beneficiaries	20	HUD Census Information	Maximize the number of persons directly benefitting from each sub-project funded—regional impact
Readiness to proceed	30	Level of study completed	Score given for level of completion of design: <ul style="list-style-type: none"> • Preliminary detail plans • Concept and some detail plans • Concept plan only

All allocations must meet or exceed a floor of \$75,000 to help ensure sufficient funds for at least one eligible project.

Eligible Activities

Grantee activities must be specifically related to Hurricane Ike and/or Dolly, and must meet the following criteria:

- Activity must be a CDBG-eligible project;
- Activity must be in response to a Hurricane Ike and/or Dolly related impact in one of the following ways:
 - Direct verifiable damage from the storm that requires improvement of conditions, or
 - The facilities must have failed to function in the normal capacity as a result of the storm.
- The COG has added a stipulation that projects must meet a regionally-established recovery priority.

The Council of Governments has addressed prioritization of eligible activities as follows:

<input type="checkbox"/>	The Council of Governments has chosen not to limit Grantees in the region to projects meeting regional priority activities.		
-OR-			
<input type="checkbox"/>	The Council of Governments has limited Grantees in the region to selecting projects meeting the following regional priority activities:		
<input type="checkbox"/>	Water Facilities	<input type="checkbox"/>	Specially Authorized Public Facilities & Improvements
<input type="checkbox"/>	Sewer Facilities	<input type="checkbox"/>	Public Services
<input type="checkbox"/>	Other Public Utilities (gas, et al)	<input type="checkbox"/>	Clearance & Demolition Activities
<input type="checkbox"/>	Street Improvements	<input type="checkbox"/>	Code Enforcement
<input checked="" type="checkbox"/>	Flood and Drainage Improvements	<input type="checkbox"/>	Specially Authorized Assistance to Private Utilities
<input type="checkbox"/>	Debris Removal	<input type="checkbox"/>	Economic Development
<input type="checkbox"/>	Community Centers and Emergency Shelters	<input type="checkbox"/>	Planning and Urban Environmental Design
<input type="checkbox"/>	Senior Centers	<input type="checkbox"/>	Fire Protection Facilities and Equipment
<input type="checkbox"/>	Parks, Playgrounds and other Recreational Facilities		

In addition to the priorities selected above, the following activity types are considered priorities due to their relationship in delivering all other activities:

- Acquisition, including buyouts
- Relocation Payments and Assistance
- Engineering and Architectural Services
- Planning and Project Delivery

The State of Texas has received a limited waiver for buildings for the general conduct of government which allows the State *to fund the rehabilitation or reconstruction of public buildings that are otherwise ineligible and that the state selects in accordance with its approved Action Plan for Disaster Recovery and that the state has determined have substantial value in promoting disaster recovery.* TDRA has received additional guidance from HUD that this limited waiver was not intended to include all general conduct of government activities. HUD has further particularly identified fueling stations, points of distribution (PODs), precinct barns, and emergency operation centers (EOC) as general conduct of government activities that will remain ineligible for supplemental CDBG funding. Additional examples of common ineligible activities include:

- Purchase of construction equipment
- Operation and maintenance expenses
- Duplicate projects
- Projects that do not comply with local, district, state and/or federal regulations

Parks, playgrounds and other recreational facilities are eligible activity types, but may not use the Urgent Need National Objective.

Housing Method of Distribution Detail

The Council of Governments is required to prepare a method of distribution for housing activity funds between the eligible entities. TDRA has directed the COG to use a direct allocation technique based on objective, verifiable data. For the partial MOD, the COG must prioritize the grantees so that back-up applications are available in case of disqualification. This ensures funding through the partial MOD process is utilized and available to communities as fast as possible. The Method of Distribution clearly identifies the entities eligible to serve as grantees and contract with TDHCA, supports minimum allocation amounts that help ensure project feasibility, provides an explanation of the distribution factors selected, and identifies an appropriate reallocation process for any unused or ineligible funds.

In selecting funding distribution factors and grantees to receive partial funds, the COG was mindful of the Federal obligation to affirmatively further fair housing. The COG has indicated how it has considered fair housing in developing its housing method of distribution as well as how the factors direct funds toward those communities most likely to have locally-determined priority programs that cannot proceed without Hurricane Recovery Funds, keeping in mind the requirement that Partial MOD programs be locally-identified priorities. Discussion is given below:

Local Need and Fair Housing Consideration in Non-Housing Distribution

As discussed earlier, the LRGVDC attempted to conduct a survey among local entities to try to determine or identify the specific needs for housing and the numbers submitted could not be verified. Given LRGVDC's lack of experience in developing and administering housing programs, coupled with difficulties in accurately identifying housing need related to the hurricane, LRGVDC has chosen in the Partial MOD to fund housing to a level to allow the hiring of a consultant and staff to develop the organizational capacity necessary to develop appropriate housing programs for the region. This will allow more accurate assessment of needs, allow the region to efficiently contribute information to the new State Analysis of Impediments to Fair Housing being developed, educate local organizations and citizens in regards to fair housing, and ensure effective implementation of housing programs consistent with the Federal obligation to affirmatively further fair housing. The LRGVDC expects it would take a couple of months to develop housing program designs, and given that issue, would prefer to include any findings of the new State Analysis of Impediments to Fair Housing along with improved local knowledge of housing issues directly related to the disaster before proceeding. The LRGVDC will adopt a regional approach to disaster recovery housing programs in an effort to address issues present in the various fair housing documents reviewed. This regional approach will help ensure housing needs are addressed throughout the area, achieve economies of scale, ensure program consistency given the fragmented political jurisdictions, and build organizational capacity. Issues identified in the various documents related to fair housing will be provided to the staff and consultant to develop housing programs in a manner that those issues can be addressed in conjunction with housing recovery associated with Hurricane Dolly.

Funds provided in the Partial MOD will be used to hire a consultant and staff to develop appropriate housing programs for the region and work with the State on its Analysis of Impediments, ensuring that any findings from it are addressed in the region's housing programs. This will allow rapid implementation of housing programs following completion of the future Full MOD.

Budget for 2,238,725. is as follows:

LRGVDC Administration:	\$238,725.
Contractual (Planning):	\$2,000,000.
Total:	\$2,238,725.

Staff Administrative expenses are detailed as follows:

- **Coordinate with state to develop hurricane Dolly and Ike Round 2 General Program Guidelines**
- **Participate and coordinate on both Housing Taskforce and AI Taskforce**
- **Participate and coordinate on Fair Housing workshops, public hearing notices, TDHCA meetings, and conference calls**
- **Develop the Statement of Qualifications (SOQ) and Request for Proposals (RFP)**
- **Establish and coordinate Housing Advisory Committee meetings, public notifications and ensuring appropriate State and Federal requirements are met**
- **Administer process and support Regional Housing Committee in selection of management firm**
- **Once firm is selected, formulate appropriate scope of work consistent with State Housing Guidelines and Conciliation Agreement as well as State's Analysis of Impediments Study**
- **Follow through in the preparation of Regional Housing Assessment Study and submission of MOD for Phase II of Round II Disaster Recovery Funding that meets all Federal and State Requirements**

Contractual - Management firm will develop Regional Housing needs assessment including the following program requirements:

- **Research for local AI's as necessary**
- **Develop Affirmative Marketing Plan approved by TDHCA and Posted for 15 day review**
- **Identification of Housing Programs to be offered**
- **Design Program process that addresses future housing needs by the LRGVDC**
- **Identify detailed activities offered by each housing category**
- **Identify demographics to receive concentrate attention of services and target areas served**
- **Design Program that identifies specific areas to benefit from approved housing program categories**
- **Identify programs that will assist beneficiaries to overcome identified impediments to housing**
- **Utilized Analysis of Impediments and Conciliation Agreement in the formation of program design**
- **Submit statement to TDHCA indicating reviewed AI and applied findings prior to services provided**
- **In compliance with TDHCA deadlines identify sufficient eligible beneficiaries and process to ensure expenditure of all funds**
- **Prepare needs assessment compliant with all Federal and State guidelines/requirements**
- **Provide required documentation throughout the program process**
- **Coordinate with local non-profit agencies in development of needs assessment**
- **Assist LRGVDC in preparation of Phase II Round II MOD supporting State's AI study and furthering Fair Housing in the LRGVDC Region**

Determination of Grantees

The processes and factors used to determine which grantees will receive funds under this partial MOD are described below. If separate factors were used to select grantees than the factors used to make the allocations, then they are indicated below.

Describe process:

Implementation of this housing fund category will entail professional services through an LRGVDC Board of Directors approved RFP process which incorporates to the maximum extent possible local professional services with direct knowledge in the implementation and administration of HUD funded programs. Under this partial MOD LRGVDC has chosen to allocate \$2.2 million to secure professional services and hire LRGVDC Staff to begin the assessment on the level of housing need and to determine the level of met or unmet needs for the region.

LRGVDC will be subrecipient of housing funds for the region.

Distribution Factor	Weight	Documentation Source	Explanation of Factor Selection and Weighting

Distribution Factors

The Council of Government has selected the following distribution factors:

Distribution Factor	Weight	Documentation Source	Explanation of Factor Selection and Weighting

All allocations must meet or exceed a floor of \$500,000 to help ensure sufficient funds for at least one feasible housing program.

Eligible Activities

Grantee activities must be specifically related to the effects of Hurricane Ike and/or Dolly, and must meet the following criteria:

- Activity must be a CDBG-eligible project;
- Activity must be in response to a Hurricane Ike or Dolly related impact in one of the following ways:
 - Direct verifiable damage from the storm that requires improvement of conditions, or
 - The housing activity addressed the impact on the housing stock in the community or region as a direct result of Hurricane Ike or Dolly in a quantifiable and measurable way.

The Council of Government has addressed prioritization of eligible activities as follows:

<input checked="" type="checkbox"/>	The Council of Governments has chosen not to limit Grantees in the region to projects meeting regional priority activities.		
-OR-			
<input type="checkbox"/>	The Council of Governments has limited Grantees in the region to selecting projects meeting the following regional priority activities:		
<input type="checkbox"/>	Homeowner repair, rehabilitation, or replacement	<input type="checkbox"/>	Demolition activities in slum/blighted areas
<input type="checkbox"/>	Single-family or multifamily rental repair,	<input type="checkbox"/>	Downpayment Assistance

	rehabilitation, or replacement		
<input type="checkbox"/>	Single-family elevation of homes in flood plains	<input type="checkbox"/>	Acquisition /Buyout program from properties in the floodplain
<input type="checkbox"/>	Relocation from floodplains, slum/blighted areas, or identified environmental hazard area	<input type="checkbox"/>	Code enforcement activities

Program Design

The COG Partial Method of Distribution is required to include specific elements of the designated entity(ie)'s program design. These elements include:

- How each entity's program is designed to affirmatively further fair housing;
 - The COG must confirm in the method of distribution that each selected entity for funding has processes in place to ensure non-discrimination, specifically each designated entity:
 - Has an existing affirmative marketing plan with respect to current programs;
 - Has clear policies in place in regard to serving people as required under the Civil Rights Act of 1964 and subsequent amendments;
 - Maintains records regarding Fair Housing and accessibility with respect to current programs;
 - Is familiar with laws and regulations regarding these issues;
 - Has identified impediments to Fair Housing and has processes in place to work with recipients to meet the goals of the Fair Housing Act; and
 - Accommodates persons with special needs in accordance with state and federal law.
 - The COG must also:
 - Ensure that each designated entity has a formal complaint process in place; and
 - Assert that it has considered and addressed Fair Housing issues prior to the submission of its MOD.
- The types of housing activities that will be offered
 - The method of distribution must specifically state which CDBG-eligible activities the entities are proposing to accomplish. These activities must correspond to the Council of Governments regional priority activities if applicable.
- How awards will be prioritized for each activity
 - For homeowner programs, the COG must include a description of how each entity will prioritize the funding of applications or awards;
 - For rental repair/ rehabilitation programs, the COG must include a description of the proposed methodology each entity will use for awarding funds;
 - For all other programs, a brief description of the hurricane-related need for the activity.
- How the program or activity is designed to mitigate future storm damage in the community or region (if the entity is a regional entity)
 - Mitigation activities include but are not limited to elevation, the use of storm resistant materials and features, buyout programs for properties in the floodplain, and activities related to the implementation of new or existing hurricane building codes, including training on new standards and code enforcement.

Below are the elements in the entity(ies) housing programs that are designed to affirmatively further fair housing as described above:

The funds provided in the Partial MOD are designed to ensure that the LRGVDC housing programs developed are consistent with obligations to Affirmatively Further Fair Housing. The individual housing programs will be addressed in the Full Method of Distribution.

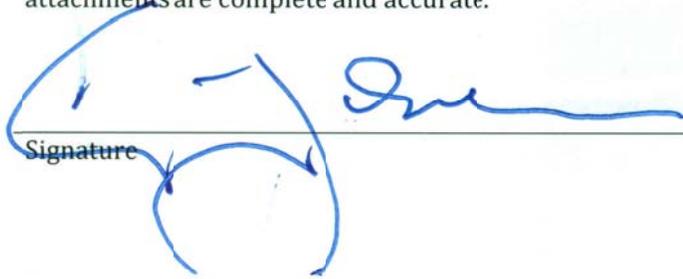
Below are the program characteristics of each entity(ie)'s housing program:

Entity	Activity Type	Priority of Funding for Activity	Storm Mitigation Component(s)	Additional Information

TDHCA requires that the COGs consult with them if incentive programs are considered as part of any entity(ie)'s housing program design.

Approval and Signatory Authority

A Resolution of the Council of Governments is attached approving the method of distribution and authorizing its submittal to the Texas Department of Rural Affairs. I certify that the contents of this document and all related attachments are complete and accurate.


Signature

08-26-2010
Date

Kenneth N. Jones, Jr.
Printed Name

Executive Director
Title

knjones@lrgvdc.org
Email Address

956-682-3481
Telephone Number

RESOLUTION

A Resolution of the Lower Rio Grande Valley Development Council (LRGVDC) approving the Method of Distribution (MOD) for the 2nd Round of Disaster Recovery Supplemental Allocation and submittal to the Texas Department of Rural Affairs (TDRA).

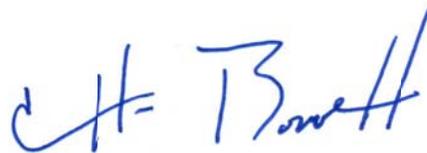
WHEREAS, the Lower Rio Grande Valley Development Council is responsible for establishing and developing the Method of Distribution for the 2nd Round of Disaster Recovery Supplemental Allocation;

WHEREAS, the LRGVDC is responsible for addressing and complying with a Citizen Participation Plan regarding citizen and non-governmental organizations; and

WHEREAS, the LRGVDC Board of Director's are providing a Method of Distribution (MOD) addressing regional drainage issues for non-housing allocation funds and direct allocation to the LRGVDC to address housing allocation for the region;

NOW THEREFORE BE IT RESOLVED, that the Lower Rio Grande Valley Development Council (LRGVDC) has approved and is submitting the LRGVDC MOD to the Texas Department of Rural Affairs (TDRA).

Adopted by the Lower Rio Grande Valley Development Council at its LRGVDC Board of Director's Meeting held on this 26th day of August, 2010.



Mayor Chris Boswell, President