

**COMMISSIONERS' COURT ADJOURNED TO EXECUTIVE SESSION AT 10:44 A.M. ON TUESDAY, MAY 15, 2001.**

**AGENDA ITEM 34**

Discuss jail-courts project: (EXECUTIVE SESSION REQUESTED as per VTCA Sec. 551.072 relating to real property.)

No action was taken in Executive Session.

**AGENDA ITEM 35**

Discuss real estate-Juvenile Academy(EXECUTIVE SESSION REQUESTED as per VTCA Sec. 551.072 relating to real property)

No action was taken in Executive Session.

**AGENDA ITEM 36**

Discuss Personnel, Commissioner's Assistant position (EXECUTIVE SESSION REQUESTED as per VTCA Sec. 551.074 relating to Personnel)

No action was taken in Executive Session.

**COMMISSIONERS' COURT RECONVENED FROM EXECUTIVE SESSION AT 12:28 P.M. ON TUESDAY, MAY 15, 2001.**

**AGENDA ITEM 37**

Discuss and take any appropriate action on jail/courthouse annex expansion.

No action was taken on this agenda item.

**AGENDA ITEM 38**

Discuss and take any appropriate action on Juvenile Academy property.

No action was taken on this agenda item.

**AGENDA ITEM 40**

Hear report from environmental consultants regarding meetings with US Fish & Wildlife Service and status of Memorandum of Understanding.

Moved: **Judge Doerfler**

Seconded: **Commissioner Hays**

Motion: To authorize Glen Allen to negotiate a Memorandum of Understanding with the US Fish & Wildlife Service, and to authorize the committee to proceed on mitigation acquisition.

Vote: 4 – 0 with Commissioner Heiligenstein absent from the dais.

< Attachment >

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[Williamson County Letterhead]

[Date]

Mr. David C. Frederick  
U.S. Fish and Wildlife Service  
Austin Ecological Services Field Office  
10711 Burnett Road, Suite 200  
Austin, Texas 78758

Re: Williamson County Road Program

Dear Mr. Frederick:

As you are aware, in November of 2000 the citizens of Williamson County (the "County") authorized the issuance of \$350 million in general obligation bonds for the purpose of expansion and improvement of the road and highway system in Williamson County through a wide variety of projects (collectively the "Road Program"). Williamson County intends to implement the various projects comprising the Road Program in a manner consistent with the requirements of the Endangered Species Act (ESA) and other applicable federal and state environmental laws and regulations.

To that end, Williamson County representatives began discussions with you and other personnel of the U.S. Fish and Wildlife Service (USFWS) several months ago to identify Road Program opportunities and constraints presented by the ESA and to establish an efficient procedure whereby the County and USFWS could evaluate, process, and approve Road Program projects under the ESA. This letter, although legally non-binding, is intended to reflect the understandings reached between the County and USFWS regarding the review and processing of those few Road Program projects that may cause unavoidable impacts to listed species. The County has greatly appreciated the assistance provided by you and your staff, and looks forward to maintaining a positive working relationship into the future.

The County and USFWS have agreed to the following actions, procedures, and understandings:

1. Cooperative Review of Regional Opportunities and Constraints. The County has retained the environmental consulting firm of ACi to review on a regional scale the ESA opportunities and constraints presented by the projects comprising the Road Program. This involves identifying important areas of species' habitat, recovery status and needs of key species, areas of potential project impacts, and mitigation opportunities. The County and USFWS agree to work cooperatively in completing this review and to utilize the information gathered to assist in project planning and approvals

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and to identify key areas for potential preservation to provide mitigation for project impacts and to further species' recovery objectives.

2. Project-Specific Review. USFWS will cooperate with the County in evaluating potential species impacts of specific projects and opportunities and alternatives for avoidance, minimization, and mitigation of such impacts.

3. Project-Specific Consultation and Permitting. With respect to projects where species' impacts cannot be practicably avoided, USFWS, will, to the fullest extent practicable, expedite project approval through appropriate ESA mechanisms, which may include, without limitation, consultations pursuant to ESA Section 7(a)(2) or incidental take permitting pursuant to ESA Section 10(a).

4. Preservation Program. In order to provide a means to mitigate potential project impacts and to foster species conservation and recovery, USFWS and the County will cooperate with respect to the acquisition of important species habitat. This will include identification of biological value for potential future credit and long-term operations and maintenance needs. The County and USFWS are particularly interested in utilizing conservation bank agreements as a mechanism to establish and maintain the mitigation values of areas to be preserved and the terms upon which such mitigation values may be utilized by the County. It is contemplated that such conservation bank agreements may grant the County, or its designee conservation banker, the ability to utilize the credits created in connection with future County projects or to sell such credits to third parties, such as private developers and other governmental entities, requiring mitigation for actions separately authorized by USFWS.

5. Funding Limitations. USFWS and the County recognize that while the County does have some funding available for acquisition and preservation of important endangered species habitat, that funding is limited. Accordingly, USFWS and the County will cooperate in seeking other sources of funding, which may include federal or state grants and third-party participation.

6. Agency Coordination. The County and USFWS will work together to assure proper coordination with other appropriate federal and state agencies, including without limitation the EPA, U.S. Army Corps of Engineers, TNRCC, and Texas Parks and Wildlife Department (TPWD). USFWS will discuss all agency coordination in advance with appropriate County representatives. Given the nature of the issues presented and certain provisions of state law, coordination with TPWD is considered particularly important to the success of this effort.

7. State Law Compliance. The County and USFWS are familiar with the provisions of Chapter 83 of the Texas Parks and Wildlife Code, which establishes certain procedures and requirements applicable to ESA permitting by a Texas municipality or County. The parties acknowledge that at this time the County is not seeking to implement a "regional habitat conservation plan" within the meaning of Section 83.011 of the Texas Parks and Wildlife Code. Rather, the County will seek, as necessary or

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appropriate, individual "permits" for those Road Program projects that will require ESA authorization. Nevertheless, the County stresses that it is vitally interested in addressing species' conservation in a regional context and that, wherever practicable, project alternatives and mitigation will be designed to provide regional benefits.

8. Timeliness. USFWS acknowledges that there are significant traffic and safety needs in Williamson County to be addressed in part through Road Program projects and USFWS agrees that, to the fullest extent practicable, it will work expeditiously with the County to process project reviews, consultations, and permits.

Williamson County welcomes this opportunity to work with USFWS. The County requests that USFWS concur with the objectives and goals set out in this letter by providing its signature below.

\_\_\_\_\_  
The Hon. John C. Doerfler  
County Judge

Concurred on \_\_\_\_\_, 2001

U.S. FISH AND WILDLIFE SERVICE

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**AGENDA ITEM 41**

Discuss and take any appropriate action on road bond program.

No action was taken on this agenda item.

**AGENDA ITEM 42**

Comments from commissioners.

**Commissioner Boatright** stated that the discussion on the jail project and contract was helpful and that everyone is ready to move forward and start construction.

**Commissioner Hays** mentioned that Georgetown and Round Rock are interested in using the soccer fields on the Mayfield tract.

**Della Green** of Georgetown inquired about the jail expansion project and the commissioners' plans for it, and asked how many of the prisoners housed there were state prisoners being held at the present facility. She mentioned that the current jail expansion plan is in an "urban renewal" area, and that some residents of the neighborhood would be disproportionately affected by the location.

**Judge Doerfler** stated that the current jail population consists of county prisoners only and that there are county prisoners housed in Taylor due to overcrowding at the current facility, and that the commissioners having looked at several possible sites, had decided that the current site is the most feasible.

**COMMISSIONERS' COURT ADJOURNED AT 12:40 P.M. ON TUESDAY, MAY 15, 2001.**

THE FOREGOING MINUTES recorded on Minutes Pages 1 through 219, inclusive had at a Special Session of Commissioners' Court of Williamson County, Texas, having been read are hereby approved this 22nd day of May, 2001.

  
John C. Doerfler, County Judge

ATTEST: Nancy E. Rister, Clerk County Court & Ex-officio Clerk,  
Commissioners' Court, Williamson County, Texas

By:   
Deputy Clerk