

IN THE COMMISSIONERS COURT  
OF  
BROWN COUNTY, TEXAS

**RESOLUTION AND ORDER**  
**APPROVING THE COUNTY TRANSPORTATION**  
**INFRASTRUCTURE FUND GRANT PROGRAM AGREEMENT,**  
**DESIGNATING AUTHORIZED REPRESENTATIVE,**  
**AND MAKING SPECIFIC FINDINGS**  
**REQUIRED BY THE**  
**TEXAS DEPARTMENT OF TRANSPORTATION**

**WHEREAS**, Brown County has received a Notice of Eligible Grant Award from the Texas Department of Transportation ("TxDOT") in the amount of \$349,771.00; and

**WHEREAS** the Commissioners Court of Brown County has determined that it is in the best interests of the citizens of Brown County to enter into an Agreement with TxDOT concerning the County Transportation Infrastructure Fund Grant Program; and

**WHEREAS** TxDOT has created County Transportation Infrastructure Fund Grant Program Implementation Procedures that Brown County is required to follow to receive the grant funding; and

**THEREFORE, IT IS ORDERED ADJUDGED AND DECREED** that Brown County designates E. Ray West III as its County Representative and authorizes the County Representative to sign all project-related documents on behalf of the County, including any certifications required by the Grant Program; and

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the Brown County Commissioners Court hereby approves the attached County Transportation Infrastructure Fund Grant Program Agreement ("the Agreement") and authorizes the County Representative to execute the Agreement between Brown County and the Texas Department of Transportation.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the Brown County Commissioners Court hereby approves the attached revised Prioritized List of road projects to be funded with the County Transportation Infrastructure Fund Grant.

**IT IS FURTHER ORDERED ADJUDGED AND DECREED** that the Commissioners Court of Brown County makes the following findings in the exercise of discretion and authority extended to said Commissioners Court by Texas Law, and such findings are made upon due

April 21, 2014  
(Exhibit #3)

inquiry and satisfactory proof that such findings are factual and based upon commonly accepted practices and standards by Texas Counties:

**IT IS THE FINDING OF THIS COMMISSIONERS COURT** that the county has experience in the construction and maintenance of all county roads currently in the County road maintenance inventory, and that the county has suitable equipment, experience and personnel to properly repair such roads without the utilization of outside contractors, or, if such contractors are required in the prudent expenditure of county and grant funds, that such contractors will be selected upon demonstrated competence and the lowest and most suitable bid, if competitive bidding is required. In this regard, the County has suitable design standards, specifications and quality assurance procedures in place to assure that resulting road maintenance projects are properly constructed with suitable materials and that appropriate safety and environmental procedures will be utilized. The County Representative is hereby expressly authorized to certify to such.

**IT IS THE FURTHER FINDING OF THIS COMMISSIONERS COURT** that Brown County will utilize generally accepted cost accounting practices in the financial aspects of this grant administration, and that proper documentation of all expenditures will be maintained by the appropriate county officials responsible for financial aspects of the grant administration. The County Representative is hereby expressly authorized to certify to such.

**IT IS THE FURTHER FINDING OF THIS COMMISSIONERS COURT** that with the following exceptions, all road right-of-way involved in projects identified for funding under this grant is presently within the county road maintenance inventory, and no new right of way, except as noted, is required:

**(If new right of way is required, please describe here, i.e. the width of the right of way to be acquired, and a legal description of the new right of way. Please note that acquisition of right of way may require legal and environmental assessment, along with care to insure that all acquisition procedures required by law are followed.)**

The County Representative is hereby expressly authorized to certify to such.

**IT IS THE FURTHER FINDING OF THIS COMMISSIONERS COURT** that Brown County will notify all public utilities, water supply corporations, and common carriers of record of their plans to repair, renovate or construct the project roads identified in the Grant application, and will cooperate with the said utilities and common carriers for protection of

such infrastructure. It is not anticipated that any relocation of utilities will be required. The County Representative is hereby expressly authorized to certify to such.

**IT IS THE FURTHER FINDING OF THIS COMMISSIONERS COURT** pursuant to 40 C.F.R. §1500, and specifically §1508.4 et seq, and 33 U.S.C. §1344, (f)(1)(B) and (C), county road maintenance projects are not prohibited by the National Environmental Protection Act (NEPA), nor the Water Pollution Prevention and Control Act, and that as a categorical exclusion, such projects pose no significant effect on the human or natural environment, and which this Court finds to have no such adverse impact, and therefore do not require an environmental impact assessment of the projects contemplated in this grant, in that no federal funds are being used by the County in meeting the grant requirements. The County shall comply with applicable state environmental standards, as applicable, such as 30 TAC §111.147, and as such, this finding further authorizes the County Representative to make certifications regarding compliance with environmental requirements of the Grant, which is expressly approved by this Commissioners Court.

**IT IS THE FURTHER FINDING OF THIS COMMISSIONERS COURT** that as a public roadway, open to all residents for use as a public road designed for vehicular traffic, as defined by statute and other applicable law, that the road projects subject to this grant are in full compliance with the Texas Accessibility Standards and the Americans with Disabilities access standards, as the same may apply, and the County Representative is hereby expressly authorized to certify to such.

Finally, **IT IS THE FURTHER FINDING OF THIS COMMISSIONERS COURT** that where necessary, any materials required for the completion of this project shall be solicited by a standard that is known to be suitable for use in road construction and repair projects, and the County will require such testing as may be deemed appropriate to determine that such materials meet any applicable standards, either by specification or by direct inquiry with the provider or vendor of such materials. The County Representative is hereby expressly authorized to certify to such.

Read and Adopted this 21<sup>st</sup> day of April, 2014, by a vote of  
5 ayes and 0 nays.

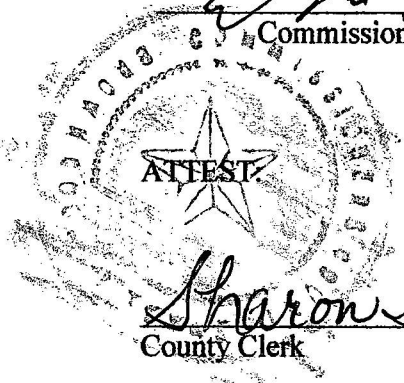
E Ray West  
County Judge

[Signature]  
Commissioner, Precinct 1

[Signature]  
Commissioner, Precinct 2

[Signature]  
Commissioner, Precinct 3

[Signature]  
Commissioner, Precinct 4



Sharon Ferguson  
County Clerk