

Sustainable Communities Consortium Agreement

MEMORANDUM OF AGREEMENT

THIS MEMORANDUM OF AGREEMENT (“Agreement”) is entered into as of April 26, 2011, by and between the Houston-Galveston Area Council (“H-GAC”) and Fort Bend County (“Entity”). The entities listed are individually referred to herein as a “Party” and collectively as the “Parties.”

1. Background

The Sustainable Communities Regional Planning Grant Program Consortium (“Consortium”) is a broad group of entities representing regional diversity required to develop a regional plan for sustainable development in the 13-county (Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Harris, Liberty, Matagorda, Montgomery, Walker, Waller, and Wharton) Houston-Galveston region.

The Regional Plan for Sustainable Development (“the plan”) will be the first regionally-adopted, consensus-based sustainability plan for the Gulf Coast Planning Region. The plan will be based on citizen input, including a major focus on building the capacity of traditionally underrepresented groups to effectively engage in the process. Developing the plan will allow the region to articulate a vision for a sustainable future and set measurable goals whose progress can be tracked through the creation of metrics and consistent distribution of data to stakeholders and the public. The plan will address the interaction of land use, transportation, housing, economic development, infrastructure, and environmental elements – and the social equity issues related to each – and contain appropriate implementation strategies for the region’s urban, suburban, rural and coastal communities.

The plan will contain a unified baseline assessment of existing conditions and trends that integrate the substantial but often compartmentalized data and analysis contained in local and regional plans. The baseline assessment will build upon information that has largely been assembled through various planning efforts such local comprehensive and consolidated plans, as well as regional plans for economic development, transportation and water infrastructure. The plan will pinpoint the barriers, challenges and constraints to sustainability faced at the regional level and by communities in each of the four transect zones.

The plan will include regional and transect based metrics that will be applied to evaluate existing sustainability conditions for the region and allow for the measurement of future progress. The metrics will also be used to evaluate three regional investment/reinvestment scenarios and their projected impacts to sustainability. The Consortium will select preferred scenario elements that reflect the vision and best balance the economic, environmental and equity goals of sustainability.

The plan will contain context-specific implementation recommendations, many of which will be developed through case studies conducted in partnership with individual communities (to be determined during the planning process). Case studies will feature different transect zones and sustainability challenges to facilitate a practical examination of implementation strategies needed to achieve the preferred regional investment scenario in varying local contexts.

Plan implementation strategies will be identified according to topic area (i.e. energy, transportation, housing), transect zone and geographic scale (i.e. neighborhood, community, region). For example, housing strategies will be identified for urban, suburban, rural and coastal areas. These strategies could be considered together to form a comprehensive regional housing plan, or used by individual communities or neighborhoods based on the particular need of each implementer. The intent of this approach is to ensure

that the plan is comprehensive, while also being flexible to meet the needs of the range of participants and implementing partners in the region.

A significant deliverable of the plan will be a tool kit to assist local governments in identifying and adopting appropriate strategies into their policies and programs. Strategies will be based on best practices for overcoming identified challenges to sustainability and will be tailored for specific transect zones. This approach allows local governments to select from a menu of appropriate policy choices for the near and long term.

The Regional Plan for Sustainable Development will advance sustainable development by creating a platform for ongoing dialogue between regional entities, local stakeholders and the public. The substantial existing stakeholder and community networks of the Consortium partners will provide a starting point for this effort, to be augmented through the establishment of new partnerships with organizations with roots in communities that have been underrepresented in previous planning processes. Owing to the geographic size and dispersion of the region's population, there will also be extensive opportunities for public participation through an interactive web portal and other social media. Achieving broad-based and representative participation will be crucial to providing a sense of ownership for the plan and building public knowledge of and support for future sustainability measures.

The Consortium will work with local government partners to encourage the voluntary adoption and implementation of plan elements and recommendations. Strategies within the plan will be designed to be incorporated into the codes, capital improvement plans, and revitalization programs of local governments. These implementation strategies are intended to be voluntarily adopted by local governments based on individual context and constituent needs. Though participation is voluntary, local government implementation of sustainability strategies will be tracked to highlight successes and model transferable initiatives.

The Regional Plan for Sustainable Development will not end at the conclusion of the 36-month grant period. A key follow-up initiative will be tracking progress toward the sustainability benchmarks and disseminating the results to the public through annual reports and more detailed three and five year report cards. The monitoring process developed for the plan will facilitate continual updates from Consortium partners to local governments, stakeholders and the public and will prompt action from everyone involved. Consortium partners will continue to identify training opportunities and workshops for communities to help them implement various sustainability strategies identified in the plan.

a. Basic Timetable for Completion of Tasks

- Year 1
 - Public Engagement
 - Vision and Goal Setting
 - Assessment of Existing Conditions
 - Scenario Development
 - Development of Interim RPSD Report

- Year 2
 - Public Engagement (continued)
 - Metric Development (continued)
 - Scenario Development
 - Case Studies
 - Implementation Strategies
 - Development of Interim RPSD Report

- Year 3
 - Public Engagement (continued)
 - Case Studies (continued)
 - Implementation Strategies (continued)
 - Development of Interim and Final RPSD Report
- Year 4 and Beyond
 - Implementation
 - Monitoring and Progress Reporting

2. Consortium Components

- a. Coordinating Committee - The Coordinating Committee is the entity responsible for developing and providing oversight to the work plan that flows from the cooperative agreement with the US Department of Housing and Urban Development (HUD). The Coordinating Committee shall be comprised of a geographically diverse group with varied expertise, totaling 25 members, all of whom have signed a Memorandum of Agreement committing to participate and provide a range of resources as a match. The Coordinating Committee will appoint Technical Advisory Groups, Transect Advisory Groups, a Governmental Advisory Committee and any necessary subcommittees that will help the Coordinating Committee in its effort. The Coordinating Committee of the Consortium or their designees are ineligible to propose on contracts resulting from RFPs issued by the Consortium for the Regional Plan for Sustainable Development program.
- b. Governmental Advisory Committee – The Governmental Advisory Committee is comprised of elected officials throughout the 13-county Houston-Galveston region. The Governmental Advisory Committee is appointed by the Board of Directors of the Houston- Galveston Area Council. The Governmental Advisory Committee provides guidance to the Coordinating Committee about the likelihood of political support for the Plan. The Governmental Advisory Committee will provide advice about the products and strategies developed by the Coordinating Committee throughout the planning process. The Governmental Advisory Committee will evaluate products of the Coordinating Committee through the livability principles developed by HUD and its federal partners and their local practicality. The H-GAC Board of Directors will appoint a Committee that is representative of the whole region with attention paid to the most populous city and most populous county in the 13 county region. The Governmental Advisory Committee should be no larger than 20 members.
- c. Technical Advisory Groups – The Technical Advisory Groups are comprised of experts in specific disciplines and will discuss equity, opportunity and disparities of each of the below listed technical areas. The Technical Advisory Groups will be appointed by the Coordinating Committee. The appointment process will result in specific members being designated to serve on the various technical advisory groups; however, the groups are open to the public. The designation of members to serve on the groups is intended to manage the administrative functions (meeting space availability, agenda setting and communication, etc.) and ensure that a diversity of opinions are heard by the Coordinating Committee. There shall be no fewer than five technical advisory groups, with each focused on one of the following:
 1. Environment
 2. Transportation

3. Housing
4. Economic Development
5. Healthy Communities

The operating procedures for each of the Technical Advisory Groups will be developed by the Coordinating Committee.

- d. Transect Advisory Groups – The Transect Advisory Groups are comprised of leaders and stakeholders in specific geographic areas. The Transect Advisory Groups will be appointed by the Coordinating Committee. The appointment process will result in specific members being designated to serve on the various transect advisory groups; however, the groups are open to entities throughout the region. The appointment of members to serve on the groups is intended to manage the administrative functions (meeting space availability, agenda setting and communication, etc.) provide perspectives from across the geographic settings of the region (i.e., from highly urban to rural and coastal), and ensure that a diversity of opinions are heard by the Coordinating Committee. The Coordinating Committee will approve the final appointment process within nine (9) months of contract initiation in concert with the Public Participation and Outreach plans. The Transect Advisory Groups will be lead through facilitated discussions by staff of the Coordinating Committee with the goal of developing, evaluating and refining products and tools that will serve the Coordinating Committee in their efforts to develop the Plan. There shall be four Transect Advisory Groups, with each focused on one of the following:
 1. Sustainability issues specific to Urban areas
 2. Sustainability issues specific to Suburban areas
 3. Sustainability issues specific to Rural areas
 4. Sustainability issues specific to Coastal areas

The operating procedures for each of the Transect Advisory Groups will be developed by the Coordinating Committee.

- e. Additional Groups - The Coordinating Committee can create additional groups, subcommittees, working groups, etc. to support the Consortium in its work. Furthermore, the Coordinating Committee can change or dissolve any groups, subcommittees, working groups, etc. of the Consortium. Any additional groups must be defined, appointed and have their operating procedures written by the Coordinating Committee.
- f. Procedure for Addressing Disputes – Disputes among members of these committees will be resolved by reaching a consensus of 3/5 majority among Coordinating Committee members.

3. Lead Member Designation and Responsibilities

H-GAC shall be designated as the Lead Member and shall act as the Fiscal Agent for the Consortium and will be the signatory for all contracts with HUD and any consultants or contractors.

- a. All procurement activities of the Consortium must be consistent with the procurement policies of the Houston-Galveston Area Council. Unless otherwise stated herein, all fiscal activities performed by the Consortium shall be governed by H-GAC's standard fiscal policies and procedures.
- b. The Houston- Galveston Area Council shall provide staff and administrative support to the Coordinating Committee and all of the groups of the Consortium.

4. Obligations of Parties

The Parties shall cooperatively carry out the Sustainable Communities Regional Planning Grant Program described in the Regional Plan for Sustainable Development Grant Application. Each entity agrees to execute this Agreement no later than 120 days after the effective start date of the grant agreement. During the duration of this agreement, members of the Coordinating Committee commit to make good faith efforts to advance through policies, programs, and investments, the goals developed in the Regional Plan for Sustainable Development for the Gulf Coast Planning Region of Texas.

a. Entity's specific activity under the Program

1. The entity's Chief Elected Official or Chief Executive Officer shall designate by letter a voting representative and an alternate representative, both of whom shall be authorized to vote on behalf of the entity. If an individual representing the entity is not longer able to participate as an authorized representative, the Chief Elected Official or Chief Executive Officer shall designate a replacement by letter to the Coordinating Committee.
2. The entity's specific duties include: peer review, visioning and charette development, meeting facilitation and consensus building.
3. The entity agrees to provide \$28,000 as in-kind match, specifically through salary time in support of the program.

5. Miscellaneous

- a. Joinability - The Coordinating Committee and H-GAC may add entities to the Coordinating Committee as circumstances and conditions warrant, and will monitor and reassess the composition of the Coordinating Committee to ensure that it adequately represents the diversity of perspectives necessary to complete a plan that fulfills the objectives of the Sustainable Communities Regional Planning Grant Program and can be implemented in the region upon adoption by regional policy makers and governmental authorities.
- b. Meeting Frequency – The Coordinating Committee shall meet at least once each quarter.
- c. Term of Agreement – This agreement is in effect for 36 months after the date of the grant execution with HUD, or until the grant expires, whichever is later.
- d. Amendments – No amendment or modification to this Agreement is valid unless approved by the Committee and executed by the Entity and H-GAC on behalf of the committee. This Agreement supersedes any oral promises, representations, or other agreements with respect to the subject matter of this agreement.
- e. Approval of Agreement – By execution of this Agreement, the signatories of each Entity certify and represent that this Agreement has been authorized by its governing body or authorized officer, as applicable.
- f. Counterparts – This Agreement may be executed in counterparts, each of which shall be deemed an original and all of which together shall be considered one and the same agreement.

