

Interlocal Agreement
For
Hazard Mitigation Action Plan

THE STATE OF TEXAS §
 § KNOW ALL BY THESE PRESENTS:
COUNTY OF MATAGORDA §

Pursuant to the Interlocal Cooperation Act, Chapter 791, Texas Government Code, this interlocal agreement (“Agreement”) is entered into between participating jurisdictions (Participating Jurisdictions) as follows: Matagorda County, City of Bay City, and City of Palacios.

WHEREAS, Matagorda County plans to develop a multijurisdictional hazard mitigation action plan (“Grant”), and,

WHEREAS, certain local governmental entities within Matagorda County are required to participate in developing this Hazard Mitigation Action Plan, and,

WHEREAS, Chapter 791 of the Texas Government Code allows for local governments to contract with each other to provide a governmental function, such as public health and welfare, or service that each party to the contract can perform individually;

WHEREAS, each Participating Jurisdiction has the authority to develop a Hazard Mitigation Action Plan;

NOW THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

Section 1. Purpose

The purpose of this INTERLOCAL is to establish commitment from and a cooperative working relationship between all Participating Jurisdictions in the development and implementation of the Hazard Mitigation Action Plan. In addition, the intent of this INTERLOCAL is to ensure that the multi-jurisdictional hazard mitigation plan is developed in accordance with Title 44 of the Federal Code of Regulations (CFR) Part 201.6; that the planning process is conducted in an open manner involving community stakeholders; that it is consistent with each participating jurisdiction’s policies, programs and authorities; and it is an accurate reflection of the community’s values.

This INTERLOCAL sets out the responsibilities of all parties. The INTERLOCAL identifies the work to be performed by each participating jurisdiction. Planning tasks, schedules, and finished products are identified in the Work Program and Schedule. The plan created as a result of this INTERLOCAL will be presented to the governing body

(Board of Commissioners and or City Council) of each participating jurisdiction for adoption.

Section 2. Background

Mitigation plans form the foundation for a community's long-term strategy to reduce disaster losses and break the cycle of disaster damage, reconstruction, and repeated damage. The Participating Jurisdictions in a mitigation planning process would benefit by:

- identifying cost effective actions for risk reduction;
- directing resources on the greatest risks and vulnerabilities;
- building partnerships by involving people, organizations, and businesses;
- increasing education and awareness of hazards and risk;
- aligning risk reduction with other community objectives; and
- providing eligibility to receive federal hazard mitigation grant funding.

Matagorda County has not received grant funding to prepare a multi-jurisdictional hazard mitigation plan in accordance with FEMA requirements at 44.C.F.R. 201.6.

Section 3. Planning Team Responsibilities

Matagorda County will act as the Lead Jurisdiction, and will assign a Chairperson of the Planning Team for the Hazard Mitigation Action Plan. The Participating Jurisdictions authorize Matagorda County to manage and facilitate the planning process in accordance with the Work Program and Schedule, herein attached and incorporated in its entirety as Exhibit A.

The Participating Jurisdictions understand that representatives must engage in the following planning process, as more fully described in the *Local Mitigation Planning Handbook* (FEMA, 2013), including, but not limited to:

- Further develop the Work Program and Schedule with the Planning Team.
- Organize and attend regular meetings of the Planning Team.
- Assist the Planning Team with developing and conducting an outreach strategy to involve other planning team members, stakeholders, and the public, as appropriate to represent their Jurisdiction.
- Identify community resources available to support the planning effort, including meeting spaces, facilitators, and media outlets.
- Provide data and feedback to develop the risk assessment and mitigation strategy, including a specific mitigation action plan for their Jurisdiction.
- Submit the draft plan to their Jurisdiction for review.
- Work with the Planning Team to incorporate all their Jurisdiction's comments into the draft plan.

- Submit the draft plan to their respective governing body for consideration and adoption.
- After adoption, coordinate a process to monitor, evaluate, and work toward plan implementation.

Section 4. Planning Team

The following points of contacts and alternates as set out on Exhibit B, herein attached and incorporated in its entirety, are authorized on behalf of the governing bodies to participate as members of the Planning Team for the Hazard Mitigation Action Plan.

Section 5. INTERLOCAL Implementation

This INTERLOCAL will be in effect from the date of signature by all parties, will remain in effect through the duration of the planning process, and will terminate after adoption of the final FEMA-approved mitigation plan by all participating jurisdictions, or 5 years after FEMA approval, whichever is earlier. It may be terminated prior to that time for any Participating Jurisdiction by giving 60 days written notice. This INTERLOCAL is to be implemented through Exhibit A, Work Program and Schedule, and any addendums that describe specific activities, programs, and projects, and if necessary, funding by separate instrument.

Section 6. Matching Funds

Participating Jurisdictions will provide a total of \$20,000.00 in funds for development of this Hazard Mitigation Action Plan. Funds will be provided as follows:

Matagorda	\$6,666.67
City of Bay City	\$6,666.67
City of Palacios	\$6,666.66

Funds will be provided in one lump sum directly to Matagorda County by **May 31, 2021**. All deadlines as set out by Matagorda County must be strictly observed.

Section 7. Current Revenues

Each party paying for the performance of governmental services pursuant to this Agreement must make those payments from current revenues available to the paying party.

Section 8. Compliance with Laws

All parties agree to comply with all applicable city, state, and federal laws, regulations, and rules that may pertain to each party's performance under this Agreement.

Section 9. Amendment

This Agreement may be amended only by written agreement approved by each respective governing body.

Section 10. Independent Contractor

This Agreement will not be construed as creating an employer/employee relationship between Participating Entities. Nothing contained in this agreement shall be construed to create a partnership, joint venture, or relationship of employment or agency.

Section 11. Venue

Venue for resolution by a court of competent jurisdiction of any dispute arising under the terms of this Agreement, or for enforcement of the provisions of this Agreement, is specifically set by Agreement of the parties in Matagorda County, Texas.

Section 12. Entirety Clause

This Agreement and any exhibits annexed hereto contain the entire understanding and agreement between the parties, and no oral statements or representations or prior written matter not contained in this Agreement shall have any force and effect.

EXECUTED on the dates indicated below binding the respective parties as of the last date of execution below.

MATAGORDA COUNTY

By: _____
Nate McDonald,
County Judge

Date: _____

Attest:

By: _____
Stephanie Wurtz
County Clerk

APPROVED AS TO LEGAL FORM:

Jennifer Chau (Date)
County Attorney

CITY OF BAY CITY

By: _____
Shawna Burkhart
City Manager

Date: _____

Attest:

By: _____
Jeanna Thompson
City Secretary

APPROVED AS TO LEGAL FORM:

Anne Marie Odefery (Date)
City Attorney

CITY OF PALACIOS

By: _____
David Kocurek
City Manager

Date: _____

Attest:

By: _____
Clissa Mills
City Secretary

APPROVED AS TO LEGAL FORM:

Randy Strong (Date)
City Attorney

EXHIBIT “A”
HAZARD MITIGATION PROJECT MILESTONES
Work Program and Schedule

ANTICIPATED COMPLETION	ACTION
April 2021	Establish Interlocal Agreement & Participation Resolutions for all Participating Parties
April 2021	Establish Multi-Jurisdictional Hazard Mitigation Project Team, including one representative from all Participating Parties
April 2021	Execute Consultant Contract (County Only)
April 2021	Consultant scheduled meeting with Multi-Jurisdictional Hazard Mitigation Project Team to review roles and responsibilities.
April 2021	Hazard Identification and Risk Assessment – Consultant to review & incorporate available data and information on properties at risk, flood maps, existing plans, studies, land use and future development trends, reports, and technical information.
May 2021	Mitigation Strategy – Key problems identified in, and linkages to, the vulnerability assessment. Consultant to meet with Multi-Jurisdictional Hazard Mitigation Team to draft mitigation goal statement and develop strategies. Identify and analyze specific mitigation actions and projects for each jurisdiction being considered to reduce the effects of hazards, with emphasis on new and existing buildings & infrastructure.
May 2021	Planning Process – coordinate meeting with planning agencies to discuss the public involvement process.
June 2021	Public Hearings – Schedule public hearings to inform the community on the Hazard Mitigation Plan and to allow input from the community.
June 2021	Local Contribution Due- Must be received prior to receipt of local copy of draft plan.
July 2021	Draft Action Plan released by consultant to be reviewed by Local Hazard Mitigation Teams. Consultant to schedule public meetings for community and agencies input.
July 2021	Draft Plan Review- Multi-Jurisdictional Hazard Mitigation Project Team reviews draft and provides input, updates, and corrections to consultant to be incorporated in final draft.
August 2021	Mitigation Strategy – Submit Draft Plan to State for review and forward to FEMA for review and approval. Make necessary corrections or changes.
December 2021	Adoption – The Final Plan will be presented at a public meeting of the various governing boards and request for authorization to submit Final Plan to State. Governing Boards to adopt Plan by resolution.
January 2022	Distribution of the Hazard Mitigation Action Plan to Participating Parties.

**EXHIBIT “B”
PLANNING TEAM POINTS OF CONTACT**

<u>Entity</u>	<u>Primary (P) & Alternate (A)</u>	<u>Email Address</u>
Matagorda County	Amanda Campos (P) Nate McDonald (A)	acampos@co.matagorda.tx.us cojudge@co.matagorda.tx.us
City of Bay City	Alyssa Dibbern (P) Shawna Burkhart (A)	adibbern@cityofbaycity.org sburkhart@cityofbaycity.org
City of Palacios	David Kocurek (P) Linh Chau (A)	dkocurek@cityofpalacios.org lchau@cityofpalacios.org