



Executive Committee | Agenda

10 a.m., Wednesday, January 8, 2025

CAPCOG Lantana Room

6800 Burleson Road, Building 310, Suite 155, Austin, Texas 78744

Mayor Lew White, City of Lockhart, **Chair**
Judge Brett Bray, Blanco County, **1st Vice Chair**
Judge Ron Cunningham, Llano County, **Secretary & Parliamentarian**
Commissioner Clara Beckett, Bastrop County
Mayor Lyle Nelson, City of Bastrop
Council Member Kevin Hight, City of Bee Cave
Commissioner Joe Don Dockery, Burnet County
Judge Hoppy Haden, Caldwell County
Judge Dan Mueller, Fayette County
Council Member Ron Garland, City of Georgetown
Mayor Pro Tem Steve Hougen, City of Granite Shoals
Commissioner Walt Smith, Hays County

Council Member David McDonald, City of Leander
Commissioner Steven Knobloch, Lee County
Mayor Pro Tem Doug Weiss, City of Pflugerville
Council Member Frank Ortega, City of Round Rock
Mayor Jane Hughson, City of San Marcos
Council Member Cathy Meek, City of Smithville
Council Member Robert Garcia, City of Taylor
Judge Andy Brown, Travis County
Commissioner Ann Howard, Travis County
Commissioner Russ Boles, Williamson County
Commissioner Cynthia Long, Williamson County
Senator Pete Flores
Representative Vikki Goodwin
Representative Caroline Harris-Davila

- 1. Call to Order and Opening Remarks by the Chair**
- 2. Consider Approving Minutes for the December 13, 2024, Meeting**
- 3. Consider Electing Executive Committee Officers for 2025**
Chris Miller, Executive Director
- 4. Consider Approving Resolutions Authorizing Submission of Homeland Security Grant Applications for FY 2026**
Martin Ritchey, Director of Homeland Security
- 5. Consider Adopting a Resolution Providing Signature Authority to Individuals for the Capital Area Council of Governments**
Silvia Alvarado, Director of Finance
- 6. Consider Appointing CAPCOG Advisory Committee Board Liaisons and Advisory Committee Appointments**
Chris Miller, Executive Director
- 7. Review Older American Act Services and the impact on the Capital Region**
Jennifer Scott, Director of Aging Services
- 8. Ombudsman Program Annual COI Screening**
Jennifer Scott, Director of Aging Services

A closed executive session may be held on any of the above agenda items when legally justified pursuant to Subchapter D of the Texas Open Meetings Act (Texas Government Code Chapter 551).

9. Staff Reports

Chris Miller, Executive Director

10. Adjourn



Executive Committee | Summary Minutes

10 a.m., Wednesday, December 11, 2024
Austin Southpark Hotel
4140 Governors Row
Austin, Texas 78744

Present (19)

Mayor Lew White, *City of Lockhart*, **Chair**
Judge Brett Bray, *Blanco County*, **1st Vice Chair**
Judge Ron Cunningham, *Llano County*, **Secretary & Parliamentarian**
Judge James Oakley, *Burnet County*, **Immediate Past Chair**
Council Member Mackenzie Kelly, *City of Austin*
Commissioner Clara Beckett, *Bastrop County*
Mayor Lyle Nelson, *City of Bastrop*
Council Member Kevin Hight, *City of Bee Cave*
Commissioner Joe Don Dockery, *Burnet County*

Judge Hoppy Haden, *Caldwell County*
Mayor Pro Tem Steve Hougen, *City of Granite Shoals*
Commissioner Walt Smith, *Hays County*
Commissioner Steven Knobloch, *Lee County*
Mayor Pro Tem Doug Weiss, *City of Pflugerville*
Mayor Jane Hughson, *City of San Marcos*
Ms. Janice Bruno, *City of Smithville*
Mr. Brandt Rydell, *City of Taylor*
Judge Andy Brown, *Travis County* (10:29 a.m. arrival)
Commissioner Ann Howard, *Travis County*
Commissioner Russ Boles, *Williamson County*

Absent (9)

Mr. Matthew Baker, *City of Round Rock*, 2nd Vice Chair
Judge Dan Mueller, *Fayette County*
Ms. Esmeralda Mattke Longoria, *City of Leander*
Commissioner Cynthia Long, *Williamson County*
Council Member Ron Garland, *City of Georgetown*

1. Call to Order and Opening Remarks by the Chair

Mayor White called the meeting to order at 10:10 a.m. The pledge of allegiance and the pledge to the Texas flag were conducted.

2. Consider Approving Minutes for the November 13, 2024, Meeting

Mayor Pro Tem Hougen requested to correct the typo with Mayor Hughson's name in the November 13, 2024, minutes. Mayor Hughson made a motion to approve the minutes with the correction. Mayor Pro Tem Hougen seconded. The motion passed unanimously.

3. Consider Adopting the 2025 Homeland Security Integrated Preparedness Plan (IPP)

Martin Ritchey, Director of Homeland Security

Mr. Ritchey explained the IPP and asked the Board to consider approving the IPP. Council Member Kelly made a motion to approve the plan. Mr. Ritchey explained that the IPP is an accumulation of all the preparedness work that is done throughout the year. It's the guidebook used for selecting the training and exercises for the upcoming year. Commissioner Smith seconded. The motion passed unanimously.

4. Discussion of 2025 – 2026 Legislative Issues

Andrew Hoekzema, Deputy Executive Director

Mr. Miller explained that CAPCOG desires to connect and inform the Legislature of CAPCOG's functions. He explained the summary that Mr. Hoekzema composed. Mr. Hoekzema explained the summary is composed of issues that would have a financial impact on CAPCOG. He emphasized making the legislature aware of needed funding increase for the RLEA program, legislation related to training for CAPCOG programs, and additional funding for the solid waste program to name a few.

Ms. Voigts was asked for her input on issues CAPCOG should present to the legislature.

Mr. Hoekzema informed the Board of a January 7th breakfast between CAPCOG and the legislators and their staff.

Mayor White mentioned the deannexation issue in Lockhart and other cities in Texas. He suggested putting an item on the agenda of the next CAPCOG meeting to discuss the issue.

Commissioner Howard invited CAPCOG staff and other Executive Committee members to stop by Judge Brown and her offices when they visit the capitol and are in between meetings. They both agreed for their offices to be used as a homebase for visiting legislators.

Judge Bray asked Ms. Voights about 9-1-1 program funding. Ms. Voights said next session there has to be an increase in funds for 9-1-1.

Judge Bray suggested CAPCOG ask the three legislative Board Members to invite their colleagues so there will be a good turnout.

5. Consider Approving Committee Appointments
Chris Miller, Executive Director

Commissioner Smith informed the Board of the two new appointees. Killian Sterling to replace Steve Floyd on the GIS Planning Council, and Anthony Hipolito to be appointed as in the At Large position on the Law Enforcement Educations Committee.

Commissioner Smith made a motion to approve the appointments. Mayor Hughson seconded. The motion passed unanimously.

6. Staff Reports
Chris Miller, Executive Director

Mr. Miller informed the Board of the Annual Report coming in January. He reported on the county visits, and the upcoming county visits. Mr. Canales presented the departing Board Members with plaques.

7. Adjourn
The meeting was adjourned at 10:56 a.m.

Mayor Pro Tem Dr. Steve Hougen, Secretary
Executive Committee
Capital Area Council of Governments

Date

EXECUTIVE COMMITTEE MEETING

MEETING DATE: January 8, 2025

AGENDA ITEM: #3 Consider Electing Executive Committee Officers for 2025

GENERAL DESCRIPTION OF ITEM:

The Executive Committee elects officers at its first meeting of the year in January. The officers serve for the calendar year and work closely with the agency's staff on financial and administrative issues as well as other strategic, internal, or policy issues that might arise. The Nominating Committee, as part of its duties per CAPCOG's bylaws to recommend members of the Executive Committee, also must make recommendations for Officers for the upcoming year.

The Officers begin meeting in February and meet monthly through August regarding the annual audit, agency budget, staffing and benefits, emergency communications budget and reserves, and to conduct the Executive Director's annual performance evaluation.

The recommendations are:

- Chair – Blanco County Judge Bret Bray
- First Vice Chair – Pflugerville Mayor Pro Tem Doug Weiss
- Second Vice Chair – Llano County Judge Ron Cunningham
- Secretary – Granite Shoals Mayor Pro Tem Steven Hougen
- Immediate Past Chair – Lockhart Mayor Lew White

The nominating committee did not make any specific recommendation for Parliamentarian, which can either be an additional role for an officer in one of the other positions or a separate position as the board chooses.

THIS ITEM REPRESENTS A:

- New issue, project, or purchase
- Routine, regularly scheduled item
- Follow-up to a previously discussed item
- Special item requested by board member
- Other

PRIMARY CONTACT/STAFF MEMBER:

Chris Miller, Executive Director

BUDGETARY IMPACT:

Total estimated cost: N/A

Source of Funds: _____

Is item already included in fiscal year budget? Yes No

Does item represent a new expenditure? Yes No

Does item represent a pass-through purchase? Yes No

If so, for what city/county/etc.? _____

ACTION REQUESTED:

Elect officers to serve for the 2025 calendar year.

BACK-UP DOCUMENTS ATTACHED:

Nominating Committee Memo with 2025 Recommendations for Officers

BACK-UP DOCUMENTS NOT ATTACHED: None



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BASTROP BLANCO BURNET CALDWELL FAYETTE HAYS LEE LLANO TRAVIS WILLIAMSON

MEMORANDUM October 29, 2024

TO: General Assembly Members

FROM: Chris Miller, CAPCOG Executive Director

RE: Recommendations for 2025 Executive Committee

Attached is the Nominating Committee list of recommendations for our Executive Committee for your consideration at the December 11th General Assembly meeting.

You will be receiving the agenda packet for the meeting the week of November 24th. The meeting will be held at the Austin Southpark Hotel, 4140 Governors Row, Austin, TX 78744. In addition to recognizing the Regional Leadership and Volunteer awardees, we will hear from the Texas Water Development Board's Deputy Executive Administrator, John Dupnik.

For your convenience the link to the General Assembly is below. There will be no cost for lunch, but we ask that you please register, so we can plan accordingly.

<https://www.capcog.org/trainings/general-assembly-2/>

Counties:

Bastrop County	Commissioner Clara Beckett
Blanco County	Judge Brett Bray
Burnet County	Judge James Oakley
Caldwell County	Judge Hoppy Haden
Fayette County	Judge Dan Mueller
Hays County	Commissioner Walt Smith
Lee County	Commissioner Steven Knobloch
Llano County	Judge Ron Cunningham
Travis County	Judge Andy Brown
Travis County	Commissioner Ann Howard
Williamson County	Commissioner Russ Boles
City of Austin	Council Member Mackenzie Kelly

Cities with more than 100,000 population:

City of Round Rock Council Member Frank Ortega

Cities with populations between 25,000 and 100,000:

City of Georgetown Council Member Ron Garland
City of Leander Council Member David McDonald
City of Pflugerville Mayor Pro Tem Doug Weiss
City of San Marcos Mayor Jane Hughson

Cities with populations less than 25,000:

City of Bee Cave Council Member Kevin Hight
City of Granite Shoals Mayor Pro Tem Steve Hougen
City of Lockhart Mayor Lew White
City of Smithville Council Member Cathy Meek
City of Taylor Council Member Robert Garcia

At-Large Positions:

City of Bastrop Mayor Lyle Nelson
Burnet County Commissioner Joe Don Dockery
Williamson County Commissioner Cynthia Long

State Legislators:

Senator Pete Flores
Representative Caroline Harris-Davila
Representative Vikki Goodwin

Recommended Officers:

Chair Judge Brett Bray
1st Vice Chair Mayor Pro Tem Doug Weiss
2nd Vice Chair Judge Ron Cunningham
Secretary Mayor Pro Tem Steve Hougen
Immediate Past Chair Mayor Lew White

EXECUTIVE COMMITTEE MEETING

MEETING DATE: January 8, 2025

AGENDA ITEM: #4-Consider Approving Resolutions Authorizing Submission of Homeland Security Grant Applications for FY 2026

GENERAL DESCRIPTION OF ITEM:

Each year, CAPCOG submits applications for federal Homeland Security grant funds through the State Homeland Security Program (SHSP) managed by the Office of the Governor. CAPCOG has been receiving three recurring grants for a number of years that we are re-applying for. In addition, we are also seeking funding for a fourth application to support Community Emergency Response Teams (CERTs) within the region. These four applications will be competing against other homeland security grant applications from within the region as part of the annual homeland security grant scoring and funding recommendation process. Grant applications for FY 2026 include:

1. Planning (application # 2956911):

- a. Funding requested: \$478,795 (up from \$464,850 for FY 2025)
- b. This funding is used to pay for CAPCOG's Homeland Security Division staff and office space and is used to coordinate regional planning activities such as the development of the Threat and Hazard Identification and Risk Assessment (THIRA), the Stakeholder Preparedness Review (SPR), the Homeland Security Strategic Plan – Implementation Plan (HSSP-IP), and the Integrated Preparedness Plan (IPP). These products help guide regional emergency management and prioritization of Homeland Security Grant funding. The 3% increase in funding requested is intended to keep up with increasing fixed costs for staff and office space for the division.

2. Training and exercises (application # 295810):

- a. Funding requested: \$150,000 (up from \$125,000 for FY 2025)
- b. This is a continuation of support for sponsoring regional homeland security-related training opportunities and exercises for emergency management professionals across the CAPCOG region. The funding pays for contractors and supplies needed to carry out the training and exercises. In order to meet regional needs for expanded cyber security training, we are requesting an additional \$25,000 in this grant application compared to FY 2026.

3. Tier II reporting (application # 2757807):

- a. Funding requested: \$27,500 (up from \$25,000 for FY 2025)
- b. This is a continuation of support for hazardous material reporting for use by regional hazmat teams, fire departments, local emergency planning committees, emergency management officials, and other emergency response agencies. The grant is used to pay for software needed to allow for compliance with reporting requirements and allows for analysis. The amount requested is increasing by \$2,500 to account for increases in the cost of the software.

4. CERT support (application # 4753402):

- a. Funding requested: \$38,500
- b. This funding supports CERTs, which are the backbone of many local jurisdictional response efforts in the region. These teams tend to be funded through a combination of local funding, donations, and grants. One of the larger costs for CERTs is the initial kit provided to those who receive CERT training. This application will fund the purchase of these kits to qualified CERT members in the CAPCOG region. This application is expected to qualify for a "community-preparedness" set-aside for this grant category. CAPCOG received a similar grant for this activity for FY 2024.

THIS ITEM REPRESENTS A:

- New issue, project, or purchase
- Routine, regularly scheduled item
- Follow-up to a previously discussed item
- Special item requested by board member
- Other

PRIMARY CONTACT/STAFF MEMBER:

Martin Ritchey, Director of Homeland Security

BUDGETARY IMPACT:

Total estimated cost: \$694,795

Source of Funds: Federal Homeland Security Grant Program

Is item already included in fiscal year budget? Yes No

Does item represent a new expenditure? Yes No

Does item represent a pass-through purchase? Yes No

If so, for what city/county/etc.? _____

PROCUREMENT: N/A

ACTION REQUESTED:

Approve resolutions authorizing submission of FY 2026 Homeland Security Grant Applications to the Office of the Governor

BACK-UP DOCUMENTS ATTACHED:

1. Request for Grant Applications for the Homeland Security Grant Program
2. Resolution for Planning Grant
3. Resolution for Training and Exercise Grant
4. Resolution for Tier II Reporting Grant
5. Resolution for CERT Grant

BACK-UP DOCUMENTS NOT ATTACHED: None

Name:

State Homeland Security Program – Regular Projects (SHSP-R), Federal Fiscal Year 2025

Available

12/16/2024

Due Date

02/13/2025

Purpose:

The purpose of this announcement is to solicit applications for projects that support state and local efforts to prevent terrorism and targeted violence and prepare for the threats and hazards that pose the greatest risk to the security of Texas citizens. The Office of the Governor (OOG), Public Safety Office (PSO) provides funding to implement investments that build, sustain, and deliver the 32 core capabilities essential to achieving a secure and resilient state.

This funding supports state, tribal and local preparedness activities that address high-priority preparedness gaps across all core capabilities where a nexus to terrorism exists. All investments must be consistent with capability targets set during the Threat and Hazard Identification and Risk Assessment (THIRA) process, and gaps identified in the Stakeholder Preparedness Review (SPR).

The State Homeland Security Program (SHSP) is intended to support investments that improve the ability of jurisdictions to:

- **Prevent** a threatened or actual act of terrorism;
- **Protect** its citizens, residents, visitors, and assets against the greatest threats and hazards;
- **Mitigate** the loss of life and property by lessening the impact of future catastrophic events;
- **Respond** quickly to save lives, protect property and the environment, and meet basic human needs in the aftermath of a catastrophic incident; and/or
- **Recover** through a focus on the timely restoration, strengthening, accessibility and revitalization of infrastructure, housing, and a sustainable economy, as well as the health, social, cultural, historic, and environmental fabric of communities affected by a catastrophic incident.

Many activities which support the achievement of target capabilities related to terrorism preparedness may simultaneously support enhanced preparedness for other hazards unrelated to acts of terrorism. However, **all SHSP projects must assist grantees in achieving target capabilities related to preventing, preparing for, protecting against, or responding to acts of terrorism.**

Note for Cybersecurity Applicants: Projects seeking to design and implement efforts to address imminent cybersecurity threats to local information systems should refer to the [State and Local Cybersecurity Grant Program \(SLCGP\)](#) Announcements available on the *Funding Opportunities* page in [eGrants](#).

Available Funding:

Federal funds are authorized under Section 2002 of the Homeland Security Act of 2002, as amended (Pub. L. No. 107-296), (6 U.S.C. 603). State Homeland Security Program (SHSP) funds are made available through a Congressional appropriation to the United States Department of Homeland Security (DHS). All awards are subject to the availability of appropriated federal funds and any modifications or additional requirements that may be imposed by law.

Eligible Organizations:

1. State agencies;
2. Regional councils of governments;
3. Units of local government;
4. Nonprofit organizations;
5. Universities or Colleges; and
6. Federally recognized Native American tribes.

Application Process:

Applicants must access PSO's eGrants grant management website at <https://eGrants.gov.texas.gov> to register and apply for funding.

1. For eligible local and regional projects:
 - Applicants must contact their applicable regional council of governments (COG) regarding their application.
 - Each of Texas' 24 COGs holds its own application planning workshops, workgroups, and/or subcommittees and facilitates application prioritization for certain programs within its region. Failure to comply with regional requirements imposed by the COG may render an application ineligible.
2. State agencies, and other organizations proposing projects to increase preparedness statewide, may submit applications directly to PSO.

Key Dates:

Action	Date
Funding Announcement Release	12/16/2024
Online System Opening Date	12/16/2024
Final Date to Submit and Certify an Application	02/13/2025 at 5:00PM CST
Earliest Project Start Date	09/01/2025

Project Period:

Projects selected for funding must begin between September 1, 2025 and March 1, 2026, and expire on or before August 31, 2027. Additional guidelines are below:

1. Project periods should be structured so that projects that include grant-funded salaries and/or annual recurring costs do not overlap with the project periods of previous or future grant awards with the same costs.
2. Project periods should be structured so that projects that include grant-funded salaries and/or annual recurring costs are on a 12 **or** 24-month grant cycle/performance period.
3. Project periods for equipment only projects are generally awarded for a 6 to 12-month grant period.
4. PSO will consider proposed start or end dates falling outside of these guidelines on a case-by-case basis.

Funding Levels

Minimum: \$10,000

Maximum: None. However, PSO uses a risk-based formula to determine regional allocations. Local agencies should contact their regional COG for amounts historically available to the region and any maximum established by their COG. Additionally, PSO expects to make available approximately \$1.5 - \$2 million to state agencies in support of 10 – 15 projects under this solicitation and the SHSP-LETPA solicitation.

Match Requirement: None

Standards

Grantees must comply with standards applicable to this fund source cited in the Texas Grant Management Standards ([TxGMS](#)), [Federal Uniform Grant Guidance](#), and all statutes, requirements, and guidelines applicable to this funding.

Eligible Activities and Costs

1. The Federal Emergency Management Agency (FEMA) has established National Priority Areas (NPA) for the Homeland Security Grant Program and requires the State to dedicate at least 30% of Texas' SHSP funds to projects under the NPAs. The NPAs and prescribed amounts for each NPA are noted below. PSO anticipates these priorities will remain in place for the 2024 SHSP grant cycle. Applicants are encouraged to submit projects under these National Priority Areas when the primary core capability addressed is consistent with a National Priority Area description below. Note: The National Priority Areas are subject to change without notice upon release of the federal Notice of Funding Opportunity (NOFO).

2. Grant projects must be submitted in support of one of the following approved activity areas:

a. Community Preparedness and Resilience (NPA)

- **Core Capabilities:** Planning; Public Information and Warning; Community Resilience; Mass Care Services; Risk and Disaster Resilience Assessment; Long Term Vulnerability Reduction.
 - Projects supporting training and equipping regional and local Citizen Corps Programs (CCP) including Community Emergency Response Teams (CERT).
 - Provide continuity training, such as FEMA's Organizations Preparing for Emergency Needs training to faith-based organizations, local businesses, and community-based organizations including homeless shelters, food pantries, nonprofit medical providers, and senior care facilities to bolster their resilience to all hazards.
 - Community Mapping: identify community resources and characteristics in order to identify gaps in resources, identify hazards and vulnerabilities, and inform action to promote resilience.

b. Emergency Operations Centers and Technology

- Establishing and maintaining a unified and coordinated operational structure and process that integrates critical stakeholders across and among all levels of government and with critical private and nonprofit sectors to protect against potential threats, conduct law enforcement investigations, or engage in enforcement, protective, and response activities.
- Implementing WebEOC and other situational awareness and decision support tools.
- Enhancing emergency operations centers.
- Conducting or participating in incident management training and/or exercises.

c. Information and Intelligence Sharing/Cooperation (NPA)

(Note: Applicants should submit Fusion Center projects under the Law Enforcement Terrorism Prevention Activities (LETPA) solicitation.)

- **Core Capability:** Intelligence and Information Sharing
 - Identifying, developing, providing, and sharing timely, accurate, and actionable information, data, or knowledge among government or private sector entities to include

information sharing with all DHS components, fusion centers, and other entities designated by DHS.

- Cooperation with DHS officials and other entities designated by DHS in intelligence, threat recognition and analysis.
- Joint training and planning with DHS officials and other entities designated by DHS.
- Enabling interdiction and disruption of terrorist activity through enhanced understanding and recognition of pre-operational activity and other crimes that may be precursors or indicators of terrorist activity.
- Paying for personnel or contractors to serve as qualified intelligence analysts and/or to participate in information, investigative, and intelligence sharing activities specifically related to homeland security.
- Assessing threat information to inform continued prevention operations and ongoing response activities.
- Implementing and maintaining suspicious activity reporting initiatives.
- Implementing or sustaining public information and warning systems to relay information regarding terrorism threats.

d. Interoperable Emergency Communications

- Building capabilities to meet P-25 standards.
- Sustaining existing capabilities (e.g. life cycle replacement of equipment).
- Projects must enhance current capabilities or address capability gaps identified by the Texas Department of Public Safety (DPS) or Texas Interoperable Communications Coalition (TxICC) in either the Texas Statewide Communications Interoperability Plan (SCIP) or DPS Report on Interoperable Communications to the Texas Legislature. **Note:** *Projects to increase voice communications interoperability for counties with the lowest interoperability levels are preferred over other types of communications projects.*
- If a project is funded (after an agency receives the grant award from the PSO), the planned expenditures must be submitted to and receive validation from the Statewide Interoperability Coordinator (SWIC) prior to purchase. **Note:** *Radios purchased must: a) follow the Statewide Radio ID Management Plan; b) be programmed following the Statewide Interoperability Channel Plan, and c) include encryption options capable of Advanced Encryption Standard (AES) encryption, IF encryption is being purchased.*

e. Planning

- Developing state and regional risk and preparedness assessments, including those related to special events.
- Core capability development planning, to include typing and tracking of equipment and special response teams.
- Planning and execution of training and exercises focused on terrorism prevention, protection and response.

- Multi-jurisdictional operational planning to include plans for regional operational coordination of terrorism prevention, protection, and response capabilities.
- Maintaining or updating Emergency Operations Plans, consistent with guidance in CPG 101.v2 and the whole community approach to security and emergency management.
- Planning and implementation of initiatives to enhance the Citizen Corps Program and other community resilience initiatives.
- Planning for continuity of operations.

f. Protection of Soft Targets/Crowded Places (NPA)

- **Core Capabilities:** Operational Coordination; Public Information and Warning; Intelligence and Information Sharing; Interdiction and Disruption; Screening, Search, and Detection; Access Control/Identity Verification; Physical Protective Measures; Risk Management for Protection Programs
 - Implementing target hardening and other measures associated with increased security to mitigate risks at places where people gather, such as schools, workplaces, entertainment venues, transportation nodes, and houses of worship.
 - Assessing critical infrastructure vulnerabilities and interdependencies, particularly those involving multiple sites and/or sectors.
 - Planning, training, exercises, equipment, and modeling enabling responsible jurisdictions to mitigate threats to and vulnerabilities of critical infrastructure facilities, assets, networks, and systems.
 - Analyzing critical infrastructure threats and information sharing with private sector partners.
 - Enhancing public awareness, education and communications, and increasing reporting of suspicious activities related to critical infrastructure.

g. Support of First Responder Capabilities

Note: Because there is the potential for significant overlap between this activity area and the FEMA National Priorities, applicants should first check whether their proposed project is consistent with the description and core capabilities outlined for the National Priority Areas.

- Sustaining and enhancing capacity to detect and resolve threats involving chemical, biological, radiological, nuclear and explosive (CBRNE) devices or weapons of mass destruction (WMD).
- Sustaining and enhancing tactical teams including HAZMAT response and decontamination, Urban Search and Rescue, and SWAT.
- Sustaining equipment needs, including personal protective equipment, WMD pharmaceuticals, calibration and maintenance for WMD-related detection and identification systems, and closely related investments to update or sustain current equipment.

- Sustaining and enhancing efforts to delay, divert, intercept, halt, apprehend, or secure threats or hazards (includes capabilities related to Border Security).
- Coordinating regional training exercises with federal, state and local law enforcement participation focused on responding to terrorism-related events and increasing participation with community and business organizations.
- Identifying or locating terrorists through active and passive surveillance and search procedures including systematic examinations and assessments, bio-surveillance, sensor technologies, or physical investigation and intelligence.

h. Combating Domestic Violent Extremism (NPA)

- **Core Capabilities:** Interdiction & Disruption; Screening, Search and Detection; Physical Protective Measures; Intelligence and Information Sharing; Planning; Public Information and Warning; Operational Coordination; Risk management for protection programs and activities
 - Open source analysis of misinformation campaigns, targeted violence and threats to life, including tips/leads, and online/social media-based threats.
 - Sharing and leveraging intelligence and information, including open-source analysis
 - Execution and management of threat assessment programs to identify, evaluate, and analyze indicators and behaviors indicative of domestic violent extremists.
 - Training and awareness programs (e.g., through social media, SAR indicators and behaviors) to educate the public on misinformation and disinformation campaigns and resources to help them identify and report potential instances of domestic violent extremism.

Program-Specific Requirements

1. All capabilities being built or sustained must have a clear link to one or more Core Capabilities in the National Preparedness Goal.
2. Many capabilities which support terrorism preparedness simultaneously support preparedness for other hazards. Grantees must demonstrate this dual-use quality for any activities implemented under this program that are not explicitly focused on terrorism preparedness. Activities implemented under SHSP must support terrorism preparedness by building or sustaining capabilities that relate to the prevention of, protection from, mitigation of, response to, and/or recovery from terrorism.
3. Grantees are required to maintain adoption and implementation of the National Incident Management System (NIMS). The NIMS uses a systematic approach to integrate the best existing processes and methods into a unified national framework for incident management across all homeland security activities including prevention, protection, response, mitigation, and recovery. Grantees must use standardized resource management concepts for resource typing,

credentialing, and an inventory to facilitate the effective identification, dispatch, deployment, tracking and recovery of resources.

4. Cities and counties must have a current emergency management plan or be a legally established member of an inter-jurisdictional emergency management program with a plan on file with the Texas Division of Emergency Management (TDEM). Plans must be maintained throughout the entire grant performance period. If you have questions concerning your Emergency Management Plan (preparedness) level, contact your Emergency Management Coordinator (EMC) or your regional Council of Governments (COG). For questions concerning plan deficiencies, contact TDEM at tdem.plans@tdem.texas.gov.

Eligibility Requirements

1. Local units of governments must comply with the Cybersecurity Training requirements described in Section 772.012 and Section 2054.5191 of the Texas Government Code. Local governments determined to not be in compliance with the cybersecurity requirements required by Section 2054.5191 of the Texas Government Code are ineligible for OOG grant funds until the second anniversary of the date the local government is determined ineligible. Government entities must annually certify their compliance with the training requirements using the [Cybersecurity Training Certification for State and Local Governments](#). A copy of the Training Certification must be uploaded to your eGrants application. For more information or to access available training programs, visit the Texas Department of Information [Resources Statewide Cybersecurity Awareness Training](#) page.

2. Entities receiving funds from PSO must be located in a county that has an average of 90% or above on both adult and juvenile dispositions entered into the computerized criminal history database maintained by the Texas Department of Public Safety (DPS) as directed in the Texas Code of Criminal Procedure, Chapter 66. The disposition completeness percentage is defined as the percentage of arrest charges a county reports to DPS for which a disposition has been subsequently reported and entered into the computerized criminal history system.

Counties applying for grant awards from the Office of the Governor must commit that the county will report at least 90 percent of convictions within five business days to the Criminal Justice Information System at the Department of Public Safety.

3. Eligible applicants operating a law enforcement agency must be current on reporting complete UCR data and the Texas specific reporting mandated by 411.042 TGC, to the Texas Department of Public Safety (DPS) for inclusion in the annual Crime in Texas (CIT) publication. To be considered eligible for funding, applicants must have submitted a full twelve months of accurate data to DPS for the most recent calendar year by the deadline(s) established by DPS. Due to the importance of timely reporting, applicants are required to submit complete and accurate UCR data, as well as the Texas-mandated reporting, on a no less than monthly basis and respond promptly to requests from DPS related to the data submitted.

4. In accordance with Texas Government Code, Section 420.034, any facility or entity that collects evidence for sexual assault or other sex offenses or investigates or prosecutes a sexual assault or other sex offense for which evidence has been collected, must participate in the statewide electronic tracking system developed and implemented by the Texas Department of Public Safety. Visit DPS's [Sexual Assault Evidence Tracking Program](#) website for more information or to set up an account to begin participating. Additionally, per Section 420.042 "A law enforcement agency that receives evidence of a sexual assault or other sex offense...shall submit that evidence to a public accredited crime laboratory for analysis no later than the 30th day after the date on which that evidence was received." A law enforcement agency in possession of a significant number of Sexual Assault Evidence Kits (SAEK) where the 30-day window has passed may be considered noncompliant.

5. Eligible applicants must be registered in the federal System for Award Management (SAM) database and have an UEI (Unique Entity ID) number assigned to its agency (to get registered in the SAM database and request an UEI number, go to <https://sam.gov/>)

Failure to comply with program eligibility requirements may cause funds to be withheld and/or suspension or termination of grant funds.

Prohibitions

Grant funds may not be used to support the unallowable costs listed in the **Guide to Grants** or any of the following unallowable costs:

1. inherently religious activities such as prayer, worship, religious instruction, or proselytization;
2. lobbying;
3. any portion of the salary of, or any other compensation for, an elected or appointed government official;
4. vehicles or equipment for government agencies that are for general agency use and/or do not have a clear nexus to terrorism prevention, interdiction, and disruption (i.e. mobile data terminals, body cameras, in-car video systems, or radar units, etc. for officers assigned to routine patrol; general firefighting equipment or uniforms);
5. weapons, ammunition, tasers, weaponized vehicles or explosives (exceptions may be granted when explosives are used for bomb squad training);
6. weapons accessories to include but not limited to optics/sights, laser aiming devices, ammunition pouches, slings, firearm silencers, bayonets, rifle bags or other accessories designed for use with any firearms/weapon;
7. admission fees or tickets to any amusement park, recreational activity or sporting event;
8. promotional items or gifts;
9. food, meals, beverages, or other refreshments, except for eligible per diem associated with grant-related travel or where pre-approved for working events;
10. membership dues for individuals;
11. any expense or service that is readily available at no cost to the grant project;

12. any use of grant funds to replace (supplant) funds that have been budgeted for the same purpose through non-grant sources;
13. fundraising;
14. legal services for adult offenders;
15. amateur radios and equipment, FMS radios, GMRS radios, Mobile ad hoc networks (MANETs), or other radio equipment that is not P25 compliant;
16. riot equipment including but not limited to shields, batons, less-lethal ammunition, and grenades designed or intended for dispersing crowds; and
17. any other prohibition imposed by federal, state, or local law.

Selection Process

Application Screening: PSO will screen all applications to ensure that they meet the requirements included in the funding announcement.

1. For eligible local and regional projects:

- Each COG’s homeland security advisory committee will prioritize all eligible applications using the region’s risk-informed methodology.
- PSO will accept priority listings that are approved by the COG’s executive committee.
- PSO will make all final funding decisions based on eligibility, FEMA National Priorities, COG priorities, reasonableness, availability of funding, and cost-effectiveness.

2. For statewide discretionary projects, applications will be reviewed by PSO staff members or a review group selected by the executive director. PSO will make all final funding decisions based on eligibility, reasonableness, availability of funding, and cost-effectiveness.

3. The State must designate at least 30% of available SHSP funding to projects supporting the FEMA NPAs listed above as outlined in the FY 2024 HSGP guidance. PSO encourages the COG regions to solicit projects to support each of the NPAs listed in this solicitation.

PSO may not fund all applications or may only award part of the amount requested. In the event that funding requests exceed available funds, PSO may revise projects to address a more limited focus.

Contact Information

For more information, contact the eGrants help desk at eGrants@gov.texas.gov or (512) 463-1919.

Total Funds
\$TBD

RESOLUTION

A RESOLUTION AUTHORIZING SUBMITTAL OF CAPCOG’s HOMELAND SECURITY GRANT PROGRAM APPLICATION FOR REGIONAL PLANNING

WHEREAS, the CAPCOG Executive Committee finds it in the best interest of the citizens of Region 12 that CAPCOG’s Regional Planning Grant application (#295611) be funded for the fiscal year (FY) 2026 grant year; and

WHEREAS, since the inception of the Homeland Security Grant Program (HSGP) in 2003, CAPCOG has received and used HSGP funding to the benefit of CAPCOG jurisdictions; and

WHEREAS, CAPCOG historically has been awarded HSGP funding to carry out these regional planning activities; and

WHEREAS, the CAPCOG Executive Committee designates its Executive Director as the grantee’s authorized official. The authorized official is given the power to apply for, accept, reject, alter, or terminate the grant on behalf of the applicant agency; and

WHEREAS, the CAPCOG Executive Committee agrees that in the event of loss or misuse of the Office of the Governor funds, CAPCOG will return funds as required to the Office of the Governor in full.

THEREFORE, BE IT RESOLVED that the CAPCOG Executive Committee approves and authorizes submission of the FY 2026 State Homeland Security Grant application for Regional Planning (#295611) to the Office of the Governor, Homeland Security Grants Division for final funding consideration.

Resolution adopted by the Capital Area Council of Governments Executive Committee on this 8th day of January 2025.

Judge Brett Bray, Chair
Executive Committee
Capital Area Council of Governments

Mayor Pro Tem Steve Hougen, Secretary
Executive Committee
Capital Area Council of Governments

RESOLUTION

A RESOLUTION AUTHORIZING SUBMITTAL OF CAPCOG’s HOMELAND SECURITY GRANT PROGRAM APPLICATION FOR REGIONAL TRAINING AND EXERCISES

WHEREAS, the CAPCOG Executive Committee finds it in the best interest of the citizens of Region 12 that CAPCOG’s Training and Exercises Grant application (#2956810) be funded for the fiscal year (FY) 2026 grant year; and

WHEREAS, since the inception of the Homeland Security Grant Program (HSGP) in 2003, CAPCOG has received and used HSGP funding to the benefit of CAPCOG jurisdictions; and

WHEREAS, CAPCOG historically has been awarded HSGP funding to carry out projects and activities on behalf of the region; and

WHEREAS, the CAPCOG Executive Committee designates its Executive Director as the grantee’s authorized official. The authorized official is given the power to apply for, accept, reject, alter, or terminate the grant on behalf of the applicant agency; and

WHEREAS, the CAPCOG Executive Committee agrees that in the event of loss or misuse of the Office of the Governor funds, CAPCOG will return funds as required to the Office of the Governor in full.

THEREFORE, BE IT RESOLVED that the CAPCOG Executive Committee approves and authorizes submission of the FY 2026 State Homeland Security Grant application for Regional Training and Exercises (#2956810) to the Office of the Governor, Homeland Security Grants Division for final funding consideration.

Resolution adopted by the Capital Area Council of Governments Executive Committee on this 8th day of January 2025.

Judge Brett Bray, Chair
Executive Committee
Capital Area Council of Governments

Mayor Pro Tem Steve Hougen, Secretary
Executive Committee
Capital Area Council of Governments

RESOLUTION

A RESOLUTION AUTHORIZING SUBMITTAL OF CAPCOG’s HOMELAND SECURITY GRANT PROGRAM APPLICATION FOR TIER II REPORTING

WHEREAS, the CAPCOG Executive Committee finds it in the best interest of the citizens of Region 12 that CAPCOG’s Tier II Reporting Grant application (#3757807) be funded for the fiscal year (FY) 2026 grant year; and

WHEREAS, since the inception of the Homeland Security Grant Program (HSGP) in 2003, CAPCOG has received and used HSGP funding to the benefit of CAPCOG jurisdictions; and

WHEREAS, CAPCOG historically has been awarded HSGP funding to carry out projects and activities on behalf of the region; and

WHEREAS, the CAPCOG Executive Committee designates its Executive Director as the grantee’s authorized official. The authorized official is given the power to apply for, accept, reject, alter, or terminate the grant on behalf of the applicant agency; and

WHEREAS, the CAPCOG Executive Committee agrees that in the event of loss or misuse of the Office of the Governor funds, CAPCOG will return funds as required to the Office of the Governor in full.

THEREFORE, BE IT RESOLVED that the CAPCOG Executive Committee approves and authorizes submission of the FY 2026 State Homeland Security Grant application for Tier II Reporting (#3757807) to the Office of the Governor, Homeland Security Grants Division for final funding consideration.

Resolution adopted by the Capital Area Council of Governments Executive Committee on this 8th day of January 2025.

Judge Brett Bray, Chair
Executive Committee
Capital Area Council of Governments

Mayor Pro Tem Steve Hougen, Secretary
Executive Committee
Capital Area Council of Governments

RESOLUTION

A RESOLUTION AUTHORIZING SUBMITTAL OF CAPCOG’s HOMELAND SECURITY GRANT PROGRAM APPLICATION FOR COMMUNITY EMERGENCY RESPONSE TEAM SUPPORT

WHEREAS, the CAPCOG Executive Committee finds it in the best interest of the citizens of Region 12 that CAPCOG’s Community Emergency Response Team (CERT) Support application (#4753402) be funded for the fiscal year (FY) 2026 grant year; and

WHEREAS, since the inception of the Homeland Security Grant Program (HSGP) in 2003, CAPCOG has received and used HSGP funding to the benefit of CAPCOG jurisdictions; and

WHEREAS, CAPCOG historically has been awarded HSGP funding to carry out projects and activities on behalf of the region; and

WHEREAS, the CAPCOG Executive Committee designates its Executive Director as the grantee’s authorized official. The authorized official is given the power to apply for, accept, reject, alter, or terminate the grant on behalf of the applicant agency; and

WHEREAS, the CAPCOG Executive Committee agrees that in the event of loss or misuse of the Office of the Governor funds, CAPCOG will return funds as required to the Office of the Governor in full.

THEREFORE, BE IT RESOLVED that the CAPCOG Executive Committee approves and authorizes submission of the FY 2026 State Homeland Security Grant application for CERT Support (#4753402) to the Office of the Governor, Homeland Security Grants Division for final funding consideration.

Resolution adopted by the Capital Area Council of Governments Executive Committee on this 8th day of January 2025.

Judge Brett Bray, Chair
Executive Committee
Capital Area Council of Governments

Mayor Pro Tem Steve Hougen, Secretary
Executive Committee
Capital Area Council of Governments

EXECUTIVE COMMITTEE MEETING

MEETING DATE: January 8, 2025

AGENDA ITEM: #5 Consider Adopting a Resolution Providing Signature Authority to Individuals for the Capital Area Council of Governments

GENERAL DESCRIPTION OF ITEM:

This item provides a resolution to be submitted to Frost Bank as part of the process for updating the signature authority with CAPCOG's designated depository bank.

The CAPCOG's Bylaws charge the Executive Committee with the responsibility to designate one or more depositories for CAPCOG'S funds and specify the individuals authorized to sign and countersign checks and other instruments for withdrawal of the funds.

The current banking arrangement with Frost Bank provides for two Executive Committee positions, the Chairperson and Secretary, and three CAPCOG employees, the Executive Director, Deputy Executive Director, and Director of Finance, to hold signature authority for signing and counter signing disbursements of CAPCOG funds.

As the officers have changed for the CAPCOG Executive Committee, this resolution provides for updating the change in officer positions for CAPCOG at the designated depository, Frost Bank.

THIS ITEM REPRESENTS A:

- New issue, project, or purchase
- Routine, regularly scheduled item
- Follow-up to a previously discussed item
- Special item requested by board member
- Other

PRIMARY CONTACT/STAFF MEMBER:

Silvia Alvarado, Director of Finance

BUDGETARY IMPACT:

Total estimated cost: N/A

Source of Funds: _____

Is item already included in fiscal year budget? Yes No

Does item represent a new expenditure? Yes No

Does item represent a pass-through purchase? Yes No

If so, for what city/county/etc.? _____

PROCUREMENT: N/A

ACTION REQUESTED:

Adopt and sign a resolution specifying the individuals authorized to sign and countersign checks and other instruments for withdrawal of funds from the designated depository, Frost Bank.

BACK-UP DOCUMENTS ATTACHED:

Resolution

BACK-UP DOCUMENTS NOT ATTACHED (to be sent prior to meeting or will be a handout at the meeting): None

RESOLUTION

PROVIDING SIGNATURE AUTHORITY TO INDIVIDUALS FOR THE CAPITAL AREA COUNCIL OF GOVERNMENTS

WHEREAS, the Executive Committee (“Committee”) of the Capital Area Council of Governments (“CAPCOG”) is charged with the responsibility to specify the individuals authorized to sign and countersign checks and other instruments for withdrawal of funds from designated depositories and,

NOW, BE IT RESOLVED BY the Committee as follows:

1. The Committee hereby specifies that the following individuals are authorized to sign and countersign checks and other instruments for withdrawal of funds from designated depositories:
 - a. Chairperson, Executive Committee of CAPCOG
 - b. Secretary, Executive Committee of CAPCOG
 - c. Executive Director of CAPCOG
 - d. Deputy Executive Director of CAPCOG
 - e. Director of Finance of CAPCOG

2. The Committee and the Executive Director are hereby authorized to take all steps necessary to enforce the provisions of this resolution.

Resolution adopted on this 8th day of January 2025.

Judge Brett Bray
Chair
Executive Committee
Capital Area Council of Governments

Mayor Pro Tem Steve Hougen
Secretary
Executive Committee
Capital Area Council of Governments

EXECUTIVE COMMITTEE MEETING

MEETING DATE: January 8, 2025

AGENDA ITEM: #6 Consider Appointing CAPCOG Advisory Committee Board Liaisons and Consider Approving Appointments to Advisory Committees

GENERAL DESCRIPTION OF ITEM:

Each of CAPCOG's advisory committees includes a non-voting Executive Committee liaison. These committee liaisons can provide the perspective of the Executive Committee on some issues the advisory committee may be addressing, but it also allows the liaison to assist in explaining the efforts and intentions of that committee when the issue becomes an agenda item for Executive Committee.

The Advisory Committees that have liaisons are listed along with the Executive Committee member currently serving in that position. Due to turnover on the Executive Committee from 2024 to 2025, three of these positions are vacant:

1. Aging Advisory Council (AAC) – VACANT
2. Criminal Justice Advisory Council (CJAC) – VACANT
3. Geographic Information Systems Planning Council (GISPC) – San Marcos Mayor Jane Hughson
4. Homeland Security Task Force (HSTF) – Burnet County Commissioner Joe Don Dockery
5. Law Enforcement Education Committee (LEEC) – VACANT
6. Solid Waste Advisory Committee (SWAC) – Travis County Commissioner Ann Howard

Approving appointments to the advisory committee is a monthly item for filling positions on CAPCOG's advisory committees. It is presumed that both city and county representatives will collaborate when making appointments.

THIS ITEM REPRESENTS A:

- New issue, project, or purchase
- Routine, regularly scheduled item
- Follow-up to a previously discussed item
- Special item requested by board member
- Other

PRIMARY CONTACT/STAFF MEMBER:

Chris Miller, Executive Director

BUDGETARY IMPACT:

Total estimated cost: N/A

Source of Funds: _____

Is item already included in fiscal year budget? Yes No

Does item represent a new expenditure? Yes No

Does item represent a pass-through purchase? Yes No

If so, for what city/county/etc.? _____

PROCUREMENT: N/A

ACTION REQUESTED:

Appoint Executive Committee Advisory Committee Liaisons for 2025
Approve any recommended advisory committee appointments

BACK-UP DOCUMENTS ATTACHED:

None

BACK-UP DOCUMENTS NOT ATTACHED:

None



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BASTROP BLANCO BURNET CALDWELL FAYETTE HAYS LEE LLANO TRAVIS WILLIAMSON

MEMORANDUM December 30, 2024

TO: Executive Committee

FROM: Chris Miller, CAPCOG Executive Director

RE: Advisory Committee Vacancies and Recommended Appointments

Please note the following advisory committee vacancies:

1. **Aging Advisory Council (AAC)*:**
 - a. Burnet County (1 vacancy since November 2021)
 - b. Travis County (1 vacancy out of 3 seats since April 2023)
 - c. Williamson County (1 vacancy out of 2 seats since December 2020)
2. **Criminal Justice Advisory Committee (CJAC):**
 - a. Llano County (1 vacancy since September 2024)
 - b. City of Austin (2 vacancies out of 3 seats, 1 since March 2023, 1 since May 2022)
3. **Law Enforcement Education Committee (LEEC):**
 - a. 1 Public Member**
4. **Solid Waste Advisory Committee (SWAC):**
 - a. Burnet County (1 vacancy since December 2024)

Note that that there are special requirements for the composition of some committees that need to be met that may constrain who is able to be appointed. Please contact the relevant staff contact for the committee if you have questions about a potential nominee's eligibility.

No nominations for these vacancies were received by the date the agenda for the January 8, 2025, meeting was prepared, but nominations for filling these vacancies may also be made at the meeting itself. If you have someone you would like to nominate for a position, please request a nomination form and submit it to Shaun Seale at sseale@capcog.org

*Please note that we are able to count Aging Advisory Council meeting participation as an in-kind match for administration of our Area Agency on Aging, reducing the amount of local cash match required from CAPCOG's budget.

**In order to qualify as a “public member” of the LEEC, based on state law, an individual must be able to meet all of the following criteria:

- Neither the person or their spouse is registered, certified, or licensed by an occupational regulatory agency in the field of law enforcement.
- Neither the person or their spouse is employed by or participates in the management of a business entity or other organization regulated by the Texas Commission on Law Enforcement (TCOLE) or receiving funds from TCOLE.
- Neither the person or their spouse owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization regulated by TCOLE or receiving funds from the commission.
- Neither the person or their spouse uses or receives a substantial amount of tangible goods, services, or funds from the commission, other than compensation or reimbursement authorized by law for commission membership, attendance, or expenses.
- Neither the person or their spouse is an officer, employee, or paid consultant of a law enforcement labor union.

EXECUTIVE COMMITTEE MEETING

MEETING DATE: January 8, 2025

AGENDA ITEM: #7 Review Older American Act Services and the impact on the Capital Region

GENERAL DESCRIPTION OF ITEM:

The Older American Act of 1965 as amended in 2000, it currently up for re-authorization. The Act expired on September 30, 2024. The Senate Bill S.4776-Older Americans Act Reauthorization Act of 2024 was submitted on 12/10/24 and it passed by voice vote in the Senate and the bill authorized appropriations for fiscal years 2025 through 2029. The S.4776 was passed to the House on 12/11/24, where the status is Held at the desk.

The Older American Act services and support programs are instrumental across the nation in strengthening the Aging Network to meet the needs of older individuals and their caregivers. The impact on the Capital region is tremendous and long lasting. The Area Agency on Aging of the Capital Area not only provides numerous services to seniors and their caregivers, but also participates in many planning initiatives such as assisting to develop the Age Friendly City Plan for the City of Austin and works with local Universities in providing grant support and expertise on issues of aging, nutrition, and family caregiver support needs.

THIS ITEM REPRESENTS A:

- New issue, project, or purchase
- Routine, regularly scheduled item
- Follow-up to a previously discussed item
- Special item requested by board member
- Other

PRIMARY CONTACT/STAFF MEMBER: Jennifer Scott, Director of Aging Services

BUDGETARY IMPACT:

Total estimated cost: N/A

PROCUREMENT: N/A

ACTION REQUESTED:

Consider advocating for the Area Agency on Aging of the Capital Area Services and Supports and for the Older American Act Reauthorization Act of 2024.

BACK-UP DOCUMENTS ATTACHED: N/A

BACK-UP DOCUMENTS NOT ATTACHED (*to be sent prior to meeting or will be a handout at the meeting*):

If you have one back-up document to be handed out at the meeting, please list like this.

1. AS.EC_2025.08.01 Power Point Presentation - Impact of the OAA services and support programs throughout the Capital Region.

EXECUTIVE COMMITTEE MEETING

MEETING DATE: January 08, 2025

AGENDA ITEM: #8 Ombudsman Program Annual COI Screening

GENERAL DESCRIPTION OF ITEM:

Every year the Ombudsman Program is required to determine if there is an organization conflict of interest (COI) that exists as the host agency. Attached to this agenda item is the Ombudsman Program Texas Administrative Code that identifies what situations would be considered an Organizational Conflict of Interest.

Please review and if you have a conflict of interest, please self-identify to the Executive Director. The Managing Lead Ombudsman will need to assist with a remediation plan if a conflict of interest exists in your capacity as an Executive Committee Member.

THIS ITEM REPRESENTS A:

- New issue, project, or purchase
- Routine, regularly scheduled item
- Follow-up to a previously discussed item
- Special item requested by board member
- Other

PRIMARY CONTACT/STAFF MEMBER: **Jennifer Scott, Director of Aging Services**

BUDGETARY IMPACT:

Total estimated cost: N/A

PROCUREMENT: N/A

ACTION REQUESTED:

Review the COI Texas Administrative Code and identify if a COI exists. This does not require a vote by the members, only acknowledgement the issue was addressed in the meeting minutes.

BACK-UP DOCUMENTS ATTACHED:

If you have one back-up document, please list like this.

1. AS.Executive Committee_2025_01_08_ Excerpt of Organization COI Rules
2. AS.Executive Committee_2025_01.08_Form_8613 COI Remedy Plan

BACK-UP DOCUMENTS NOT ATTACHED *(to be sent prior to meeting or will be a handout at the meeting):* **N/A**

TITLE 26 HEALTH AND HUMAN SERVICES
PART 1 TEXAS HEALTH AND HUMAN SERVICES COMMISSION
CHAPTER 88 STATE LONG-TERM CARE OMBUDSMAN PROGRAM
SUBCHAPTER A PURPOSE AND DEFINITIONS

§88.2. Definitions.

(30) **Organizational conflict of interest**--A situation in which an organization is involved in multiple interests, financial or otherwise, that could affect the effectiveness and credibility of the Ombudsman Program and includes an organization:

(A) having any ownership, operational, or investment interest in, or receiving grants or donations from, an LTC facility;

(B) being an association of LTC facilities or an affiliate of such an association;

(C) having responsibility for licensing, surveying, or certifying LTC facilities;

(D) having a governing board member with an ownership, investment, or employment interest in an LTC facility;

(E) providing long-term care to residents of LTC facilities, including the provision of personnel for LTC facilities or the operation of programs that control access to, or services of, LTC facilities;

(F) providing long-term care coordination or case management for residents of LTC facilities;

(G) setting reimbursement rates for LTC facilities;

(H) providing adult protective services, as described in Texas Human Resources Code, Chapter 48;

(I) determining eligibility regarding Medicaid or other public benefits for residents of LTC facilities;

(J) conducting PASRR screening for LTC facility placements;

(K) making decisions regarding admission of residents to, or discharge of residents from, LTC facilities; or

(L) providing guardianship, conservatorship, or other fiduciary or surrogate decision-making services for residents of LTC facilities.

TITLE 26 HEALTH AND HUMAN SERVICES
PART 1 HEALTH AND HUMAN SERVICES COMMISSION
CHAPTER 88 STATE LONG-TERM CARE OMBUDSMAN PROGRAM
SUBCHAPTER E REQUIREMENTS OF A HOST AGENCY

§88.403 Conflicts of Interest Regarding a Host Agency

(a) If a host agency, or a governmental entity or nonprofit organization contracting with a host agency, as described in §88.2(20)(B) of this chapter (relating to Definitions), has an organizational conflict of interest, the host agency must, within 30 days after identifying the conflict of interest:

(1) complete HHSC form "Conflict of Interest Identification, Removal, and Remedy," including a recommended action to:

(A) remove a conflict of interest described in §88.2(30)(A) - (C) of this chapter (relating to Definitions); and

(B) remove or remedy a conflict of interest described in §88.2(30)(D) - (L) of this chapter; and

(2) submit the completed form to the Office.

(b) A host agency must ensure that HHSC form "Individual Conflict of Interest Screening of a Representative of the Office," is completed by a managing local ombudsman:

(1) at least once a year; and

(2) if the host agency identifies an individual conflict of interest involving the managing local ombudsman.

(c) Within five business days after identifying an individual conflict of interest regarding a managing local ombudsman, the host agency must:

(1) complete HHSC form "Conflict of Interest Identification, Removal, and Remedy," including a recommended action to remove or remedy the conflict of interest; and

(2) submit the completed form to the Office.

(d) If the Office receives a completed form described in subsection (a) or (c) of this section, the State Ombudsman reviews the form and approves, modifies, or rejects the recommended action to remove or remedy the conflict of interest.

(1) If it is not possible to remove or remedy an organizational conflict of interest of the host agency, the State Ombudsman removes the designation of the local ombudsman entity, as described in §88.104(c)(2)(A) of this chapter (relating to Designation of a Local Ombudsman Entity).

(2) If it is not possible to remove or remedy an individual conflict of interest of the managing local ombudsman, the State Ombudsman refuses to initially certify or terminates certification of the managing local ombudsman as described in §88.103(a)(2) and (d)(4) of this chapter (relating to Refusal, Suspension, and Termination of Certification of an Ombudsman).

Source Note: The provisions of this §88.403 adopted to be effective April 5, 2018, 43 TexReg 2007; amended to be effective May 22, 2024, 49 TexReg 3566



Office of the State Long-term Care Ombudsman
Conflict of Interest Identification, Removal and Remedy

Name of person completing this form _____

Type of conflict	Date conflict was identified
<input type="checkbox"/> Individual	_____
<input checked="" type="checkbox"/> Organizational	

If organizational, name of the entity or entities with a conflict:

1. Describe the conflict:

2. What is the scope of the conflict? *Specify organizations and businesses affiliated with the conflict including businesses operated by the same owner.*

3. Identify areas that require changes to Ombudsman Program procedure. Include any changes to:

- *Ombudsman intake procedures*
- *Contact with residents*
- *Communications with providers, facility staff, owner, or host agency staff*
- *Complaint-handling procedure*
- *Employment or volunteer responsibilities within the local ombudsman entity*
- *Other changes, explain:*

4. Describe how the conflict will be remedied or removed. Address each issue noted in Item 3 above and the following as applicable:

- If a current or previous financial relationship with a long-term care facility, say how this relationship will not negatively affect the Ombudsman Program.
- If a current or previous personal relationship with one or more residents in a long-term care facility, say how this relationship will not negatively affect the ombudsman's role as an advocate for all residents in the assigned facility or facilities.
- If the conflict involves membership or volunteer activities relating to long-term services and supports, say how the activity will not negatively affect the Ombudsman Program.
- If an organizational conflict, address all functions affected by the conflict.

5. Who will the individual or local ombudsman entity report to within the host agency?

Name and title

Describe how the arrangement will be monitored for effectiveness

6. What is the expected duration of this conflict and plan?

7. Signatures

Signature — Ombudsman/Applicant

Date

Signature — Managing Local Ombudsman

Date

Signature — Host Agency Representative

Date

For State Office Use Only:

Decision by State Ombudsman

<p>Approved</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Note:</p> <p>_____</p>
--------------------------------------------------------------------------------------	---------------------------

Modifications: *For example time limits and other direction noted by the State Ombudsman above*

Signature

Date