

PERMIAN BASIN REGIONAL REVIEW COMMITTEE
REVIEW PROCEDURES AND SCORING CRITERIA
FOR THE 2007-2008
TEXAS COMMUNITY DEVELOPMENT PROGRAM
(TCDP)

Developed and adopted by the Permian Basin RRC: May 24, 2006
Approved by ORCA, TCDP Staff:

SECTION I

PERMIAN BASIN REGIONAL REVIEW COMMITTEE 2007-2008 PROGRAM YEARS

The following elected officials are the current members of the Permian Basin Regional Review Committee (RRC) that will review the 2007-2008 applications for community development funds from the Texas Community Development Program:

The role of the Regional Review Committee has been outlined by the Office of Rural Community Affairs in the Action Plan of the Consolidated Plan and is briefly described as follows:

The role of each Regional Review Committee is to participate in the process for determining regional priorities and to share in the scoring of applications in a fair and equitable manner to ensure that the identified needs of the region are met. Each Regional Review Committee will accomplish the following tasks: (1) establish procedures for the review and scoring of applications for the Community Development Fund; (2) review and score all such applications within its region and (3) hear appeals that originate at the regional level. Furthermore, the Regional Review Committees do not score, but may review and comment on applications for the Texas Capital Fund; Planning/Capacity Building Fund, and Colonia Fund. The RRC is encouraged to provide the Office of Rural Community Affairs (Office) with any information that might assist the staff in reviewing and scoring projects for selection under the statewide competitions for these other Funds. A description of the procedures to be used for providing comments/information for the Funds mentioned above are found in the 2007-2008 Regional Review Committee Guidebook Scores for the Community Development Fund application and comments on other applications will be sent to the Office of Rural Community Affairs.

SECTION II

GENERAL PROVISIONS AND INFORMATION

1. In accordance with the procedures identified in the 2006 Action Plan of the Consolidated Plan, a two-year funding cycle will be in effect for the combined period of program years 2007 and 2008, for the Community Development Fund and the Planning/Capacity Building Fund. As such, applications not funded through the 2007 Community Development Fund will be considered through the 2008 Community Development Fund. The Regional Review Committee will only meet once to score applications in program year 2007; an organizational meeting and scoring meeting will not be required for program year 2008.
2. The Permian Basin Regional Review Committee has elected **NOT** to review the Texas Capital Fund, Planning/Capacity Building Fund, Colonia Fund, and Housing Fund applications in 2006. The Committee directed that these applications be reviewed by the Permian Basin Regional Planning Commission's Board of Directors under the provisions of the Texas Review and Comment System (TRACS).
3. The RRC elected to utilize the Rio Grande Council of Governments (RGCOG) staff to assist with project review responsibilities in 2006-2007.

For information or assistance call Jake Brisbin or Annette Gutierrez at (915) 533-0998.

4. The dates for submitting Community development applications are:

<i>September 29, 2006 (5:00 p.m.)</i>	<i>ORCA's application deadline</i>
<i>October 20th, 2006 (5:00 p.m.)</i>	<i>PBRRC's application deadline</i>
5. To expedite the review process at the Regional Review Committee scoring meetings, the RGCOG staff has been instructed to pre-score factors that can be determined prior to the scoring meeting.

1. **The Local Effort scoring component, with 75 possible points**, was adopted by the Regional Review Committee to add more specificity to the committee's scoring efforts. The following questions **MUST** be answered to the best of the applicant's ability to assist the committee in fully comprehending the efforts being made by the applicants to utilize local resources for community development. **These questions and answers should be titled "Local Effort of (name of city or county)" and be included in the copy of the application submitted to the RGCOG**; the questions and answers should be itemized numerically and placed in the application **immediately following the Project Summary**. This information will be provided to the RRC at least 5 days prior to the RRC scoring meeting. The RRC Staff will develop a matrix comparing the applicant's responses to the questions.

Category 1 Matching Funds Consideration (25 points possible)

1. **What is the amount of the applicant's local match? Will this amount receive maximum points from the TCDP staff?**

Note: The population category under which county applications are scored is dependent upon the project type and the beneficiary population served. If the project is for beneficiaries for the entire county, the total population of the county is used. If the project is for activities in an unincorporated area of the county with a target area of beneficiaries, the population category is based on the unincorporated residents for the entire county. For county applications addressing water and sewer improvements in unincorporated areas, the population category is based on the actual number of beneficiaries to be served by the project activities. A maximum of 25 points will be awarded for matching funds in local scoring. **In the local point scoring, the five breakdowns established for each population category in the Office of Rural Community Affairs Texas Community Development Program 2007 Action Plan, Section C. Description of Selection Criteria by Fund Category, d. Matching Funds - will be awarded 60, 40, 20, 10 and 0 respectively.**

Category 2 Stewardship (25 points possible)

1. **What is the maintenance amount spent on efforts to improve or correct the problem for which the locality is seeking funding? If there are no maintenance expenditures, is this a project providing a new (first-time) service?**
2. **Historically, has the applicant funded improvements from local funds or bonds?**
3. **What is the delinquency rate of property tax levied for the locality?**

4. Was there a surplus at the end of the last fiscal year in the applicant's local general fund? If so, how much is the surplus and what is the per capita amount of this surplus?
5. Is there any information not specifically requested that the applicant would like to present to the Committee concerning their efforts locally?

Category 3 - 25 points possible

1. List and define available revenue sources for the project
2. What is the local ad valorem (property) tax rate?
3. If your community does not have a property tax, explain what income would be generated if a property tax were levied.
4. What taxes are levied through special districts in the jurisdiction?
5. What is the most current local tax base for the applicant's jurisdiction?
6. What is the total tax rate (from all jurisdictions) paid by the applicant's residents?
7. What is the total percent of sales tax being levied by the applicant?
8. What is the applicant's per capita bonded indebtedness?
9. What are the applicant's water and sewer rates?
10. What would a household with 5,000 gallons per month usage pay in water and sewer bills?
11. How much does a household pay per month for trash collection?
12. When was the last increase in water and/or sewer and/or trash collection rates?
13. Is there any information not specifically requested that the applicant would like to present to the Committee concerning their efforts locally?

7. **The Merits of the Project** scoring component affords the Regional Review Committee the opportunity to exercise discretion in awarding the remaining 175 points. To insure committee members are fully aware of the merits of the particular project(s), the applicant **MUST** address the questions listed below. **These answers should be titled "Merits of the Project, (name of city or county)" and will be included in the application that is sent to the RGCOG.** These answers should be listed numerically and should be placed in the application immediately following the Local Effort Questions and Answers. The RRC staff will provide these questions and answers to the RRC at least 5 days prior to the RRC review meeting.

Category 1. Continuation of Need. (10 points possible)

1. **If the exact project was presented in a previous TCDP funding cycle and not funded, the project shall receive 10 points for Continuation of Need.**

Category 2. Other Merits of the Project. (165 points possible)

1. **What is the severity of the need for the project? Is this project providing "first-time" service? (0-80 points)**
 2. **To what extent will this project alleviate the problem? (0-50 points)**
 3. **Does this project address the problem for a target area or the entire community? What percentage of beneficiaries are low/moderate incomes? (0-35 points)**
8. Additional supporting documentation will be accepted by the TCDP staff through the date of the RRC scoring meeting. For ORCA to consider this information, it must be presented to ORCA staff at the scoring meeting. This information will be taken into consideration by ORCA when scoring project impact.
9. Since regional scores are open to the public, staff support will provide a summary of the scores upon request. In addition to the scores, the names, addresses, titles and telephone numbers of the Regional Review Committee members will be provided.
10. The Regional Review Committee instructed the support staff to provide as a minimum the following information from each application in a review packet:
- * SF424
 - * Community Needs Assessment
 - * Project Summary

- * Table I
- * Table II
- * Questions and Answers - Local Effort
- * Local Effort Matrix
- * Questions and Answers - Merits of the Project
- * Merits of the Project Matrix
- * Resolution
- * Map(s)

In addition, if the applicant provides a letter from agencies or other authorities justifying the need for a project, the RRC may include them in the review packet.

11. The RRC strongly recommends that when appropriate, the applicant provide photographs of the project area to better illustrate the need for the project. These can be provided at the RRC review meeting: the applicant should insure these photographs become part of their application and are available for the TCDP staff review.
12. The RRC has included as Attachment Two a certification that the applicant must execute and submit with the application. It will allow the RRC staff to make the application available for public review.
13. The Regional Review Committee support staff requests that the applicants submit the required maps in a size that can easily be reproduced for inclusion in the review packets that will be provided to the Regional Review Committee for the scoring meeting. The maps must be either 8 1/2" X 11" or 8 1/2" X 14".
14. The Permian Basin RRC has established Regional Priorities as required by ORCA. If an applicant proposes a combination of activities, scoring will be on a weighted average basis, with weights being assigned according to the percentage of the TCDP construction dollars.
15. 2007-2008 TCDP applicants shall send TWO COMPLETE copies of their application to:

*RIO GRANDE COUNCIL OF GOVERNMENTS
RRC SUPPORT STAFF
ATTN: ANNETTE GUTIERREZ
1100 N. Stanton, Suite 610
El Paso, Texas 79902*

SECTION III

REVIEW PROCEDURES

Mandatory requirements have been established by the Office of Rural and Community Affairs (ORCA) to encourage uniformity and fairness in the review of all TCDP applications. The Permian Basin Regional Review Committee will comply with these requirements and assures all applicants that every application will be fairly and uniformly reviewed.

- I. All Community Development Fund applications from the Permian Basin region are due to the RRC in care of the Rio Grande Council of Governments by September 21, 2006, by 5:00 p.m. The applications are due to ORCA by 5:00 p.m., August 31, 2006. The Permian Basin RRC is not authorized to disqualify late applications, but may refer applications received after the deadlines to ORCA or the State Review Committee for further consideration.
- II. The RRC must indicate in its guidelines the number of application copies that are to be submitted to the RRC. The RRC may not disqualify any applicant on the basis that an incorrect number of copies were received.

The Permian Basin RRC has indicated that only TWO copies of the complete application are required.

- III. RRC's will generate score on Merits of the Project and Project Priorities scoring factors. In addition, the RRC may, as an option, elect to generate scores for Local Effort and/or Continuation of Need scoring factors.

The Permian Basin RRC has elected to generate scores based on the following components:

- A. REGIONAL PROJECTS PRIORITIES-100 points, based on type of project(s) selected:
 1. First Priority -Water and/or Sewer, to include first-time service on private property: *100 points*
 2. Second Priority - Housing Rehabilitation, Streets and Drainage *95 points*
 3. Third Priority -All Other projects *90 points*

Note: Applications which include two or more activities with different priorities will be scored by prorating the point totals for each activity based upon the percentage of TCDP funds allocated to each.

- B. LOCAL EFFORT - 75 points, RRC scores this factor based on the information provided in the application, to include the written answers to the questions listed and the applicant's oral presentation. Point values are outlined under Local Effort (Section 6).
- C. MERITS OF THE PROJECT -175 points.
Continuation of Need -10 points, depends on previous efforts.
Merits of the Project -165 points, RRC scores this factor based on the information in the application, to include the answers to the questions listed under Merits and the applicant's oral presentation. Point values are outlined in Merits of the Project (Section 7).

IV. RRC's shall establish voting scoring procedures.

As a result of input from local officials, the RRC adopted the scoring criteria and the review procedures described in this section.

- A. All scoring ballots will be maintained as public record.
- B. Scoring of applications must take place at the same meeting at which the application presentations are made. Committee members will score projects on individual score sheets and may pencil in a preliminary score and descriptive notes immediately following each applicant's presentation and discussion. However, the RRC support staff will not pick up score sheets from the RRC members until all applications have been considered and the RRC members have finalized their score sheets for all the applications. RRC members must ask project-specific questions immediately after the presentation and not later in the meeting.
- C. There will be no consensus scoring and the RRC shall not rank projects (applications) and then assign scores based on those rankings.
- D. Committee members will sign each score sheet.
- E. The score sheets will be collected only after the application presentations have been completed. The highest and lowest scores from the subjective scoring factors (Local Effort and Merits of the Project) will be eliminated and the remaining scores will then be averaged to provide a regional score for this factor. The sum of all the scoring factors will be the applicant's score that is forwarded to ORCA. Regional scores may be calculated and reported to ORCA on less than full point intervals (decimal points). ORCA shall retain these intervals when calculating the total scores and final rankings.

- V. The RRC shall assign scores to each application without access to ORCA scores. The Permian Basin has followed this procedure every program year.
- VI. The RRC shall score a proposal based only on the activities and funds requested in the application. The RRC may not reduce or change the scope of the project proposed by the applicant. ORCA will inform the Permian Basin RRC of any ineligible activities found in applications prior to the RRC's scoring meeting.
- VII. In lieu of the requirements of the Texas Open Meetings Act, the RRC shall abide by the following:
 - A. Notify each eligible applicant in the region in writing of the date, time and place of any RRC meeting at least five days prior to the meeting. The notice must be sent by one of the following three methods:
 - I. Certified mail
 - 2. First Class (regular) mail, with a return receipt for local signature
 - 3. Actual delivery in person (at COG meetings, etc.)
 - B. News releases concerning all RRC meetings will be mailed to all Permian Basin regional news media. Public notices will be published in the Odessa American and in the Midland Reporter-Telegram at least 3 days in advance of the actual meeting.
 - C. Allow a maximum ten-minute presentation by each applicant. The presentation can be made by whomever the applicant selects except for RRC members. RRC members must ask project specifications immediately after the presentation and not later in the meeting.
 - D. Randomly select the order of the presentations. The selection will be accomplished by the RGCOG staff.
 - E. Provide that all discussions, deliberations and votes be taken in public except for items which would be specifically exempted under the Texas Open Meetings Act.
This rule applies to both the application scoring sessions and any organizational meetings of the RRC. Notices on the scoring/appeals meetings need to be sent only to the actual applicants in the region.
- VIII. RRC members will not deliberate nor vote on issues and/or applications where a conflict of interest has been identified.

No member of an RRC may participate in the deliberations on, or vote on, any application from the locality in which the member is on the local governmental body or in cases where that member has a personal or pecuniary interest as

defined under state law. Under this provision. county representatives may not vote on issues/applications from incorporated cities within their counties and city representatives may not vote on issues/applications submitted by the county, and cannot participate in the discussions of these applications.

An RRC member may not discuss any application, including the scoring of any application that the RRC member is allowed to score, with a person, elected official, or consultant that may benefit from an award of funds. If an RRC member is contacted by anyone that will benefit from the finding of an application, the RRC member shall report the contact to the RRC Staff Support and the RRC Staff Support shall in turn provide the information to the TCDP staff.

IX. RRC's shall retain voting records.

The RRC, with cooperation of the support staff, will be required to retain all ballots or other voting records used by RRC members during the project scoring process. These records shall be appropriately stored and made available for inspection by the public and ORCA upon request for a period of one year. In the case of a two-day scoring meeting, the RRC may elect to withhold disclosure of ballots until the end of the second day of the meeting. RRC scores are public information and must be made available upon request to interested parties.

X. RRC's shall follow all statewide procedures.

The RRC will be required to follow all state and federal regulations affecting the program as well as the procedures included in the 2007-2008 TCDP Community Development Fund Application Guide and in the 2006 Action Plan of the Consolidated Plan, which was submitted to the U.S. Department of Housing and Urban Development.

XI. A meeting of the RRC requires a quorum of a simple majority (seven members) of all current members (regardless of status of term or elected office) appointed by the Governor.

In advance of the scoring meeting, the RRC staff will attempt to determine who (RRC members) plans to attend the meeting. If a committee member (or members) notifies the committee prior to the scheduled starting time for the scoring meeting that they will be late, the starting time can be delayed for one hour. If the member (or members) has not arrived by the end of the one hour delay and a quorum is present, the scoring meeting will begin. **If a RRC member is not present to hear all the applicant presentations and score all the applications, that RRC member will not score any of the 2007-2008 TCDP Community Development Fund Applications.**

A quorum is required to open and conduct business. However, in the case that a potential or actual conflict of interest has required RRC members to excuse themselves, thus dropping the participant members below a simple majority a quorum shall have been considered present. In the case that RRC members depart from the site of the meeting, thus dropping present membership below a simple majority then a quorum has not been maintained, and the meeting must adjourn.

- XII. Only appointed members of the RRC who are present at the meeting can vote on RRC actions.

An appointed member may designate a local elected official alternate from his/her appropriate city or county to participate in the RRC's deliberations for the purpose of meeting a quorum. This alternate person must be authorized in writing from the official being represented prior to his/her participation at any RRC meeting where voting is to occur. **The appropriately designated alternate may be counted toward a quorum and may participate in the RRC activities to include discussions and deliberations; however, the alternate shall NOT vote.**

- XIII. RRC may provide information to ORCA concerning threshold criteria.

After the regional scores are submitted to ORCA, the TCDP staff initiates a final technical review of the projects selected for funding. The review examines both the technical feasibility of the project and the capacity of the applicant to operate and/or maintain the facility/service. It also determines which applicant(s), if any, face disqualification for violations of state or federal program requirements. The RRC is encouraged to provide any information that would assist with these determinations.

- XIV. RRC may determine maximum grant amounts within established range.

For 2007-2008, the maximum grant amount for a single jurisdiction community development application in the Permian Basin Region will be \$350,000. For a multi- jurisdiction application, the maximum grant amount will be \$350,000.

For any information or clarification pertaining to these procedures, please contact Jake Brisbin, Jr. or Annette Gutierrez, Rio Grande Council of Governments, 1100 N. Stanton, Suite 610, 915- 533-0998, (fax 915- 532-9385).

SECTION IV

APPEALS PROCEDURES

Each applicant will be allowed to utilize the following appeal procedures when action of the RRC is questioned. Any applicant appealing the RRC actions must cite, in writing, to the RRC Chairperson and to the Director of the Texas Community Development Program, the specific procedural violation regarding the RRC's actions. ***Please keep in mind that all appeals must be based on a specific, identified error of the Regional Review Committee and not on factors that allow discretion by the RRC members (e.g. Local Effort and Merits of the Project scoring factors).*** All appeals must be handled in accordance with the following procedural guidelines:

1. **Written Notification to RRC and Department**

An applicant must notify its Regional Review Committee and ORCA in writing of the alleged specific violation of the RRC procedures within *five working days* following the date when RRC scores are made available to the applicants (RRC staff support is advised to record this date).

2. **RRC Notification to Applicants of Appeal(s)**

Within 10 working days following the receipt of an appeal, the RRC will notify all applicants in the region that the RRC will reconvene to hear the appeal. When appropriate, the RRC will give specific notice to applicants that their scores may be affected by the outcome of the appeal.

3. **RRC Reconvenes to Hear the Appeal(s)**

In an open meeting, the RRC shall consult with the appellant jurisdiction and consider the appeal. With a simple majority quorum present (usually 7 members), the RRC will vote to either deny the appeal or to sustain the appeal and change the score(s).

4. **RRC Notifies Applicants and Department of Results of Appeal(s)**

The RRC will then send a written description of the results of the appeals meeting to all applicants in the region as well as to ORCA.

If the appeal is *resolved*, TCDP staff provides final funding recommendations to the State Review Committee. Please note that applicants negatively affected by an original appeal have the same procedural rights to counter-appeal.

If the appeal is *unresolved*, TCDP staff prepares an appeal file for the State Review Committee which will include the following:

- * copy of the appeal
- * RRC response
- * comments from TCDP staff
- * comments from other interested parties

5. **State Review Committee Makes Final Recommendations**

The State Review Committee will make one of the following final recommendations to the Department's Executive Director.

- * sustain the appeal and suggest corrective actions; or
- * reject the appeal and sustain the original RRC score(s)

ATTACHMENTS

ATTACHMENT ONE

***PERMIAN BASIN REGIONAL REVIEW COMMITTEE
2007-2008
TCDP CALENDAR***

The following dates are the only ones that were known at the time the Regional Review Committee held its 2007-2008 Organizational meeting (May 24, 2006).

August 31, 2006 ***ORCA's deadline for Community Development applications and beneficiary surveys (Note: Receipt of original and one copy at ORCA on that date by close of business)***

September 21, 2006 ***Deadline for application to RGCOG (Note: Two complete only to RGCOG)***

ATTACHMENT TWO

SAMPLE

**CERTIFICATION TO ALLOW PUBLIC REVIEW OF PENDING APPLICATION
TEXAS COMMUNITY DEVELOPMENT PROGRAM**

I, _____
of _____
Name Title Hereby certify
_____ that the TCDP
City of County

Application submitted by _____ is available
City or County

for public review both at _____ and the
Location

Rio Grande Council of Governments offices located at 1100 N. Stanton, Suite 610, El Paso, Texas 79902. This release of information is effective for any party that may be interested in viewing this Texas Community Development Program application. I hereby waive any authorization under the Texas Open Records Act to keep this information confidential until the competition has been completed.

Signature Date

Title