

BEXAR COUNTY, TEXAS
(San Antonio)



Federal Legislative Program
113th United States Congress

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(San Antonio)



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Commissioners Court

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Executive Summary

The 113th Congress convened on January 3, 2013 and will end on January 3, 2015.

The following pages detail Bexar County's Legislative Program organized by subject area.

It is to serve as a communication tool and general position statement on the subject areas described.

Assistant to the County Manager Seth Mitchell and Coordinator Manuel Leal have overall federal legislative program responsibility. Penny Farthing, Senior Advisor, Boise Public Affairs and Walter Serna, of Serna and Serna work on federal issues on behalf of Bexar County.

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Omnibus Policy

Bexar County Commissioners Court acting as a body adopts legislative policy positions and goals.

The County Manager and staff within the County Manager's Office is responsible for carrying out actions needed to give effect to these policy positions.

This responsibility extends to working with the County's lobby team and appropriate federal offices to find the appropriate legislative vehicle to achieve the legislative policy goals approved by Commissioners Court.

The County Manager's Office will provide regular updates to Commissioners Court on issues before Congress which have potential impact to the County as a governmental entity and to its residents.

As a general matter, Commissioners Court will support federal regulation or legislation which would clearly benefit the County as a governmental entity and oppose regulations or legislation that is clearly adverse to the County's interest.

Federal Reimbursement for Local Dollars Advanced to Complete the Mission Reach Ecosystem Restoration and Recreation Project

Goal:

The immediate goal is to secure \$10 million in the FY 2015 U.S. Army Corps of Engineers (USACE) Work Plan and FY 2016 Budget Bill. The long-term goal is to be reimbursed for the entire \$58.2 million advanced by Bexar County.

Background:

The Mission Reach Ecosystem Restoration and Recreation Project opened for public use on October 5, 2013. The project restored woodland and aquatic habitat and provided for flood control capability along the eight-mile stretch of the San Antonio River south of downtown at a total cost of \$273.4 million.

Of this amount USACE was responsible for \$116.1 million. However USACE has only provided \$57.9 million to date. Bexar County advanced the \$58.2 million balance in order to complete the project in a timely and cost effective manner.

Authority for reimbursement funding to be released to the San Antonio River Authority is found in Section 3154 of the Water Resources Development Act of 2007 and Section 115 of the Omnibus Appropriations Act, 2009, P.L. 111-8.

The San Antonio River Authority served as the local project sponsor with the USACE and is committed to the operation and maintenance of the project.

Federal Surface Transportation Act Reauthorization

Goal:

Support passage of a multi-year transportation bill and approve a long-term fix to the Highway Trust Fund.

Background:

Congress last approved a multi-year transportation bill in 2012. The Moving Ahead for Progress in the 21st Century Act (MAP-21) essentially maintained level funding, providing about \$105 billion for FY 2013 and FY 2014. Of this amount Texas received about \$8.6 billion. The San Antonio Region itself receives more than \$300 million per year in federal funds passed down through the state to address the regional mobility needs. MAP-21 expires September 30, 2014.

The primary source of MAP-21 funding comes from the Highway Trust Fund. This fund, first established by the Federal-Aid Highway Act of 1956 is currently heading toward insolvency as revenue collected by the current 18.4 cent per gallon tax on gasoline is not keeping up with the growth in demand for transportation dollars. Congress has not raised the gas tax since 1993 and since 2008 has relied upon transfers from the General Fund of the Treasury to maintain Trust Fund solvency.

Preserve Tax-Exempt Status of Municipal Bonds

Goal:

Support preservation of the tax-exempt status of municipal bonds.

Background:

Bexar County uses debt financing to finance the development and construction critical infrastructure.

Municipal bonds have been tax-exempt since Congress approved the first tax code in 1913. The federal tax exclusion of bond interest means issuers can finance their investments at reasonable rates – saving tax dollars. Elimination of the tax-exemption would raise the County's cost of capital, raise taxpayers' costs and could delay construction of critical projects needed to allow the County to meet the demands of its fast-growing population.

Eliminating the exemption increases Bexar County's borrowing cost. The taxpayer will either pay more for a project or, if the project becomes financially unfeasible, will not see the project delivered at all.

As an example, under current law the County's total debt interest for a 30-year, \$50 million bond would be about \$44 million.

Should the interest on these bonds become taxable and interest rates paid rise as a result, then the County's debt interest cost would also rise.

- If interest rates were 50 basis point per annum (bps) or 0.50% higher than current rates, the County would pay more than \$5.5 million in additional debt service costs.
- If interest rates were 200 bps higher than current rates, the County would pay nearly \$23 million in additional debt service costs.
- Without the exemption, Bexar County's current fiscal year (FY 2014) would see debt service payments increase by nearly \$185,000 for a 50 bps increase, or more than \$765,000 for a 200 bps increase.

Maximize Benefit of the County's Investments Along the Mission Reach of the San Antonio River

Goal:

Support designation of the San Antonio Missions National Historical Park as a World Heritage Site and expansion of the National Park boundary to maximize the impact of the County's investments on the San Antonio River.

Background:

Since May 2008, Bexar County has invested about \$200 million derived from visitor and flood control taxes to ecologically restore and provide additional improvements for the 8-mile portion of the San Antonio River south of downtown. This investment serves as a potential catalyst for the economic and cultural redevelopment of the entire South Side. Expanding the boundary and designation of the San Antonio Missions National Historical Park as a World Heritage Site would help maximize the returns on this investment.

In January 2014, the Department of the Interior submitted a nomination to the World Heritage List for the San Antonio Missions National Historical Park. The five missions within the Park contain the most comprehensive and intact examples of the Spanish Crown's efforts to colonize, evangelize, and defend the northern frontier of New Spain in a period when Spain controlled the largest empire in the World. World Heritage designation has the potential to create hundreds of new jobs, promote millions of dollars of new economic activity and additional visitor tax revenues. A decision on the designation is expected by mid-2015.

Expanding the Park boundary to include an additional 137 acres, all of which are either owned by the United States, managed by the National Park Service, or managed by cooperative agreement with the land owners, the City of San Antonio and Bexar County, will protect the cultural landscape, ensure public access, and provide for greater interpretation of the historical, cultural and architectural values of the Park.

Extend Health Benefit Coverage to Pre-Trial Inmates

Goal:

Support introduction of legislation allowing an otherwise eligible person who is in jail awaiting trial to continue receiving health benefits until convicted and sentenced.

Background:

While the U.S. Constitution requires the delivery of health care services to jailed individuals, both federal and private insurance “inmate exclusion” policies act to shift jail medical care costs to local governments. Bexar County taxpayers, through the University Health System, provide much of the \$11 million spent annually on medical services for all jailed inmates, including those who are awaiting trial.

The Social Security Act’s “inmate exclusion” rule prohibits provision of the federal dollar match for medical services provided to inmates enrolled in Medicaid. As Texas suspends jailed inmates Medicaid benefits; has not expanded Medicaid; and will not assume payment of the federal match, local taxpayers, with a few exceptions, assume financial responsibility.

Private health insurance policies often also contain “inmate exclusion” provisions terminating coverage for jailed policy holders. Again, local tax payers pay for the provision of health services.

Extending health benefit coverage to pre-trial inmates would decrease the cost to local taxpayers, reduce gaps in coverage for the many inmates who are released from custody shortly after arrest and could help break the cycle of recidivism associated with those with untreated mental illness, substance abuse and co-occurring disorders.

Transform Mental Health Service Delivery

Goal:

Support the efforts of the National Association of Counties to include four key provisions related to health information technology, reauthorization of Mentally Ill Offender Treatment and Crime Reduction Act, Medicaid funded psychiatric care, and increased behavioral health funding as part of efforts to transform mental health service delivery.

Background:

Federal, state and local governments collectively spend billions of dollars to address mental and behavioral health needs. However well-intended these expenditures have not addressed the growing rates of homelessness, incarceration and suicide of the mentally ill.

The 2013 Bexar County Community Health Assessment found that mental disorders accounted for the highest proportion of hospitalizations in Bexar County from 2009 to 2011, about 10 per 1,000 people. The Bexar County Jail is described by many as the community's largest mental health facility. In 2013 some 5,712 inmates received 7,312 individual doses of psychotropic drugs.

Representative Tim Murphy (R-PA) and Representative Ron Barber (D-AZ) have filed bills related to reforming mental health services. Neither H.R. 3717 (Murphy) nor H.R.4574 (Barber) have gained sufficient support for passage and both have provisions that stakeholders support and oppose. The National Association of Counties supports four key provisions:

- (1) Expand access to Health Information Technology for Economic and Clinical Health (HITECH) Act's incentives to mental health providers;
- (2) Reauthorize the Mentally Ill Offender and Treatment and Crime Reduction Act (MIOTCRA)
- (3) Ease Medicaid's restrictions on state's use of Medicaid to allow funding of inpatient psychiatric hospital services and psychiatric residential treatment services; and
- (4) Increase funding for development and expansion of the behavioral health workforce.

Criminal Justice and Public Safety

Goal:

Support new laws which would promote the safety of the public and law enforcement, reduce recidivism, and generally improve the criminal justice system's ability to deliver justice to both victims and offenders. In addition, support funding for criminal justice and public safety programs while simultaneously protect the County's interest in the federal administration of grants.

Background:

Administering justice and providing for public safety are two of the County's key missions and together act to fulfill its number one priority of keeping the community safe. The Federal government greatly impacts both areas through appropriations, administrative rules and promulgation of new law.

The U.S. Department of Justice (DOJ) funds a number of programs beneficial to the County. These programs include the Byrne/Justice Assistance Grant Program, and the Juvenile Accountability Block Grant Program. Federal funding has helped the County among other things to obtain bulletproof vests, create and sustain specialty courts, address human trafficking, and reduce the backlog for forensic testing of DNA evidence.

Fair administration of grants by federal agencies will influence the County's willingness to continue as partners and for grant program goals to be reached. The County will sometimes be forced to protect its interest as it continues to do so in the case of the DNA backlog grant which remains unresolved threatening the County's future participation.

The County will actively support and work with other offices and organizations to advance bills promoting the County's overall criminal justice and public safety goals.

Community Development

Goal:

Support FY 2015 funding of \$3.02 billion for the U.S. Department of Housing and Urban Development's (HUD) Community Development Block Grant (CDBG) program and \$950 million for HUD's HOME Investment Partnership Program (HOME).

Background:

Congress enacted the CDBG program in 1974 to provide block grant funding for community development programs. The County uses CDBG funds in partnership with others to construct community infrastructure projects including those related to water, sewer, drainage, road, street and sidewalks. For FY 2014 Bexar County received about \$2 million in CDBG funds.

Congress authorized the HOME program in 1990 to assist state and local governments to provide affordable housing for low-income families and improve the quality of life in communities. In FY 2014 Bexar County received about \$515,000 in HOME funding. Congress has yet to approve final funding levels for CDBG and HOME for FY 2015.

CDBG received \$3.03 billion in FY 2014. The President proposed funding CDBG at \$2.8 billion. The House of Representatives approved \$3 billion in CDBG funding. The Senate committee with jurisdiction of CDBG, approved \$3.02 billion.

HOME received \$1 billion in FY 2014. The President proposed funding Home for FY 2015 at \$950 million. The House approved \$700 million in HOME funding which represents a 30% reduction from FY 2014. The Senate committee with jurisdiction approved \$950 million.



Mission Reach Local Funding Reimbursement

Background:

The Mission Reach Ecosystem Restoration and Recreation Project restored the ecosystem and provided flood control along an 8-mile stretch of the San Antonio River south of downtown at a cost of \$273.4 million. The completed project opened for public use in October 2013.

Bexar County (\$140.1 million) and the U.S. Army Corps of Engineers (USACE) (\$116.1 million) served as primary project funders. Other funding came from City of San Antonio (CoSA), San Antonio Water System (SAWS), and private donations. The San Antonio River Authority served as the local project sponsor and now operates and maintains this portion of the San Antonio River.

Bexar County Perspective:

In order to keep the project on schedule, Bexar County advanced \$58.2 million of the \$116.1 federal responsibility. Congress previously approved legislation (Section 115 of the Omnibus Appropriations Act, 2009, P.L. 111-8) ensuring the federal government meets its financial obligations and allowing reimbursed funding to be released to the San Antonio River Authority.

Bexar County Position:

Bexar County urges Congress to meet its financial promises made to Bexar County taxpayers by appropriating \$10 million as part of the FY 2016 Federal Budgeting process and the remaining balance in the next five years.

San Antonio River Mission Reach Project Facts

Habitat Restored

- **23,000** native trees
- **334** acres of riparian woodland
- **113** acres of aquatic habitat
- **31** riffle structures
- **13** acres of embayment
- **2** river remnants

Funding Obligations

- **\$140.1 million** – Bexar County
- **\$116.1 million** – USACE (\$58.2 million owed to Bexar County)
- **\$6.5 million** – CoSA
- **\$6 million** – SAWS
- **\$4.7 million** – Private



Federal Surface Transportation Reauthorization

Background:

The “Moving Ahead for Progress in the 21st Century Act” (MAP -21) authorization ends in September 2014. The current bill essentially maintained level funding, providing \$105 billion for FY 2013 and FY 2014.

MAP-21 relies upon the Highway Trust Fund and its 18.4 cent per gallon federal motor fuels tax as its primary program funding source. Due partly to increased vehicle fuel efficiency, the Highway Trust Fund now faces insolvency.

Bexar County Perspective:

Maintaining and adding transportation infrastructure capacity for all modes of travel is critical to improving air quality and economic growth.

Approval of a multi-year surface transportation bill that provides the following merits consideration by Congress:

- Expand funding levels for all modes of travel
- Long-term cure for the solvency of the Highway Trust Fund
- Reduce disparities in funding provided between donor and non-donor states
- Expand Transportation Infrastructure Finance and Innovation Act (TIFIA) funding
- Continue streamlining of the environmental clearance processes to expedite project delivery
- Expand funding for Transportation Investment for Generating Economic Recovery (TIGER) grant program

Bexar County Position:

Bexar County urges Congress to pass a multi-year surface transportation bill that provides long-term solvency for the Highway Trust Fund and increases funding for transportation infrastructure.

Bexar County Regional Transportation Facts

- **2.03 million to 3.58 million** – population growth of the 5 county area surrounding San Antonio by 2040
- **\$10 billion** – total of identified, but unfunded, San Antonio Region transportation projects
- **\$312 million** – total of unfunded road projects identified in Bexar County
- **Rise in congestion** – increases commute times, harms air quality and potentially hinders economic growth



Preserve Tax-Exempt Status of Municipal Bonds

Background:

Since 2006, Bexar County has issued more than \$1.7 billion in tax-exempt bonds to finance the development and construction of critical infrastructure. Bond financing has allowed the County to: build roads, renovate our historic courthouse, restore the San Antonio River to its natural state, improve technology, equip law enforcement, and provide sport and cultural venues for our citizens.

Municipal bonds have been tax-exempt since the first tax code was approved in 1913. The federal tax exclusion of bond interest means issuers can finance their investments at reasonable rates – saving tax dollars. Elimination of the tax-exemption would raise the County's cost of capital, raise taxpayer costs and could delay construction of critical projects needed to allow the County to meet the demands of its fast-growing population.

Bexar County Perspective:

Eliminating the exemption increases Bexar County's borrowing cost. The taxpayer will either pay more for a project or, if the project becomes financially unfeasible, will not see the project delivered at all.

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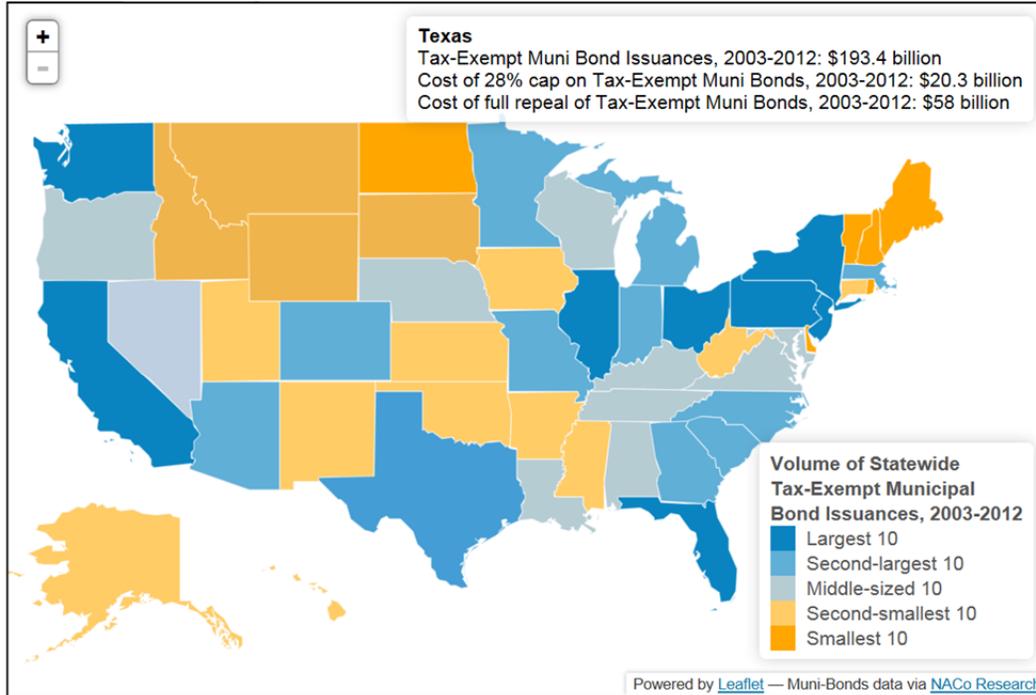
Bexar County Position:

Support preserving tax-exempt status for municipal bonds. Elimination of the exemption raises costs for taxpayers and threatens the development of critical infrastructure.

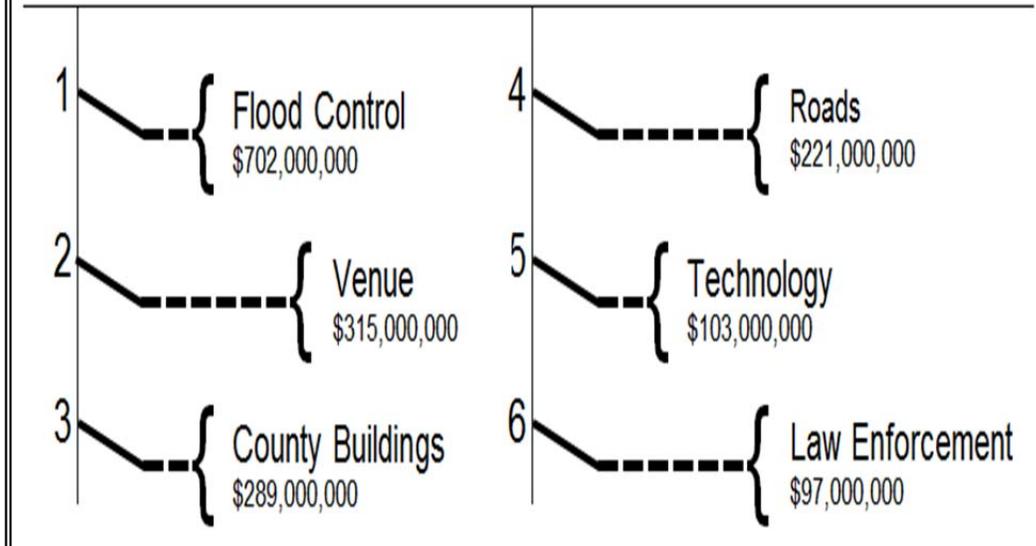
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Preserve Tax-Exempt Status of Municipal Bonds



COUNTY OF BEXAR DEBT ISSUANCES (since 2006-07)





San Antonio Missions National Historical Park World Heritage Site Designation and Park Boundary Expansion

Background:

The four missions in San Antonio Missions National Historical Park and the Alamo (Mission San Antonio de Valero) represent the most comprehensive and intact examples of the Spanish Crown's efforts to colonize, evangelize, and defend the northern frontier of the Spanish Empire and remain a vital part of the history of Texas and the United States.

UNESCO is to consider the Park for World Heritage Site designation in mid-2015. World Heritage designation will benefit the local economy by millions of dollars annually. Following the admission of Palestine as member of UNESCO, the United States ceased UNESCO dues payment potentially jeopardizing the nomination.

Legislation, (H.R. 885-Doggett) which has passed the House and now is under consideration by the Senate, would expand the Park's boundaries to include an additional 137 acres. All this land is either owned by the United States, managed by the National Park Service, or managed by cooperative agreement with the land owners, the city of San Antonio and Bexar County. The expansion will protect the cultural landscape, ensure public access, and provide for greater interpretation of the historical, cultural and architectural values of the Park.

Bexar County Perspective:

UNESCO, in a perfect world, should make the World Heritage designation strictly on the merits of the submitted application. However, we believe the United States should continue funding UNESCO as its mission to protect unique natural and cultural sites is worthwhile. And, as growth continues to encroach upon the San Antonio Missions National Historical Park, expanding its boundaries makes sense.

Bexar County Position:

1. **Support preservation of language submitted by Senator Landrieu in S. 2499 allowing the United States to remain a member in good standing of UNESCO.**
2. **Support final passage of H.R. 885.**

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San Antonio Missions National Historical Park

World Heritage Site Designation

- **Mid-2015** – UNESCO decision
- **Millions of Dollars** – annual economic impact of designation
- **Designation potentially jeopardized** – the U.S. is not a member in good standing
- **S. 2499** – support language authored by Senator Landrieu

Park Boundary Expansion

- **137 acres**
- **No condemnation needed**
- **Fiscally responsible**
- **H.R. 885** – sponsored by Representative Doggett and supports expansion



Extend Health Benefit Coverage to Pre-Trial Jail Inmates

Background:

Title XIX of the Social Security Act which governs the Medicaid program prohibits Federal Financial Participation – the federal match for medical services provided to inmates enrolled in Medicaid (inmate exclusion). Texas will not assume payment of the federal share of providing Medicaid services to jailed inmates. Services provided under Medicare, the Children’s Health Insurance Program (CHIP) and Veterans Administration are similarly restricted.

Private insurers have similar “inmate exclusion” provisions covering jailed policy holders.

This means Bexar County taxpayers pay nearly the entire cost of medical care to arrestees – both those convicted and those in pre-trial status.

Reinstatement of entitlements can be a lengthy process and may result in coverage gaps once the inmate is released. Coverage gaps can have negative consequences for the individual in terms of their health and may lead to the individual reoffending and repeating the cycle.

The Affordable Care Act (ACA) would allow qualified jailed individuals awaiting trial to receive medical benefits. However, for this to be realized the U.S. Department of Health and Human Services (HHS) Centers for Medicare and Medicaid Services (CMS) must change its applicable rules.

Bexar County Perspective:

Inmates awaiting trial are presumed innocent. Therefore, the federal government should not penalize pre-trial inmates by taking away public benefits.

Bexar County Position:

Congress should urge HHS/CMS to:

- **Harmonize existing rules to allow ACA provisions related to pre-trial inmates to work,**
- **Clarify that jail officials may submit ACA enrollment applications on behalf of persons in custody, and**
- **Require states to stop terminating eligibility for pre-trial inmates.**

Facts on Bexar County’s Pre-Trial Jailed Inmate Population

- **4,596 beds** – rated capacity of the Bexar County Jail
- **3,722** – average total jail population in FY 2013
- **54% or 2,010** – inmates jailed on pre-trial status in FY 2013.
- **\$11 million** – estimated amount Bexar County taxpayers pay annually for medical services provided to jailed inmates through the University Health System, Bexar County’s public hospital



Transform Mental Health Service Delivery

Background:

The billions of dollars spent annually on mental health and substance abuse services has yet to stem the rising tide of drug abuse and mental illness.

Representatives Tim Murphy and Ron Barber each have filed legislation seeking to reform the manner in which mental health and substance abuse services are delivered. However, neither H.R. 3717 (Murphy) or H.R. 4574 (Barber) have gained sufficient support for passage.

The National Association of Counties supports passage of legislation to include four key provisions:

1. Expand access to the Health Information Technology for Economic and Clinical Health Act's (HITECH) incentives to mental health providers;
2. Reauthorize the Mentally Ill Offender and Treatment and Crime Reduction Act (MIOTCRA);
3. Ease Medicaid's restrictions on state use of Medicaid to allow funding of inpatient psychiatric hospital services and psychiatric residential treatment services; and
4. Increase funding for development and expansion of the behavioral health workforce

Bexar County Perspective:

Bexar County ranks near the bottom in allocation of mental health and substance abuse per capita dollars. Although improved, the State of Texas itself historically has not prioritized mental health services.

Bexar County Position:

Bexar County supports passage of reform legislation containing the elements advocated by the National Association of Counties.

Facts on Mental Illness and Substance Abuse in Bexar County

- **8%** of the Bexar County jail inmates have serious mental illness
- **20%** of the Jail's Pharmacy Budget dedicated to psychotropic medications
- **22%** of the jailed population receives mental health services
- **7%** of Bexar County adults at risk for heavy drinking
- **19%** of Bexar County youth self report as binge drinkers
- **6%** of Bexar County youth self report as cocaine users
- **2%** of Bexar County youth self report as heroin users



Criminal Justice and Public Safety

Background:

Justice and public safety are two important areas of county responsibility in Texas. The Federal government greatly influences the County in carrying out this responsibility through appropriations, administrative rule and adoption of new law.

The County benefits greatly from participation in grant programs offered primarily through the U.S. Department of Justice and other agencies.

Federal funding has helped the County prepare for disaster and emergency response, obtain bullet proof vests, create and sustain specialty treatment courts, address human trafficking, and reduce the backlog for forensic testing of DNA evidence.

Bexar County Perspective:

Bexar County's experience in participating in federal grant programs has been largely positive. Therefore it will continue to seek grants which properly fit with its mission and goals.

Bexar County Position:

The County will continue to actively support and work with other offices and organizations to advance bills promoting the County's overall criminal justice and public safety goals.

Criminal Justice and Public Safety Grants

- **\$708,501** – JAG Program 2013
- **\$321,899** – DNA Backlog
- **\$195,818** – Human Trafficking
- **\$180,337** – Family Drug Court
- **\$202,178** – Adult Drug Court
- **\$250,294** – Bulletproof Vests 2012



Community Development

Background:

The principal goals of Bexar County's CDBG and HOME programs are to provide safe, decent, and affordable housing; the creation and maintenance of a suitable living environment; and the creation or expansion of economic development opportunities for its residents, particularly those who have low or low-to-moderate income. Bexar County uses federally provided CDBG and HOME funds to make infrastructure improvements and support the provision of housing to very low income residents.

Bexar County has historically used Community Development Block Grant (CDBG) funds to construct water, sewer, drainage, road, street and sidewalk projects. In FY 2014 a little more than \$2 million in CDBG funds are dedicated for twenty-one projects,

Bexar County utilizes HOME Investment Partnership Program (HOME) funds to provide affordable housing for low income Families and improve the quality of life in communities. In FY 2014, Bexar County will budget \$515,131 in HOME funds for affordable housing purposes. Bexar County has participated in this program for twenty-two years.

Bexar County Perspective:

Bexar County believes both CDBG and HOME are beneficial programs that serve the community. Bexar County will continue to fund projects that meet both the needs of low or low-to-moderate income residents and locally established priorities. Congress, from time to time, has set aside funds for particular CDBG projects. Because set asides lower the overall amount available for distribution, Bexar County cannot support this practice.

Bexar County Position:

Support FY 2015 funding of \$3.02 billion for CDBG programs and \$950 million in HOME programs.

BEXAR COUNTY CDBG & HOME PROGRAMS

FY 2014 CDBG Projects

- **\$335,000** – Balcones Heights Street Reconstruction
- **\$322,398** – Somerset Street Reconstruction
- **\$310,440** – Public Service Agencies
- **\$216,000** – Kirby Street Reconstruction
- **\$209,961** – Macdona Street Construction
- **\$200,000** – Universal City Storm Drainage
- **\$ 61,884** – Schertz Pickrell Park

FY 2014 HOME Projects

- **\$276,909** – Tenant Based Rental Assistance
- **\$109,440** – First Time Homebuyer Program
- **\$ 77,269** – Multi-Family Facility Rehabilitation