

## **CNA Steering Committee Regular Meeting**

13 May 2015

Fannie Mae Stewart Community Conservatory, 1902 E. 22<sup>nd</sup> St.

Meeting called to order at 6:35 PM

### **Members present**

Meaghan Bludau, Terry Dyke, Justin Irving, Jules Kniolek, Ryan Ofsthun, Mark Schiff, Emily Schwartz, Erin Tassoulas

### **Members absent**

Rebecca Kohout, Jennifer Potter-Miller, Wiccit

### **Reading of Agenda**

Resolved: Agenda for 13 May 2015 adopted as read

### **Approval of minutes**

Motion: To approve minutes from 8 April 2015

Resolved: Minutes approved as read

### **Reports**

Treasurer: Chair noted that Treasurer Rebecca Kohout's resignation is effective May 15, 2015.

Motion from the floor to elect Mr. Dyke interim treasurer until a new one can be found.

Resolved: Motion carried on consensus

Hazardous Waste Committee: Mr. Dyke reported that the first waste pickup event is scheduled for May 23, 2015 at Cherrywood Green, from 10 AM – 4 PM

Motion from Mr. Dyke to approve the event.

Resolved: Motion carried on consensus

Incorporation Committee: Mr. Dyke submitted an interim report (attached) per instructions of 11 March 2015 Steering Committee meeting. No action called for

ANC Representative: Mr. Irving submitted April 22 meeting report (attached), and described two resolutions (attached) that the ANC is asking neighborhoods to support: one calling on the City not to construct any more fossil-fuel power plants, and the other for the City to take certain measures on flood control.

Motion from Ms. Schwartz to place consideration of the ANC resolutions on the May 20 general meeting agenda.

Vote: 3 in favor; 5 against

Resolved: Motion failed

Motion from Mr. Irving to place consideration of the ANC resolutions on the May 20 general meeting agenda, with Steering Committee recommendation that they be approved.

Resolved: Motion carried on consensus

## **Business**

### CNA priorities for UBC

Mr. Kniolek reported that the periodic reordering of neighborhood priorities in the Upper Boggy Creek Planning Area plan is still in process by the CNA UBC reps committee. The deadline is not as urgent as previously thought, now established at December 31, 2015. No action called for.

### May General Meeting agenda: finalize

Motion from the floor to adopt the following agenda items for the May 20 General Meeting:

1. Call to order
2. Introductions
3. Welcoming remarks from the Chair
4. Steering Committee update
  - A. Hazardous Waste pickup
  - B. Incorporation
5. Elections for Steering Committee vacant seats (action)
6. Austin Neighborhoods Council resolutions (action)
7. Referendum on I-35 exit ramp (action)
8. Presentation/program  
Blackland Neighborhood Community Development Corporation
9. Announcements
10. Adjourn

Resolved: motion carried on consensus

### Nominating Committee

Motion from the floor to postpone item until 10 June 2015 Steering Committee meeting.

Resolved: Motion carried on consensus

### Rules/etiquette for kiosk notice board use

Motion from Ms. Schwartz to accept the donation of the bulletin board kiosk at Cherrywood Green to the Cherrywood Neighborhood Association, and to place it under the care and administration of the CNA; furthermore, to adopt and post the following rules for its use, and to review them periodically to determine whether changes are needed:

1. No commercial notices are allowed
2. Notices must be no larger than 8 ½ x 11 inches
3. Notices must not cover other notices
4. Notices must include the date of posting

5. Notices expire after 30 days or on the day after the event occurs
6. Expired or non-compliant notices may be removed by anyone
7. The priority spot for CNA meeting notices is the west face, top left corner

Resolved: Motion carried on consensus as amended

#### Projector acquisition

Motion from Mr. Irving for the CNA to acquire a digital projector, authorizing up to \$500 for its purchase.

Resolved: Motion carried on consensus

#### Tiny Rabbit re-subdivision

Mr. Kniolek reported on the scheduled development of two properties at the corner of Maplewood Ave. and 38<sup>th</sup> ½ St. No action called for.

Meeting adjourned at 9:10 PM

Minutes submitted by Terry Dyke, Secretary

#### Attachments:

1. Incorporation Committee interim report, 13 May 2015
2. ANC representative's report, 22 April 2015, with text of two resolutions

Incorporation and IRS exemption

These are two distinct steps.

- State incorporation as a nonprofit is quick, provides liability protection to members and board members, and creates a legal entity that can do business with the world, such as owning property, carrying insurance, and entering contracts.
- Federal IRS tax exemption such as 501(c)(3) and 501(c)(4) is an optional move that protects an organization from having to pay taxes. It only matters for income over \$10,000 per year.

Alternatives to direct incorporation.

Discussion at the Steering Committee meeting of March 11 raised the possibility of affiliating with or creating a "parallel entity" that might achieve the same ends as incorporating the CNA itself. This is known as "fiscal sponsorship," which is often used by organizations as an alternative to becoming a designated 501(c)(3) corporation.

Pros:

- Can use existing nonprofit to sponsor a project of the organization
- Can get started quickly, without having to go to the trouble of gaining IRS tax-exempt status.
- Can attract tax-deductible donations toward the project

Cons:

- Sponsor often imposes conditions/limitations on the project, as it is legally responsible for it
- Sponsor usually takes a cut of the proceeds to cover administrative costs
- Activity must be organized around specific individual projects, where each needs to be negotiated with a sponsor

Types of IRS exemptions

501(c)(3)

- For religious, charitable, and educational organizations
- Contributions are tax-deductible for the donor
- Takes 6 -12 months
- May not engage in politics

501(c)(4)

- For civic leagues, social welfare organizations; promotion of community welfare.
- Donations are not tax-deductible (except through a separate charitable fund).
- Quick process to gain status; can even "self-declare" as fitting requirements and start filing 990 tax forms
- Allowed to engage in politics.

Note that a 501(c)(4) organization can establish a charitable fund, contributions to which are deductible. Such a fund must itself meet the requirements of section 501(c)(3). This could be used, for example, to raise funds for a meeting hall.

## Bylaws impact

On incorporation, our bylaws become the corporate charter, and must reflect certain state requirements for incorporation. These are mostly concerned with legal and financial accountability. Here are some areas identified so far that will probably need re-drafting and adoption by the membership.

### Article II - Purpose

- Internal Revenue Code require that the certificate of formation include a more **specific purpose** statement than the Texas minimum ("any lawful purpose")

### Article IV - Membership

- State requires a roster of voting members. Currently, membership is defined as any adult living in Cherrywood, which is involuntary and probably needs to be changed anyway. It could be as simple as anyone who signs in at a general meeting is considered a registered member.

### Article VI - Board/Steering Committee

- Legal responsibility for the control of the corporation needs to be vested in the Board of Directors.
- Board members may still be elected by the general membership.
- Current bylaws are not clear about board powers and what board actions must be approved by the general membership.

### Article IX - Political activities:

- Revise to be consistent with allowable 501(c)(4) activities (lobbying, etc.)

### Article X - Policy Determination

- Additional delineation of powers made here should probably be folded into Article VI - Board.

### Article XI - Books and Records

- Strengthen to be consistent with state and federal reporting, fiscal and record-keeping requirements

## 4-22-15 Austin Neighborhoods Council report

1. Featured Austin City Council Member of the Month:  
Council Member Sabino “Pio” Renteria, District 3

Councilmen Renteria focused primarily on housing, specifically affordability and gentrification, good jobs for East Austinites, and a TIFF around Saltillo Station to increase affordability in that area. There were few specifics in his presentation.

2. Presentation: The New Travis County Civil and Family Courthouse  
By Travis County Judge Sarah Eckhardt

Judge Eckhardt laid out a case for a new courthouse project on 4<sup>th</sup> and Guadalupe South of Republic Square. It is estimated to cost \$292 Mil. She address the need for a new courthouse and the choice to keep the building project downtown. She cited a lack of current courthouse space, the increase in use of the current court house, and the condition of the current courthouse, all as unsustainable in the current courthouse. Cost to tax payers will be offset somewhat by the inclusion of rentable office space in the current design.

4. Presentation: Modeling in Support of Comprehensive Planning  
By Professor Thom Hardy, Ph.D., Meadows Professor of Environmental  
Flows at Texas State University, Department of Biology

Gave a fairly technical presentation on San Marcos' last Comprehensive Plan and the methods he/they used to evaluate the need and plan for drainage, impervious cover limits, and other water related issues. Thinks these are best practices and should be adopted by Austin in our planning efforts.

5. Presentation: Vision for Austin’s Planning  
By Matthew Lewis, (new!) City of Austin’s Assistant Director of  
Planning and Zoning Department, Urban Design/Long Range Planning/CodeNEXT,  
AND  
a “Compact and Connected” Discussion  
By Laura Morrison, Former Austin City Council Member, and Matthew Lewis, Assistant Director of  
the City of Austin’s Planning and Zoning Department

There was a lot of information to take in here but much of it was a bit of a rehash of old ANC issues with how the Imagine Austin Plan gets routinely summarized as being solely concerned with “Compact and Connected” when there are 8 total priorities some of which can be at odd with one another, and of course page 206’s reference to respecting Neighborhood Plans. I think the point of the presentation was mostly to introduce Matt Lewis to ANC and to start to build some trust back in the P&Z department.

6. Resolution Rollout (new and improved!): Clean, Affordable, Energy  
By Marion Mlotok, ANC Sector 8 Representative, and Kaiba White,  
Energy Policy and Outreach Specialist for Public Citizen

7. Presentation: The High Cost of Property Tax  
By Bruce Elfant, Travis County Tax Assessor-Collector, and Marya Crigler, Chief Appraiser for  
Travis County

Ahhh the Tax man! Bruce could not make this meeting so Marya gave a quick talk about the fact that appraisals would be going up again this year. She directed anyone with a problem with their taxes to the state leg, or, the city council. Her office after all only does appraisals. She talked about the homestead exemption, the, and the elderly and disable exemption.

8. Resolution Rollout- (new and improved!) Resolution Regarding Flood Mitigation  
By Malcolm Yeatts, ANC Sector 9 Representative

9. CodeNEXT Update  
By Jeff Jack, Land Development Advisory Committee Member

Not much here. Talked about staffing changes in COA P&Z as mostly a good thing. JJ is hopeful but not convinced (but for him that's saying something).

Submitted by Justin Irving, CNA representative to Austin Neighborhoods Council

## AUSTIN NEIGHBORHOODS COUNCIL CLEAN AFFORDABLE ENERGY RESOLUTION

WHEREAS, energy produced at the coal-fired Fayette power plant and natural gas-fired Decker power plant causes environmental degradation in the form of air and water pollution; and

WHEREAS, Austin Energy has proposed to build a new natural gas-fired power plant that would emit air pollutants locally, contribute to air and water pollution in other parts of Texas by using natural gas that is obtained partly through hydraulic fracturing (fracking), and contribute to climate change; and

WHEREAS, the Austin Generation Resource Planning Task Force recommended increasing the goal for energy efficiency and demand response<sup>1</sup>; and

WHEREAS, the Austin Generation Resource Planning Task Force recommended replacing the existing highly polluting Decker natural gas-fired power plant with west Texas solar generation<sup>2</sup>; and

WHEREAS, large quantities of precious and scarce water or wastewater would be used to cool a new natural gas-fired power plant<sup>3</sup>; and

WHEREAS, investing in clean energy produces more jobs per dollar invested compared to fossil fuels<sup>4</sup>; and

WHEREAS, the proposed natural gas-fired power plant would be built on the east side of Austin, adding emissions harmful to health and adding to the significant past and current environmental injustices;

NOW, THEREFORE, BE IT RESOLVED that the Austin Neighborhoods Council, in order to create and restore trust for public transparency, requests that the Austin City Council ensure that the consultant selected to conduct the independent Generation Gap Study for Austin Energy provide to the public all unadulterated drafts and the final version of the report, which shall be based on unbiased and accurate data and assumptions; and

BE IT FURTHER RESOLVED that the Austin Neighborhoods Council requests that the Austin City Council retire the Fayette Power Project coal-fired power plant and the existing Decker Creek gas-fired power plant as quickly as possible; and not approve construction of any new fossil fuel-burning power plants, in keeping with the Austin Energy affordability goals; and

BE IT FURTHER RESOLVED that the Austin Neighborhoods Council requests that the Austin City Council direct Austin Energy to invest in clean energy, including solar, wind, energy storage, energy efficiency, and demand response to meet Austin's energy needs, protect public health, and keep electric rates affordable.

Presented to ANC Membership: April 22, 2015

Membership Approved:

Sponsor Contact: Marion Mlotok, ANC Sector 8 Representative and ANC Environmental Chair;  
mmlotok@austin.rr.com

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<sup>1</sup> The Report of the Austin Generation Resource Planning Task Force. July 2014. Pg 23.  
[www.austintexas.gov/edims/document.cfm?id=215527](http://www.austintexas.gov/edims/document.cfm?id=215527)

<sup>2</sup> The Report of the Austin Generation Resource Planning Task Force. July 2014. Pg 18.  
[www.austintexas.gov/edims/document.cfm?id=215527](http://www.austintexas.gov/edims/document.cfm?id=215527).

<sup>3</sup> NREL. A Review of Operational Water Consumption and Withdrawal Factors for Electricity Generating Technologies. March 2011. <http://www.nrel.gov/docs/fy11osti/50900.pdf>.

<sup>4</sup> Pollin, Robert, et al. The Economic Benefits of Investing in Clean Energy. June 2009. [bit.ly/CleanEJobs](http://bit.ly/CleanEJobs)

**RESOLUTION OF THE AUSTIN NEIGHBORHOODS COUNCIL REGARDING FLOOD MITIGATION**

**WHEREAS**, The neighborhoods along Onion Creek, Williamson Creek, Shoal Creek, Walnut Creek and Bull Creek have all experienced flooding in the past several years; and

**WHEREAS**, continuing development has increased the potential for flooding and expanded the floodplain; and

**WHEREAS**, destructive floods that cause the loss of both life and property can occur anywhere previously approved development has occurred in the current or redefined 100-year floodplain; **NOW, THEREFORE,**

**BE IT RESOLVED THAT** the Austin Neighborhoods Council requests that the City Council appropriate sufficient resources to:

1. Reduce the number of variances granted for impervious cover, detention ponds, and watershed restrictions for new developments within the city limits and also the Extra-territorial Jurisdiction areas. Any variances granted should have a corresponding Regional Storm Water Management Project. Fee-in-lieu funds should be used for flood mitigation projects.
2. Direct City of Austin staff to work with other Central Texas counties and agencies to plan flood abatement projects.
3. Use residential and commercial drainage fees to fund flood abatement projects and to supplement federal funding to remove highest risk residents from the flood plain through buyout programs that comply with Uniform Relocation Act standards. Make drainage fees and fee-in-lieu funds available for review on the City of Austin website.
4. Direct the Watershed Protection Department, the Parks Department, and the Public Works Department to remove the obstructions created by flood debris in a timely manner.
5. Work with other cities to enact state legislation that will give counties more control over inappropriate development in flood prone areas.
6. Evaluate and remediate inadequate storm drain infrastructure in existing neighborhoods.
7. Add a flood hazard and wild fire hazard overlay to CodeNext.

**Presented to ANC Membership:** [2/25/2015]

**Membership Approved:** [date]

**Sponsor Contact:** Malcolm Yeatts, ANC Sector 9 Representative

myeatts@austin.tx.gov

ANC FLOOD CONTROL RESOLUTION V-4 4/18/2015