

JOHNSON COUNTY COMMISSIONERS COURT

Filed For Record 8:40 am



AUG 15 2017

Becky Ivey
County Clerk, Johnson County Texas
BY MI DEPUTY

RICK BAILEY
Commissioner Pct. #1

ROGER HARMON
County Judge

JERRY D. STRINGER
Commissioner Pct. #3

KENNY HOWELL
Commissioner Pct. #2

Alison Hitchcock
Assistant to Commissioner's Court

LARRY WOOLLEY
Commissioner Pct. #4

THE STATE OF TEXAS §
 §
COUNTY OF JOHNSON §

ORDER #2017-22

COMMISSIONERS COURT ORDER AUTHORIZING THE TEMPORARY
SUSPENSION OF COLLECTION OF THE LIRAP/LIP FEE BUT
AUTOMATICALLY REINSTATE IT WHEN ADDITIONAL FUNDS ARE
APPROPRIATED TO THE COUNTY

BE IT REMEMBERED, at a regular meeting of the Commissioners Court of Johnson County, held on the 14th day of August, 2017, on motion made by Commissioner Rick Bailey, and seconded by Commissioner Jerry Stringer, the following Order was adopted:

WHEREAS, Johnson County voluntarily opted into the Low-Income Vehicle Repair Assistance, Retrofit, and Accelerated Retirement Program (LIRAP); and

WHEREAS, \$6.00 from every On-board Diagnostic test performed in Johnson County is collected by the Texas Department of Motor Vehicles pursuant to Health and Safety Code §382.202 and Texas Administrative Code §114.53 and distributed to participating counties for implementation of LIRAP; and

WHEREAS, the 79th Texas Legislature authorized a portion of LIRAP funds to be used by participating counties for Local Initiative Projects (LIP), including emissions enforcement programs, which Johnson County has implemented since 2010 utilizing LIP funds; and

COPY NOT COMPARED
TO ORIGINAL

WHEREAS, Johnson County considers LIRAP and LIP an important air quality initiative that is included as part of the Weight of Evidence in the State Implementation Plan (SIP) and also helps the inspection and maintenance program achieve overall compliance and effectiveness, which factor into modeling emissions reductions in the SIP and transportation conformity; and

WHEREAS, the 85th Texas Legislature considered several bills to modernize and increase flexibility of LIRAP/LIP, including giving local governments more control on how to best spend the available funds; and

WHEREAS, the Texas Governor vetoed funding for LIRAP and LIP for fiscal year 2018 and fiscal year 2019 on June 12, 2017; and

WHEREAS, Johnson County does not support the State legislature using LIRAP and LIP funds, which are collected from fees at the local level and considered dedicated revenue, to certify the State's budget; and

WHEREAS, pursuant to the Texas Administrative Code §114.64, a participating county may opt out of LIRAP and LIP by providing written notice to the Texas Commission on Environmental Quality.

NOW THEREFORE BE IT ORDERED that the Johnson County Commissioners Court does hereby request the Texas Commission on Environmental Quality temporarily suspend the collection of the Low-Income Vehicle Repair Assistance, Retrofit, and Accelerated Retirement Program fees in Johnson County as soon as possible, but not before September 1, 2017, until such time as additional funds are appropriated to Johnson County.

BE IT FURTHER ORDERED that the Johnson County Commissioners Court does hereby plan to continue to operate the Low-Income Vehicle Repair Assistance, Retrofit, and Accelerated Retirement Program utilizing previously unspent allocations through the last day of the legislative biennium in which the fee termination date occurs (August 31, 2019) and continue operations in the proceeding biennium with newly appropriated allocations.

SO ORDERED IN OPEN COURT THIS 14th DAY OF AUGUST, 2017.



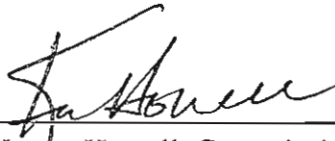
Roger Harmon, Johnson County Judge

Voted: yes, ___ no, ___ abstained



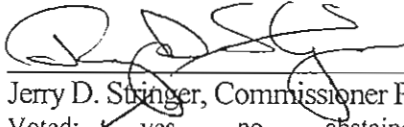
Rick Bailey, Commissioner Pct #1

Voted: yes, ___ no, ___ abstained



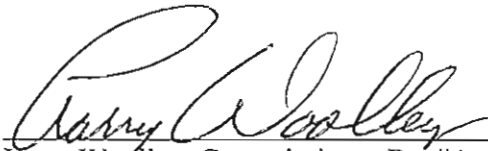
Kenny Howell, Commissioner Pct #2

Voted: yes, ___ no, ___ abstained



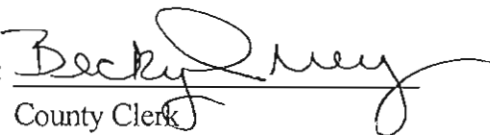
Jerry D. Stringer, Commissioner Pct #3

Voted: ___ yes, ___ no, ___ abstained



Larry Woolley, Commissioner Pct #4

Voted: ___ yes, ___ no, ___ abstained

Attest: 
County Clerk

