



Harris County, Texas

1001 Preston St., Suite 934
Houston, Texas 77002

Staff Report

File #: 21-2490

Agenda Date: 5/25/2021

Agenda #: 278.

		YES	NO	ABSTAIN
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
To:	Harris County Commissioners Court			
Through:	Christian D. Menefee, County Attorney			
Prepared By:	Bridget Johnson, Executive Assistant, County Attorney Office			

Subject: Supplemental Notice - Annual Review of Environmental Enforcement Order
Project ID (If applicable):

Purpose and Request:

Request by the County Attorney for approval of an order authorizing the Harris County Judge and any Commissioner in Whose Precinct an Extraordinary Event Occurs for Which Harris County is Authorized to File Suit Under Section 7.351 of Texas Water Code, to Jointly Authorize, as They Deem Necessary, Harris County Attorney's Office to File Environmental Enforcement Actions as Authorized by Chapter 7, Subchapter H, of Texas Water Code.

Background and Discussion:

[INSTRUCTIONS: In this section should concisely provide any background and analysis that the Commissioners Court needs to fully understand the action being requested. Please limit background to 3-4 sentences and include any reference to when this item was previously considered by Court. Background should include reference to study or order that led to this item or if the item is a result of compliance with any specific law or statutory requirements.]

Fiscal Impact:

[INSTRUCTIONS: A short description of the cost of the request and where you are requesting funding from. No more than 2 sentences. In addition please fill out the table below. This includes financial impact to the current fiscal year and subsequent fiscal years along with the source of funding (general fund, grant, etc.). If the amount is within the current budget, please indicate the amount from 'Existing Department Budget'. If all of or part of the request is a new expense, please indicate funding source in the space provided.]

Fiscal Summary			
Expenditures	FY 20-21	FY 21-22 Projected	Future Years Projected [3 additional years]
Service Impacted: [Please specify division where expenditure is incurred]			
Existing Budget			
Additional Appropriation Requested			
Total Expenditures			
Funding Sources			
Existing Department Budget			

Please Identify Funding Source Special Revenue, Grant, etc.			
[INSERT FUNDING SOURCE]			
Total Sources			

Alternatives:

[INSTRUCTIONS: In this section you should briefly discuss any viable alternatives, including the benefits and consequences of each. Include subtitles on the first line of each alternative to identify it. If appropriate, the financial impact of each alternative can be discussed. If taking no action is a viable alternative it should also be discussed, including any financial or other impacts that would result.]

Alignment with Strategic Objective:

[INSTRUCTIONS: Please write out the Department Strategic Objective impacted by this item.]

Attachments:

[INSTRUCTIONS: Please include a list of backup for this item with a short description of each if more than one.]

Presented to Commissioners Court

May 25, 2021

Approve: E/G

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OFFICE OF THE
HARRIS COUNTY ATTORNEY
CHRISTIAN D. MENEFEE

May 20, 2021

SUPPLEMENTAL NOTICE

Members of the Commissioners Court
Harris County Administration Building
1001 Preston, 6th Floor, Room 610
Houston, Texas 77002

Re: Annual Review of Environmental Enforcement Order

Dear Members of the Court:

This is to request that the following topic be placed on the Commissioners Court agenda for May 25, 2021, under the County Attorney's portion of the agenda:

Authorizing Harris County Judge and any Commissioner in Whose Precinct an Extraordinary Event Occurs for Which Harris County is Authorized to File Suit Under Section 7.351 of Texas Water Code, to Jointly Authorize, as They Deem Necessary, Harris County Attorney's Office to File Environmental Enforcement Actions as Authorized by Chapter 7, Subchapter H, of Texas Water Code.

Sincerely,

CHRISTIAN D. MENEFEE

County Attorney

Scott Lemond, Managing Counsel
Public Law/General Counsel/Hospital District

APPROVED:

Jay K. Aiyer
First Assistant County Attorney

ORDER OF COMMISSIONERS COURT

Authorizing Harris County Judge and any Commissioner in Whose Precinct an Extraordinary Event Occurs for Which Harris County is Authorized to File Suit Under Section 7.351 of Texas Water Code, to Jointly Authorize, as They Deem Necessary, Harris County Attorney's Office to File Environmental Enforcement Actions as Authorized by Chapter 7, Subchapter H, of Texas Water Code

The Commissioners Court of Harris County, Texas, met in regular session at its regular term, virtually, on May 25, 2021 with all members present.

A quorum was present. Among other business, the following was transacted:

ORDER AUTHORIZING HARRIS COUNTY JUDGE AND ANY COMMISSIONER IN WHOSE PRECINCT AN EXTRAORDINARY EVENT OCCURS FOR WHICH HARRIS COUNTY IS AUTHORIZED TO FILE SUIT UNDER SECTION 7.351 OF TEXAS WATER CODE, TO JOINTLY AUTHORIZE, AS THEY DEEM NECESSARY, HARRIS COUNTY ATTORNEY'S OFFICE TO FILE ENVIRONMENTAL ENFORCEMENT ACTIONS AS AUTHORIZED BY CHAPTER 7 SUBCHAPTER H, OF TEXAS WATER CODE

Commissioner Ellis introduced the order and moved that Commissioners Court adopt the order. Commissioner A. Garcia seconded the motion for adoption of the order. The motion, carrying with it the adoption of the order, prevailed by the following vote:

	Yes	No	Abstain
Judge Lina Hidalgo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Rodney Ellis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Adrian Garcia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Tom Ramsey P.E.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. R. Jack Cagle	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The County Judge thereupon announced that the motion had duly and lawfully carried and that the order had been duly and lawfully adopted. The order adopted follows:

IT IS ORDERED that:

WHEREAS, multiple chemical fires occurred in Harris County during March and April of 2019; and

WHEREAS, another extraordinary event occurred in Harris County in January 2020; and

WHEREAS, a chemical fire again occurred in Harris County in March 2021; and

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WHEREAS, Section 7.352 of the Texas Water Code authorizes a local government to bring an enforcement action under the Water Code by adopting a resolution authorizing the exercise of such power; and

WHEREAS, this Commissioners Court finds that this resolution is necessary and proper for Harris County to provide a more robust response to such incidents; and

WHEREAS, recent events demonstrate the need for Harris County to file environmental actions as soon as possible after an event in order to protect the public and the environment, to preserve evidence, and to prevent additional negative impacts to the community.

THEREFORE, IT IS RESOLVED AND ORDERED that the Harris County Commissioners Court hereby authorizes the Harris County Judge and any Commissioner in whose Precinct an extraordinary event occurs for which Harris County is authorized to file suit under Section 7.351 of the Texas Water Code (Commissioner), to jointly authorize, as they deem necessary, the Harris County Attorney's Office to file environmental enforcement actions as authorized by Chapter 7, Subchapter H, of the Texas Water Code, including lawsuits related to violations of the Clean Air Act, Clean Water Act, Solid Waste Disposal Act, and any other civil action that the legislature has authorized a local government to bring in order to protect the public and the environment, to preserve evidence, and to prevent additional negative impacts to the community.

IT IS FURTHER RESOLVED AND ORDERED that the County Judge and Commissioner may jointly authorize, as they deem necessary, the Harris County Attorney's Office to join in such suit or suits any and all parties the County Attorney deems proper, to do any and all things reasonable and necessary to compel compliance with the law. Pursuant to Tex. Civ. Prac. & Rem. Code Ann. § 6.001, the County Attorney shall be exempt from filing a bond to obtain an injunction. Further, for any lawsuit authorized under this order, the County Attorney is authorized to dispose of the suit by obtaining compliance and civil penalties as authorized by applicable law, as he deems appropriate.

IT IS FURTHER RESOLVED AND ORDERED that the Harris County Attorney's Office shall notify the members of Commissioners Court of the filing of environmental enforcement actions on the same day an action is filed pursuant to this Order.

IT IS FURTHER RESOLVED AND ORDERED that it is the intention of Harris County Commissioners Court to review this Order during the May Commissioners Court meeting of each year.

All Harris County officials and employees are authorized to do any and all things necessary or convenient to accomplish the purpose of this Order.