R. Jack Cagle, Commissioner
Harris County Precinct 4
1001 Preston, Suite 950
Houston, Texas 77002
713-274-4000
www.hcp4.net

May 19, 2021

AGENDA ITEM

Re: Adopt-A-County Mile Agreement
National Charity League-Wildflower Chapter

Members of Commissioners Court
Harris County Administration Building

Dear Court Members:

Please consider the following item for the June 8, 2021 Commissioners Court agenda.

Precinct 4 respectfully requests authorization to enter into a contract and agreement between **Harris County** and **National Charity League-Wildflower Chapter** for adoption of a County road. This will include the roadsides of **Ella Boulevard** beginning from **Louetta Road** to **Spring Cypress Road** (approximately 1 mile). This agreement will begin on **July 1, 2021** and will end on **June 30, 2022**.

Your consideration and approval of this request will be appreciated.

Sincerely,

R. Jack Cagle
Commissioner
Harris County Precinct 4

AGREEMENT

THE STATE OF TEXAS §
§
COUNTY OF HARRIS §

This contract and agreement ("Agreement") is made and entered into between **Harris County**, a body corporate and politic under the laws of the State of Texas, called "County", and **National Charity League-Wildflower Chapter**, called "Organization".

The State of Texas, through its "Adopt a State Highway" program, has successfully established a cleanup program for state highways; and,

It is only fitting that Harris County be the leader among Counties in this State by supporting an "Adopt a County Road" program to keep Harris County roadways free of garbage and other debris and to involve the public in pursuit of a litter free environment; and,

Organization agrees that these goals are furthered by "Adopting a County Road" and desires to join this program.

In consideration of the mutual covenants, agreements, and benefits, both Parties, Harris County and **National Charity League-Wildflower Chapter**, enter into this Agreement to "Adopt a County Road."

I.

Organization agrees to perform a general cleanup of the roadsides of **Ella Boulevard beginning at Louetta Road and ending at Spring Cypress Road for approximately one mile**. The term of this Agreement begins **July 1, 2021** and ends **June 30, 2022** ("Term").

The term "general cleanup" includes, but is not limited to, picking up papers, cans, bottles, wood, and other similar types of refuse and litter; placing litter in adequately-sized plastic garbage bags, furnished by Organization; and placing these bags near the "Adopt a County Road, Precinct No. 4" signs but at a safe distance from the shoulder of the road, for collection by the County.

Organization agrees to comply with any safety measures the County prescribes. These measures include, but are not limited to, wearing safety vests provided by the County through Precinct 4; performing a general cleanup only after traffic-control signs have been supplied by the County through Precinct 4 and have been set up by Organization; and viewing the Adopt a Highway of the Texas Department of Transportation-Safety Video, provided on the Adopt a Highway website, http://www.txdot.gov/inside-txdot/get-involved/volunteer/adopt-a-highway/safety-tips.html, before each cleanup event.

Organization agrees to only perform a general cleanup during the Term of this Agreement. Organization agrees to keep the County informed of the progress of its general cleanup and to contact the County, through its designated representative, whenever a cycle of work is to begin. Additionally, Organization agrees to develop a functional plan, approved by the County, to influence and encourage the public to improve the appearance of the adopted County road. Organization agrees to cooperate with the County in securing appropriate media coverage of the "Adopt a County Road" program.

II.

Ms. Tiffany Hardwick ("Sponsor") agrees that she will ensure that all participants from the Organization adhere fully to the requirements and terms of this Agreement. Sponsor agrees that she will be the designated representative for communications with the County regarding this Agreement.

III.

The County agrees to do the following:

1. Remove trash bags placed on the designated roadway by Organization, for disposal in an appropriate manner.

2. Supply Organization with the necessary number of safety vests to be worn by its members when carrying out every scheduled general cleanup under this Agreement. Upon completion of every scheduled general cleanup under this Agreement, Organization agrees to return the vests to the County within two working days.

3. Erect signs, facing each direction of traffic, at the beginning and ending point of the portion of road covered by this Agreement or as near as may be practicable due to applicable regulations and conditions. The signs inform the public of Organization's agreement to adopt a county road and will say, "Adopt-A-County Mile, Precinct 4 -Litter-Control, **National Charity League-Wildflower Chapter**". All signs installed under this Agreement must conform to the "Manual on Uniform Control Devices for the Streets and Highways," as adopted by Harris County.

4. Provide safety information.

IV.

The Parties expressly agree and understand that the work is done and performed by Organization and its members as volunteers under the sole supervision, management, direction and control of Organization, in accordance with the provisions set out here. The County and the Precinct look to Organization for results only and neither the County nor the Precinct has a right at any time to direct or supervise Organization or its members in the performance of their

work, or as to the manner, means and method by which the work is performed. The individuals participating in the cleanup activities are volunteers, whether students or adults. These persons are not employees of the County or of the Precinct through their participation in the cleanup activities and serve no employment function to the County or to the Precinct. However, these persons are entitled to all rights and privileges generally accorded to volunteers under County and Precinct policies.

V.

Organization acting on behalf of itself and its members, agrees to exercise all reasonable care and caution while carrying out cleanup activities. Organization agrees to abide by all applicable state, federal, and local laws, ordinances and regulations. Organization further agrees that all adults participating in any activity under this Agreement will sign a copy of the attached *Release of Liability for Adults* form. Organization further agrees that all minors participating in any activity under this Agreement will have their parents or legal guardian sign a copy of the attached *Parent's Consent and Release of Liability for Minor Child* form. Organization recognizes that execution of these releases is a condition of participation in these activities.

VI.

The County contemplates performing its obligations out of its current budget for the maintenance of roads in County Commissioner, Precinct 4, in which the designated road is located. Notwithstanding anything to contrary, in the event of County's default, Organization's sole and exclusive remedy is to terminate this Agreement.

VII.

Any notice permitted or required to be given to Organization by the County may be given by certified United States mail, return-receipt requested, postage pre-paid, addressed as follows:

ATTN: Ms. Tiffany Hardwick (Sponsor)
National Charity League-Wildflower Chapter
8831 Kennet Valley
Spring, Texas 77379

Any notice permitted or required to be given to County by Organization may be given by certified United States mail, return-receipt requested, postage prepaid, addressed as follows:

Commissioner R. Jack Cagle
Harris County Precinct 4
1001 Preston, 9th Floor
Houston, TX 77002

Either Party has the right to change its address to another address in the State of Texas by giving at least (15) days' written notice to the other Party. Any notice is deemed given upon deposit in the United States mail.

EXECUTED in duplicate/triplicate originals, the 19th day of May, 2021.

APPROVED AS TO FORM:

NATIONAL CHARITY LEAGUE-WILDFLOWER CHAPTER

By: _____
Name: Ms. Tiffany Hardwick
Title: _____
Date: _____

HARRIS COUNTY

By: _____
LINA HIDALGO
COUNTY JUDGE

APPROVED AS TO FORM:
CHRISTIAN D. MENEFEE
COUNTY ATTORNEY

By: _____
Sam Kirchhoff
Assistant County Attorney
C.A. File No. 21GEN1472

ORDER

THE STATE OF TEXAS §
§
COUNTY OF HARRIS §

The Commissioners Court of Harris County, Texas, convened at a meeting of said Court at the Harris County Administrative Building in the City of Houston, Texas, on the ____ day of _____, 2021, with the following members present, to-wit:

Lina Hidalgo	County Judge
Rodney Ellis	Commissioner, Precinct No. 1
Adrian Garcia	Commissioner, Precinct No. 2
Tom S. Ramsey, P.E.	Commissioner, Precinct No. 3
R. Jack Cagle	Commissioner, Precinct No. 4

and the following members absent, to-wit: _____ constituting a quorum, when among other business, the following was transacted:

ORDER AUTHORIZING EXECUTION OF AGREEMENT BETWEEN HARRIS COUNTY AND NATIONAL CHARITY LEAGUE-WILDFLOWER CHAPTER

Commissioner _____ introduced an order and made a motion that the same be adopted. Commissioner _____ 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	☐	☐	☐
Comm. Rodney Ellis	☐	☐	☐
Comm. Adrian Garcia	☐	☐	☐
Comm. Tom S. Ramsey, P.E.	☐	☐	☐
Comm. R. Jack Cagle	☐	☐	☐

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 thus adopted follows:

IT IS ORDERED that the County Judge be, and is, authorized to execute for and on behalf of Harris County, an Agreement to "Adopt a County Road" between **Harris County** and **National Charity League-Wildflower Chapter** in connection with the "Adopt a County Road" program to keep Harris County roadways free of garbage and other debris and to involve the public in the pursuit of a litter free environment, said Agreement being incorporated by reference for all purposes as though fully set out in this Order word for word.