



MINUTES APPROVED IN OPEN COURT ON THE _____ DAY OF _____, 1999.

JAMES L. POWERS, COUNTY JUDGE
 H A Y S COUNTY, TEXAS

LEE CARLISLE, COUNTY CLERK
 H A Y S COUNTY, TEXAS



STATE OF TEXAS
COUNTY OF HAYS

ON THIS THE 13TH DAY OF APRIL A.D., 1999, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS
DEBBIE GONZALES INGALSBE
H. S. "SUSIE" CARTER
WILLIAM "BILL" BURNETT
RUSS G. MOLENAAR
LEE CARLISLE

COUNTY JUDGE
COMMISSIONER, PCT. 1
COMMISSIONER, PCT. 2
COMMISSIONER, PCT. 3
COMMISSIONER, PCT. 4
COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

CALL TO ORDER, INVOCATION, PLEDGE ALLEGIANCE TO THE AMERICAN FLAG AND TEXAS FLAG.

PRESENTATION BY MARSHALL JENNINGS (SWTSU) CONCERNING HAYS COUNTY WATER AVAILABILITY AND THE TRINITY AQUIFER (UPDATE) [T1-30]

Marshall Jennings advised that Doug Coker will not be present. He introduced Bob Stafford (SWTSU student). Bob Stafford spoke of pump testing that has been done and observations. This testing has provided information on what happens to the observation well as water is being pumped and shows how water travels through the aquifer. He spoke of storativity which shows the amount of water an aquifer can absorb and expel. He also spoke of transmissivity. Marshall Jennings spoke of readings on his and his neighbors well (to see how one well pumpage affects another). He spoke of need for parameters and need for data for future planning. He spoke of data that has been obtained for the Texas Water Quality Board. He spoke of attempt to obtain data in Wimberley without success. SWTSU is attempting to study the Trinity Aquifer to produce a model (1st phase to be completed in December 1999. He spoke of research grant for recharge calculation (25 observation wells) to improve the calculation of the amount of water available. Five (5) of those sites are in Hays County. They will be focusing on the lower Trinity aquifer. Commissioner Molenaar asked what process is used "dipping" or "pumping". Marshall Jennings stated that "pumping" is used for their data - "dipping" is used for chemical analysis. He cautioned the Court to not accept anything less than calculated testing. He spoke of symposium to be held later this month and invited members of the court and others to attend.

PRESENTATION BY BILLY KNIFFEN (HAYS COUNTY EXTENSION OFFICE) [T1-296]

Hays County Extension Agent Billy Kniffen advised that only 60% of the 10,000 springs (spoken about 100-200 years ago) in the State of Texas are still flowing. He presented a "rain simulator" showing well managed rangeland vs. excessively grazed rangeland. He spoke of 3 reasons why some of those springs are not flowing at this time: \supseteq we are taking more water out of the aquifer, \sphericalangle brush encroachment (use to be controlled by wildfires), \subset cattle grazing and disappearance of tall prairie grasses. He spoke of grasses getting shorter and shorter because of grazing and he spoke of cedar trees capturing a large amount of water through absorption and preventing the water from filtering back into the aquifer. Grasses catch the water and filter it back into the aquifer. He spoke of how not having the grasses also affects wildlife (ground is too hot and there are no bugs, etc.). He spoke of stewardship being a key element in recharging the aquifer, take care of our land and take care of our wildlife. Commissioner Burnett spoke of this being a perfect example of vegetative covered ditches being a natural filtration system. Grasses keep water from running off and therefore less flooding. When cutting down cedars you must plant grass and other vegetation.



COMMENTS FROM REPRESENTATIVE RICK GREEN RE: CREATION OF A GROUND WATER CONSERVATION DISTRICT FOR HAYS COUNTY [T1-460]

State Representative Rick Green appeared before the Court. He advised the court that he felt like an evening hearing would have been better for public input. He stated that first of all we need to see what our problem is then look at our solutions and then implement those solutions in the least restrictive way. He stated that we still don't know what our problem is. TWDB study which is ten years old which says we will continually have our wells dropping for 20 years and yet we had recent research in Dripping Springs that shows wells are actually higher than they were before the 1996 drought. There are unresolved questions and we don't have clear cut science yet. He spoke of TWDB study that will be out in December 1, 1999 which will show the facts and determine if we have a problem that needs a solution (creating groundwater conservation district). Creating the water district will not create water and will not conserve water – that is up to the people. It can educate and monitor. He does not support a tax on the people of Hays County – he only supports a users fee. We have been granted two additional years by TNRCC. He spoke of valid reasons to go ahead and create this district. When you create a bureaucracy it is very difficult to undo it so you need to make sure you do it right the first time so you don't have a lot of problems. There are reasons not to wait - it could cause problems with bringing water into Hays County if we don't have the district (creating the district would make the State more willing to loan money and create programs). He will file the legislation, but wants to make sure the election that would confirm the district would not take place until these studies have been completed (let the voters analysis the data, decide for themselves what the problem is, whether or not the district we have proposed will solve it, and whether are not we have designed the district to implement this thing correctly). He encouraged the court to pass a resolution requesting the delay from TNRCC for an updated study in the event that the legislation does not pass this session.

17727 PROCLAMATION DECLARING APRIL AS CHILD ABUSE PREVENTION MONTH IN HAYS COUNTY [T1-601]

Brad Bailey read the proclamation. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to adopt Proclamation declaring April as "Child Abuse Prevention Month" in Hays County. All voting "Aye". Mr. Richard Poe (Child Welfare Board) thanked the court for their ongoing support.

**PROCLAMATION
CHILD ABUSE PREVENTION MONTH APRIL 1999**

WHEREAS, Nearly 30,000 cases of child abuse and neglect were confirmed in Texas in Fiscal Year 1998; and
WHEREAS, Child abuse prevention is a community responsibility and finding solutions depends on involvement among all people; and
WHEREAS, Communities must make every effort to promote programs that benefit children and their families; and
WHEREAS, Effective child abuse prevention programs succeed because of partnerships among agencies, schools, religious organizations, law enforcement agencies, and the business community; and
WHEREAS, everyone in the community should become more aware of child abuse prevention and consider helping parents raise their children in a safe, nurturing environment;
NOW, THEREFORE, The Commissioners' Court of Hays County do hereby proclaim the month of April 1999 to be Child Abuse Prevention Month in Hays County, and urge all citizens to work together to help reduce child abuse and neglect significantly in years to come.
PASSED AND APPROVED this 13th day of April, 1999.

17728 PROCLAMATION DECLARING APRIL 18-24, 1999 AS COUNTY GOVERNMENT WEEK IN HAYS COUNTY [T1-638]

Brad Bailey read the proclamation. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to adopt Proclamation declaring April 18-24, 1999 as "County Government Week" in Hays County. All voting "Aye".

**PROCLAMATION OF THE HAYS COUNTY COMMISSIONERS COURT
DECLARING APRIL 18-24 AS COUNTY GOVERNMENT WEEK**

WHEREAS, county government is the oldest form of local government in the United States; and
WHEREAS, county government in Texas has been a major provider of services to Texas citizens since the early days of the Republic, and, today, all 254 Texas counties supply dozens of services to their citizens; and
WHEREAS, counties are on the front line of addressing many of the nation's most critical issues, including environmental protection, indigent care, special assistance for the elderly, job training, and public safety; and
WHEREAS, the mission of Texas county government is to meet the needs of all our citizens without placing an undue hardship on local taxpayers,
NOW, THEREFORE, BE IT RESOLVED, that the Commissioners' Court of Hays County of the State of Texas, hereby proclaims April 18th through April 24th, County Government Week, and encourages all its citizens to become more aware of the history and involved in the future of Hays County.
ADOPTED THIS THE 13th DAY OF APRIL, 1999



PRESENTATION BY HAYS COUNTY 4H MEMBERS [T1-666]

Callie McClinton, Joshua & JoAnnna Norris appeared before the Court and presented the following to each member of the court: "don't bag it" tote bags which represent the 75 family/community/education members in the Hays County and the 429 SPS mailbox members, a 4H Cookbook which represent the 408 4H members, seed packets which represents the 54 master gardeners who have donated numerous hours, native grass represents the 51 master naturalist in Hays County who are currently undergoing training and will volunteer their services, blue ice cool pack represents the 15 hours food protection management in-service training available to Hays County residents, food pyramid magnet represents better living for Texas Program (educational resources), and a set of dice represents the Community Futures Forum to develop a plan for the future. They invited the court to attend the "4H Horse Awards Night" April 29, 1999 @ 7 PM at the County Extension Office to help present awards or just have supper with them and meet their 4H friends. They thanked the court for their time and support.

PRESENTATION AND UPDATE ON THE TEXAS STORMWATER COALITIONS TRIP TO WASHINGTON AND ONGOING ACTION [T1-750]

Commissioner Burnett spoke of coalition formed of 116 counties across the State of Texas to implement changes to the EPA rules (written Jan 1998). He spoke of substantial economic impact on counties throughout the United States. He spoke of efforts to modify these rules and make them more practical. He spoke of permit requirements for site disturbances on tracts one acre or more. Would require permitting ourselves for routine road maintenance of one acre or larger. The Urbanized definition affects only 38 counties at this time but the 1 acre minimum size affects all counties throughout the nation. There is proposed legislation to be carried on the Senate side (by Senator Hutchison). He spoke of costs per capita being from \$1.19 - \$7.00. Could cost Hays County \$500,000 per year (@ \$5.00 per capita). This is a clear violation of the Unfunded Mandate Act. He stated that there are five things they would like to make changes on. The trip to Washington was very beneficial. Wanted to get EPA rule writers to come to Texas to see what they are considering a MS4 (roadside ditches). He spoke of a vegetative covered roadside ditch in the rules are considered a natural filtration system. The coalition is trying to get that taken out of the rules (is not a municipal storm sewer system and should not have to be permitted by the EPA). They want to take out routine road maintenance as site disturbance - move 1 acre minimum up to a 5 acre minimum. Commissioner Burnett spoke of co-permitting with Cities and have them do their implementation of it and relieve counties from liability if they fail to comply. They would also like to exclude MS4's. The EPA rule writers (who do not understand the grating of roads) are coming to Hays County on April 19, 1999 and we will show them the county roads and why we feel we should not be covered by these rules. The coalition will probably have to file some legislation in order to make changes to the rules. Commissioner Burnett stated that he is making it a personal mission of his to get Travis County to join the coalition. Several States will join in the legislation once it is filed. We will be in the permitting business at some level. Texas Counties should not be held responsible for what they have no authority over. Pix Howell spoke of there being current rules that could be imposed to protect species.

PUBLIC COMMENTS [T1-980]

Mr. Heatwole spoke of a property owner (Lime Kiln Road area) clearing off 15 acres for placement of mobile homes and he is disrupting the natural water ways and cutting out trees in the public/county right of way. He requested that someone from the county look into this matter. Commissioner Molenaar spoke of having already contacted the TNRCC and they have been onsite and have written letters to the property owner for compliance.

HOLD A PUBLIC HEARING CONCERNING CREATION OF A GROUNDWATER CONSERVATION DISTRICT IN HAYS COUNTY [T1-1053]

Judge Powers declared the public hearing open. Sam Davis spoke of hating bureaucracy but ground water is our "life blood". He is concerned about how it will be paid for. He feels like we should form this entity and don't play catch up. Pix Howell spoke in support of creating this district. He feels like this is a local control issue. The district has the potential to address other issues at the local level. He is having trouble with his own well at this time in Wimberley. Jack Hollan advised that he is a San Marcos High School graduate living on Devils Backbone in the 1950's. He spoke of Representative Green's opinion regarding this issue and the need to make sure a problem exists before creating another bureaucracy. He spoke of reaction to rainfall by this aquifer (20-25 ft. drops & increases over the years). He spoke of population in Hays County at this time vs. the population in 1950. He stated that we live in an area of limited rainfall (averages 30-34 inches per year) and we have been receiving a high amount of rainfall during this time of rapid growth. He spoke of worst years of the drought in the 1950's with rainfall being only 16.7 inches. He spoke of having 3 months of no rain and then a large amount of rain last year. He supports formation of the district. Jerry Faskas spoke of being a 14 year resident of Hays County. He spoke of reports of aquifer levels and GBRA/LCRA plans to bring surface water into Hays County. He spoke of property owners rights that must be addressed. He spoke in opposition of creation of a district until data proves that a district is needed. Frank Austin stated that he feels like we will know in 2 years more about our water situation, however, he doesn't think it will make a great deal of difference because we will still have a water conservation district because it has been mandated. He spoke of the Hays County Infrastructure Water Resources Subcommittee recommendation. He spoke of political issues involved.



Mr. Austin stated that what starts out as an environmental issue becomes a political issue and then a control issue. He feels like we need to get the proposed bill to the legislature at this time and not delay it for two years. Sue Johnson (Wimberly resident) spoke in support of creating the district and felt like now is the optimum time. {T1-1430} DeDe Stevenson (Dripping Springs resident & Chairman of the Water Availability Committee) spoke of subcommittee meetings which reviewed Senate Bill 1 and other bills related to this issue. She spoke of people involved in the committee. Personally her concerns are that we are creating another bureaucracy that she feels like the county commissioners court could handle. The Texas Water Development Board study gave specific things that could be done to help alleviate distress on the aquifer (bring in surface water from LCRA and build reservoirs). She is also concerned about her own well which went dry soon after she moved to Hays County 5 years ago. Mrs. Stevenson spoke of testing of wells taking place now. She is concerned about studies done by TWDB. She spoke of new districts that have been created and elections that have been voted down and then TNRCC takes control. She felt like we need to be careful how we move forward on this issue. Raymond Czichos spoke of the Wimberley Water Supply Corp. (1500 members and growing) supplying water to the Wimberley area (9 square miles) from 5 wells in the Upper Glen Rose/Trinity Aquifer. Hays County is in a unique area on the escarpment (a geological fault dam underground between the Edwards and Trinity aquifers) and will be difficult to set rules countywide. He spoke of minerals in the water in some areas. Wimberley Water Supply company supplies water to approximately 6000 people in the Wimberley area. He spoke of federal regulations already in place. They have a superior water system. They use approximately 175-185 million gallons of water per year. He spoke of limits to water they can supply - they have had no failings of water. There are areas that should be regulated. He spoke of 1500-2000 water wells which have been abandoned in Hays County and can cause contamination. He supports local regulation instead of State regulation. Ron Feiseler voiced his concerns about creating a ground water district with local control by the Commissioners Court. He feels like the board of directors should be individually elected people who live in the district. Commissioner Molenaar spoke of the Trinity aquifer going to IH35 under the Edwards Aquifer and into Pct. 2 and Pct. 1. The recommendation of legislators would be to make it countywide. Dianne Wassenich spoke of need to consider all areas covered by the aquifer. It may require other counties to be involved. There needs to be cooperation with other counties. She prefers waiting to form a district. She spoke of TNRCC being weak in enforcing rules and she feels like there is no danger from them. Judge Powers stated that he did contact other counties but they were interested in forming their own districts. Frank Zimmerman advised that he is here representing the Hays County Soil & Water Conservation District & as a resident of Hays County. He spoke in support of protecting our water rights and maintaining local control. He supports going forward with the legislation to create a groundwater district for Hays County. Delbert Bassett spoke in support of creating a ground water district at this time. He spoke of user fee approach or a property tax to generate funds and he supports electing the board of directors. He feels like a ground water district does protect property rights. Skip Newsom (an Environmental Law Attorney) spoke of having worked with the infrastructure subcommittee. He stated that we can do nothing and TNRCC will create a district for us with taxing authority or we can create a special district through legislation this session. He asked whether we know enough to create a district through legislation at this time without the completed studies. He feels like more public input is needed and a preliminary plan is needed addressing funding, goals, consequences, etc. David Baker spoke of requiring proof of water availability by developers of subdivisions. This would provide important hydrological information and would protect the rights of existing adjacent landowners and the consumers looking to buy the land. He felt like it would protect the rule of capture. He spoke of the Trinity Aquifer area in Hays County (4230 gallons per acre per year sustainable yield per acre) He spoke of minimum lot size of trinity group being 46 acres using figures he gave [T1-2307]. He felt like we must find a way to space wells properly. He supports formation of the groundwater district. T. J. Higginbotham spoke in support of the district at this time. He feels like the board should be voted for. He stated that there is a subcommittee at the legislature looking at creation of ground water districts. He felt like we are in a critical area and we must take action. Ilene Connally (Buda) spoke in support of creating a district and she spoke of importance of a conservation plan. No further input was received and the County Judge closed the public hearing.

PUBLIC COMMENT REGARDING UPDATE ON BILLS BEFORE THE LEGISLATURE

{T1-2510} T. J. Higginbotham gave update on bills before the legislature: Senate Bill 938 (ETJ Bill) is on its way the House of Representatives Senate Bill 821 (authority of county to operate a water or utility system granting power of eminent domain/self funding). House Bill 2901 (complete study needed) requested that County Judge write a letter of support.

17729 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve payment of county invoices in the amount of \$74,081.16 (4/12/99 invoices) and \$249,545.00 (4/13/99 invoices) as presented by the County Auditor. All voting "Aye".



\$74,081.16

Auditors Office	\$ 203.20	Treasurers Office	\$ 314.80	Grants Admin	\$ 1,000.00
Juvenile Probation	\$ 94.71	Transfer Station	\$ 75.57	Bldg Mtc. Dept.	\$ 1,071.96
Personal Health	\$ 187.78	Civic Center	\$ 261.51	Countywide Oper	\$ 21,624.59
Tax A/C	\$ 339.47	District Clerk	\$ 141.30	County Clerks Ofc	\$ 1,044.70
Sheriff's Office	\$ 9,364.17	Jail Operations	\$ 6,530.38	Human Resources	\$ 25.00
Co Crt @ Law 1	\$ 135.00	District Attorney	\$ 139.62	J.P. 1-2	\$ 153.00
J.P. 2	\$ 211.59	J.P. 3	\$ 78.25	J.P. 4	\$104.13
J.P. 5	\$ 674.08	Constable 1	\$ 70.10	Constable 2	\$ 52.64
Constable 3	\$ 165.98	Constable 5	\$ 54.35	District Court Oper	\$ 1,630.06
Co & JP Crt Oper	\$ 1,907.03	Veterans Adm	\$ 21.08	Computer Svcs	\$ 428.90
DPS/L&W	\$ 120.00	TJPC CCAP Grant	\$ 26.60	DA DARE Grant	\$ 90.57
Gen Fund Credit	<\$103.00>	R&B Operations	\$ 22,678.19	Precinct 1	\$63.01
Precinct 2	\$ 150.00	Precinct 3	\$ 335.62	Precinct 4	\$ 369.19
Right of Way	\$ 1,575.00	Road Construction	\$ 128.50	Rec Mng/Co Clk	\$ 119.62
Health Svcs Grant	\$ 31.50	Sheriffs Drug Forf	\$ 391.41		

\$249,545.00

State Shared Rev	\$ 40.88	Fines	\$ 46.66	Auditors Office	\$ 1,127.32
Treasurers Office	\$ 175.90	Extension Office	\$ 241.58	Grants Admin	\$ 106.93
Juvenile Probation	\$ 224.00	Election Admin	\$ 225.10	Comm & Soc Svcs	\$ 1250.00
Transfer Station	\$ 63.67	Bldg Mtc. Dept	\$ 5,646.32	Personal Health	\$ 65.13
Civic Center	\$ 8.30	Countywide Oper	\$ 10,779.79	Tax A/C	\$ 166.08
District Clerk	\$ 435.75	County Clerk	\$ 311.29	Sheriffs Office	\$ 6,117.01
Jail Operations	\$ 1,248.07	County Judge	\$ 298.10	Human Resources	\$ 112.29
Co Crt @ Law 1	\$ 35.00	District Attorney	\$ 976.19	J.P. 1-2	\$ 206.76
J. P. 5	\$ 75.00	DPS	\$ 499.59	Constable 1	\$ 673.56
Constable 2	\$ 100.59	Constable 4	\$ 77.19	Constable 5	\$ 74.82
Dist Court Oper	\$ 9,816.30	Co & JP Crt Oper	\$ 254.08	Veterans Admin	\$ 290.32
Computer Svcs	\$ 950.80	Co Crt @ Law 2	\$ 35.00	DPS/L&W	\$ 39.87
Judge/Family Law	\$ 12.94	Animal Control	\$ 40.00	DA Dare Grant	\$ 128.79
Road & Bridge Oper	\$ 159,012.49	Precinct 1	\$ 83.27	Precinct 3	\$ 44.56
Road Construction	\$ 46,836.07	R&B Gen Credit	<\$162.49>	Health Svcs Grants	\$ 100.00
Law Library Fund	\$ 83.13	Sheriff Spec Proj	\$ 96.00	Sheriff Drug Forf	\$ 475.00

17730 APPROVE REFUND OF DOUBLE PAYMENTS AND/OR OVERPAYMENTS ON TAXES

Tax Assessor-Collector Luanne Caraway presented the following refund for approval:

Lot 11 River Oaks Unit 2	\$ 7,758.45	Pt Lot 44 Ledgerock	\$ 3,684.56
28.3458 ac Burleson Surv	\$ 1,775.71	Lot 44 Woodcreek Sec 1	\$ 1,908.20
Lot 215A Zack Wmsn 3 rd Add	\$ 571.99	Lot 1 Sleepy Hollow	\$ 2,340.72
0.44 ac. J. Williams Survey	\$ 1,385.01		

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve refund of double payments and/or overpayments on taxes. All voting "Aye".

17731 APPROVE APPOINTMENTS TO THE HEALTH CARE COMMITTEE

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve appointments of Tammy Gray(Buda) and Patty Hoffelder (Dripping Springs) to the Health Care Committee. All voting "Aye".

17732 ACCEPT APPOINTMENT OF ASSISTANT COUNTY AUDITOR PER DISTRICT COURT ORDER

An Order of Appointment of Tom Meadows as Assistant County Auditor to replace Paula Pond was signed and executed by the District Judges of Hays County on March 15, 1999 and submitted to the Commissioners' Court for acceptance into the minutes of the court. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to accept Appointment of Assistant County Auditor per order of the District Court of Hays County, Texas. All voting "Aye".



IN RE: MATTER OF
ASSISTANT COUNTY AUDITOR
TOM MEADOWS

IN THE 22ND, 207TH, 274TH
JUDICIAL DISTRICTS OF
HAYS COUNTY, TEXAS

APPOINTMENT OF ASSISTANT COUNTY AUDITOR

On this the 15th day of March, 1999, came on to be considered the appointment of the Assistant County Auditor in and for Hays County, Texas.

It appearing to the District Judges having jurisdiction in Hays County that such county has a tax valuation of \$15,000,000.00 or over according to the last approved tax rolls, and as provided by Article 1645, Revised Civil Statutes of Texas, an Assistant County Auditor should be appointed for such County; and it further appearing that Tom Meadows, as provided by Article 1648, Revised Civil Statutes of Texas, is qualified for such appointment. Paula Pond, appointed January 1, 1999 will be retiring and shall be replaced by Tom Meadows.

It is therefore ORDERED that Tom Meadows, replacing Paula Pond, of Hays County, Texas be, and is hereby appointed Assistant Auditor, in and for Hays County, Texas for a period of twenty-one months and two weeks, beginning the 15th day of March, 1999.

It is further ORDERED that this order be recorded in the Minutes of the District Court of Hays County, Texas, and the Clerk shall certify the same for observance, to the Commissioners' Court of Hays County, Texas, which shall cause the same to be recorded in its minutes.

s/ Charles Ramsay

Judge, 22nd Judicial
District of Hays County, Texas

s/ Jack Robison

Judge, 207th Judicial
District of Hays County, Texas

S/ Garry Steel

Judge, 274th Judicial
District of Hays County, Texas

IN RE: MATTER OF
ASSISTANT COUNTY AUDITOR
TOM MEADOWS

IN THE 22ND, 207TH, 274TH
JUDICIAL DISTRICTS OF
HAYS COUNTY, TEXAS

WHEREAS, Tom Meadows, is Assistant County Auditor in the 22nd, 207th, and 274th Judicial District of Hays County, Texas, and

WHEREAS, the salary of the Assistant County Auditor is set by the District Judges of the County of Hays, State of Texas; and

IT IS THEREFORE ORDERED BY THE 22nd, 207th, and 274th Judicial District Court of Hays County, Texas, that the salary of the said Assistant County Auditor, be fixed at \$36,594.00 effective March 15, 1999.

s/ Charles Ramsay

Judge, 22nd Judicial
District of Hays County, Texas

s/ Jack Robison

Judge, 207th Judicial
District of Hays County, Texas

S/ Garry Steel

Judge, 274th Judicial
District of Hays County, Texas

**17733 APPROVE APPOINTMENTS TO THE HAYS COUNTY INFRASTRUCTURE COMMITTEE
(Economic Development Subcommittee)**

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve appointment of David Robinson (as chair), Scott Sterling, and Grey White to the Hays County Infrastructure Committee Economic Development Subcommittee. All voting "Aye".



17734 APPROVE APPOINTMENT TO THE HAYS COUNTY INFRASTRUCTURE COMMITTEE (Road & Bridge Subcommittee)

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve appointment of Jim Sykes (Buda) to the Hays County Infrastructure Committee Road & Bridge Subcommittee. All voting "Aye".

17735 GATLIN RIDGE RESUBDIVISION OF LOT 2 * VARIANCE TO REQUIREMENT FOR NO MORE THAN ONE SINGLE-FAMILY RESIDENCE AND APPROVE FINAL PLAT [T1-2643]

Allen Walther, Director of Environmental Health, spoke of Gatlin Ridge being a 3 lot development and the property owner of Lot 2 is asking to resubdivide the 100+ acre tract into two 50 acre tracts. They are also requesting a variance to the county requirement that lots served by a driveway are limited to one single family residence. They would like to be allowed to have a guest home on the same lot along with the primary residence for each lot. Allen Walther gave staff recommendation for final plat approval but he stated that the variance request is not in our rules. Scott Storm advised that someone wants to buy the 100 acre lot and split it up into two 50 acre lots and any further resubdivision would require action by the court. He advised that the SAD (Shared Access Driveway) is a chip-seal roadway (12' pavement strip with a culdesac) with a maintenance agreement. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to grant a variance to the requirement for no more than one single-family residence and approve the final plat of "Gatlin Ridge Resubdivision of Lot 2". Comm. Burnett read the county provision regarding SAD's and he stated that this would exceed the number of lots set out for Shared Access Driveway, however, he does support the variance request. All voting "Aye". A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve final plat of "Gatlin Ridge Resubdivision of Lot 2". All voting "Aye".

17736 EXEMPT FROM PLATTING AND GRANT A VARIANCE TO MINIMUM LOT FRONTAGE FOR A FAMILY DIVISION OF PROPERTY (T. C. JOHNSON JR. 124.15 ACRES) ON RM3237 [T1-2910]

Allen Walther, Director of Environmental Health, advised that the T. C. Johnson family would like to divide a 124.15 acre tract into 3 large acreage tracts each with about 70 feet of frontage on RM3237. The county's minimum lot frontage on a state highway is 150 feet per lot. Commissioner Burnett read the relevant provisions of the county subdivision rules (Section 4 Exemptions). It was determined that this is a family member subdivision with tracts well over 5 acres each and with access on a public right-of-way which would make it exempt from platting and would qualify it for a variance to minimum lot frontage. A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to exempt this subdivision from platting and to grant a variance to minimum lot frontage requirement for a family division of property on RM 3237 and Cypress Creek. (T. C. Johnson Jr. 124.15 acres * Vol.. 120 Pg. 214 of the Hays County Deed Records) Commissioner Ingalsbe, Commissioner Carter, Judge Powers, and Commissioner Burnett voting "Aye". Commissioner Molenaar voting "No".

17737 RELEASE CONSTRUCTION BOND AND ACCEPT MAINTENANCE BOND FOR ROADS IN "SCENIC CANYON" SUBDIVISION [T1-3060]

Staff gave recommendation for approval to release construction bond and accept maintenance bond for roads in "Scenic Canyon" subdivision. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to release construction bond and accept maintenance bond for roads in "Scenic Canyon" subdivision. All voting "Aye".

17738 ROAD NAME DESIGNATION: NAME A PRIVATE ROAD IN PCT. 2 "MARKS OVERLOOK" [T1-3190]

Commissioner Carter spoke of this item having been discussed on March 30, 1999. This is a private road that serves a camp and a residence. The naming of the road is at the request of the resident with written permission of the camp and is for 911 and postal delivery. The road is located running off FM967 near Buda. Mr. Marks appeared before the Court. He spoke of this coming up because of an accident and identification for 9-1-1 purposes. He spoke of original 20ft. easement when the property was purchased by the Church. Jacquelyn Murphy spoke of this not being relevant in naming a roadway. Commissioner Carter advised that the Church owners have indicated their support in naming this roadway. Mr. Marks advised that he went through the procedures set out to him by the 9-1-1 Addressing Dept. of the county. A motion was made by Commissioner Carter, seconded by Commissioner Burnett to name a private road in Precinct 2 "Marks Overlook". All voting "Aye".



17739 AUTHORIZE HIRING OF NEW EMPLOYEE KATHRYN KRAATZ AT GRADE 20 STEP 2 IN THE TAX OFFICE [T1-3390]

Luanne Caraway, Tax Assessor-Collector, advised that this is a Motor Vehicle position being filled by a person who had worked for several dealerships and has knowledge and experience in this type of work. There are sufficient funds within the salary line item. A motion was made by Commissioner Carter, seconded by Commissioner Burnett to authorize the hiring of new employee Kathryn Kraatz at Grade 20 Step 2 in the Tax Office. All voting "Aye".

17740 APPROVE CONVERTING THE PART-TIME ASSISTANT AUDITOR POSITION FROM GRADE 20 TO FULLTIME GRADE 29 [T1-3440]

County Auditor Bill Herzog advised that this is a new position that was created during the budget process and was graded by Public Sector as a clerical position. It is his intent to have this position performing duties which require skills equivalent to the accounting positions in his office. He will also be using this position to perform special accounting projects to study and streamline the policy and procedures. Accountant positions are at grade 29. Funds are available within the employee salary line item of the auditor's office. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve converting the part-time Assistant Auditor position from a Grade 20 to a fulltime Grade 29. All voting "Aye".

17741 ADOPT THE CITY OF SAN MARCOS' TAX ABATEMENT AGREEMENT WITH THE H.E. BUTT GROCERY COMPANY [T1-3529]

Commissioner Ingalsbe spoke of City of San Marcos having granted a tax abatement for the expansion of the H.E. Butt distribution warehouse on Hunter Road. Mr. Nehms, Property Tax Manager of H.E.B. commended Hays County for maintaining a competitive advantage by offering a tax phase in program which retains existing business and attracts new businesses. This will create capital investments by increasing the tax base and creating new jobs with sustainable wages. Commissioner Burnett explained the tax abatement being requested and the number of jobs being created (75 new full-time jobs). The economic development subcommittee approves granting this tax abatement. The two (2) years of tax abatement shall be the tax years 2001 and 2002 (or 2002 & 2003 if HEB delays the construction completion and/or job creation). The tax abatement will not include any equipment other than mechanized fixtures, nor will it include inventory, materials, or other personal property, nor will it include any increase in the value of the land upon which the new improvements are situated. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve and adopt the City of San Marcos' Tax Abatement Agreement with the H.E. Butt Grocery Company. All voting "Aye".

**RESOLUTION SUPPORTING HEB TAX ABATEMENT PLAN
AS ADOPTED BY THE CITY OF SAN MARCOS**

WHEREAS, the City of San Marcos adopted a Tax Abatement Agreement with the H.E. Butt Grocery Company for Development of a Warehouse Facility on March 22, 1999; and

WHEREAS, The Tax Abatement Agreement, as adopted, is consistent with the policies of Hays County's tax abatement guidelines.

NOW, THEREFORE, BE IT RESOLVED, that the Hays County Commissioners' court supports the San Marcos/H.E. Butt Grocery Company Tax Abatement agreement.

**ADOPTED THIS THE 13TH DAY OF APRIL, 1999
HAYS COUNTY COMMISSIONERS' COURT**

DISCUSSION RE: PURCHASE/INSTALLATION OF A BACKUP GENERATOR FOR THE HAYS COUNTY JUSTICE CENTER FOR COMPUTER SERVICES [T1-3123]

Deputy Sheriff Dennis Gutierrez spoke of problems with the county computer system during flooding in October 1998. The Sheriff's Dept. supports placing a backup generator at the Justice Center for computer services. [T2-38] Ron Knott, Maintenance Supervisor, spoke of generator to be installed at the Justice Center. Bids were received on diesel & natural gas and he recommends natural gas (lowest bid was apprx. \$12,000) He felt like placement on the roof reduces vandalism and less conduit to run lines. It will take 9-12 weeks to get the generator installed. Commissioner Molenaar voiced his concern about using natural gas instead of diesel (diesel is stored and natural gas may not always be available in a Y2K or emergency situation). Discussed placement of a diesel generator on the back patio or a natural gas generator with a storage tank. NO ACTION WAS TAKEN THIS DATE. TABLED AT THIS TIME



17742 AUTHORIZE PURCHASE OF A REPLACEMENT COMPUTER FOR THE POSTAGE METER OUT OF COUNTY-WIDE EQUIPMENT LINE ITEM [T2-194]

Bill Herzog advised that a computer is attached to the postage meter and is not Y2K compliance and can not be repaired economically. The Computer Services Dept. concurs with replacement of the computer – new software will not be necessary. Funds are available in county-wide equipment line item (\$1,200). A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to authorize purchase of a replacement computer for the county postage meter out of county-wide equipment line item. All voting "Aye".

17743 ADOPT A RESOLUTION CLARIFYING OWNERSHIP OF AN ABANDONED PIECE OF PROPERTY (ROW) BETWEEN THE STATE OF TEXAS AND HAYS COUNTY [T2-265]

Commissioner Burnett spoke of resolution to be adopted. He explained that this is a portion of former Ranch Road 12 that was accepted by the county in 1975 without actually getting title to the property. It is becoming a serious liability problem to the county and a concern of the Sheriff's Dept. This resolution clarifies ownership and gives it back to the State of Texas. The States R.O.W. Dept. will handle the property from henceforth. A motion was made by Commissioner Burnett, seconded by Commissioner Carter to adopt resolution clarifying ownership of an abandoned piece of property on RM12 between the State of Texas and Hays County. All voting "Aye".

RESOLUTION

WHEREAS, R.M. 12 (originally known as State Highway No. 80) included a low water bridge over the Blanco River; and

WHEREAS, the original right of way for R.M. 12/S.H.80 was a Hays County roadway that was eventually incorporated into the State system; and

WHEREAS, in 1959 the low water bridge and a portion of the original R.M. 12/S.H.80 was bypassed by the construction of a new bridge; and

WHEREAS, by Minute Order Number 45731, the low water bridge and the bypassed portion of R.M. 12/S.H. 80 were removed from the State Highway System, and the action was ratified by the Hays County Commissioners' Court by a resolution dated January 13, 1975; and

WHEREAS, the low water bridge and the abandoned approaches leading to it have become an environmental and legal liability as well as a health and public safety concern for the State and Hays County; and

WHEREAS, individuals who own property abutting the low water bridge and its approaches have expressed an interest in purchasing the abandoned right of way; and

WHEREAS, it is possible for the State of Texas, acting through the Texas Department of Transportation, to convey abandoned right of way, provided it receives the request and concurrence in the action from Hays County;

NOW, THEREFORE, BE IT RESOLVED by the County Commissioners' Court of Hays County that the portion of the low water bridge and its approaches which were removed from the State Highway system and accepted by the County without legal title (which property will later be more particularly described by a survey) be sold to the abutting landowners, and that Hays County request the Texas Department of Transportation to take the necessary action to effect such a conveyance.

**ADOPTED THIS THE 13TH DAY OF APRIL, 1999
HAYS COUNTY COMMISSIONERS' COURT**



17744 CREATION OF GROUNDWATER CONSERVATION DISTRICT IN HAYS COUNTY [T2-354]

Judge Powers spoke of concerns about property rights and importance of conserving water. He is equally concerned about surface water as well as groundwater. Brad Bailey read Bill 8, a bill to be entitled an act relating to the creation, administration, powers, duties, operation, and financing of the Hays County Trinity Groundwater Conservation District. Anything in this is subject to change. He read the various sections of this bill. Brad Bailey advised that the boundaries are not determined at this time (could be the actual trinity aquifer that lies in Hays County, Pct.3 & 4, or all areas not currently covered by a water conservation district. Commissioner Molenaar advised that we could change the name of the district if petitioned by other districts to be annexed. Steve Musick (TNRCC Representative) spoke of need for amendment by enabling legislation. Chapter 49 allows people to go on your property - Chapter 36 includes aspects of permitting and planning. Steven Musick advised that Chapter 49 has a broad range of powers and enables districts to do more than what they might otherwise be able to do. Chapter 36 stands alone and does not have to have Chapter 49 (Chapter 49 can be left out). Commissioner Molenaar requested an amendment that requires board members to be a resident of the district. Brad Bailey spoke of problem with having members being a resident of each commissioner precinct. Initial Directors would be appointed by the Commissioners' Court and after that the Directors are elected at large. Discussed adopting Section 9 of Bill 2 - Board of Directors appointed by Hays County Commissioners' Court (initial directors) and must reside in the district. After that the directors will be elected "at large". Commissioner Carter stated that she would prefer Directors elected by precinct. Jacquelyn Murphy spoke of involvement of US Dept of Justice in elections. Commissioner Carter spoke of difficulty in setting boundaries that do not correspond with voting precincts. Commissioner Burnett spoke of tentatively agreeing that we go with boundary to be all areas in Hays County not currently covered by an existing ground water district. The Edwards Aquifer Authority is funded by users fees and not by a tax. Environmental Health Director Allen Walther spoke of commercial water systems that pay users fees and individual wells do not pay users fees. If you do not fund this district by taxes, then the commercial systems would be paying for everyone. Court agreed to exclude those areas already in a groundwater conservation district and have directors elected "at large". Brad Bailey spoke of running numbers to determine how the district would be funded. The numbers they ran indicate that a 1 cent tax would generate approximately \$250,000. He spoke of limiting permits. Steve Musick advised that if Hays County creates a district and the confirmation fails in an election, TNRCC would look at other options available (multi-county district or annexation into an existing districts). He advised that statute provides for TNRCC to create ground water districts {Chapter 35 of the Water Code}. Commissioner Molenaar advised that copies of Chapter 35 and Senate Bill 1 are available through the internet. Brad Bailey spoke of options available. Commissioner Molenaar advised that Senate Bill 1 requires a groundwater conservation district in order to regulate water use. He spoke of not creating a groundwater district would limit the amount of money available (grant funds, etc. for LCRA and GBRA) to bring surface water to Hays County. The voters will have the opportunity to vote on this issue at a later date (June 2000). [T2-1544] A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to adopt Bill Entitled Bill 8 with modifications: Adopt Bill 2 minus Section 9 subsection C (because this bill does not encompass two commissioner precincts in this county), adopt sections 8, 9, 10, 11, 12, 13, & 14. To clarify section 3 regarding boundaries: The boundaries of the district are coextensive with the boundaries of Hays County, Texas, save and exempt any areas in Hays County which are currently within another groundwater conservation district. Regarding Section 5 Powers: (a) Chapter 49 of the Water Code does not apply to this district (d) Hays County Commissioners' Court, by resolution, may require an election to be conducted within six (6) months to affirm or reverse a decision of the Board of Directors of the district and the initial Board of Directors be appointed by this Commissioners Court. Commissioner Molenaar asked for clarification from Steve Musick that deleting Chapter 49 and creating this groundwater district would still not allow people to arbitrarily come onto someone's property to look at their well without their permission. Mr. Musick advised that it is his understanding that they can not do that. All voting "Aye".



(Bill 8)

A BILL TO BE ENTITLED
AN ACT

relating to the creation administration, powers, duties, operation, and financing of the Hays County Trinity Groundwater Conservation District.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. CREATION. (a) A groundwater conservation district, to be known as the Hays County Trinity Groundwater Conservation District, is created in a portion of Hays County, subject to approval at a confirmation election under Section 8 of this Act. The district is a governmental agency and a body politic and corporate.

(b) The district is created under and is essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.



SECTION 2. DEFINITION. In this Act, "district" means the Hays County Trinity Groundwater Conservation District.

SECTION 3. BOUNDARIES. The boundaries of the district are coextensive with the boundaries of Hays County Texas, save and exempt any areas in Hays County which are currently within another groundwater conservation district with the authority to require permit for the drilling or alteration of wells for the withdrawal of groundwater. Within thirty (30) days of its initial meeting and prior to holding any confirmation election, the district shall cause a description of its boundaries to be prepared and filed with the Hays County Clerk and the Texas Natural Resource Conservation Commission.

SECTION 4. FINDING OF BENEFIT. All of the land and other property included within the boundaries of the district will be benefited by the works and projects that are to be accomplished by the district under powers conferred by Section 59, Article XVI, Texas Constitution. The district is created to serve a public use and benefit.

SECTION 5. POWERS. (a) Except as provided by this act, the district has all the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapter 36, Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution. Chapter 49, Water Code, does not apply to the district. This Act prevails over any provision of general law that is in conflict or inconsistent with this Act.

- (b) The rights, powers, privileges, authority, functions, and duties of the district are subject to the continuing right of supervision of the state to be exercised by and through the Texas Natural Resources Conservation Commission
- (c) The district has the power to limit the transfer of groundwater out of the district, including the power to prohibit the transfer.
- (d) The following wells may not be metered by the district
 1. A well not capable of producing more than 20,000 gallons per day.
 2. A well used to satisfy the domestic needs of a private residential household.
 3. A well used only for noncommercial livestock and poultry operations, in connection with farming, ranching or dairy enterprise.
- (e) The following wells are not required to have a permit from the district:
 1. A well not capable of producing more than 20,000 gallons per day.
 2. A well used to satisfy the domestic needs of a private residential household.
 3. A well used only for noncommercial livestock and poultry operations, in connection with farming, ranching or dairy enterprise.
- (f) The Hays County Commissioners' Court, by resolution, may require an election to be conducted within six (6) months to affirm or reverse a decision of the Board of Directors of the district.

SECTION 6. FISCAL RESPONSIBILITIES. (a) The district shall each year cause a budget to be prepared showing the proposed expenditures and disbursements and the estimated receipts and collections for the following fiscal year and shall hold a public hearing on the proposed budget after publication of a notice of hearing in a newspaper of general circulation in the county at least once not less than ten (10) days prior to the date set for the hearing. Any person who is a taxpayer of the district shall have the right to appear at the time and place designated in the notice and be heard with reference to any item shown in the proposed budget. The proposed budget shall also show the amount of taxes required to be levied and collected during such fiscal year.

(b) At the written request of the Hays County Commissioners' Court, the county auditor shall audit the performance of the district. The court may request a general audit of the performance of the district or may request an audit of only one or more particular duties, practices, functions, or other district matters

SECTION 7. BOARD OF DIRECTORS. (a) A board of five elected directors governs the district.

(b) A member of the board must reside in the district, or own real property in the district.

- (c) Each director must qualify to serve as director in the manner provided by Section 36.055, Water Code.
- (d) Directors other than initial directors serve staggered two-year terms.
- (e) A director serves until the director's successor has qualified.
- (f) If there is a vacancy on the board, the commissioners' court shall appoint a director to serve the remainder of the term.
- (g) The board shall appoint a director to succeed a director on or before the date the director's term expires.
- (h) A director may not receive a salary or other compensation for service as a director but may be reimbursed for actual expenses of attending meetings at the rate in effect for employees of Hays County.

SECTION 8. APPOINTMENT AND TERMS OF INITIAL DIRECTORS. Not later than the 31st day after the effective date of this Act, the Hays County Commissioners Court shall appoint initial board consisting of five (5) members.

SECTION 9. CONFIRMATION ELECTION. (a) The initial board of directors shall call and hold an election to confirm establishment of the district no later than June 1st, 2000.

(b) Section 41.001(a), Election Code, does not apply to a confirmation election held as provided by this section.

(c) Except as provided by this section, a confirmation election must be conducted as provided by Sections 36.017(b)-(h), Water Code, and the Election Code.

(d) If the establishment of the district has not been confirmed at an election held under this section before the second anniversary of the effective date of this Act, this Act expires on that date.

SECTION 10. TAXING AUTHORITY. (a) The district may not levy or collect an ad valorem tax at a rate that exceeds one (1) cent on the \$100 valuation of taxable property in the district.

(b) Permit fees authorized under this act shall not exceed the Hays County's Onsite Sewage Facility Fees (OSSF), adopted by the County Commissioners' Court.



(Bill 8) continued

SECTION 11. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.

(a) The proper and legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished by the constitution and other laws of this state, including the governor, who has submitted the notice and Act to the Texas Natural Resource Conservation Commission.

(b) The Texas Natural Resource Conservation Commission has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the House of Representatives within the required time.

(c) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 12. REPEALER. Chapter 453, Acts of the 73rd Legislature, Regular Session, 1993, is repealed.

SECTION 13. EFFECTIVE DATES. (a) Except as provided by Subsection (b), this Act takes effect September 1, 1999.

(b) Section 12 of this Act takes effect on the date the results of an election confirming the establishment of the district are canvassed.

SECTION 14. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

ADOPTED THIS THE 13TH DAY OF APRIL, 1999
HAYS COUNTY COMMISSIONERS' COURT

17745 HAYS COUNTY'S APPOINTMENT TO THE SAN MARCOS/HAYS COUNTY EMS BOARD [T1-1663]

Commissioner Molenaar stated that he does not have time to attend the meetings and he is asking the Court to appoint someone else to take his place on the San Marcos/Hays County EMS Board. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to appoint Judge Powers to the San Marcos/Hays County EMS Board to replace Commissioner Molenaar. All voting "Aye".

EXECUTIVE SESSION TO CONFER WITH LEGAL COUNSEL CONCERNING RECENT EEOC COMPLAINTS INVOLVING COUNTY EMPLOYEES OF THE COUNTY ROAD DEPARTMENT PURSUANT TO SECTION 551.071 OF THE GOVERNMENT CODE [T1-1722]

Court convened into closed executive session to confer with legal counsel concerning recent EEOC complaints involving county employees of the county road department pursuant to Sec 551.071 of the Government Code. Upon completion of the closed session, the court reconvened into open meeting. No action was taken.

RESIGNATION OF HAYS COUNTY FIRE MARSHAL

Judge Powers advised that Tony Ibarra has submitted a letter of resignation as Fire Marshal. We will now post for that position. We are in constant contact with the State Fire Marshal's office and they will act and investigate for us. Commissioner Carter asked about current investigations. Commissioner Molenaar advised that the Sheriff's Department can pick up that investigation.

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to adjourn the meeting of April 13, 1999. All voting "Aye".

MINUTES APPROVED IN OPEN COURT ON THE _____ DAY OF _____, 1999.

JAMES L. POWERS, COUNTY JUDGE
H A Y S COUNTY, TEXAS

LEE CARLISLE, COUNTY CLERK
H A Y S COUNTY, TEXAS

