



**STATE OF TEXAS
COUNTY OF HAYS**

ON THIS THE 27TH 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	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILLIAM "BILL" BURNETT	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

PRESENTATION OF COUNTY EMPLOYMENT PINS

10 YEAR pins were presented to: Jesse Efrid (Jail/Corrections), Lawrence Formolo (Jail/Corrections), Sgt. Roy Strahan (Sheriff Deputy), Sgt. Roberto Trelles (Sheriff Deputy), Corp. Don Watson (Sheriff Deputy), Jeri Skroki (Sheriff Deputy), and Alvin Pittman (Sheriff Deputy)

17746 * ADOPT TABC PROCLAMATION DECLARING APRIL AS "YOUTH ALCOHOL AWARENESS MONTH"

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to adopt proclamation declaring the month of April as "Youth Alcohol Awareness Month". All voting "Aye". Commissioner Molenaar spoke of deaths caused by alcohol abuse (kills more young people than any other causes).

**PROCLAMATION DECLARING APRIL 1999 AS
YOUTH ALCOHOL AWARENESS MONTH IN HAYS COUNTY**

WHEREAS, the lives of too many young Texans have already been lost and too many others jeopardized to ignore the problems associated with illegal underage drinking; and

WHEREAS, illegal underage drinking significantly contributes to health problems, health care costs, crime, violence and other serious problems in our county; and

WHEREAS, curbing juvenile drinking and driving while intoxicated (DWI) violations are two of the most important issues facing our community; and

WHEREAS, education and prevention initiatives introduced through the Texas Alcohol Beverage Commission's Project SAVE (Stop Alcohol Violations Early) are intended to decrease the problems named above; and

WHEREAS, Hays County is committed to working for the prevention of alcohol use by our Youth under 21 years of age and joins state-wide initiatives that draw attention to this effort;

NOW, THEREFORE, BE IT RESOLVED, that the Hays County Commissioners' Court does hereby proclaim the month of April as "YOUTH ALCOHOL AWARENESS MONTH" in Hays County. We also call on all citizens, other government agencies, public and private institutions, businesses, hospitals, and schools to promote awareness of the problems associated with illegal underage alcohol use and to seize this opportunity to establish safer and healthier norms regarding alcohol use by young Texans. Together, we can stop alcohol violations early. We must do it now, not later!

**ADOPTED THIS THE 27TH DAY OF APRIL, 1999
HAYS COUNTY COMMISSIONERS' COURT**



17747 * ADOPT PROCLAMATION DECLARING MAY AS "CLEAN UP HAYS COUNTY MONTH"

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to adopt a proclamation declaring the month of May as "Clean Up Hays County Month". All voting "Aye". Commissioner Carter spoke of this proclamation being proposed by the Parks Advisory Committee and she spoke of the 7th annual Onion Creek Cleanup to be held.

**PROCLAMATION OF THE
HAYS COUNTY COMMISSIONERS' COURT
DECLARING MAY AS CLEAN UP HAYS COUNTY MONTH**

WHEREAS, garbage and litter are unnecessary detracton from the natural beauty of Hays County; and

WHEREAS, the State of Texas has enacted the Don't Mess With Texas program; and

WHEREAS, each person in Hays County can help by picking up the trash on his/her property and roadway; and

WHEREAS, anyone responsible for littering should be held accountable;

NOW, THEREFORE, BE IT RESOLVED, that the Commissioners' Court of Hays County of the State of Texas hereby proclaims the month of May, Clean Up Hays County Month, and urges all citizens to work together to help clean and beautify our county and continue to work toward this goal for years to come.

PASSED AND APPROVED THIS 27TH DAY OF APRIL, 1999

17748 * PRESENTATION/WORKSHOP REGARDING POTENTIAL STATE HIGHWAY PROJECTS IN HAYS COUNTY AND ADOPT RESOLUTION OF SUPPORT [T1-211]

Russell Lenz (Texas Dept of Public Safety) spoke of the **Hunter Road project**. It has received environmental clearance and we need to acquire Right-Of-Way. The extension of job was recently let for bids. There will have to be a continuous left turn lane for development on that roadway. The current project does not quite go to the county line but there are plans in the future for extension. Commissioner Burnett spoke of funds required from local governments. Russell Lenz spoke of TxDot taking the lead (the county is to fund only 10% of the ROW costs for this project). Commissioner Burnett spoke of the county's contribution of \$105,000 being a small amount for what we will receive from this project. Russel Lenz spoke of calculation of county's contribution (should be a close figure). Commissioner Burnett advised the public that the county is providing an office at the courthouse annex for TxDot to use and Russell Lenz will be available to provide information to the court and to the public. [T1-882] Steven Harrison, Kyle City Administrator, spoke regarding **Kyle Road Project (extension of FM1626)** which dead-ends just north of Kyle city limits. He spoke of extending it to Bunton Overpass (would be a natural north/south alternative to IH35). He spoke of better routing of school buses, etc. in and around Kyle. He spoke of partnership with TxDot, Hays County, City of Kyle, and Developers. They are waiting for a confirmation from the county so they can complete their package. Commissioner Carter stated that she was told that the property would be donated or by land swapping and the county would not have to purchase it and she would like for the statement to say that "all the r-o-w will be provided by the developers". She feels like the county should spend our money on other roads in the areas that need to be improved. She encouraged the City of Kyle to continue working with the developers to make the right of way acquisition more like the county is doing on Old Stagecoach Road where the property owners are donating the right of way. Mr. Harrison was not sure about the trade aspect of one of the property owners. Commissioner Burnett felt like it would be incumbent on us to use eminent domain if necessary in order to ease traffic in this area. He feels like it would be beneficial to the property owners to provide ROW. He does not feel like the county can afford to spend \$500,000 for this project. Russell Lenz advised that TxDot must make a decision on what projects will be selected and they will look at the county's commitment for ROW on these projects (whether it be public or private). State highway funds are limited. The City of Kyle sees this as an opportunity to get something done quickly to service those needs without having to wait in line for those funds to become available. He spoke of public/private partnerships [T1-1118]. Commissioner Burnett spoke of other counties that have come up with money for ROW and some of the construction costs in order to get their projects moved up. Mr. Harrison advised that they do not have a specific figure that is dedicated for this project. They anticipate playing some sort of role out of city road funds they have. HCISD has not made a commitment for funding. Judge Powers asked for a figure from the City of Kyle on what they could consider in funding this project. Commissioner Molenaar spoke of considering this request if we see that the City of Kyle and the Hays CISD are willing to also contribute to this project through an interlocal agreement. Mr. Harrison spoke of development in the area that makes it necessary for this project as



soon as possible. Commissioner Burnett spoke of this project being a good example of a valuable worthwhile project that if we had our own metropolitan planning organization we could request federal funding. Russell Lenz spoke of it being beneficial to have the county's commitment for this project. Without this roadway school buses will continue traveling narrow county roads and over railroad crossings. He advised that this project is not currently on an approved TxDot list of projects. Commissioner Burnett spoke of this project being very beneficial to relieve traffic off of IH35 and he feels like the county needs to make a commitment, but not a specific dollar amount commitment at this time (and not a \$500,000.00 commitment). Mr. Harrison advised that the Kyle City Council will meet on May 4th and could consider the issue of funding. Commissioner Molenaar asked that the Hays CISD be contacted to see what funding they may be able to provide. Judge Powers advised that we do need to look at this issue. No action was taken on this project.

State Highway 45 – [T1-1414] Russell Lenz (TxDot) spoke of outer loop around Austin (between IH35 and existing Loop 1) project. He stated that on July 27, 1987 the Hays County Commissioners' Court approved an amended order (Minute Order #85977 * Resolution #8856 Vol. M Pg. 450). Travis County is in the process of acquiring r-o-w for the section between FM1626 and Loop 1 and the bid date for this project has not been determined at this time but is approaching. Hays County needs to acquire their portion of the needed ROW to facilitate the design and construction of that project (from Bliss Spillar Road to FM1626). Commissioner Carter asked to meet with Mr. Lenz to see what the alignment is for this project. Mr. Lenz advised that public hearings were held in 1987 & 1988 regarding this project and a resolution from this court supporting this project as it stands. Commissioner Carter spoke of original cost for Hays County was estimated at a little over \$100,000 and now that cost is more like \$500,000. Mr. Lenz advised that the Minute Order indicates that Hays County agreed to provide 100% of all the right-of-way costs, clear of all obstructions, and to provide 100% of the utility adjustments required. In return TxDot was to provide the preliminary engineering necessary to determine the right of way requirements. Judge Powers spoke of need for a meeting with TxDot and the City of Kyle regarding contributions and he will then communicate with other members of the court to answer questions. Commissioner Molenaar advised that the Commissioners' Court did support this project and we need to stand by what the previous court supported. Judge Powers advised that he is supportive of the project. Russell Lenz advised that Travis County is taking the lead and going along with the alignment agreed upon. TxDot is only concerned about the commitment in regards to acquisition of R-O-W. Russell Lenz stated that the options are to rescind the previous commitment from Hays County or fulfill the obligation of the previous court. [T1-1666] A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to adopt the identical resolution that was adopted by the previous court approved the 24th day of November, 1998 and authorize the County Judge's office to work with TxDOT (Texas Dept. of Transportation) regarding the facilitation of acquiring right-of-way. All voting "Aye".

**RESOLUTION
SUPPORTING THE DESIGN AND CONSTRUCTION OF
STATE HIGHWAY 45 BETWEEN LOOP 1 AND FM 1626
BY THE TEXAS DEPARTMENT OF TRANSPORTATION**

WHEREAS, the Austin Transportation Study, the designated Metropolitan Planning Organization for the Austin metropolitan area, has adopted a regional transportation plan which includes the extension of State Highway 45 between Loop 1 and FM 1626 in southern Travis County and northern Hays County; and

WHEREAS, the Texas Department of Transportation has completed a route feasibility study and environmental assessment of SH45 which resulted in the designation of a preferred route and a schematic design; and

WHEREAS, the schematic design calls for the ultimate construction of a four lane divided parkway on 300 feet of right of way; and

WHEREAS, on July 2, 1985 Travis County agreed to the terms of TDoT Minute Order 83158 wherein it agreed to purchase the right of way and adjust utilities for the highway; and

WHEREAS, in November 1997 the voters of Travis County approved \$3.3 million in county road bonds to purchase the right of way for SH 45, and subsequently Travis County has begun appraising and negotiating for the purchase of the right of way, in cooperation with the City of Austin for certain parcels affected by its Proposition 2 for the acquisition of Edwards Aquifer buffer zone; and

WHEREAS, Hays County has expressed its intent to acquire the necessary right of way for SH 45 within its jurisdiction; and

WHEREAS, the urban growth in southern Travis County and northern Hays County has created traffic volumes which warrant the construction of additional roadway capacity in this corridor.

NOW, THEREFORE, BE IT RESOLVED that the Commissioners' Court of Hays and Travis Counties request that:

- 1) the District Office of the Texas Department of Transportation immediately select and contract with a qualified engineering firm to design the preliminary and final plan and specifications for a phase construction of SH 45 between Loop 1 and FM 1626; and
- 2) the Texas Transportation Commission program an estimated \$9 million in State funds to construct within three years the first phase of SH 45 as a two lane, limited access highway with adequate water quality controls to protect the Edwards Aquifer, consistent with the Federal Consent Decree with the Barton Creek/Edwards Aquifer Conservation District.



PUBLIC COMMENTS

J. L. Howze , Park Director for the Niederwald Community Park, spoke of grants that were requested and were not approved. The park is an 8.691 acre tract which is being developed. He spoke of \$43,700.00 that was in the 96-97 Hays County budget that was not drawn on and he is not sure if it is still available. They will be requesting any assistance that will be available from the county.

Sam Davis asked about "35 South Ranches Subdivision". Special Counsel Jacquelyn Murphy advised that they have been conferring with Mr. Lamar Hankins (Mr. Swinney's attorney) and according to Environmental Health Director Allen Walther they have complied with all the deficiencies, however there is an outstanding issue related to the road and she will be negotiating road damages. If they cannot resolve that issue, she will seek legal relief. Commissioner Burnett asked about the contempt fine and whether or not it was paid. Jacquelyn Murphy has not discussed that with anybody and she will check on it.

17749 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 \$180,185.73 and \$595,983.49 as presented by the County Auditor. All voting "Aye".

\$ 180,185.73 run dated 4/26/99

Licenses & Permits	\$ 2,810.50	Judicial Services	\$ 37.47	Fines	\$ 441.96
Auditor's Ofc	\$ 96.61	Treasurer's Ofc	\$ 300.00	Grants Admin	\$ 2,059.25
Juvenile Prob	\$ 984.91	Transter Station	\$ 1,226.62	Bldg. Mtc.	\$ 3,852.01
Environ Health	\$ 1,581.65	Countywide Oper	\$ 8,362.90	Tax A/C	\$ 993.09
District Clerk	\$ 301.53	County Clerk	\$ 457.17	Sheriffs Ofc	\$ 11,879.21
Jail Operations	\$ 24,522.44	Human Resources	\$ 132.42	Co Crt @ Law 1	\$ 147.47
District Attorney	\$ 966.11	J.P. 1-1	\$ 60.94	J.P. 2	\$ 276.43
J.P. 3	\$ 7.98	J. P. 4	\$ 257.69	DPS	\$ 316.11
Constable 1	\$ 90.19	Constable 3	\$ 72.01	District Court Oper	\$ 733.71
Co & JP Crt Oper	\$ 2,532.69	Veterans Admin	\$ 340.00	Computer Services	\$ 38,318.93
TJPC Salaries Grant	\$ 2,221.00	DPS/L&W	\$ 243.91	Crths Renov Grant	\$ 32,682.06
Fire Marshal/EMC	\$ 74.85	Dist Crt Reporters	\$ 66.79	TJPC CCAP Grant	\$ 18,263.50
Assoc Judge/Family	\$ 45.51	Animal control	\$ 2,478.00	Comm Crt Exp	\$ 21.00
DA DARE Grant	\$ 13.49	Waste Task Force	\$ 5.62	911 Addrs Mtc	\$ 751.28
Juv Acct Grant	\$ 1,658.99	R&B Operations	\$ 3,290.98	Precinct 2	\$ 247.49
Precinct 3	\$ 171.20	Road Reconstr	\$ 52.97	Health Svcs Grants	\$ 2,079.50
Law Library Fund	\$ 977.85	Crths Renov/Co	\$ 8,170.53	Crthouse Security	\$ 53.18
Medical/Dental Insur	\$ 300.00	Stellar Plastics Grnt	\$ 2,072.63		

\$595,983.49 run dated 4/27/99

Licenses & Permits	\$ 956.30	Health & Sanitation	\$ 205.00	Fines/overpayment	\$ 316.00
FEMA funds	\$ 160,805.20	Auditors Office	\$ 891.28	Treasurers Ofc	\$ 1,132.83
Extension Office	\$ 563.50	Grants Admin	\$ 348.47	Juvenile Probation	\$ 1,069.35
Election Admin	\$ 623.16	Comm & Soc Svcs	\$ 2,083.33	Indigent Care	\$ 5,570.45
Transfer Station	\$ 5,506.73	Bldg Mtc. Dept.	\$ 5,870.22	Environ Health	\$ 757.45
Personal Health	\$ 2,375.23	Civic Center	\$ 962.42	Tax A/C	\$ 196.61
District Clerk	\$ 356.66	County Clerk	\$ 1,127.37	Sheriffs Ofc	\$ 12,364.82
Jail Operations	\$ 27,835.28	County Judge	\$ 197.16	Human Resources	\$ 721.07
Co Crt @ Law 1	\$ 180.51	District Attorney	\$ 29.80	J.P. 1-1	\$ 218.90
J.P. 1-2	\$ 190.33	J.P. 2	\$ 274.65	J.P. 3	\$ 156.02
J.P. 4	\$ 13.59	J.P. 5	\$ 397.18	DPS	\$ 749.82
Constable 1	\$ 293.75	Constable 4	\$ 87.60	Constable 5	\$ 222.50
Dist Court Oper	\$ 11,389.58	Co & JP Crt Oper	\$ 1,577.49	Veterans Admin	\$ 202.10
Computer Svcs	\$ 2,538.96	DPS/L&W	\$ 61.12	Crths Renov Grant	\$ 144.26
TABC	\$ 422.18	Dist Crt Reporters	\$ 150.00	Assoc Judge/Family	\$ 219.72
Animal Control	\$ 529.28	Comm Crt Expenses	\$ 395.82	VOCA Grant	\$ 364.00
DA DARE Grant	\$ 113.93	VAWA Grant	\$ 84.89	911 Address Mtc	\$ 280.10
Gen Fund Credit	<\$457.94>	R&B Operations	\$ 21,134.79	Precinct 1	\$ 500.00
Precinct 2	\$ 69.00	Precinct 3	\$ 85.59	Precinct 4	\$ 593.91
Road Construction	\$ 13,002.96	R&B Gen Credit	<\$727.84>	Anticip Notes '95	\$ 129,946.00
Rec Mng/Co Clerk	\$ 121.50	Health Svcs Grants	\$ 4,362.09	Law Library Fund	\$ 100.00
Crths Renov/County	\$ 2,463.36	Sheriff Spec Proj	\$ 480.50	Crths Security	\$ 30.00
Sheriffs Drug Forf	\$ 572.25	Certif of Oblig	\$ 152,976.46		

17750 APPROVE UTILITY PERMITS ON CR226, DARDEN HILL ROAD, & CR129

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve Utility Permit #99-302 on CR226 to the City of San Marcos, #99-409 on Darden Hill Road to Grubert Equip. Contractors Inc., and #99-215 on CR129 (Cotton Gin Rd) to GTE as submitted by the Hays County Road Department. All voting "Aye".



17751 APPROVE BUDGET AMENDMENT #99-018

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve Budget Amendment No. 99-018 as proposed by the County Auditor. All voting "Aye".

AMENDMENT NO. 99-018 FY 1999 BUDGET LOCAL GOV'T CODE 111.010(D) 4/27/99				
FUND NO. 01 FUND TITLE: GENERAL				
LINE ITEM – EXPENDITURES	APPROPRIATION	AMENDMENT		APPROPRIATION
	BEFORE	INCREASES	DECREASES	AS
	AMENDMENT			AMENDED
DEPARTMENT OF PUBLIC SAFETY (430):				
01-430-5331 Cont. Ed	0	100		100
01-430-5235 Law Enf Sply	300	125		425
01-430-5391 Other	225	794		1,019
REVENUE		DECREASE	INCREASE	
01-430-3430 Law Enf Contribs	0		(2038)	2,038
DISTRICT CLERK (416):				
01-416-5211 Office Supply	5,070		(1,400)	3,670
COMPUTER SERVICES (456)				
01-456-5712 Data Proc Eqpt	49,735	1,400		51,135
BUILDING MAINTENANCE (410):				
01-410-5241 Bldg Mtc Supply	10,000	200		10,200
01-410-5719 Misc Eqpt	8,000	75		8,075
01-410-5061 Longevity	2,905		(275)	2,630
PERSONAL HEALTH (412):				
01-412-5211 Office Supply	1,500	600		2,100
01-412-5231 Medical Supply	5,000	2,000		7,000
01-412-5331 Cont Ed	1,000	1,000		2,000
01-412-5448 Contract Med Svcs	57,012	55,000		112,012
01-412-5452 Medical Waste Disp	800	400		1,200
01-412-5473 Copier Lease	1,200	1,500		2,700
01-412-5489 Telephone	10,000	2,000		12,000
01-412-tero Malpractice Ins	8,000		(8,000)	-0-
01-412-5101 FICA/RET	32,713		(6,000)	26,713
01-412-5160 Insurance	13,373		(2,000)	11,373
01-412-5011 Dept Head	93,521		(46,500)	47,021
DISTRICT CLERK (416):				
01-416-5711 Office Eqpt	-0-	655		655
01-416-5211 Office Supply	5,725		(655)	5,070
TJPC SALARIES GRANT (463):				
01-463-5497 Residential Exp	-0-	5,014		5,014
REVENUE		DECREASE	INCREASE	
01-384-2463 TJPC Salaries	167,451		5,014	172,492
HISTORICAL COMMISSION (490):				
01-490-5429 Contract Svcs	2,560	1,000		3,560
91-490-5461 Printing	2,890		(1,000)	1,890
JUSTICE OF THE PEACE 3 (427):				
01-427-5211 Office Supply	650	500		1,150
01-427-5449 Temp Personnel	1,000		(500)	500

17752 APPROVE APPOINTMENTS TO THE INFRASTRUCTURE LAW ENFORCEMENT COMMITTEE

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve appointment of Steve Harrison, Joe Munoz, Don Fatout, Jay Kimbrough, Max Schlotter, and Herschel Payne to the Infrastructure Law Enforcement Committee as recommended by Sheriff Don Montague. All voting "Aye".

17753 APPROVE APPOINTMENT OF SALLY CALDWELL TO THE PARKS ADVISORY BOARD TO FILL VACANCY (Lila Ethridge)

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve appointment of Sally Caldwell to the Parks Advisory Board to fill vacancy left by resignation of Lila Ethridge. All voting "Aye".



17754 APPROVE TREASURER'S REPORT FOR AUGUST 1998 AND SEPTEMBER 1998

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve Treasurer's Report for August 1998 and September 1998 as submitted. All voting "Aye". [See reports in file]

17755 APPROVE GRADE CHANGES AND REORGANIZATION WITHIN THE TAX ASSESSOR-COLLECTORS OFFICE

Tax Assessor-Collector Luanne Caraway spoke of reorganization within her department which she feels will enhance internal operations between Ad Valorem operations and Motor Vehicle operations: ⊇ Delete Lead Ad Valorem position (Grade 23) effective 7/8/99 ⊘ Convert Lead Motor Vehicle position (Grade 23) to Tax Assessor/Collector Specialist position (Grade 26) effective 4/27/99 ⊘ Convert Tax Assistant position (Grade 23) to Motor Vehicle Deputy position effective 5/7/99. Anticipated salary savings is approximately \$28,000 per year. Eliminating the 2 Lead positions will clarify lines of communications between MV and Ad Valorem Supervisors and the immediate staff. The creation of the Tax A/C Specialist position will enhance overall communication, coordination, and record keeping within the entire department. Commissioner Ingalsbe asked her if she would be having to hire someone within the next year for jobs being eliminated. Luanne Caraway advised that she has two clerk positions vacant at this time and she will only be filling one of those. She spoke of perhaps having a clerk in the Buda area in the future. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve grade changes and reorganization within the Tax Assessor-Collector's office. All voting "Aye".

17756 APPROVE STEP ADJUSTMENT FOR JP2 COURT CLERK FROM GRADE 22 STEP 2 TO GRADE 22 STEP 5

Commissioner Burnett spoke of need to go through the merit process that is in place for fairness to other county departments. He stated that it would be difficult for him to deviate from that system. He felt like we must be consistent across the board. Commissioner Carter spoke of precedent that was set by allowing the District Attorney to upgrade his positions. Commissioner Burnett advised that those were new employees and increases were given based on experience. Commissioner Carter spoke of addressing these issues during the budget process. County Auditor Bill Herzog advised that JP Clerks were re-graded and had their grades increased but not their steps. JP2 Beth Smith spoke of personnel that has been there 9 years @ Step 2 and new employee at Step 1. A motion was made by Commissioner Carter, seconded by Commissioner Molenaar to approve step adjustment for Justice of the Peace Clerk from Grade 22 Step 2 to Grade 22 Step 5. Commissioner Molenaar, Commissioner Carter, Commissioner Ingalsbe, and Judge Powers voting "Aye". Commissioner Burnett voting "No".

17756 SOUTHLAKE SUBDIVISION SECTION 1 * FINAL PLAT APPROVAL [T1-694]

This is a three lot subdivision located on CR122 (Bee Bee Road) being developed by Manuel Zuniga. Environmental Health Director Allen Walther gave staff recommendation for approval of final plat of "Southlake Subdivision Section 1". A motion was made by Commissioner Carter, seconded by Commissioner Burnett to approve the final plat of "Southlake Subdivision Section 1". All voting "Aye".

17757 WERTH SUBDIVISION & GIBSON-WERTH SUBDIVISION * FINAL PLAT APPROVAL

[T1-715] The "Werth Subdivision" is a 4 lot subdivision located off Hamilton Pool Road. The "Gibson-Werth Subdivision" is a 2 lot subdivision located at the end of Mirela Anne Road (Werth Subdivision). Environmental Health Director Allen Walther gave staff recommendation for approval of final plats of "Werth Subdivision" and "Gibson-Werth Subdivision". It is noted by Allen Walther that no maintenance bond was filed and roads are not accepted for county maintenance. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve the final plats of "Werth Subdivision" and "Gibson-Werth Subdivision". All voting "Aye".

17758 STAGECOACH RANCH SECTION 4 RESUB OF LOTS 3 & 4 * PUBLIC HEARING & PRELIMINARY PLAT APPROVAL [T1-733]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Allen Walther, Environmental Health Director, advised that 2 lots are being divided into 4. He gave staff recommendation for approval of preliminary plat. A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve preliminary plat of "Stagecoach Ranch Section 4 Resubdivision of Lots 3 & 4". All voting "Aye".



17759 COPPER HILLS SUBDIVISION LOT 25 * RELEASE A PORTION OF FLOODPLAIN DRAINAGE EASEMENT [T1-766]

A request was received from Bujan-Hall Custom Homes, Inc. to release a drainage easement on Lot 25 in the Copper Hills Subdivision. The floodplain was lowered a couple of years ago and they are requesting that the easement be lowered far enough to make the lot more buildable. A survey plat was submitted for further reference. Environmental Health Director Allen Walther spoke of new flood study which revised the boundaries of the floodplain (receded slightly). He gave staff recommendation for approval to release a portion of the drainage easement. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to release a portion of the floodplain drainage easement as requested on Lot 25 of the Copper Hills Subdivision. All voting "Aye".

17760 LOST SPRINGS SECTION II * ACCEPT EXTENSION OF CONSTRUCTION SECURITY [T1-793]

A bond rider was submitted amending Bond No. BD30352 and extending the expiration date to November 25, 1999 for road construction in the Lost Springs Section II subdivision. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to accept extension of road construction security for Lost Springs Section II. All voting "Aye".

17761 APPROVE EXPENDITURE FOR SURVEY COSTS FOR REALIGNMENT OF OLD STAGECOACH ROAD [T1-809]

Commissioner Carter spoke of estimates received for re-alignment of Old Stagecoach Road (negotiated price = \$3,000-3,500). She felt like the Court needs to move forward as quickly as possible. A motion was made by Commissioner Carter, seconded by Commissioner Molenaar to approve survey costs for realignment of Old Stagecoach Road out of Right-Of-Way funds. All voting "Aye". Commissioner Burnett spoke of possibly getting FEMA funds for this project.

17762 ADOPT EXCESS FORCE RESOLUTION AND CITIZENS COMPLAINT PROCEDURES FOR TEXAS CAPITAL FUND PROJECTS FOR FY99 [T1-1697]

Grants Administrator Richard Salmon advised that federally funded community development block grants require the grant recipient to adopt (1) a resolution establishing rules and regulations regarding the use of excessive force during nonviolent civil rights demonstration and (2) citizens complaint procedures. Hays County is in the process of closing two federally funded Texas Capital Fund – Economic Development projects. Adoption of this resolution and citizens complaint procedures is for fiscal year 98-99 only. A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to adopt Excess Force Resolution and Citizens Complain Procedures for Texas Capital Fund Projects for FY99. All voting "Aye".

RESOLUTION

A RESOLUTION OF THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS ESTABLISHING RULES AND REGULATIONS REGARDING THE USE OF EXCESSIVE FORCE DURING NONVIOLENT CIVIL RIGHTS DEMONSTRATIONS, INCLUDING PHYSICALLY BARRING ENTRANCE TO A FACILITY OR LOCATION WHICH IS THE SUBJECT OF SUCH DEMONSTRATIONS, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS THAT:

- SECTION 1:** It is the policy of Hays County, Texas to prohibit the use of excessive force by the law enforcement agencies within its jurisdiction against any individual engaged in nonviolent civil rights demonstrations. the County also prohibits the physical barring of any entrances to, or exit from, such a facility within its jurisdiction.
- SECTION 2:** It is the policy of Hays County to enforce this policy to the fullest extent allowed by law.
- SECTION 3:** The County Judge is hereby authorized to execute, and the County Clerk to attest thereto this resolution on behalf of Hays County, Texas.

PASSED AND APPROVED at a meeting of the Commissioners' Court of Hays County, Texas on Tuesday, April 27, 1999.



**HAYS COUNTY
CITIZEN'S COMPLAINT PROCEDURES**

(As required by federally funded community development block grants only)

1. A person who has a comment or complaint about the quality of services provided and funded by a block grant administered by the County may submit such comment or complaint in writing to the County Judge or his designee responsible for administering the block grant.
2. The County Judge or designee shall transmit a copy to the entity, which is the subject of the comment or complaint within five calendar days of receipt.
3. The entity shall complete its investigation and shall submit its findings in writing to the County Judge or designee within 20 calendar days after the date the entity received the comment or complaint.
4. The County Judge or designee shall notify the complainant of the findings before the 31st day after the County Judge or designee received complaint.
5. If the comment or complaint is resolved at this point, no further action is needed.
6. If the comment or complaint is not resolved, the County Judge or designee shall advise the complainant that a written request should be made to the County Judge or designee following established procedures to be placed on the commissioners court agenda.
7. The County Judge or designee shall provide a decision regarding the comment or complaint and this decision shall meet the obligation regarding the comment or complaint under the block grant program.

17763 ACCEPT THE TITLE V AND TB CONTROL CONTINUATION GRANTS AND TO SUBMIT A REQUEST FOR CONSIDERATION OF THE SETON HEALTH PLAN CONTRACT [T1-1730]

Gay Helmly, Health Department Director, advised that the Seton Health Plan Contract is not a grant, it is for direct services that allow us to be reimbursed by the Star Medicaid System (Seton is an HMO). The grants to be continued are the Title V (women and children's health services) and TB Control Grants. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to accept continuation of Title V Fee for Services, Title V Population-Based Services and TB Elimination Grants for FY2000, and to submit a request for consideration of the Seton Health Plan Contract. All voting "Aye".

17764 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE LOWER COLORADO RIVER AUTHORITY - COMMUNITY DEVELOPMENT GRANT PROGRAM UP TO \$25,000 [T1-1709]

Richard Salmon, Grants Administrator, advised that this grant application is for up to \$25,000 which will be submitted to the LCRA Community Development Grant Program to make improvements to Dudley Johnson Park (5 mile dam park). The grant is due on April 30, 1999. The 20% match requirement of \$5,000 will come from the existing park budget for repairs & maintenance. Improvements to the park will include a perimeter fence and possibly an automated park entry collection system if costs permit. He spoke of there now being 10 entrances into Dudley Johnson Park (unauthorized accesses). Commissioner Carter spoke of these being ruts and the damage that these unauthorized accesses are doing to the park. Richard Salmon spoke of area where vehicles have broken the curb and created roads directly to the river bank creating a dangerous situation. He spoke of brush and broken tree limbs, and damaged playground equipment. He gave some background of the park by reading commissioners court minutes. He spoke of limited grants available since we do not have a master plan at this time. He spoke of costs to fence the property (\$20-26,000) and to get a limestone fence on the area fronting the county road (\$38-42,000). Richard Salmon spoke of need to survey the property. He recommends allocating \$30-36,000 to be used for matching funds or to be used for park improvements. Judge Powers spoke of Sheriff Montague being willing to have inmates help build a pipe fence. Richard Salmon spoke of time limit for submitting the grant application (April 30th) and advised that changes can be requested at a later date. Commissioner Carter spoke of Sheriffs Dept. and Cleanup people have indicated that nothing can be done about the problems at the park until it is secured by a fence. She spoke of work being done by the road dept. to remove silt from flooding. She spoke of a post and cable fence she saw at a park in Austin and once the cable is broken the fence does not work. She spoke in support of continuing the limestone fence (low maintenance). She spoke of need for better toilet facilities, signage & security, and restoration. Allen Walther spoke of considerations with floodway when we look at options for fencing: a rock fence would require an engineering study to determine affects on flood elevations. We are limited in placing permanent structures at the facility and there are issues of no water and electrical service if we put in a mechanical wastewater system. Richard Salmon advised that the first grant is for fencing and additional grants can be considered at a later date. Commissioner Molenaar spoke in support of pipe fencing. Rob Robinson (Park Advisory Board member) spoke of cable fence and pipe fence not having a chance against the vehicles driven in this park. He spoke of observing people using the park and rules are not being enforced. He advised that the adjoining property owners are being horribly abused and there are several public health & safety issues that could be addressed with security of the park. Mr. Robinson recommends securing what funds are available for the park.



Commissioner Molenaar spoke of need to man the park and have the Sheriffs Dept. enforce the rules. Mr. Robinson spoke of need for coordination with various departments. There are 2 people on the board who have experience in park master plans. The master plan must be very comprehensive. There is a subcommittee working on the Dudley Johnson Park. Commissioner Burnett spoke of it being too early to talk about the amount of money that will be needed. Rob Robinson spoke of incredible wealth of knowledge in this county to assist in this project and he felt like the court should look at user fees for weekend use to make it easier to fund. Patsy Moore spoke of need to secure the park so that the Sheriffs dept. can enforce the rules and she felt like the longer we wait the more damage will occur and the costs will be higher. Commissioner Molenaar spoke in support of a pipe fence now and later construct a stone fence. Richard Salmon spoke of possibly getting PEC to dig the holes and the Sheriffs Dept provide the welders to save on costs. Very few grants are available without a master plan. Commissioner Carter advised that Wackenhut has also offered inmate assistance for a rock fence and cleanup of the park. [T1-2541] **A motion was made by Commissioner Carter, seconded by Commissioner Burnett to authorize the County Judge to submit a grant application to the Lower Colorado River Authority – Community Development Grant Program for up to \$25,000, and to furthermore allocate funds for the \$5,000 grant match and \$3,000 for a survey of the property out of the park maintenance line items (\$40,000 budgeted). All voting “Aye”.** [T1-2615] A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to direct Richard Salmon to oversee this project and make sure that monies are spent as designated by the Court. All voting “Aye”. Commissioner Carter spoke of need to address other improvements needed at the park (flood damage). The Road Dept. is unable to do the work and they would like to contract out this work. Commissioner Carter advised that the mowing contractor cannot mow without dirt work being done. She spoke of need for interior fencing inside the park. Commissioner Burnett spoke of need for estimates for toilet facilities before we allocate funds. Commissioner Ingalsbe spoke of need for fencing whether we get grant funds or not. Allen Walther suggested adding more porta-potties to alleviate some of the problems. Commissioner Burnett spoke of \$40,000 already budgeted (\$20,000 for Dripping Springs Parks). [T1-2869] **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to allocate up to \$8,000 for cleanup and restoration of Dudley Johnson Park and use remaining \$4,000 for additional toilet facilities and maintenance. All voting “Aye”.**

17765 ADOPT A NEW ANIMAL CONTROL ORDINANCE AS AUTHORIZED BY CHAPTERS 822 & 826 OF THE TEXAS HEALTH & SAFETY CODE [T1- 3152]

Commissioner Molenaar spoke of JM, JP Ramage JP Baker, Sheriffs Dept. & Animal Control Officers getting together to discuss animal control complaints and prepared a workable ordinance for Hays County. The law we had in place was not enforceable (contradictory law & no JP5 Judge Lamont Ramage spoke of having an ordinance in place but some things are changed due to changes in the law and some definitions did not provide penalties which created problems in court. He spoke of changes to the current ordinance: dangerous dogs: no petition required through court - animal control can make that determination * other changes were updates in the law. Commissioner Ingalsbe asked about it being required that animal be registered. Judge Ramage advised that the ordinance is not enforced because we only have 2 Animal Control Officers in the entire county. He stated that the old ordinance is that if the animal is neutered/spayed there is only a one time registration, otherwise they must be registered annually. He advised that the registration fee is currently \$7.50 (\$5 to the county and \$2.50 to the Vet as an issuance fee). Commissioner Burnett asked about Section 5.7(d): “If the animal’s owner cannot be identified or located within seventy-two (72) hours from the time of impoundment, not counting weekends and holidays, the animal shall be humanely destroyed”. He suggested making it read like Section 8.2. Judge Ramage advised that Sec. 5.7 is straight out of the Health & Safety Code and deals with animals with rabies (Section 8 deals with stray animals without rabies). Page 12: Section 9.9(e) needs to be corrected to add the word “dog” after the word “dangerous”. Judge Ramage advised that stray animals were covered in the old ordinance, but not nuisance animals (barking dogs, etc.). Jacquelyn Murphy spoke of not requiring licensing of cats (annual rabies vaccinations are required by law). Typographical errors to be corrected are as follows: Sections 2.4 & 2.6 [scientific definition of dogs & cats are misspelled] A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to adopt revised Animal Control Ordinance authorized by Chapters 822 & 826 Of The Texas Health & Safety Code with amendments made this date to be effective immediately. All voting “Aye”.



**HAYS COUNTY ANIMAL CONTROL ORDINANCE
NO. 17765**

AN ORDINANCE OF THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, TO ESTABLISH A RABIES CONTROL PROGRAM, REQUIRE THE LICENSING AND RESTRAINT OF CERTAIN ANIMALS, DESIGNATE A LOCAL ANIMAL CONTROL AUTHORITY, REGULATE DANGEROUS DOGS, DECLARE A PUBLIC NUISANCE AND PROVIDE PENALTIES PURSUANT TO CHAPTERS 822 AND 826 OF THE TEXAS HEALTH & SAFETY CODE.

WHEREAS, the Commissioners' Court of Hays County is authorized by Chapter 822 of the Texas Health & Safety Code to enact a local ordinance to regulate the registration and restraint of animals; and

WHEREAS, the Commissioners' Court of Hays County is authorized by Chapter 826 of the Texas Health & Safety Code to enact a local ordinance to require rabies vaccinations and other measures as a means to prevent the dangerous spread of rabies; and



WHEREAS, it is the intent of the Commissioners' Court to enact this animal control ordinance in an effort to protect the public health and safety of Hays County residents and encourage the humane treatment of animals;

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, THAT: The following provisions be adopted this the 27th day of April, 1999.

SECTION 1. INTENT AND AUTHORITY

Section 1.1. Authority. These regulations are adopted by the Commissioners' Court of Hays County, Texas, acting in its capacity as the governing body of Hays County, Texas as authorized by Chapters 822 and 826 of the Texas Health & Safety Code.

Section 1.2. Intent. It is the intent of the Commissioners' Court of Hays County, Texas, to enact this ordinance in order to protect the public health and safety of the citizens of Hays County and the Commissioner's Court hereby declares that this ordinance is necessary for the immediate preservation of the public peace, health and safety. This ordinance is further intended to encourage the humane treatment of animals and prevent cruelty to animals.

Section 1.3. Strict Liability. *Unless otherwise indicated, any person who violates a section of this ordinance shall be strictly liable for such violation and shall be subject to the penalties herein established.*

Section 1.4. Municipal Ordinances to Supersede. This ordinance shall not prevent a corporate municipality within the county from establishing any rules and regulations to control animals within its corporate limits. Any such ordinance established by said corporate municipalities shall supersede this ordinance thereby preventing dual enforcement. In such cases, this ordinance will not be enforced within the corporate limits of any municipality.

SECTION 2. DEFINITIONS

As used in this ordinance, the following words and phrases shall have the following meanings:

Section 2.1. Animal Control Officer. Any person(s) designated by the Hays County Sheriff or his designee to perform the duties outlined in this ordinance.

Section 2.2. Animal Owner. Any person who owns, keeps, or has custody or control of an animal.

Section 2.3. Bite. Any puncturing, tearing, or scratching of the skin caused by an animal's teeth.

Section 2.4. Cat. Felis Catus.

Section 2.5. Dangerous Dog. A dog is dangerous if it:

- a) makes an unprovoked attack on a person causing bodily injury and the attack occurs in a place other than an enclosure in which the dog is being kept; or
- b) commits unprovoked acts in a place other than an enclosure in which the dog is being kept and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.

Section 2.6. Dog. Canis Familiaris.

Section 2.7. Domestic Animal. Any animal that is owned, kept or controlled by a person.

Section 2.8. Holiday. Those days designated as official holidays by the Hays County Commissioners' Court.

Section 2.9. Inhumane Treatment. Any treatment of an animal which deprives the animal of necessary sustenance, including necessary food, clean water and adequate shelter for protection from weather, or any treatment which constitutes torment, physical abuse, mutilation, or lack of proper veterinary care.

Section 2.10. Public Nuisance. Any animal or animals that unreasonably annoy humans, endanger the life or health of other animals or persons, or substantially interfere with the rights of citizens, other than their owners, to the enjoyment of life or property. The term public nuisance shall mean and include, but not be limited to, any animal that:

- a) repeatedly is at large or stray;
- b) damages the property of anyone other than its owner;
- c) molests or intimidates pedestrians or passersby;
- d) chases vehicles or bicycles;
- e) excessively and repeatedly makes unprovoked disturbing noises including, but not limited to, continuous and repeated howling, barking, whining or other utterances causing unreasonable annoyance, disturbance or discomfort to the neighbors or others in close proximity to the premises where the animal is kept or harbored;
- f) attacks other domestic animals;

Section 2.11. Restraint. An animal shall be deemed to be under restraint if it is:

- a) tied in such a way as to prevent it from leaving the owner's premises and from being within ten (10) feet of any public right-of-way;
- b) totally enclosed in a fence constructed in such a way as to prevent it from leaving the owner's premises. The use of a wireless fence which transmits either a high frequency sound or a pulse stimulus shock and that is intended to train the dog to stay on the premises will not be considered a means of restraint; or
- c) accompanied by a responsible person who is able to control it with a leash.

Section 2.12. Running At Large. Not completely confined by a building, wall, or fence of sufficient strength or construction to restrain the animal except when a dog subject to these regulations is under the direct supervision of the owner and is:

- a) on a leash;
- b) held in the hands/arms of the owner or within the limits of the owner's private property and is obedient to that owner's verbal commands;
- c) within an automobile or vehicle of its owners and properly restrained; or
- d) participating in a field trial, dog show, or obedience classes.



Section 2.13. Secure Enclosure. A fenced area or structure that is:

- a) locked;
- b) capable of preventing the entry of the general public including children;
- c) capable of preventing the escape or release of a dangerous dog;
- d) clearly marked as containing a dangerous dog; and
- e) conforms to the requirements for enclosures established by the Animal Control Authority.

Section 2.14. Serious Bodily Injury. An injury characterized by severe bite wounds or severe ripping and tearing of muscle or tissue that would cause a reasonably prudent person to seek treatment from a medical professional and would require hospitalization without regard to whether the person actually sought medical treatment.

Section 2.15. Stray. Any animal subject to these regulations that is roaming without physical restraint and whose ownership is not readily ascertainable shall be deemed a stray and a nuisance. Absence of a current rabies tab and/or a tag identifying the owner on any animal subject to these regulations is evidence of its status as a stray.

Section 2.16. Vaccinated. An animal which has been currently and properly injected with a rabies vaccine, licensed for use in that species by the United States Department of Agriculture and administered by a veterinarian licensed by the State of Texas.

Section 2.17. Wild Animal. All species of animals that naturally exist in an unconfined state and are usually not domesticated shall be deemed wild. This definition shall apply whether or not the wild animal has been confined for any duration in any fashion.

SECTION 3

LOCAL ANIMAL CONTROL AUTHORITY

Section 3.1. Designation of Animal Control Officer. The Commissioners' Court of Hays County, Texas, hereby designates the Hays County Sheriff as the local health authority and creates the position of Animal Control Officer within the Sheriff's Department to assist with the following:

- a) formulation of rules and procedures to be approved by Commissioners' Court for the enforcement of this ordinance;
- b) supervising the implementation, administration and enforcement of this ordinance.

Section 3.2. Duties of Animal Control Officer. The Animal Control Officer or his authorized designee will be responsible for, but not limited to, the following duties as set forth in this ordinance and to carry out provisions of the State laws pertaining to control and eradication of rabies.

- a) Animal bites – receive and investigate reports or animal bites within Hays County in a timely manner. Bites occurring within municipalities having animal control ordinances will be referred to the proper municipal authority.
- b) Quarantine – perform immediate and proper quarantine procedures for animals suspected of having rabies. Animals may be placed in approved animal shelters, approved veterinary hospitals or owners' approved premises.
- c) Impoundment – the Animal Control Officer or his authorized designee will humanely capture and transport an animal to the County's designated animal shelter or kennel for violations set forth in this ordinance.
- d) Destruction – perform immediate, if warranted, proper and humane destruction of certain animals described in this ordinance.
- e) Citations – Issuance of citations for various violations and offenses set forth.
- f) Records – Provide necessary data and reports on a periodic basis as required by the Commissioners' Court.

Section 3.3. Interference with the Animal Control Officer and Penalty. It shall be unlawful for any person to intentionally or knowingly, by act or omission, physically interfere with, molest, hinder, or prevent the Animal Control Officer from the official discharge of the duties herein prescribed. Any person who violates a provision of Section 3 shall be guilty of a Class C misdemeanor.

SECTION 4

LICENSING AND REGISTRATION

Section 4.1 Animals Required to be Licensed. All dogs older than three (3) months which are kept, possessed, or controlled within Hays County shall be licensed at a rate of \$7.50 per year. If the animal has been spayed or neutered the owner shall be required to pay a one-time license fee of \$7.50. No person may use a license for any dog other than the dog for which it was issued.

Section 4.2 Cooperation with Local Veterinarians. In an effort to encourage the registration of dogs, licenses veterinarians who register any Hays County animal are authorized to retain \$2.50 for every \$7.50 collected in an effort to offset any expense incurred in registering the animal. Any fees collected by the County relating to the registration of dogs shall be used to administer the animal control program for the County.

Section 4.3 Exceptions. Owners of the following categories of dogs are not required to obtain a license.

- a) dogs possessed by animal breeders operating under a business name and possessing a sales tax permit.
- b) sheltered and impounded animals housed by licensed veterinarians.
- c) dogs certified and trained to assist the physically handicapped.
- d) dogs trained to assist law enforcement.
- e) dogs with a valid license from a municipality within Hays County in which the animal resides.
- f) Non-resident dogs remaining within Hays County for less than sixty (60) days.

Section 4.4 Penalty. Any person who violates a provision of Section 4 shall be guilty of a Class C misdemeanor.

SECTION 5

RABIES CONTROL PROGRAM

Section 5.1. Rabies Vaccination. No person shall own, keep, or harbor within the county any dog or cat over the age of three (3) months unless such dog or cat has a current rabies vaccination. A rabies vaccination is required annually. Any person moving into the county shall comply with this section within ten (10) days after having moved into the county.



Section 5.2. Certificate of Vaccination. Upon vaccination, the veterinarian shall execute and furnish to the owner of the dog or cat a certificate using a form furnished by the veterinarian. The veterinarian shall retain a duplicate copy. Such certificate shall contain the following information.

- a) the name, address and telephone number of the owner of the vaccinated dog or cat;
- b) the date of vaccination;
- c) the type of rabies vaccine used;
- d) the year and number of rabies tag; and
- e) the breed, age, color, and sex of the vaccinated dog or cat.

Section 5.3. Rabies Tag. Concurrent with the issuance and delivery of the certificate of vaccination, the veterinarian shall furnish to the owner of the vaccinated dog or cat a metal tag. The owner of the dog or cat shall attach the metal tag to the collar or harness of the vaccinated dog or cat, serial numbered to correspond with the vaccination certificate number, and bearing the year of issuance and the name of the issuing veterinarian and his/her address. The owner shall have the collar or harness, with the metal tag attached, on his/her dog or cat at all times. Any other methodology approved and accepted by the Texas Department of Health for identification purposes will be considered by the Animal Control Officer.

Section 5.4. Duplicate Tags. In the event of loss or destruction of the original tag provided in Section 5.3, the owner of the animal shall obtain a duplicate tag. Vaccination certificates and tags shall be valid only for the animal for which it was originally issued. Duplicate tags may be purchased from any practicing veterinarian in Hays County.

Section 5.5. Proof. It shall be unlawful for any person who owns a vaccinated dog or cat to fail or refuse to exhibit his copy of the certificate of vaccination upon demand to any person charged with the enforcement of this order.

Section 5.6. Unvaccinated Animal. It shall be unlawful for any person to own, keep or harbor a dog or cat which has not been vaccinated against rabies, as provided herein, which cannot be identified as having a current vaccination certificate.

Section 5.7. Animals Exposed to Rabies.

- a) Any person who has reason to believe that any animal, whether or not currently vaccinated, has been exposed to rabies must immediately report the incident to the Animal Control Authority.
- b) Any such animal shall be impounded and placed in isolation in a facility approved by the Animal Control Authority, for such time as is necessary, depending upon all relevant circumstances, for a licensed veterinarian to determine that the animal has not contracted rabies.
- c) If the owner of the animal cannot provide an approved isolation facility or does not agree to pay for the facility, the animal shall be humanely destroyed at the owner's expense.
- d) If the animal's owner cannot be identified or located within seventy-two (72) hours from the time of impoundment, not counting weekends and holidays, the animal shall be humanely destroyed.
- e) In addition to any impound fees, any costs directly associated with the examination, treatment, and/or vaccination of the animal shall be due prior to release of the animal.

Section 5.8. Penalty for Violation.

- a) Any person who violates a provision of Section 5 shall be guilty of a Class C misdemeanor.
- b) It is a defense to prosecution under this section that the person charged produces proof of vaccination that was valid at the time the offense is alleged to have occurred.

SECTION 6.
REPORTING BITES FROM ANIMALS SUSCEPTIBLE TO RABIES

Section 6.1. Report Required. Any person having knowledge of a bite to a human by any warm-blooded animal shall report the incident to the Animal Control Officer as soon as possible.

Section 6.2. Quarantine Required. The owner, if any, of the biting animal shall place the animal in quarantine as prescribed in Section 7 under the supervision of the Animal Control Officer.

Section 6.3. Investigation. The Animal Control Officer shall investigate each bite incident reported.

SECTION 7.
QUARANTINE PROCEDURES

Section 7.1. Rabies Quarantine.

- a) When an Animal Control Officer has probable cause to believe that the owner of an animal that has bitten a human has been identified, the owner, if any, will be required to produce the animal for ten (10) days confinement at the owner's expense.
- b) Refusal to produce said animal constitutes a violation of this section.
- c) The ten (10) day observation period begins on the day the animal is produced for quarantine.
- d) The animal must be placed in an animal control facility or a veterinary hospital approved for that purpose by the Texas Department of Health.

Section 7.2. Owner Refuses Quarantine. If the biting animal cannot be maintained in a secure quarantine or if the owner chooses not to pay for the quarantine, the animal shall be humanely destroyed, and the brain shall be submitted to a Texas Department of Health (TDH) certified laboratory for rabies diagnosis, at the owner's expense.

Section 7.3. Wild Animals. No wild animals will be placed in quarantine. All wild animals involved in biting incidents shall be humanely killed in such a manner that the brain is not mutilated and the brain shall be submitted to a TDH-certified laboratory for rabies diagnosis.

**Section 7.4. Penalty for Violation.**

- a) Any person who violates a provision of Section 7 shall be guilty of a Class C misdemeanor.
- b) If it is shown on trial that a person has been previously convicted under this section, no portion of a fine imposed for subsequent violations may be deferred, suspended or probated.
- c) Each day an animal is not produced for quarantine shall constitute a separate offense.

SECTION 8
PROHIBITION OF A NUISANCE

Section 8.1. Dogs Prohibited from Running at Large.

- a) When the owner of a dog running at large is determined and the owner can be located, the animal shall be returned to its owner and the owner shall be cited for violation of this order.
- b) If ownership is in question or if the animal is a stray, the animal shall be impounded for seventy-two (72) hours, not counting weekends and holidays.
- c) An owner may claim the dog within this time period after paying all incurred costs and impoundment fees.
- d) Upon failure of the owner to claim the dog during that period, the Animal Control Officer may order the animal destroyed without compensation to the owner.

Section 8.2. Elimination of Stray Animals.

- a) When practical, the Animal Control Officer shall impound any animal subject to these regulations which is found to be a stray.
- b) The animal may be impounded for seventy-two (72) hours, not counting weekends and holidays.
- c) Subject to citation for violation of this order, an owner may claim the animal within this time period after paying all incurred costs and impoundment fees.
- d) Upon failure of the owner to claim the animal during that period, the Animal Control Officer may order the animal destroyed without compensation to the owner.

Section 8.3. Prohibition of Inhumane Treatment.

- a) Any inhumane treatment of any type of animal shall be deemed a nuisance.
- b) It shall be unlawful for a person to intentionally, knowingly, recklessly or with criminal negligence, by act or omission, treat an animal inhumanely.

Section 8.4. Animals Creating a Nuisance.

- a) It shall be a public nuisance and unlawful for an owner to intentionally, knowingly or recklessly keep, possess, or control any animal subject to these regulations in a manner that causes the animal to:
 - 1) Excessively make disturbing noises, including, but not limited to continued and repeated howling, barking, whining or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored.
 - 2) Causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored.
 - 3) Causes unsanitary conditions in enclosures or surroundings in which the animal is kept or harbored.
- b) The animal may be impounded for seventy-two (72) hours, not counting weekends and holiday.
- c) Subject to citation for violation of this order and approval by the Animal Control Officer of a plan to eliminate the nuisance, an owner may claim the animal within this time period after paying all incurred costs and impoundment fees.
- d) Upon failure of the owner to contact the Animal Control Authority during that period, the Animal Control Officer may order the animal destroyed without compensation to the owner.
- e) Upon contact with the Animal Control Authority, reasonable arrangements may be made to continue to impound the animal, at the owner's expense, while a plan to eliminate the nuisance is devised.

Section 8.5. Penalty for Violation. Any person who violates a provision of Section 8 shall be guilty of a Class C misdemeanor.

SECTION 9
OWNERSHIP OF DANGEROUS DOGS

Section 9.1. Requirements for Ownership of a Dangerous Dog. An owner of a dangerous dog must:

- a) Register the dangerous dog with the Hays County Animal Control Officer for the area in which the dog is kept.
- b) Pay an annual fee of \$100.00 to the Animal Control Officer.
- c) Restrain the dangerous dog at all times on a leash in the immediate control of a person or in a secure enclosure which has been approved by the Animal Control Officer.
- d) Post a sign on his/her premises warning that there is a dangerous dog on the property. This sign shall be visible and be capable of being read from a public street or highway.
- e) Spay or neuter the dangerous dog.
- f) Obtain and maintain necessary insurance or show financial responsibility in the amount of at least \$100,000 to cover damages to persons and property resulting from a dog attack.

Section 9.2. Limitation of Ownership of Dangerous Dogs.

- a) Only one dangerous dog may be owned per household.
- b) No more than two dangerous dogs may remain at any residence for more than seven days.

Section 9.3. Declaration of a Dangerous Dog.

- a) Animal Control may find and declare a dog to be dangerous or potentially dangerous if Animal Control has probable cause to believe that a dog committed any acts described in the definition of Dangerous Dog (Section 2.5) or that the dog repeatedly bit or vigorously shook its victim and the victim, or a person intervening, had difficulty terminating the attack; or



- b) Upon receipt of an affidavit of complaint signed by one or more individuals, made under oath before an individual authorized by law to take sworn statements or made at the Animal Control Office, setting forth the nature and the date of the act, the location of the event, the name of the owner of the dog, the address of the owner, and the description of the dog doing such act, Animal Control shall investigate the complaint and determine if a dog is dangerous.

Section 9.4 Notification of Declaration of Dangerous Dog.

- a) Within five (5) working days of declaring any dog dangerous or potentially dangerous, Animal Control will notify, by regular mail and by certified mail, return-receipt requested, the owner of the dog(s) designated as a dangerous dog. Animal Control shall also post a written notice at the entrance of the premises where the dog is harbored.
- b) Receipt of said notice shall be presumed upon proof of either of the following occurrences:
- 1) Return of an executed return-receipt;
 - 2) Affidavit by Animal Control of deposit of a correctly addressed notice into United States mail; or
 - 3) Affidavit by Animal Control of posting of the notice at the premises where the dog was harbored.
- c) An owner may appeal this declaration to a justice court of competent jurisdiction. If the dog is declared to be dangerous, the notice shall inform the owner of the dog that a determination hearing may be requested to contest the declaration. The request for a determination hearing must be in writing and must be received by the appropriate Justice of the Peace no later than ten (10) working days from receipt of notice by the owner of the dog. Failure to appeal the declaration within ten (10) working days shall result in Animal control's decision becoming final. Further appeals may be pursued in the same manner as appeals in civil cases.

Section 9.5 Determination Hearing.

- a) Upon written request for a determination hearing by the owner of a dog declared dangerous, the dog in question will be subject to any behavior assessment test or any other means available to Animal Control. The results of any tests will be presented at the determination hearing and be taken into consideration for the final determination. The owner shall be responsible for any costs incurred for the test or tests to be conducted and fees of the animal behaviorist to analyze the video test or tests.
- b) The owner shall be notified of the hearing by placing the notice in the United States mail, certified, return receipt requested addressed to the owner. Failure of the owner of the dog to appear at the determination hearing shall result in the Animal Control's declaration becoming final. Pending the outcome of the determination hearing, the dog must be securely confined in a humane manner at a licensed veterinarian facility or in an animal shelter. The costs of securing the dog pending the determination hearing shall be borne by the owner.
- c) The judge of a court of competent jurisdiction shall determine by a preponderance of the evidence whether to declare the dog a dangerous dog under this section based upon evidence, affidavits, and testimony presented at the time of the hearing.

Section 9.6 Defense to Declaration of Dangerous Dog. It is a defense to the determination of any dog as dangerous and to the prosecution of the owner of the dog:

- a) If the threat, injury, or damage was sustained by a person who at the time was committing a willful trespass or other tort upon the premises occupied by the owner of the dog;
- b) If the person was teasing, tormenting, abusing, or assaulting the dog;
- c) If the person was committing or attempting to commit a crime;
- d) If the dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack or assault; or
- e) If the dog was injured and responding to pain.

Section 9.7 Exemptions. It is a defense to prosecution that a person is:

- a) A veterinarian, a peace officer, a person employed by a recognized animal shelter or a person employed by the state or a political subdivision of the State to deal with stray animals and has temporary ownership, custody, or control of the dog in connection with that position;
- b) An employee of the institutional division of the Texas Department of Criminal Justice or a law enforcement agency and trains or uses dogs for law enforcement or corrections purposes; or
- c) A dog trainer or an employee of a guard dog company under the Private Investigators and Private Security Agencies, Tex. Rev. Civ. Stat. Art. 4412 (29BB).

Section 9.8 Confiscation.

- a) Until the owner of a dog determined to be dangerous has met the requirements placed on that owner by Section 822.042, Texas Health & Safety Code and this order, the Animal Control Officer or his designee shall confiscate the animal whether it be found on public or private property.
- b) The Animal Control Officer shall have no authority to confiscate any animal unless he has first delivered to the owner of the animal, a written notice of the determination that the animal is a dangerous dog. The notice may be delivered either in person or by certified mail, return receipt requested, directed to the last known mailing address of the owner.
- c) The Animal Control Officer shall be required to obtain a search and seizure warrant only if the dangerous dog is located within a residence.
- d) If an attempt is made by the Animal Control Officer to impound a dangerous dog and the impoundment cannot be made safely, the owner shall be notified and given twenty-four (24) hours to surrender the animal to the Animal Control Officer. The notice shall include a warning that failure to surrender the animal may result in destruction of the animal if it cannot be safely impounded on any subsequent attempt;
- e) The animal thus confiscated shall be ordered sheltered by the Animal Control Officer for a period of seventh-two (72) hours, not counting weekends and holidays, to allow the owner to claim the animal upon satisfaction of the provisions of Section 822.042 and 822.042 of the Texas Health & Safety code and this ordinance. Upon failure of the owner to reclaim the animal during that period, the Animal Control Officer may humanely destroy the animal without compensation to the owner.
- f) In addition to the fees required for registration of the animal, the owner must prior to the animal's release, satisfy all above-referenced provisions.



Section 9.9. Penalty for Violation.

- a) Any person who violates a provision of Section 9 shall be guilty of a Class C misdemeanor.
- b) If it is shown on trial that a person has been previously convicted under this Section, no portion of a fine imposed for subsequent violations may be deferred, suspended or probated.
- c) Each day that a person owns a dangerous dog in violation of this section shall constitute a separate offense.
- d) An offense under this section is a Class B misdemeanor if it is shown on trial of the offense that the defendant has previously been convicted under this section.
- e) If a person is found guilty of an offense under this section, and the offending dog caused death or serious bodily injury, the Court may order the dangerous dog destroyed by Animal Control in a humane manner.
- f) In addition to criminal prosecution, a person who commits an offense under this section is liable for a civil penalty not to exceed \$10,000. The Hays County Criminal District Attorney or Special Counsel to the Hays County Commissioners' Court under the direction of the Hays County Criminal District Attorney may file suit in a court of competent jurisdiction to collect the penalty. Penalties collected under this subsection shall be retained by the county to be used to defray the cost of administering this ordinance.

SECTION 10.
IMPOUNDMENT FACILITIES AND FEES

Section 10.1. Animal Facilities. The Hays County Commissioners' Court may enter into contracts or agreements with public, private entities, or animal shelters to provide for the impoundment of animals under this ordinance or to carry out activities required or authorized by this ordinance. Any animal adopted from an animal facility that has entered into a contract with Hays County shall require that all animals adopted be spayed or neutered within forty-five (45) days of the adoption.

Section 10.2 Impoundment Fees. An owner of an animal that has been impounded under any section of this ordinance shall pay all applicable impoundment fees, as established by the animal facility and approved by the Animal Control Officer, before retrieving the animal.

Section 10.3 Severance Clause. If any section, sentence, or clause of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 10.4 Repealer. This ordinance is intended to repeal and replace Animal Control Ordinance No. 10429 enacted by the Hays County Commissioners' Court on September 24, 1990 and all other orders and ordinances in conflict with this ordinance are hereby repealed.

Section 10.5 Effective Date. This ordinance shall become effective upon passage by a majority vote of the Hays County Commissioners' Court.

PASSED AND APPROVED this the 27th day of April, 1999.

WORKSHOP RE:TRANSPORTATION (TEXAS PUBLIC POLICY FOUNDATION WILL DISCUSS RESEARCH REGARDING "COMMUTER RAIL SYSTEM") [T2-10]

Jeff Judson (Texas Public Policy Foundation) spoke of research done by the foundation. Spoke of analysis done on VIA Metropolitan Transit. He spoke of "urban sprawl" and reducing traffic congestion and air pollution. Public transit is a program to provide mobility to the poor and elderly and does not reduce traffic congestion and air pollution. The commuter rail proposals from San Antonio to Austin would remove a miniscule number of people from the roadways. Three (3) guiding principals: \supseteq must remove traffic during peak hours, $\not\subset$ cost efficiency (less than other options doing the same thing), and \subset should not have a bias in favor of one option over another. Fewer and fewer people are riding transit in Texas. Energy consumption is higher on transit than on autos. He gave roadway congestion index comparing 1982 vs 1996 and Dallas & Houston congestion. He spoke of funding commuter rail with taxes, whereas freeways are funded by users fee. HOT Lanes (High Occupancy Toll Lanes). He advised that some people will not use commuter rail if they have to walk a long distance to the train station (over 3 blocks away). He spoke of feasibility study of the Austin-San Antonio Corridor. He feels like additional lane capacity could be added to IH35 (could go up to 10 lanes without touching access roads in many areas). He spoke of time it would take to reach destinations. He spoke of small amount of automobiles that would be taken off the freeway by commuter rail. The biggest advocate of commuter rail are those constructing trains and maintaining rails and not those supporting operations. Commuter rail is not cost effective. Rider-ship on historical systems are due to the high density of the area (New York & Chicago). The modern city will never look like NY & Chicago.

17766 APPROVE PURCHASE OF ADDITIONAL METAL SHELVING FOR RECORDS STORAGE AT THE BUILDING MAINTENANCE FACILITY [T2-676]

Maintenance Supervisor Ron Knott requested \$7,300 in funding from the Records Preservation Fund to finish shelving for records storage at the maintenance facility and to replace money in his budget that has already been spent on shelving. This also would include \$390.75 from shelving for the Treasurer's office at the courthouse. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve purchase of additional metal shelving for records storage at the building maintenance facility and for reimbursement for shelving already purchased with expenditures to come out of the County Records Preservation Fund. All voting "Aye". District Clerk Cecilia Adare voiced her concern about spending these funds for records storage at the maintenance facility. She stated that she does not plan on storing her records at that facility. She is not sure that this shelving is necessary at this point. County Clerk Lee Carlisle advised that he has some records stored at the maintenance facility. Commissioner Molenaar advised that 1/3 of this money is to replace funds out of the building maintenance budget that have already been spent for shelving.



17767 APPROVE PURCHASE AND INSTALLATION OF BACKUP GENERATOR FOR COMPUTER SERVICES AT THE JUSTICE CENTER [T2-725]

Commissioner Molenaar spoke of request by the court to obtain more information regarding type of generator needed at the Justice Center. Maintenance Supervisor Ron Knott advised that LP backup is not automatic (manual switch only) and there is no safe way to get diesel refueling on the roof. He recommends a diesel generator which could be located on the right hand side of the sally-port (costs: electric \$1900 fence \$800 concrete platform \$300 & generator @ \$13,425). He will need approximately \$17,000 to complete the installation. Commissioner Molenaar stated that the only funding source would be the contingency fund. Ron Knott advised that natural gas is \$3,000-5,000 less than diesel generator. Jeff McGill, Computer Services Director, spoke of load analysis done on the computer system. He advised that there is a battery backup system but it last only about one hour. He spoke of the Tlets system running off the computer system at the justice system. He spoke of no guarantees that electricity will not go off for an extended period of time in the future and it is important to keep the system up and running. Ron Knott advised that flooding last year did reach the patio at the Justice Center, therefore, the generator will have to be on a raised platform. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve funding up to \$18,000 out of contingency funds to purchase and install a backup generator for computer services at the justice center as proposed by Building Maintenance. All voting "Aye". San Marcos Mayor Billy Moore thanked Commissioner Molenaar for taking this measure and he spoke of the importance of communication during emergency situations such as the flooding that took place last year.

17768 RELEASE FUNDS TO THE CITY OF DRIPPING SPRINGS FOR THE DRIPPING SPRINGS PARK [T2-1078]

Commissioner Molenaar spoke of interlocal agreement entered into last year with the City of Dripping Springs and agreement to pay \$20,000 of money or in-kind services equal to \$60,000 for the Dripping Springs Park. Commissioner Burnett stated that he remembers the court making this commitment. Commissioner Carter voiced her concerns about providing the same funding to all areas of Hays County. She spoke of the City of Niederwald, which also got a commitment from Hays County, and no payment was ever made. She feels like we do not have the money. Judge Powers spoke of the Dripping Springs Master Plan (city donated 44 acres) and the grant obtained. He feels like they deserve this consideration. Commissioner Carter felt like we should not be inconsiderate because of where you might live. Commissioner Molenaar spoke of commitments and agreements previously made and he felt like discussions the court had have been countywide and not by precincts. Commissioner Ingalsbe spoke of not being clear on what the court voted for in 1998. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to enter into an interlocal agreement in the amount of \$20,000 for second installment for the Dripping Springs Park. T. J. Higginbotham spoke of grant application by the City of Niederwald which he felt was poorly prepared, therefore, their grant application was denied. Judge Powers, Commissioner Burnett, and Commissioner Molenaar voting "Aye". Commissioner Ingalsbe, Commissioner Carter voting "No"

17769 AMEND THE COMMISSIONERS' COURT EXPENSE BUDGET TO CREATE A TRAVEL LINE ITEM FOR SPECIAL COUNSEL AND PUBLIC AFFAIRS [T2-1415]

Commissioner Molenaar spoke of personnel policy and use of personal vehicles for county business and policy for travel reimbursement/allowance. He spoke of insurance provisions. He feels like employees using their personal vehicles for county business are not properly insured and compensated for personal vehicles. County Auditor Bill Herzog advised that there is a travel allowance line item in the Judge's office. Commissioner Burnett spoke of putting a line item in the Commissioners' Court Expenses budget to fund travel for special counsel. He is not in favor of stockpiling county vehicles for employee use. He stated that we need to find out if employees using their personal vehicles are properly insured. Sam Davis spoke of insurance coverage and he asked about carpool issue (new or used vehicles). Commissioner Molenaar spoke of used vehicles from the Sheriffs dept that could possibly be utilized. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to amend the Commissioner Court Expense budget by transferring \$1,000 from the printing line item into a newly created travel line item for Special Counsel and Public Affairs. All voting "Aye". Commissioner Molenaar requested that the Insurance Committee look at what is required for employee vehicles insurance (business insurance).

17770 APPROVE BID SPECIFICATIONS AND AUTHORIZE THE PURCHASING AGENT TO ADVERTISE FOR BIDS FOR COMPLETION OF LIME KILN (CR222) & HILLIARD ROAD (CR225) BOND PROJECT [T2-1783]

John Doucet (Doucet & Associates) gave an update on the Lime Kiln/Hilliard Road Bond Project: Earth Tech has revised the plans and we are ready to go out for bid at this time to complete the project. Commissioner Burnett asked about the type of construction that will be utilized. John Doucet advised that it will be a level up course and chip seal (hot mix Type C covered with chip seal). A motion was made by Commissioner Molenaar, seconded by Commissioner Inglasbe to approve bid specifications and authorize the Purchasing Agent to advertise for bids for completion of the Lime Kiln/Hilliard Road bond project. All voting "Aye".



17771 AWARD ANNUAL FUEL AND LUBRICANT CONTRACTS [T2-1869]

Debbie Bilbrey, Purchasing Agent, recommended awarding the fuel bid to Truman Arnold Companies (Temple, Tx) and the lubricant bid to Arnold Oil Co. (Austin, Tx). A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to award the annual fuel contract to Truman Arnold Companies and the annual lubricant bid to Arnold Oil Co. as recommended by the Purchasing Agent. All voting "Aye".

17772 APPROVE SALARY ADJUSTMENT OF HUMAN RESOURCES DIRECTOR AND CHANGE TITLE OF POSITION TO "PERSONNEL COORDINATOR" [T2-1948]

County Treasurer Michele Tuttle asked the court to change the title of the position now known as "Human Resources Director" to "Personnel Coordinator", stop the travel allowance effective immediately and transfer the balance of that to travel (requires documentation), and change the Grade from 38 to 34 Step 3. Recommended changes are based on information she obtained from other counties of similar size or close proximity (\$34,851 is the average salary). A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to change the title of the Human Resources Director to "Personnel Coordinator, stop the travel allowance effective immediately and transfer the balance to a travel line item, and change the salary grade from Grade 38 to Grade 34 effective May 1, 1999. All voting "Aye".

17773 ALLOW HOMESPUN OF SAN MARCOS TO UTILIZE ROOM 303 & 305 IN THE COURTHOUSE ANNEX FOR AN UNSPECIFIED AMOUNT OF TIME [T2-2104]

Commissioner Ingalsbe spoke of flooding at the Kyle substation where Homespun was officed which has caused them to currently share office space with MHMR. She spoke of proposed lease of office space at the courthouse annex until the end of this fiscal year (May 1 - Sept 30 1999). Special counsel Jacquelyn Collum Murphy advised that this was to be an amendment to the current lease. Homespun is concerned about what they should expect at the end of this fiscal year.. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to amend the current lease contract for office space with Homespun of San Marcos to allow them to utilize Rooms 303 & 305 at the Courthouse Annex for an unspecified period of time. All voting "Aye".

17774 APPROVE A POLICY AUTHORIZING THE COUNTY AUDITOR AND COUNTY TREASURER TO RELEASE PAYMENTS FOR UTILITY BILLS AND INTERFUND TRANSFERS PRIOR TO APPROVAL BY THE COMMISSIONERS COURT [T2-2300]

Commissioner Molenaar stated that regardless of how often we meet, utility bills should be paid promptly. County Treasurer Michele Tuttle advised that the law states that we must have court approval prior to payment. County Auditor Bill Herzog advised that he is trying to get the City of San Marcos to exempt the county from the late charge, however, he has not heard from them as of yet. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve a policy authorizing the County Auditor and County Treasurer to release payments for utility/telephone bills and interfund transfers prior to approval by the Commissioners' Court. All voting "Aye".

17775 EXTEND THE TERM OF CONTRACT FOR "HAULING OF SOLID WASTE" FOR THE HAYS COUNTY TRANSFER STATION WITH OUR CURRENT VENDOR TEXAS DISPOSAL SYSTEM [T2-2418]

Purchasing is preparing specifications to go out for bids on the lease/operations of the transfer station with an option to sell. The current contract expires on April 30, 1999 and David Minton with Texas Disposal Systems has agreed to extend the current contract with a small price increase of \$59.00 for the 40 yard compacted dumpster and \$41.00 for the 40 yard open top dumpster. Commissioner Burnett spoke of extending the contract on a month to month basis with the slightly higher fees. Purchasing Agent Debbie Bilbrey advised that bids will go out next week, therefore, a 3 month maximum extension is needed. There are funds available in the budget to pay for the price increase. A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to extend the contract for hauling of solid waste for the Hays County Transfer Station with current vendor Texas Disposal Systems on a month to month basis at new rate of \$369.00 per haul for 40 yard compact dumpster and \$325.00 per haul for a 40 yard open top dumpster. Commissioner Ingalsbe, Commissioner Carter, Commissioner Burnett, and Commissioner Molenaar voting "Aye". Judge Powers abstained.



17776 AUTHORIZE ADMINISTRATION OF EMERGENCY NUTRITION/TEMPORARY RELIEF PROGRAM (ENTREP) FUNDS FROM THE TEXAS DEPT. OF HOUSING & COMMUNITY AFFAIRS BY THE HAYS COUNTY HEALTH DEPARTMENT [T2-2500]

Commissioner Ingalsbe spoke of funds that were previously administered by Community Action. The county can administer the funds directly or assign someone else to do so. Our Health Dept. is willing to administer the funds. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize administration of Emergency Nutrition/Temporary Relief Program (ENTREP) funds from the Texas Dept. of Housing & Community Affairs by the Hays County Health Department. All voting "Aye".

17777 APPROVE SPECIFICATIONS FOR LABOR & EQUIPMENT FOR BRUSH CUTTING, CULVERT CLEANING AND OTHER SERVICES FOR THE HAYS COUNTY ROAD DEPARTMENT [T2-2570]

Commissioner Burnett spoke of funds available in the salary line item that can be utilized. He spoke of reducing employment costs by using private enterprise. He spoke of other government entities that are using a more business like approach. Discussed contracting out mowing and brush cutting services. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve specifications for labor and equipment for brush cutting, culvert cleaning and other services for the Hays County Road Department. All voting "Aye".

17778 APPROVE AGREEMENT TO CONTRIBUTE FUNDS TO THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE EXPANSION OF FM 2439 (HUNTER ROAD) [T2-2761]

Commissioner Burnett spoke of 10% of Right Of Way cost that are required for TxDot road projects. The Hunter Road (FM2439) project borders Pct. 1 & Pct. 3 and provides access to two schools and is in desperate need for improvements (widening and turn-lanes). The county's 10% of R-O-W cost are \$105,000.00. A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to authorize the County Judge to enter into a contract agreement with the Texas Department of Transportation for the expansion of FM2439/Hunter Road in the amount of \$105,000.00 (10% of right-of-way) to be funded out of line item 414-5743 (infrastructure improvements line item) in the general fund. All voting "Aye". Commissioner Ingalsbe advised that the State will return any overage of funds provided by the county for right-of-way.

Agreement to Contribute Funds

THE STATE OF TEXAS

COUNTY OF HAYS

Contract No. NA
 County Hays County
 Federal Project No. NA
 CSJ No. 2293-01-017
 ROW Account No. 8014-2-9

This Agreement by and between the State of Texas, acting by and through the Texas Department of Transportation, hereinafter called the State, and Hays County, Texas, acting by and through its duly authorized officials under Commissioners Court Order dated the 27th day of April, 1999, hereinafter called the **County**, shall be effective on the date of approval and execution by and on behalf of the **State**.

WHEREAS, the **State** has previously requested the **County** to enter into a contractual agreement and acquire right of way for a highway project on Highway No. FM2439 with the following project limits:
 From: San Marcos City Limits
 To: Centerpoint Road

WHEREAS, the **County** has now requested that the **State** assume responsibility for acquisition of all necessary right of way for said highway project; and

WHEREAS, the **County** desires to voluntarily contribute to the **State** funds equal to ten (10) percent of the cost of the said right of way for the proper development and construction of the State Highway System;

NOW, THEREFORE, in consideration of the foregoing premises and the mutual benefits to be derived therefrom, the **County** shall contribute to the **State** an amount equal to ten (10) percent of the cost of the right of way to be acquired by the **State** and shall transmit to the **State** with the return of this agreement, duly executed by the **County**, a warrant or check payable to the Texas Department of Transportation in the amount of one hundred five thousand Dollars (\$105,000.00), which represents ten (10) percent of the estimated cost of the right of way. However, if it is found that this amount is insufficient to pay the **County's** obligation, then the **County**, upon request of the **State**, will forthwith supplement this amount in such amount as is requested by the **State**. Upon completion of the highway project and in the event the total amount as paid by the **County** is more than ten (10) percent of the actual cost of the right of way, any excess amount will be returned to the **County** by the **State**. Cost of the right of way acquired by the **State** shall mean the total value of compensation paid to owners, including but not limited to utility owners, for their property interests either through negotiations or eminent domain proceedings.

17779 APPROVE APPOINTMENT OF ADRIAN DURAN AND MIKE DIERS TO THE ROAD & BRIDGE SUBCOMMITTEE OF THE INFRASTRUCTURE COMMITTEE

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to appoint Adrian Duran (Niederwald) and Mike Diers (Kyle) to the Road & Bridge Subcommittee of the Infrastructure Committee. All voting "Aye".



17780 EXECUTIVE SESSION HELD TO DISCUSS PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 551.071 (CONDEMNATION OF PUBLIC RIGHT OF WAY - JOE ALEXANDER, RICHARD A & LINDA COTTLE) AND ACTION TO PROCEED WITH CONDEMNATIONS [T2-3043]

The Court convened into closed executive sessions. Upon completion of the closed session, they reconvened into open meeting and the following action was taken. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to authorize Special Counsel Jacquelyn Collum Murphy to proceed with condemnation of public right of way (Joe Alexander) in order to obtain a 60 foot right-of-way north of Bell Springs Road called "Lost Creek Road". Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No". A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to pay for condemnation expenses out of right-of-way funds. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No". A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar To authorize Right of Way Attorney Mike Gossett to work with Jacqueline Collum Murphy to initiate condemnation proceedings on Parcel No. 18 of the McCarty Lane Road Bond Project (property of Richard A. Cottle & Linda Cottle) with costs to come out of bond project funds. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

17781 EXECUTIVE SESSION TO DELIBERATE EMPLOYMENT, APPOINTMENT OF A FIRE MARSHAL/EMERGENCY MANAGEMENT COORDINATOR POSITION PURSUANT TO GOVERNMENT CODE SECTION 551.074 [T2-3133]

The court convened into closed executive sessions. Upon completion of the closed session, the Court reconvened into open meeting and the following action was taken. Commissioner Burnett recommended the appointment of Mark Chambers as County Fire Marshal for Hays County. He stated that Mark comes highly recommended by the Sheriff's Dept. as well as others in his resume and he feels like Mark Chambers will be the best Fire Marshal Hays County has ever had. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to appoint Mark Chambers as Hays County Fire Marshal/Emergency Management Coordinator effective April 28, 1999 at the current salary budgeted for FY98-99. All voting "Aye".

A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to adjourn this the 27th day of April, 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

