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Commissioner Carter suggested putting off buying new vehicles for 2 years (\$403,000+), minimize our budget by putting special counsel back into the District Attorney's office, and rearrange the priority list (put it where the growth is). She feels like 50% of the growth is in Pct. 2. Commissioner Ingalsbe stated that she is not willing to give up any of her roads on the matrix list. Commissioner Molenaar spoke of pothole and repair work that was put off to keep the tax rate down. We have an Engineer coming on board that will help the Road Department and provide feedback to the Court. He spoke of slowly building and reconstructing our roads. Commissioner Molenaar spoke of developers in his precinct that are contributing toward road improvements (cost sharing). Commissioner Molenaar spoke of factors that determine what roads are on the priority matrix (condition, traffic, etc.) Commissioner Carter spoke of conditions of roads in her precinct (Rhode Road, Lehman Lane, etc.). **A motion was made by Commissioner Carter to add as many roads as we can in the high growth area of Hays County without raising taxes.** She suggested not purchasing new vehicles, not moving special counsel from the D.A.'s office, and to move priority matrix around. **Motion died for lack of a second.**

[T3-1809

**A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to fund \$10,548 into the overtime line item of the Road Dept. All voting "Aye".**

[T3-1832]

**ADOPT A TAX RATE OF 44.89 CENTS**

**A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to adopt a tax rate of 44.89 cents. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Carter voting "No".**

**SET A PUBLIC HEARING ON THE PROPOSED HAYS COUNTY BUDGET**

**A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to set public hearing on the proposed Hays County Budget for September 7, 1999 at 9:00 A.M. All voting "Aye".**

Court was adjourned.

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

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

\_\_\_\_\_  
LEE CARLISLE,  
H A Y S COUNTY, TEXAS



STATE OF TEXAS ★  
COUNTY OF HAYS ★

**ON THIS THE 17<sup>th</sup> DAY OF AUGUST A.D., 1999, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:**

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

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

**WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:**

Judge Powers called the meeting to order and Commissioner Molenaar gave the invocation. Commissioner Carter led the Court in the Pledge of Allegiance to the American Flag and the Texas Flag.

**NEW EMPLOYEE INTRODUCTION**

New employees: Internal Auditor Darrell Cleghorn and Tax Office employee Elizabeth Kaiser.

**PRESENTATION REGARDING THE SAN MARCOS WAYFINDING SYSTEM**

Kelly Franks, San Marcos Main Street Manager, spoke of need for a signage system to assist people in getting around our community. The committee working on it decided on specific locations of interest. These signs will be placed outside of TxDot ROW. Destinations to be included in the San Marcos Wayfinding System: San Marcos Activity Center, Airport/Confederate Air Force, Aquarena Center, Baptist Academy, Calaboose Black History Museum, Chamber of Commerce, Children's Park, City Hall, Charles S. Cock Huse Museum/Veramendi Park, Doll Museum, Downtown Historic District, Dunbar Center, Hays County Courthouse, Hispanic Chamber of

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**PUBLIC COMMENTS**

Historical Commission – [T1-168] Kate Johnson/Chairman spoke of budget allocation. She spoke of budget request and \$1,000 cut in the budget. She spoke of visitors center at the courthouse which will suffer by this cut. She spoke of other projects throughout the county that will be affected. She spoke of money that has been saved by individual contributions. Ofelia Vasquez-Philo has been working on the hispanic history book project and she urged the court to restore the \$1,000 that was cut. Barbara Younts spoke in support of the Hays County Historical Commission - she spoke of membership throughout the county - the funding is needed in order to carry on the work. Kathryn Cannon spoke of oral histories being done in the Dripping Springs area and she spoke of need for funding for tour guide maps. County Auditor Bill Herzog advised that \$5700 was requested and \$4700 recommended (\$1,000 in printing was cut). Kate Johnson spoke of grant funding (\$192,000) received. She stated that she would like to continue providing brochures, etc. for visitors to the courthouse. The court agreed to restore the \$1,000. Mary Gibberson spoke in support of the brochure (total Hays County package) and she spoke of working closely with the schools. Ann Strom spoke of Tula Wyatt and herself being appointed in 1955 by Judge Decker and she appreciates any consideration.

Rohde Road – [T1-382] Danny DeLeon felt like its time for this road to get paved and he spoke of potholes affecting his vehicle. He presented a petition to members of the court and he spoke of problem with dust. George Spillman (CR126 - resident for 26 years) spoke of this being a narrow road and he requested repair work to this road. He spoke of policy of Goforth Water Supply regarding newcomers to the area and he suggested an impact fee on new lots. Commissioner Burnett advised that counties are prohibited from charging impact fees for roads. He spoke of efforts for road improvement agreements. Commissioner Carter feels like we are not prohibited, but that there is just not specific permission given - that does not mean prohibition. Travis County does collect this. Angie Schulze spoke of majority of roads in Pct 2 being in bad shape and she spoke of terrible condition of this roadway. She has lived on this road for 19 years and has only seen grading of the road. Rickie Adkins, Mayor of Niederwald, spoke of new subdivision (560 lots) being built on Rohde Road and developers are willing to enter into a road improvement agreement. She felt like Rhode Road should be moved up on the county road priority matrix.

**18028 APPROVE PAYMENT OF COUNTY INVOICES**

A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$198,095.74 as presented by the County Auditor. All voting "Aye".

|                    |              |                    |              |                     |              |
|--------------------|--------------|--------------------|--------------|---------------------|--------------|
| License & Permits  | \$ 25.55     | Fines              | \$ 155.00    | Auditors Office     | \$ 48.75     |
| Extension Office   | \$ 156.27    | Grants Amin        | \$ 300.00    | Juvenile Prob       | \$ 2,529.43  |
| Election Admin     | \$ 58.92     | Transfer Station   | \$ 464.38    | Bldg Mtc Dept       | \$ 8,319.34  |
| Environ Health     | \$ 158.23    | Civic Center       | \$ 98.78     | Countywide Oper     | \$ 1,891.18  |
| Tax A/C            | \$ 218.07    | District Clerk     | \$ 658.61    | County Clerk        | \$ 20.00     |
| Sheriffs Office    | \$ 7,214.62  | Jail Operations    | \$ 32,353.85 | Human Resources     | \$ 187.97    |
| District Attorney  | \$ 1,332.99  | J.P. 1-1           | \$ 14.84     | J.P. 1-2            | \$ 167.30    |
| J.P. 2             | \$ 127.48    | J.P. 3             | \$ 7.14      | J.P. 5              | \$ 148.89    |
| DPS                | \$ 479.32    | Constable 1        | \$ 79.36     | Constable 2         | \$ 872.77    |
| Constable 3        | \$ 16.59     | Constable 5        | \$ 469.37    | Dist Court Oper     | \$ 3,488.48  |
| Co & JP Crt Oper   | \$ 33.00     | Veterans Admin     | \$ 0.13      | Computer Svcs       | \$ 15,881.63 |
| DPS/L&W            | \$ 263.99    | Fire Marshal/EMC   | \$ 84.66     | Dist Crt Reprtrs    | \$ 71.38     |
| Animal Control     | \$ 25.00     | CJD/DA DARE        | \$ 56.23     | Waste Task Force    | \$ 37.00     |
| 911 Adrrs Mtc      | \$ 190.67    | Juv Acct Grant     | \$ 1,209.06  | Gen Fund Credit     | <\$64.97>    |
| R&B Operations     | \$ 98,058.27 | Precinct 1         | \$ 300.00    | Precinct 2          | \$ 3.26      |
| Precinct 3         | \$ 111.62    | Precinct 4         | \$ 14.95     | Road Reconstruct    | \$ 3,100.18  |
| R&B Gen Credit     | <\$2,618.58> | Sheriff Aband Veh  | \$ 116.17    | Rec Mng/Co Clk      | \$ 690.90    |
| Co Rec Preserv     | \$ 387.80    | Health Svcs Grants | \$ 787.41    | Law Library Fund    | \$ 83.13     |
| Family Health Svcs | \$ 153.74    | Stellar Plastics   | \$ 2,072.63  | Certif of Oblig '97 | \$ 11,785.00 |
| DOJ Eqpt & Tech    | \$ 3,198.00  |                    |              |                     |              |

**18029 APPROVE UTILITY PERMITS #99-427 ON DARDEN HILL ROAD**

A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve Utility Permit #99-427 on Darden Hill Road to Grubert Equipment Contractors Inc. All voting "Aye".

**18030 APPROVE BUDGET AMENDMENT # 99—030**

A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve Budget Amendment No. 99-030 as proposed by the County Auditor. All voting "Aye".

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|   |                     |           |           |               | NO. 99-030<br>FY 99 BUDGET<br>08-17-99 |
|---|---------------------|-----------|-----------|---------------|--|
| FUND NO. 01<br>FUND TITLE GENERAL   |                     |           |           |               |  |
| LINE ITEM - EXPENDITURES  | APPROPRIATION       | AMENDMENT |           | APPROPRIATION |  |
|   | BEFORE<br>AMENDMENT | INCREASES | DECREASES | AS<br>AMENDED |  |
| <b>SHERIFF OFFICE (418):</b>  |                     |           |           |               |  |
| 01-418-5031 OT/HOL/COMP<br>120,000  | 100,000             |           | 20,000    |               |  |
| 01-418-5192 Uniform Allowance<br>(Item also covers grants)<br>31,280        | 26,280              |           | 5,000     |               |  |
| 01-418-5211 Office Supply   | 12,000              | 2,500     |           | 14,500        |  |
| 01-418-5235 Law Enforcement Supply<br>16,500                                | 15,000              |           | 1,500     |               |  |
| 01-418-5311 Travel<br>2,000   | 500                 |           | 1,500     |               |  |
| 01-418-5321 Dues & Bonds<br>1,800   | 1,000               |           | 800       |               |  |
| 01-418-5489 Telephone/Data Lines<br>(for 911,computers/teletypes)<br>86,000 | 65,000              |           | 21,000    |               |  |
| 01-418-5801 Training Div  | 34,966              | 2,000     |           | 36,966        |  |
| 01-418-5021 Staff<br>1,941,712  | 1,991,247           |           |           | (49,535)      |  |
| 01-418-5061 Longevity<br>17,425   | 17,980              |           |           | (555)         |  |
| 01-418-5101 FICA/RET<br>352,841   | 360,841             |           |           | (8,000)       |  |
| 01-418-5160 Insurances<br>162,200   | 172,200             |           |           | (10,000)      |  |
| 01-418-5449 Temp Personnel  | 1,000               |           |           | (1,000)       | -0-                                    |
| 01-418-5461 Printing  | 6,500               |           | (500)     | 6,000         |  |
| 01-418-5480 Utilities   | 20,900              |           | (500)     | 20,400        |  |
|   |                     | 54,300    | (70,090)  |               |  |
| <b>JAIL OPERATIONS (419):</b>   |                     |           |           |               |  |
| 01-419-5021 Staff<br>(merit and auto step)<br>2,812,508                     | 2,803,508           |           | 9,000     |               |  |
| 01-419-5192 Uniform Allowance<br>36,180                                     | 35,280              |           | 900       |               |  |
| 01-419-5212 Postage<br>5,000  | 3,500               |           | 1,500     |               |  |
| 01-419-5214 Photographic<br>10,000  | 8,500               |           | 1,500     |               |  |
| 01-419-5231 Medical Supply & Prescrip<br>45,000                             | 30,000              |           | 15,000    |               |  |
| 01-419-5234 Inmate & Uniforms<br>10,500                                     | 9,000               |           | 1,500     |               |  |
| 01-419-5363 Prisoner Transfer<br>5,500                                      | 2,500               |           | 3,000     |               |  |
| 01-419-5431 Medical/Dental Services<br>116,000                              | 96,000              |           | 20,000    |               |  |
| 01-419-5480 Utilities<br>221,100  | 195,000             |           | 26,100    |               |  |
| 01-419-5715 Communication Eqpt<br>1,550                                     | 1,500               |           | 50        |               |  |
| 01-419-5061 Longevity<br>23,835   | 24,395              |           |           | (560)         |  |
| 01-419-5101 FICA/RET<br>487,776   | 492,276             |           |           | (4,500)       |  |
| 01-419-5160 Insurance<br>244,292  | 260,292             |           |           | (16,000)      |  |
| 01-419-5232 Prisoner Meals<br>298,000                                       | 300,000             |           |           | (2,000)       |  |
| 01-419-5311 Travel<br>100   | 500                 |           |           | (400)         |  |
| 01-419-5419 Equipment Maintenance<br>4,500                                  | 6,000               |           |           | (1,500)       |  |
| 01-419-5451 Building Maintenance<br>62,000                                  | 93,000              |           |           | (31,000)      |  |

|  |         |         |         |           |
|--|---------|---------|---------|-----------|
| 01-419-5489 Telephone  | 7,000   |         | (6,000) |           |
| 1,000  |         |         |         |           |
| 01-419-5721 Medical Equipment  | 800     |         | (800)   |           |
| 0-   |         |         |         |           |
|  |         | =====   | =====   |           |
| Transfer totals between Dept 418 & 419 for balance of FY99   |         | 132,850 |         | (132,850) |
| <b>INDIGENT CARE (408):</b>  |         |         |         |           |
| 01-408-5433 Special Asst.  | 8,000   | 6,000   |         | 14,000    |
| 01-408-5431 Medical Services   | 170,000 |         | (6,000) |           |
| 164,000  |         |         |         |           |
|  |         | =====   | =====   |           |
| Transfer for special assistance and fans   |         | 6,000   |         | (6,000)   |
| <b>TREASURER OFFICE (402):</b>   |         |         |         |           |
| 01-402-5021 Staff  | 82,973  |         | (1,000) |           |
| 81,973   |         |         |         |           |
| <b>HUMAN RESOURCES (421):</b>  |         |         |         |           |
| 01-421-5462 Employment Notices   | 7,300   | 1,000   |         | 8,300     |
| 01-421-5011 Department Head  | 43,633  |         | (2,400) | 41,233    |
| <b>COMPUTER SERVICES (456):</b>  |         |         |         |           |
| 01-456-5712 Data Equipment   | 54,645  | 2,400   |         |           |
| 57,045   |         |         |         |           |
| 01-456-5429 Software Maintenance   | 6,598   | 9,678   |         | 16,276    |
| <b>AUDITOR (401):</b>  |         |         |         |           |
| 01-401-5021 Staff  | 256,717 |         | (4,675) |           |
| 252,042  |         |         |         |           |
| <b>JAIL OPERATIONS (419):</b>  |         |         |         |           |
| 01-419-5710 Misc. Equipment  | 10,502  |         | (5,003) |           |
| 5,499  |         |         |         |           |
|  |         | =====   | =====   |           |
| Transfer for Treasurer-PC's Auditor - on-line requisition and Jail-mug shot packages into Computer Services budget |         | 13,078  |         | (13,078)  |

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|   |               |           |           |               | NO. 99-030<br>FY 99 BUDGET<br>08-17-99 |
|---|---------------|-----------|-----------|---------------|--|
| FUND NO. 01<br>FUND TITLE <u>GENERAL</u>  |               |           |           |               |  |
| LINE ITEM - EXPENDITURES  | APPROPRIATION | AMENDMENT |           | APPROPRIATION |  |
|   | BEFORE        | INCREASES | DECREASES | AS            |  |
|   | AMENDMENT     |           |           | AMENDED       |  |
| <b>FIRE MARSHAL/EMC (472):</b>  |               |           |           |               |  |
| 01-470-5219 Miscellaneous supply  | 1,968         | 500       |           | 2,468         |  |
| 01-470-5214 Photography supply  | 1,000         |           | (500)     | 500           |  |
| <b>BUILDING MAINTENANCE (410):</b>  |               |           |           |               |  |
| 01-410-5241 Bldg Maint Supply   | 25,950        | 1,350     |           | 27,300        |  |
| 01-410-5458 Janitorial Svcs   | 27,200        | 24,600    | 2,600     |               |  |
| 01-410-5499 Elevator Contract   | 4,325         | 2,500     | 825       |               |  |
| 01-410-5419 Equipment Maintenance   | 575           | 1,000     | (425)     |               |  |
| 01-410-5242 Grounds Maintenance   | 1,000         |           | (400)     | 600           |  |
| 01-410-5231 Medical Supply  | 600           | 700       | (100)     |               |  |
| 01-410-5211 Office Supply   | 700           |           | (75)      | 625           |  |
| 01-410-5456 Pest Control  | 1,900         |           | (250)     | 1,650         |  |
| 01-410-5473 Copier Lease  | 700           |           | (100)     | 600           |  |
| 01-410-5741 Misc Capital Improvements   | 25,271        | 28,696    | (3,425)   |               |  |
|   |               | =====     | =====     |               |  |
| Transfer for needed small hand tools and maintenance supplies and janitorial from line item savings |               | 4,775     | (4,775)   |               |  |
| FUND NO. 03<br>FUND TITLE <u>ROAD &amp; BRIDGE GENERAL</u>  |               |           |           |               |  |
| LINE ITEM - EXPENDITURES  | APPROPRIATION | AMENDMENT |           | APPROPRIATION |  |
|   | BEFORE        | INCREASES | DECREASES | AS            |  |
|   | AMENDMENT     |           |           | AMENDED       |  |
| <b>PRECINCT 2 (440):</b>  |               |           |           |               |  |
| 03-440-5353 Special Projects  | 6,000         | 3,000     | 3,000     |               |  |

|  |       |       |         |         |
|--|-------|-------|---------|---------|
| 03-440-5212 Postage                      | 600   |       | (400)   | 200     |
| 03-440-5311 Travel                       |       | 875   | (600)   |         |
| 275                                      |       |       |         |         |
| 03-440-5331 Cont Ed                      | 2,150 |       | (1,830) | 320     |
| 03-440-5391 Other                        |       | 125   | (51)    |         |
| 74                                       |       |       |         |         |
| 03-440-5461 Printing                     | 350   |       | (119)   | 231     |
|  |       | ===== | =====   |         |
| Transfer for balance of cost – road work |       |       | 3,000   | (3,000) |

**CLERK'S NOTE:** No applications were received from the Tax Office regarding refund of double payments and/or overpayments on taxes

**18031 ACCEPT USE OF FUNDS DETERMINATION MADE BY THE HAYS COUNTY ADVISORY BOARD FOR BUREAU OF JUSTICE ADMINISTRATION GRANT (LAW ENFORCEMENT EQUIPMENT & TECHNOLOGY) FUNDS FOR THE SHERIFF'S OFFICE**

Grants Administrator Richard Salmon advised that this grant is from the U.S. Dept. of Justice – Bureau of Justice Assistance and will be used to purchase equipment (technology based) for the Sheriff's Office. Under the grant requirements, a public hearing was held to obtain public comments and an advisory board comprised of one person from each of the following agencies (1) Law Enforcement, (2) local prosecutor, (3) local court system, (4) local public school system, and a (5) local non-profit organization reviewed the use of funds. Hays County elected to use these grant funds for technology related equipment. No administration funds included in the grant. Match funds of 10% were budgeted in 98-99 Sheriff's Office budget. A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to accept use of funds determination made by the Hays County Advisory Board for Bureau of Justice Administration Grant (Law Enforcement Equipment & Technology) funds for the Sheriff's office. All voting "Aye".

**18032 APPROVE APPOINTMENT OF PAULA POND TO THE RETIREMENT COMMITTEE**

A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve appointment of Paula Pond to the Retirement Committee. All voting "Aye".

**18033 APPROVE RIGHT OF WAY CROSSING PERMIT REQUEST ALLOWING PERDENALES ELECTRIC COOPERATIVE, INC. TO EXTEND A POWER LINE ALONG POSEY ROAD, ALONG AND ACROSS CR 266 AND ACROSS CR 265 TO SERVE A MEMBER**

A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve right-of-way crossing permit request allowing Perdenales Electric Cooperative, Inc. to extend a power line along Posey Road, along and across CR266 and across CR265 to serve a member. All voting "Aye".

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**18034 APPROVE CONTINUATION OF DISASTER DECLARATION/THREAT OF WILDFIRES (BURN BAN)**

A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve continuation of Disaster Declaration/Threat of Wildfires (Burn Ban). All voting "Aye".

**18035 AUTHORIZE STAFF TO PREPARE A ROAD IMPROVEMENT AGREEMENT WITH THE WOODS OF BRUSHY CREEK FOR IMPROVEMENTS ON RHODE ROAD [T1-600]**

Commissioner Carter spoke of cooperative effort by the city of Niederwald and Woods of Brushy Creek. The City of Kyle is also adding boundary street improvement requirements to their subdivision rules list. Frank Powell (Representative of Woods of Brushy Creek development) spoke of flooding in 1998 that greatly impacted Rhode Road. He spoke of funds they will provide to assist in road improvements. He spoke of 3 miles of roads that needs to be improved and he will do whatever he can to assist the county in the improvements. Commissioner Carter commended Environmental Health Department, the Road Department, City of Niederwald, and Developers for their efforts. Commissioner Burnett spoke of similar situation in Precinct. 3 and he commended the developers for helping out. He stated that he felt like the agreement needs to be prepared before the court commits a dollar amount. Commissioner Molenaar spoke of coming back with an agreement. Commissioner Carter advised that dollar amount is in the backup material for the agenda (\$150,000 contribution). She stated that it is essential that the allocation be approved this date. Frank Powell agreed with other commissioners that they do need more details. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to authorize staff to prepare a road improvement agreement with the Woods of Brushy Creek for improvements on Rhode Road. All voting "Aye". Winton Porterfield, Subdivision Coordinator, stated that on the Elder Hill Road project, the developer came to us with construction plans and an estimate of construction costs. He recommended construction plan and an estimate before approving an agreement.

**18036 APPOINT LEE SCHROEDER TO THE ROAD AND BRIDGE SUBCOMMITTEE [T1-822]**

The following committee members have resigned: Jim Sites & Rene Molinet. Commissioner Burnett stated that he will not support Bill Aragon because of his association with Nosotros La Jente in law suits (EEOC complaints) against the county. He feels like it is unwise to have someone that represents 11 or 12 lawsuits against the county to be placed on a committee to oversee the road & bridge department. Commissioner Carter felt like he is a well respected individual in his field and in his business. Judge Powers agreed that he cannot support the appointment of Bill Aragon primarily because the appointments were designed for Commissioners to make appointments in their precinct to these committees. Commissioner Carter disagreed with his statement – she felt like other commissioners had made all the appointments to their committees. Commissioner Burnett spoke of infrastructure committee and the subcommittees are to include members from all areas of the county so as not to dilute the power and have it focused in one particular area and exclude other areas and under this motion there would not be a single member on the road & bridge committee from Wimberley. Special Counsel Jacquelyn Collum Murphy stated that she spoke to Rene Molinet about alledged conflict of interest and she feels like this would not be a conflict of interest. Commissioner Carter advised that he has indicated that he no longer want to be a member of the committee and has not been coming to the meetings. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to appoint Lee Schroeder and Bill Aragon to the Road & Bridge Subcommittee to replace Jim Sites & Rene Molinet. Commissioner Burnett, Commissioner Molenaar and Judge Powers voting “No”. Commissioner Ingalsbe and Commissioner Carter voting “Aye”. MOTION FAILED. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to appoint Lee Schroeder to replace Jim Sites on the Road and Bridge Subcommittee. All voting “Aye”.

**18037 POSEY ROAD RANCH ESTATES PHASE II \* FINAL PLAT APPROVAL [T1-937]**

Winton Porterfield, Subdivision Coordinator, advised that this is the final phase of this development, San Marcos ETJ has been approved, roads are constructed and maintenance bond has been submitted. He gave staff recommendation for approval. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve final plat of “Posey Road Ranch Estates Phase II”. All voting “Aye”.

**18038 HIDDEN CREEK RANCH PHASE I \* AUTHORIZE CORRECTIONS TO PLAT [T1-955]**

Winton Porterfield, Subdivision Coordinator, spoke of 2 corrections that are needed to the plat: name of corporation was incorrect and the roads are dedicated to the Home Owners Association instead of the public. An affidavit will be filed in the County Clerk’s office in the Official Public Records. He gave staff recommendation for approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize corrections to plat of “Hidden Creek Ranch Phase I”. All voting “Aye”.

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**18039 SUNSET CANYON SECTION 4 RESUB OF LOTS 777 & 778 \* WAIVE PUBLIC HEARING AND APPROVE FINAL PLAT [T1-976]**

Winton Porterfield, Subdivision Coordinator, advised that the common lot line is being amended between Lots 777 & 778 - no new lots being create. He recommended waiver of public hearing and approval of final plat. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to waive the public hearing and approve final plat of “Sunset Canyon Section 4 Resubdivision of Lots 777 & 778. All voting “Aye”.

**Clerk’s Note:** The following agenda item was pulled: Vehicle Registration Fees As Authorized Under Chapter 502 Of The Transportation Code.

**18040 AWARD A CONTRACT FOR AN EMPLOYEE BENEFITS CONSULTANT TO EVALUATE HEALTH INSURANCE PROPOSALS [T1-999]**

Commissioner Ingalsbe advised that 4 proposals were received: Don Gray of Risk Management Group, Frank Witting of Witting & Miller, Gary Nelson of Professional Medical Office Solutions, and Gary Monnin of G.P. Monnin Consulting Inc. Purchasing Agent Debbie Bilbrey spoke in support of Frank Witting of Witting & Miller. He has excellent qualifications, references were checked, and the committee recommends this company. She spoke of services that will be provided. This action will not affect our Agent of Record. Commissioner Molenaar advised that the agent of record will be representing our employees and the consultant will help us make a decision on which insurance would be best for the county. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to award a contract to Witting & Miller for employee benefits consultant services to evaluate health insurance proposals. All voting “Aye”.

**ACCEPT THE RECOMMENDATION OF THE JUVENILE DETENTION FACILITY COMMITTEE TO ENTER INTO NEGOTIATION OF CONTRACT WITH TEXSON MANAGEMENT GROUP INC. [T1-1067]**

Commissioner Ingalsbe spoke of discussions in December 1998 where the Sheriff advised that he would be needing the area of the jail being used by Juvenile Detention back for housing adult inmates . The court's intent was to build a new juvenile facility without creating a burden on the taxpayers. She spoke of lease/purchase options being considered. The committee has determined that a juvenile detention center is needed for Hays County. Chief Juvenile Probation Officer Ed Cooper spoke of having worked for Hays County since 1973 (first as a Sheriff Deputy) and in 1980 he was appointed by the Juvenile Board to be the Chief Juvenile Probation Officer. He stated that his department has grown to 11 staff people and the number of juveniles served has grown tremendously. He stated that it is a difficult job and he explained how and where juveniles were held in the 1980's at the county jail. In 1985 the federal government passed a law that required that juveniles not be held in adult jails and can not be served by jail staff. We had to contract with surrounding counties for juvenile detention and it required that officers transport the juveniles (a costly expense). In Oct. 1995 we renovated D Block of the jail to separate the adult and juveniles and we hired CCI to operate that facility. This was only a temporary fix and the court agreed to build a juvenile detention facility separate from the county jail. Ed Cooper recommended contracting with the Texson Management Group for the new facility. He spoke of need to lock up some kids and he spoke in support of the Hays County Juvenile Board. The current boot camp is a 6 month program (with a 75% success rate) that helps to educate the children. There is also short term detention. Special Counsel Jacquelyn Collum Murphy spoke of letters submitted in support of Texson. County Court at Law #1 Judge Howard Warner (Juvenile Board chairman) spoke of coming before the Commissioners' Court over a period of 15 years regarding this issue. He spoke of unanimous vote of the Juvenile Board supporting Texson. We need to do something that will get what we need done with the least amount of burden on the taxpayers. Medical bills are paid by the county responsible for the individual juvenile. Ed Cooper advised that we try to get medical paid for by the parents if they are covered by insurance. Commissioner Burnett spoke of lease/purchase option that would not incur debt on the county. Dan Wegmiller, First SW Financial Advisor, spoke of financing this facility - can set up a corporation that is the shell corporation responsible for the debt (the municipality/county does not bear the debt). The lease/purchase financing is at a higher interest rate (not rated/uninsured) and this is a more specific market (no broader base). They will be involved in evaluation of the lease/purchase to make sure it does not reflect on the county's bond rating. Their fee is determined by the amount of involvement in the project. Commissioner Burnett spoke of First Southwest's fee being built into the operating cost of the shell corporation - no fee to the county. Dan Wegmiller sees no fee necessary at this time and stated that he would come back before the court before any fee would be charged. He spoke of reserve fund set up to repay debt payment. He spoke of flow through of state funds that are utilized (not part of the lease/purchase arrangement). This is not a debt of the county, it is a debt of the corporation. If it is successful during the term of the debt, the county will own the facility and the land with no burden on the taxpayers. [T1-1671] Tom Polland (Bickerstaff, Heath, & Smiley) spoke of funding to come from TJPC (Texas Juvenile Probation Commission) for county based delinquents rather than TYC. He suggested that the County insist that the contract for the kids be with the county and not the corporation (other counties will contract with Hays County). He spoke of one year commitment at a time (county can walk away at any time). In response to Commissioners Carter question, he advised that their legal fee would be included in the financing transaction.0 He spoke of legal fees to be charged are different on a lease/purchase agreement than they are on bonds. Typically there is a 1/2% fee for legal services - paid out of the financing package. The financial feasibility will be represented by the developer. The contract will assure that Hays County will not have any financial obligation for the debt. The burden of getting the juveniles will be the responsibility of the facility operator.

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The county's obligation is to use state funds as they are provided for this purpose. You are required to house your juveniles somewhere. Ed Cooper spoke of never having contracted with TYC - all the kids we get are from counties (short term and long term) - we may want to contract with TYC for added revenue. Tom Polland recommended that the county contract with the individual counties. Commissioner Molenaar asked if Texson could take over operation of the current facility and take over the contract of CCI when that contract expires? Tom Polland felt like that was a possibility. Ed Cooper advised that CCI could take those juveniles with them when their contract expires. Commissioner Carter asked if Tom Polland checked references of Texson. He advised that he was not asked to do so. Commissioner Burnett advised that the committee looked into references. Jacquelyn Collum Murphy advised that she has checked the references and talked to Judges in Sweetwater and Kerr County. Commissioner Carter felt like there was a common link with Recor and Texson. John Bonner, President of Texson Management Group, appeared before the Court and spoke of lawsuit dealing with medical services regarding adult inmates and settlement. Regarding juvenile non-compliance issues, they have been resolved. Judge Warner stated that the Juvenile Board knew of the problems, which are not that uncommon, (spot checks are done periodically by TJPC) and they have an opportunity to correct the problems. Commissioner Burnett advised that the committee recommendation is to enter into contract with Texson. John Bonner spoke of marketing efforts and he recommends that contracting be done with the Hays County Juvenile Board. Commissioner Carter spoke of need for discussions in a public forum in matters affecting the taxpayers. John Bonner spoke of various entities that they contract with at this time and he spoke of revenue stream to pay for debt service. [T1-2140] A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to enter into discussion and accept the recommendations of the Juvenile Detention Facility Committee to enter into negotiation of contract with the Texson Management Group. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

**18042            AUTHORIZE BICKERSTAFF, HEATH & SMILEY TO ASSIST STAFF IN THE NEGOTIATION OF CONTRACTS AND FINANCING DOCUMENTS IN CONNECTION WITH THE PROPOSAL SUBMITTED BY TEXSON MANAGEMENT GROUP, INC. IN RESPONSE TO REQUEST FOR PROPOSAL #99POQ2 – JUVENILE DETENTION FACILITY [T1-2272]**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to authorize Bickerstaff, Heath & Smiley to assist staff in the negotiation of contracts and financing documents in connection with the proposal submitted by Texson Management Group, Inc. in response to request for proposal #99POQ2 – Juvenile Detention Facility. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting “Aye”. Commissioner Carter voting “No”.

**18043            APPROVE AN ORDER AUTHORIZING AND APPROVING THE CREATION OF THE HAYS COUNTY PUBLIC FACILITY CORPORATION, AN ARTICLE 717S NON-PROFIT CORPORATION; APPROVING THE ARTICLES OF INCORPORATION AND BY-LAWS; AND APPOINTING THE BOARD OF DIRECTORS OF THE CORPORATION [T1-2292]**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to approve an order authorizing and approving the creation of the Hays County Public Facility Corporation, an Article 717S Non-Profit Corporation; approving the Articles of Incorporation and By-Laws; and Appointing the Board of Directors of the Corporation – Board of Directors to be Sheriff Don Montague, Chief Juvenile Probation Officer Ed Cooper, and County Court at Law Judge Howard Warner and for the Incorporator to be District Attorney Mike Wenk. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting “Aye”. Commissioner Carter voting “No”.

**AN ORDER OF THE HAYS COUNTY COMMISSIONERS COURT AUTHORIZING AND APPROVING THE CREATION OF THE HAYS COUNTY PUBLIC FACILITY CORPORATION, AN ARTICLE 717S NON-PROFIT CORPORATION; APPROVING THE ARTICLES OF INCORPORATION AND BYLAWS; AND APPOINTING THE BOARD OF DIRECTORS OF THE CORPORATION**

**WHEREAS**, came before the Commissioners Court of Hays County, Texas (the “Court”) on the 17<sup>th</sup> day of August, 1999, the matter of authorizing and approving the creation of a Public Facility Corporation to be known as the Hays County Public Facility Corporation, and approval of the Articles of Incorporation and Bylaws of said corporation.

**WHEREAS**, Art. 717s, T.R.C.S. authorizes the county to create a Public Facility Corporation;

**WHEREAS**, such a corporation would have as its public purpose the facilitation and financing of certain public facilities belonging to the County of Hays (the “County”); and

**WHEREAS**, the Court finds that it is in the public interest and to the benefit of the residents of the County and the citizens of this state that a corporation be created under Article 717s to assist with securing financing and to provide the costs of public facilities of the County, more specifically, the Hays County Juvenile Detention Facility.

**NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS’ COURT OF HAYS COUNTY, TEXAS, THAT:**

**Section 1.** The creation of a public facility corporation pursuant to Art. 717s, T.R.C.S. to be known as the “Hays County Public Facility Corporation” is authorized and approved.

**Section 2.** The proposed Articles of Incorporation and Bylaws of the Hays County Public Facility Corporation, spread on the minutes of this meeting, are approved.

**Section 3.** Don Montague, Ed Cooper, and Howard S. Warner II are hereby appointed to the Board of Directors of the corporation.

**Section 4.** The incorporator is authorized to take all steps necessary or required under Article 717s, T.R.C.S. to establish the Hays County Public Facility Corporation.

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**DISCUSSION REGARDING ASSIGNMENT OF EARNEST MONEY CONTRACT BETWEEN HAYS COUNTY AND JAMES K. WISE REAL ESTATE, INC. DATED AUGUST 6, 1999 TO TEXSON MANAGEMENT GROUP, INC. [T1-2315]**

Tom Polland asked that no action be taken at this time re: assignment of earnest money contract between Hays County and James K, Wise Real Estate Inc. dated 8/6/99 to Texson Management Group Inc. He recommends that the assignment be to the public facility corporation. John Bonner (President of Texson Management Group) advised that they would be willing to take over the contract. Tom Polland suggested postponing action until next Tuesday. Commissioner Burnett felt like we could extend the contract.

**18044            FY2000 BUDGET WORKSHOP AND ACTION [T1-2397]**

Historical Commission - Commissioner Burnett spoke of \$1,000 in printing cost could be budgeted this fiscal year. Bill Herzog advised that they would have to spend the funds this fiscal year. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to cut Special Counsel telephone expense by \$1,000 and put it in the Historical Commissioner printing line item in the FY2000 budget. All present voting “Aye”.** Commissioner Burnett not present for vote.

J.P. Pct. 4 - **A motion was made by Commissioner Molenaar, seconded by Judge Powers to approve increased hours for part-time staff from 20 hours to 25 hours per week for J.P. Pct.4 office. (\$3,000 increase). All voting “Aye”.**

Insurance - Judge Powers spoke of bids received for insurance yesterday - 10% increase was figured into the budget. County Auditor Bill Herzog advised that there appears to be an increase of 54% - \$1.7 mil. for



employee premiums (\$1.2 mil. currently). Judge Powers spoke of negotiating the proposals and/or look at other options. Charlie Johnson spoke of options: they are looking at loss ratios (terrible for this last year) - agent of record needs to be involved in this process. He suggested rejecting the bids and stay on current contract (small penalty) and go out for bids again for six months. He spoke of need to look into self insurance. Judge Powers spoke in support of self insurance plan/ He felt like it gives the incentive to employees to not abuse medical coverage and the county could build up a substantial amount of money to provide other benefits (ie dental, eye care, etc.). Commissioner Burnett spoke of county previously being self insured. Judge Powers stated that the challenge is to have a good re-insurance company. Charlie Johnson spoke of educating your employees about self insurance and let them know that keeping cost down will keep their premiums down. Bill Herzog spoke of \$80,000-90,000 available from previous self insurance program. Bill Herzog felt like premiums would be the same with self insurance but if we have a good year we will keep the surplus for the next year. Purchasing Agent Debbie Bilbrey stated that we do not have time to re-bid insurance (coverage covers Oct through Sept). Charlie Johnson spoke of TPA that takes care of processing claims. Bill Herzog spoke of situation if you use reserve funds to pay for insurance premiums. Britney Richey stated that we can extend our contract but it would be at the new rates.

**18045 VOTE TO PLACE THE PROPOSAL TO ADOPT THE FY2000 TAX RATE ON THE AGENDA OF SEPTEMBER 8, 1999 WITH A PUBLIC HEARING TO BE HELD ON AUGUST 31, 1999 AT 1:30 PM.**

[T1-3161]

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to vote to place the proposal to adopt the FY2000 tax rate on the agenda of September 8, 1999 with a public hearing to be held on August 31, 1999 at 1:30 p.m. All voting "Aye".

**FY 2000 BUDGET DISCUSSION CONTINUED**

County Auditor Bill Herzog spoke of CARTS request for funding a bus .  
CCL Judges Salaries - we paid them the money collected from the State. Bill Herzog advised that their salaries have increased from \$44,000 to \$88,000 in the last four years. There will be a \$10,000 increase in revenue this coming year (\$5,000 per judge).

Court recessed until 1:30 p.m. Commissioner Molenaar called the meeting back to order. Judge Powers was absent.

INSURANCE [T1-3475]

Purchasing Agent Debbie Bilbrey introduced the insurance consultant Doug Miller . She advised that proposals were submitted by Sierra & TAC/BCBS. Doug Miller stated that they do have background in this area and he spoke of working with Comal County and helping them save money negotiating their contract. He spoke of need to determine if there are items that can be negotiated. Are there things that are palpable to the employees and the court to modify the contract (take different approaches). He spoke of Comal ISD insurance where they made minor changes that saved them money. Need to make sure the Sierra network will serve all the employees. He will work quickly with the insurance committee to do an in-depth analysis. Commissioner Molenaar asked if we could increase the co-pay to reduce premiums - proposals appear to have increased \$500,000+. He spoke of need to look at self-insurance program. Britney Richey advised that we can keep what we have on a month to month basis at the new rates. Doug Miller advised that he feels like the proposed rates can still be negotiated. He spoke of expertise his company has in helping government entities determine which route to go (traditional plan or self insured plan). Commissioner Ingalsbe asked about getting monthly claims history. Doug Miller advised that the provider is required to release that information.

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[T2-134] Commissioner Molenaar spoke of 37% increase in Travis County and they negotiated that down to 17%. Michele Tuttle spoke of increasing office visit co-pay and prescription co-pay. Doug Miller spoke of need to determine where the high utilization is - normally the prescription use is not the problem - knowing what fees are acceptable will help them in negotiations (suggested a survey). Commissioner Molenaar spoke in support of increasing co-pays in order to reduce premiums. Commissioner Ingalsbe spoke of some employees that may have a hard time paying increased co-pay. Commissioner Molenaar felt like the increased monthly premium would hurt more than the co-pay. Lorraine Cheeseman spoke of high cost of maternity benefits and that the committee was not opposed to negotiating this benefit. Debbie Bilbrey spoke of McKenna Hospital not on the BCBS HMO and Sierra does include McKenna hospital. Gay Helmly spoke of health department providing employee wellness care which would impact utilization and perhaps reduce costs. Doug Miller stated that he would look into it. Commissioner Molenaar felt like that type of program may help to reduce our claims. Gay Helmly advised that we could try it and see if it would help. Commissioner Ingalsbe spoke of committee suggestion to increase the emergency room visit (currently \$25). Commissioner Carter spoke of limited number of doctors on the HMO plan. She spoke of deductible that could affect the premium. Doug Miller spoke of it being an equation of frequency and severity - the frequency issue (small claims) is hard to deal with and is what drives the rates . Commissioner Carter asked if there was a way to show employees what fees are being paid by insurance. Gay Helmly asked if there is a way to funnel some of our employees through the Health Dept. clinic. Tom Meadows suggested reducing pay raise and fund more on insurance. Bill Herzog advised that if you don't keep your pay scale up you will have to make it up later and you will lose employees. Doug Miller spoke of need for additional input from the insurance committee and then he can work on the utilization analysis and present a plan to the Commissioners' Court. Britney Richey advised that the premiums will be taken out of paychecks in September. Commissioner Molenaar advised that we need to get this going quickly so that the

court can determine if a tax rate increase is necessary. Commissioner Burnett spoke of proposed tax rate that is being advertised. Bill Herzog advised that he has not yet advertised the proposed tax rate and the court can change it at any time prior to advertising on August 22, 1999 or we could bump up the schedule. Commissioner Burnett suggested another budget workshop and re-schedule public hearings. Jacque Jordan spoke of increasing co-pay for prescriptions could create a burden on some employees. The Insurance Committee will meet on Monday August 23 @ 9AM at the courthouse.

Court was adjourned

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

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

\_\_\_\_\_  
LEE CARLISLE,  
H A Y S COUNTY, TEXAS

