



STATE OF TEXAS       □  
COUNTY OF HAYS      □

**ON THIS THE 7<sup>TH</sup> DAY OF MARCH A.D., 2000, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:**

|                                 |                             |
|---------------------------------|-----------------------------|
| <b>JAMES L. POWERS</b>          | <b>COUNTY JUDGE</b>         |
| <b>DEBBIE GONZALES INGALSBE</b> | <b>COMMISSIONER, PCT. 1</b> |
| <b>H. S. "SUSIE" CARTER</b>     | <b>COMMISSIONER, PCT. 2</b> |
| <b>WILLIAM "BILL" BURNETT</b>   | <b>COMMISSIONER, PCT. 3</b> |
| <b>RUSS G. MOLENAAR</b>         | <b>COMMISSIONER, PCT. 4</b> |
| <b>LEE CARLISLE</b>             | <b>COUNTY CLERK</b>         |

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

Judge Powers called the meeting to order and gave the invocation and Commissioner Burnett led the Court in the Pledge of Allegiance to the Flags.

**PRESENTATION OF EMPLOYEE SERVICE AWARDS**

Ernest Garcia & Jerry Borcharding presented the following services pins to employees of the Road Dept: 10 years to Antonio Chavez and 15 years to Samuel Gomez

Sheriff Don Montague presented service pins to the following employees of the Sheriff's Office: 5 years to Jimmy Kidd, Roland Cunningham & Jessie Guerra \* 10 years to Brad Robinson, Lou Turley, & Scott Webber \* 15 years to Garland Harwell & Rosa Guerrero

County Treasurer Michele Tuttle presented a 10 year pin to Britney Richey

**18495       ADOPT PROCLAMATION DECLARING MARCH 2000 AS "AMERICAN RED CROSS MONTH"**

Commissioner Burnett spoke of assistance by the Red Cross during the flooding that occurred in Hays County. Margie Villalpando spoke of efforts to create a Hays County volunteer base. A motion was made by Judge Powers, seconded by Commissioner Burnett to adopt Proclamation declaring March 2000 as "AMERICAN RED CROSS MONTH" in Hays County. All voting "Aye".

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| <p><b>Proclamation by the Hays County Commissioners' Court<br/>Declaring March as American Red Cross Month in Hays County</b></p> <p><b>WHEREAS,</b> the American Red Cross is a humanitarian organization, led by volunteers, that provides relief to victims of disasters and helps people prevent, prepare for, and respond to emergencies; and</p> <p><b>WHEREAS,</b> the American Red Cross also assists families of those who serve in the armed forces, and provides these important humanitarian services that are consistent with its Congressional Charter and the fundamental principles of the International Red Cross; and</p> <p><b>WHEREAS,</b> the American Red Cross is very active in Hays County, having helped countless residents with much needed help during times of flood, fire and other disasters; and</p> |
|---|

**WHEREAS**, March 2000 has been designated by the National American Red Cross as "American Red Cross Month" to raise awareness and funds for the organization as well as educate people as to its mission; and

**WHEREAS**, the citizens of Hays County and their elected officials are grateful for the continuing service of the American Red Cross to this area;

**NOW, THEREFORE, BE IT RESOLVED** that Hays County , acting on behalf of the citizens, proclaims:

**"March 2000 as American Red Cross Month"**

and encourages the community to support this worthy organization.

Adopted this the 7<sup>th</sup> day of March, 2000.

**HAYS COUNTY COMMISSIONERS' COURT MINUTES**



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**2000**

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**MARCH 7,**

**Clerk's Note:** The Court postponed approval of the Commissioners' Court Minutes of February 29, 2000 upon request of Commissioner Carter because she was not able to read them off the internet. Copies are emailed to members of the Court by the Clerk's office as soon as they are completed.

**18496 APPROVE PAYMENT OF COUNTY INVOICES**

A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve payment of county invoices in the amount of \$ 259,675.51 as presented by the County Auditor. All voting "Aye".

|                               |               |                           |              |                           |              |
|-------------------------------|---------------|---------------------------|--------------|---------------------------|--------------|
| License & Permits             | \$ 35.00      | Public Safety Svcs        | \$ 20.00     | Financial Adm Svcs        | \$ 33.73     |
| Fines                         | \$ 307.00     | Expenditure Refunds       | \$ 26.94     | Auditors Office           | \$ 241.97    |
| Treasurers Office             | \$ 1,196.37   | Extension Office          | \$ 448.35    | Grants Admin Office       | \$ 11.45     |
| Juvenile Probation            | \$ 59.83      | Election Admin Office     | \$ 2,946.20  | Comm & Social Services    | \$ 2,083.33  |
| Transfer Station              | \$ 663.19     | Bldg Mtc Dept.            | \$ 8,965.99  | Environmental Health      | \$ 1,612.11  |
| Civic Center                  | \$ 3,687.38   | Countywide Operating      | \$ 33,932.69 | Tax A/C                   | \$ 11,962.59 |
| District Clerks Office        | \$ 171.02     | County Clerks Office      | \$ 414.06    | Sheriffs Office           | \$ 10,357.01 |
| Jail Operations               | \$ 12,892.12  | County Judge's Office     | \$ 71.49     | District Attorneys Office | \$ 169.75    |
| J.P. 1-1                      | \$ 95.56      | J.P. 2                    | \$ 13.59     | J.P. 3                    | \$ 90.35     |
| J.P. 5                        | \$ 235.17     | DPS                       | \$ 927.09    | Constable 3               | \$ 53.85     |
| Constable 4                   | \$ 138.99     | District Court Operations | \$ 8,768.53  | Co & JP Court Operations  | \$ 401.26    |
| Veterans Admin Office         | \$ 186.38     | Computer Services         | \$ 1,255.42  | DPS/L&W                   | \$ 63.32     |
| TJPC CCAP Grant               | \$ 9.00       | Assoc Judge/Family Law    | \$ 294.94    | Animal Control            | \$ 97.10     |
| Special Counsel Office        | \$ 121.94     | Comm Court Expenses       | \$ 130.00    | CJD/VAWA Grant            | \$ 410.40    |
| CAPCO/Waste Task Force        | \$ 12.99      | 911 Address Mtc. Grant    | \$ 325.12    | General Fund Credit       | <\$352.30>   |
| Road & Bridge Operations      | \$ 136,619.35 | Precinct 1                | \$ 60.59     | Precinct 2                | \$ 148.79    |
| Right of Way                  | \$ 138.98     | Road Reconstruction       | \$ 3,780.18  | R&B General Fund Credit   | <\$3,645.40> |
| Sheriff Abandoned Veh Fund    | \$ 64.00      | Rec Mng/Co Clerk          | \$ 224.30    | Records Preservation Fund | \$ 148.95    |
| Health Svcs Grants Fund       | \$ 6,759.17   | Law Library               | \$ 100.00    | Courthouse Security Fund  | \$ 30.00     |
| Sheriffs Drug Forfeiture Fund | \$ 693.27     | Family Health Svcs fund   | \$ 1,223.93  | Tobacco Settlement Fund   | \$ 7,741.13  |

**18497 APPROVE UTILITY PERMITS**

The following Utility Permits were submitted for approval by the Road Department:

| PERMIT # | COUNTY ROAD        | UTILITY COMPANY          |
|----------|--------------------|--------------------------|
| 00-103   | Clovis Barker Road | Reliant Energy Entex     |
| 00-201   | CR202              | County Line Water Co.    |
| 00-202   | Goforth Road/CR157 | Goforth Water Supply Co. |

A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve Utility Permits #00-103, #00-201, and #00-202 as presented by the Road Department. All voting "Aye".

**Clerk's Note:** There were no requests for refunds of overpayment and/or double payments on taxes submitted for approval by the Tax Office.

**18498 THE CLIFFS OF ONION CREEK LOT 4 \* PUBLIC HEARING AND ACTION TO APPROVE CANCELLATION** [T1-185]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Allen Walther, Environmental Health Director, gave staff recommendation for approval of cancellation. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approval cancellation of "The Cliffs of Onion Creek Lot 4". All voting "Aye".

**18499 UPDATE ON THE HAYS COUNTY CIVIC CENTER AND ACTION TO ADVERTISE FOR POSITION OF CIVIC CENTER DIRECTOR** [T1-197]

Tom Ash, Civic Center Manager, advised that he will be leaving Hays County to take a job in Colorado (managing a 29,000 acre ranch). He has enjoyed his job with Hays County and appreciates all the support he has received. He feels like Paul Hernandez and County Extension Agent Billy Kniffen can handle the civic center until the court decides what to do. He feels like the civic center should fall under a county parks department. He recommended a portable flooring system in the arena (\$30,000) which would provide more flexibility for use of the facility - it could be converted easily from arena to dance floor. Should also build an outdoor exercise ring (\$5,000) for a place to warm up the animals before they go into the arena and we could get a lot of the major horse shows that won't now come to the facility. The civic center has been busy lately with fundraisers, etc. He feels like if more money is spent at the civic center, we will get more activity. He spoke of help he has received from the Civic Center Board. Commissioner Burnett spoke of increase in use of the civic center with Tom Ash as Manager. He spoke of time involved in this position and he thanked him for an outstanding job. A motion was made by Judge Powers, seconded by Commissioner Ingalsbe to appoint Paul Hernandez as interim Director of the Civic Center. Motions were withdrawn. A motion was made by Judge Powers, seconded by Commissioner Ingalsbe to advertise for the position of Civic Center Director. All voting "Aye"

**HAYS COUNTY COMMISSIONERS' COURT MINUTES**



**MARCH 7, 2000**

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**UPDATE ON HAYS COUNTY'S HMO (BLUE CROSS/BLUE SHIELD)** [T1-373]

Kevin Dailey advised that BC/BS Executives met with County personnel and others to listen to concerns of employees. Many of the complaints were valid (non-payment of claims) and they have gone out to Doctors in the community and sent out letters of apologizes - providers have been informed that the fault lies with Blue Cross and not with the County of Hays. Blue Cross will waive administrative fee of \$22,000 (a one time check will be issued to the county) as a good faith gesture. They have changed around personnel on the county account. The customer service response time from San Angelo (a new unit) was affected by new personnel and they are now averaging 3.19 minutes - their goal is to be down to 30 seconds for response time. County Treasurer Michele Tuttle thanked Kevin for his assistance. She spoke of meeting that was held - customer service has improved - the majority of cards have been received. She wanted Kevin Dailey to come today so that employees will know that improvements are being made. County Auditor Bill Herzog spoke of sign at his doctors office stating that "if you are insured by HMO Blue, please contact your employer or member services representative. You are paying your premiums and your premiums are not being paid" He took offense to this sign because it sounds like the county is not paying its premiums. Bill Herzog spoke of having a medical/dental

fund where the insurance company check can be deposited. Commissioner Molenaar feels like the money needs to be put back where it came from and he appreciates that Blue Cross Blue Shield is acknowledging the problem and that they are working to solve the problem and for the rebate. Michele Tuttle spoke of support from Kevin Dailey in dealing with problems. Kevin Dailey advised that reports should be available in his office today dating January 1, 1999 – December 31, 1999. Jim Rotan stated that the utilization reports will show breakdown of claims and the top utilizers and will be used to put together bid specs. Should be similar to the PPO report we currently get. Kevin Dailey spoke of inflation in prescription drugs which has driven costs up. He apologized on behalf of Blue Cross HMO and stated that the service is being given full attention.

**18500 APPROVE BID OFFER FOR PROPERTY HELD IN TRUST (DELINQUENT TAX PROPERTY)** [T1-651]

Luanne Caraway, Tax A/C, advised that Lot 76 Woodcreek Sec 11 bid offer has been approved by the Wimberley ISD. The \$850.00 bid would mean a 92% recovery. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve bid offer of \$850.00 for property held in trust – Woodcreek Section 11 Lot 76. All voting “Aye”

**18501 AMEND THE HAYS COUNTY ANIMAL CONTROL ORDINANCE** [T1-664]

Commissioner Molenaar spoke of need to solve problems in Justice of the Peace courts with animal nuisance cases. The proposed amendment will allow the taking of the animal if the nuisance is not eliminated by the owner. All the JP’s support this change. Amendment is to Sec. 8.4 Animals Creating A Nuisance. He went over the proposed changes. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to amend the Hays County Animal Control Ordinance as proposed. All voting “Aye”.

**Proposed changes:**

**Section 8.4. Animals Creating a Public Nuisance.**

- a) In addition to the items contained in Section 2.10 hereof, It may 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 that:~~
  - 1) Excessively makes 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.
  - 4) **Damages the personal or real property of anyone other than its owner.**
  - 5) **Attacks or worries other domestic animals.**
- b) **Any** ~~The~~ animal **that is a public nuisance may will** be **confiscated and** impounded **by the Animal Control Officer** 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 **public** nuisance **caused by the animal**, an owner may claim the animal within ~~this~~ **the 72 hour** time period after paying **in full** all incurred costs and impoundment fees.
- d) Upon failure of the owner to contact the Animal Control ~~Authority~~ **Officer** during ~~that~~ **the 72 hour time** period, the Animal Control Officer may order the animal destroyed without compensation to the owner.
- e) Upon contact with the Animal Control ~~Authority~~ **Officer within the 72 hour time period**, reasonable arrangements may be made to continue to impound the animal, at the owner’s **sole** expense, while a plan to eliminate the **public** nuisance **caused by the animal** is devised **by the owner and approved by the Animal Control Officer.**
- f) **If a plan to eliminate the public nuisance caused by the animal is not submitted within the 72 hour time period, or once submitted, is not approved by the Animal Control Officer, the Animal Control Officer may order the animal destroyed without compensation to the owner.**



**Clerk's Note:** Update on drought and rain conditions in Hays County was pulled from the agenda.

**Court was adjourned.**

**MINUTES APPROVED IN OPEN COURT ON THE 14<sup>th</sup> DAY OF MARCH, 2000.**

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

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

