



MARCH 6, 2001

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VOLUME S PG 47

STATE OF TEXAS ●
 COUNTY OF HAYS ●

ON THIS THE 6TH DAY OF MARCH, A.D., 2000, 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
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	DEPUTY COUNTY CLERK

THE FOLLOWING MEMBER WAS ABSENT: COMMISSIONER PCT. 3 WILLIAM "BILL" BURNETT, WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

19320 ADOPT A PROCLAMATION RECOGNIZING MARCH AS TEXAS INDEPENDENCE MONTH

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to adopt a Proclamation recognizing March as "Texas Independence Month". All present voting "Aye".

PROCLAMATION RECOGNIZING TEXAS INDEPENDENCE MONTH

WHEREAS, Hays County is a vital part of the great State of Texas, and the citizens of this beautiful County have in the past demonstrated great leadership qualities to the benefit of the people of Texas; and

WHEREAS, in order to encourage and promote the education of the general public regarding Texas' Independence and the history of Texas and its people; and

WHEREAS, HAYS COUNTY COMMISSIONERS' COURT encourages all citizens to observe Texas Independence by flying our Lone Star Flag and explain the significance of Texas Independence Day to any and all school age children; and

WHEREAS, March 2nd was **TEXAS INDEPENDENCE DAY**.

NOW, THEREFORE, BE IT RESOLVED that the **HAYS COUNTY COMMISSIONERS' COURT** wishes to promote a general awareness by declaring March as Texas Independence month, a month for all people in our county to celebrate our strengths, our diversity, and our combined history.

WITNESS OUR HANDS SET HERE UNTO as evidenced by our signatures affixed hereto this the 6th day of March 2001.

19321 ADOPT PROCLAMATION DECLARING MARCH AS "AMERICAN RED CROSS MONTH" IN HAYS COUNTY

Steve Chrisman (CEO of the American Red Cross of Central Texas) spoke of celebrating 85 years in central Texas. They are having a fundraiser this month and he spoke of local sponsors. Local Director Margie Villalpando recognized Hays County Fire Marshal Mark Chambers for his work with the American Red Cross locally. On March 22nd there will be a "free throw challenge" at Strahan Colliseum to raise funds. A motion was made by Judge Powers, seconded by Commissioner Molenaar to adopt a Proclamation declaring March as "American Red Cross Month" in Hays County. All present voting "Aye".

PROCLAMATION BY THE HAYS COUNTY COMMISSIONERS' COURT DECLARING MARCH AS AMERICAN RED CROSS MONTH IN HAYS COUNTY

WHEREAS, 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

WHEREAS, the American Red Cross also assists families of those who serve in the armed forces, and provide these important humanitarian services that are consistent with its Congressional Charter and the fundamental principles of the International Red Cross; and

WHEREAS, 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

WHEREAS, March 2001 has been designated by the National American Red Cross as "American Red Cross Month"; and

WHEREAS, the Hays County Branch of the American Red Cross of Central Texas would like to invite all citizens to a "March Free Throw CHALLENGE" fundraising event on March 22 at SWT Coliseum from 10:00 a.m. to 4:00 p.m; 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 its citizens, proclaims: "March 2001 as American Red Cross Month" and encourages the community to support this worthy organization.

Adopted this the 6th day of March 2001



PUBLIC COMMENT

[T1-131] Sam Davis advised that he is not pleased with the idea of doing away with the open forum in Commissioners' Court. He doesn't see where a complaint from a citizen, who is apparently a political zealot - she should not be allowed to do away with his opportunity to talk with the court in an open forum. He felt like if a mistake was made by Commissioner Molenaar, could there be an apology and would she be big enough to accept it. He felt like it would be a bad mistake to not keep it.

DISCUSSION REGARDING AMENDING THE AGENDA GUIDELINES

Judge Powers advised that he would like to pull the Agenda Guidelines off the agenda today and allow staff additional time to rethink some issues – the court has no intention to limit public comment. We have done a lot of work on the guidelines and he feels like more work is needed. Commissioner Carter wanted to share with the court today some information she got from a constituent even though the court is not ready to vote on it. Judge Powers stated that he wants to make sure we are better prepared – more work is needed and he wants to address it all at once. Commissioner Molenaar advised that we are not eliminating the public comment section of the agenda – we are reviewing it because we have an Attorney General's Ruling on what we need to do and how we need to do it. There has always been public comment on any agenda item we have. Commissioner Carter spoke of article in the Austin American Statesman from State Attorney General - she feels like we should leave public comments open and let people speak on what ever they want. She does not feel like backup is necessary for the public or commissioners. Judge Powers advised that we are going to bring scenarios from other governmental entities to the table and revisit this issue. Commissioner Molenaar spoke of problem with public comments is not being able to respond to the public. He read part of JPO169. Judge Powers tabled this item for a future meeting.

19322 APPROVE THE COMMISSIONERS' COURT MINUTES OF FEBRUARY 27, 2001

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve the Commissioners' Court Minutes of February 27, 2001 as presented by County Clerk Lee Carlisle. All present voting "Aye".

19323 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve payment of county invoices in the amount of \$ 282,724.23 as presented by the County Auditor. All present voting "Aye".

State Shared Revenue	\$ 1.52	Public Safety Services	\$ 653.25	Fines	\$202.00
Sales & Auctions	\$ 18.48	Auditor's Office	\$ 477.15	Treasurer's Office	\$ 1,403.63
Extension Office	\$ 337.40	Grants Administration	\$ 64.47	Juvenile Probation	\$ 843.72
Indigent Care	\$ 6,872.73	Bldg Mtc Dept.	\$ 14,478.87	Environmental Health	\$ 403.45
Civic Center	\$ 376.25	Countywide Operating	\$ 117,794.36	Tax A/C Office	\$ 489.05
Sheriff's Office	\$ 7,537.50	Jail Operations	\$ 32,181.29	County Judge's Ofc	\$ 21.89
Co Court at Law 1	\$ 68.31	District Attorney's Ofc	\$ 186.05	J.P. 1-1	\$ 23.19
J.P. 1-2	\$ 431.99	J.P. 2	\$ 13.59	J.P. 3	\$ 90.35
J.P. 4	\$ 284.63	J.P. 5	\$ 94.35	Dept of Public Safety	\$ 434.16
Constable 1	\$ 321.00	Constable 2	\$ 63.22	Constable 4	\$ 70.68
Constable 5	\$ 139.86	District Court Oper	\$ 18,636.96	Co & JP Court Oper	\$ 4,272.54
Veterans Adm Office	\$ 23.30	Computer Services	\$ 5,591.32	TJPC Salaries Grant	\$ 742.00
DPS/License & Weights	\$ 71.16	TJPC CCAP Grant	\$ 387.25	Assoc Judge/Family Law	\$ 50.00
Special Counsel Ofc	\$ 26.80	Comm Court Expenses	\$ 17.99	TJPC/Juv Justice Alt Ed	\$ 99.95
Road & Bridge Oper	\$ 44,911.41	Precinct 2	\$ 253.58	Precinct 3	\$ 385.00
General Fund Credit	<\$82.10>	Rec Mng/Co Clerk	\$ 105.11	Health Svcs Grants	\$ 2,583.05
Law Library Fund	\$ 136.08	Sheriff's Drug Forf Fund	\$ 5,500.91	Family Health Svcs Fund	\$ 7,312.25
Court Reporters Svc	\$ 400.00	Cedar Oaks Mesa Water	\$ 2,136.00	Equip & Tech Fund	\$ 2,831.03

19324 APPROVE BUDGET AMENDMENT #01-15

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Budget Amendment No. 01-15 as proposed by the County Auditor. All present voting "Aye".



				AMENDMENT NO. <u>2001-15</u> FY 2001 BUDGET 3-06-01
FUND NO. <u>01</u>				
FUND TITLE <u>GENERAL FUND</u>				
<u>LINE ITEM - EXPENDITURES</u>	APPROPRIATION BEFORE	<u>AMENDMENT</u>		APPROPRIATION AS
	<u>AMENDMENT</u>	<u>INCREASES</u>	<u>DECREASES</u>	<u>AMENDED</u>
JUSTICE OF THE PEACE 5 (429):				
01-429-5335 Time Payment Expense	1,600		(1,355)	245
COMPUTER SERVICES (456):				
01-456-5712 Data Processing Equipment	59,700	<u>1,355</u>		61,055
		<u>1,355</u>	<u>(1,355)</u>	
<i>Authorize and transfer for laptop computer cost</i>				
ENVIRONMENTAL HEALTH (411):				
01-411-5061 Longevity	1,440	60		1,500
ELECTIONS ADMINISTRATION (406):				
01-406-5061 Longevity	1,655		(60)	1,595
COMPUTER SERVICES (456):				
01-456-5061 Longevity	1,420	160		1,580
JUSTICE OF THE PEACE 5 (429):				
01-429-5061 Longevity	1,340		(160)	1,180
SHERIFF OFFICE (418):				
01-418-5061 Longevity	23,675	500		24,175
DOJ/COPSHIRE #3 (711):				
01-711-5061 Longevity	945		(60)	885
DOJ/COPSHIRE #2 (712):				
01-712-5061 Longevity	2,986		(580)	2,406
AUTO THEFT TASK FORCE (714):				
01-714-5061 Longevity	505		(250)	255
ANIMAL CONTROL (494):				
01-494-5061 Longevity	330	390		720
TJPC/JUVENILE PROBATION (463):				
01-463-5061 Longevity	4,928		(905)	4,023
TJPC/CCAP GRANT (489):				
01-489-5061 Longevity	900	<u>905</u>		1,805
		<u>2,015</u>	<u>(2,015)</u>	
<i>Transfer to balance Longevity – Budget to actual payment</i>				
FUND NO. <u>10</u>				
FUND TITLE <u>HEALTH SERVICES GRANTS FUND</u>				
<u>LINE ITEM - EXPENDITURES</u>	APPROPRIATION BEFORE	<u>AMENDMENT</u>		APPROPRIATION AS
	<u>AMENDMENT</u>	<u>INCREASES</u>	<u>DECREASES</u>	<u>AMENDED</u>
TDH/IMMUNIZATION GRANT (708):				
10-708-5219 Supplies	4,562	1,500		6,062
10-708-5021 Staff	121,600		(1,500)	120,100
<i>Transfer for needed expense from personnel savings</i>				
10-708-5061 Longevity	80	180		260
10-708-5160 Insurance	13,931		(55)	13,876
PERSONAL HEALTH (412):				
35-412-5061 Longevity	1,825		(125)	1,700
		<u>1,680</u>	<u>(1,680)</u>	

19325 APPROVE REFUND OF DOUBLE PAYMENTS AND/OR OVERPAYMENTS ON TAXES

Tax Assessor-Collector Luanne Caraway submitted the following applications for refund of double payments and/or overpayments on taxes:

Village @ Springtown #209 Bldg B	\$ 1,159.30	DP	Village @ Springtown #209 Bldg B	\$ 1,325.80	DP
5.01 ac. James Williams Survey	\$ 1,136.95	OP	The Overlook Section 1 Lot 4	\$ 3,010.72	DP
Thermon Ind Pk #2 Unit #1 Lt 2 Blk 2	\$ 736.88	DP	Saddleridge Section 2 Lot 87	\$ 1,754.97	DP
Riverbend Ranch Section 1 Lot 21	\$ 1,690.63	OP	2.513 ac Edward W. Brown Surv	\$ 1,939.75	OP
Leisurewoods #5 Lot 15 Block L	\$ 2,871.38	DP	Springlake Lot 41	\$ 2,471.51	DP
Springlake Lot 105	\$ 2,433.20	OP	Hays Cntry Oaks Sec 2 Blk D Lt 6	\$ 4,563.55	DP
Creekside Park Section 1 Blk E Lot 29	\$ 2,735.98	DP	Grande Prairie Lot 24	\$ 1,112.44	DP
Villas of Brookmeadow Lot 16	\$ 1,853.09	DP	J. B. Wilson Blk 4 All Lots	\$ 1,182.41	DP
Ruby Ranch Ph 3 Blk E Lot 8	\$ 764.90	DP	S. F. McAllister Add Lot 2 Pt Lt 3	\$ 1,668.76	DP
Plum Creek Ph I Sec 1-B Blk H Lot 15	\$ 1,685.86	DP	Z. Williamson #3 Resub Lot 241	\$ 1,913.60	DP
Steeplechase Ph 3 Sec 2-A Blk G Lt 6	\$ 292.01	DP			

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve refund of double payments and/or overpayments on taxes as submitted by the County Tax Assessor-Collector. All present voting "Aye".



19326 APPROVE APPOINTMENT OF PAUL KASKIE TO FILL VACANCY ON NORTHEAST HAYS COUNTY RURAL FIRE PREVENTION DISTRICT BOARD OF DIRECTORS

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve appointment of Paul Kaskie to fill a vacancy (replace Vicente Sandoval) on Northeast Hays County Rural Fire Prevention District Board of Directors. All present voting "Aye".

19327 APPROVE OCTOBER AND NOVEMBER 2000 TREASURER'S REPORT

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve October and November 2000 Treasurer's Report. All present voting "Aye". [See reports in Resolution File]

19328 GRANT A VARIANCE FROM PLATTING REQUIREMENTS TO LYNDON & DARLENE SMITH [01-4-023] RE: (68.204 ACRES RALPH E. SEVEY SURVEY) [T1-338]

Environmental Health Director Allen Walther advised that Lyndon & Darlene Smith own 68.204 acres off County Road #165 and they want to convey acreage (approximately 2 acres) to their daughter. CR165 was re-aligned and they lost direct access on that public roadway (access is now via a recorded easement). Staff recommends granting the variance. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to grant a variance from platting requirements to Lyndon & Darlene Smith for a two acre ± parcel out of an original 68.204 acre tract located off CR165. All present voting "Aye".

19329 THE OVERLOOK @ THE HILLS OF TEXAS AMENDED [01-04-022] * APPROVE FINAL PLAT AND RELEASE ROAD CONSTRUCTION SECURITY (LETTER OF CREDIT) [T1-364]

Environmental Health Director Allen Walther spoke of this being a revised plat with no changes to configuration of lots - the roads are going from public to private and no maintenance bond is required for private roads. He gave staff recommendation for approval of final plat and release of road construction security. Commissioner Carter asked about statement that they will not come back and ask for roads to become public. Allen Walther advised that there is no requirement for such a statement. Commissioner Molenaar advised that they would have to bring the roads up to county standards before they could ever be accepted in the future. A motion was made by Commissioner Molenaar, seconded by Judge Powers to approve final plat of "The Overlook @ the Hills of Texas Amended" and release the road construction security (Letter of Credit). All present voting "Aye".

19330 GREAT HILLS SECTION 1-A [01-02-013] * APPROVE FINAL PLAT [T1-400]

Environmental Health Director Allen Walther advised that this subdivision is the result of a partial vacation in the Railyard Subdivision (Lots 1-3 Blk B). This section of Great Hills creates 8 lots and a roadway (Stag Horn Pass) which connects to Great Hills Section 1. He gave staff recommendation for final approval of final plat. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve final plat of "Great Hills Section 1-A". All present voting "Aye".

19331 HARRIS SUBDIVISION [01-4-019] * APPROVE FINAL PLAT

This is a two lot subdivision (6 + acre lots) being developed by Calvin Harris on Gatlin Creek Road. Environmental Health Director Allen Walther gave staff recommendation for approval of final plat. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve final plat of "Harris Subdivision". All present voting "Aye".

19332 FLORENCE A. TURCK ESTATES [01-04-001] * APPROVE PRELIMINARY PLAT [T1-427]

This is a two lot subdivision – Lot 1 = 5.45 acres with access on U.S. Highway 290 and Lot 2 = 3.00 acres with access on Oak Branch Drive. Environmental Health Director Allen Walther gave staff recommendation for preliminary plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve preliminary plat of "Florence Turck Estates". All present voting "Aye".

19333 DOUGLAS ESTATES RESUB OF LOT 37B [01-04-020] * APPROVE PRELIMINARY PLAT [T1-438]

This is a 5.08 acre lot that is being divided into two lots by property owner Mark R. Green. Environmental Health Director Allen Walther gave staff recommendation for approval of preliminary plat. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve preliminary plat of "Douglas Estates Resubdivision of Lot 37B". All present voting "Aye".



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19334 CALL FOR A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS ON WILLIAMSON ROAD ON MARCH 20, 2001 [T1-450]

No records can be located that indicate speed limits have ever been officially set for Williamson Road. Proposed speed limit is 30MPH. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to call for a public hearing to establish traffic regulations on Williamson Road to be held March 20, 2001. All present voting "Aye".

19335 CALL FOR A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS AT THE INTERSECTION OF DOVE DRIVE AND PRICKLY PEAR IN COVES OF CIMARRON ON MARCH 20, 2001 [T1-470]

A 3-Way STOP sign is being proposed for the intersection of Dove Drive and Pricky Pear in the Coves of Cimarron Subdivision. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to call for a public hearing to establish traffic regulations at the intersection of Dove Drive and Pricky Pear in Coves of Cimarron to be held on March 20, 2001. All present voting "Aye".

19336 APPROVE SUPPORT FOR A BILL AMENDING SECTION 231.222, LOCAL GOVERNMENT CODE AND INITIATE PUBLIC NOTICE FOR A LOCAL BILL [T1-477]

Environmental Health Director Allen Walther advised that this bill has now been filed (SB1070) - it will give Hays, Hood, and Fort Bend counties additional regulatory authority over development in the unincorporated areas (density). This bill received favorable support from a group concerned about development in this area. He recommended support of the bill by the Commissioners' Court. Commissioner Carter spoke of there being another bill proposed by Rep. Lindsay - she felt like additional wording is needed to exempt agricultural areas. Judge Powers advised that he is on the "Recovery of the Salamander" Committee and he spoke of his role on this committee and discussions that were had - there are several bills out there to give counties authority, however, this bill will be easier to get passed and this bill will do more to change county government and allow them to control county growth. Allen Walther advised that we will develop rules on a local level if this bill is approved. Commissioner Ingalsbe advised that she will be putting the Lindsay Bill on the agenda on March 20th. Judge Powers advised that he has discussed this bill with local Mayors. A motion was made by Judge Powers, seconded by Commissioner Carter to support Bill amending Section 231.222 Local Government Code and initiate public notice for a local bill. All present voting "Aye".

**A BILL TO BE ENACTED
AN ACT**

Relating to development regulations in certain counties.

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

SECTION 1. Section 231.222, Local Government Code, is amended to read as follows:

Section 231.222. Areas Subject to Regulation. This subchapter applies to the unincorporated areas of Fort Bend, Hays, and Hood County.

SECTION 2. Section 231.223. Local Government code, is amended to read as follows:

Section 231.223. Development Regulations Generally. The Commissioners Courts of Fort Bend, Hays, and Hood County may regulate:

- (1) the percentage of a lot that may be occupied or developed;
- (2) population density;
- (3) the size of buildings;
- (4) the location, design, construction, extension, and size of streets and roads;
- (5) the location, design, construction, extension, size and installation of water and wastewater facilities, including the requirements for connecting to a centralized water or wastewater system;
- (6) the location, design, construction, extension, size, and installation of drainage facilities and other required public facilities;
- (7) the location design, and construction of parks, playgrounds, and recreational areas; and
- (8) the abatement of harm resulting from inadequate water or wastewater facilities.

SECTION 3. This act takes effect September 1, 2001

19337 APPROVE SPECIFICATIONS FOR ROAD BUILDING MATERIALS (3 X 5 ROCK) AND AUTHORIZE PURCHASING TO SOLICIT FOR BIDS [T1-609]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve specifications for road building materials (3X5 rock) and authorize purchasing to solicit for bids. All present voting "Aye".



19338 ACCEPT BIDS ON PROPERTY HELD IN TRUST [DELINQUENT TAX PROPERTY] [T1-621]

County Tax Assessor-Collector Luanne Caraway spoke of \$6,500.00 bid received for Lot 4 Block 5 C. D. Wallace Subdivision in the City of San Marcos (located at 208 Tampico Street). San Marcos CISD has approved this bid which reflects a 52% recovery. She made a recommendation for acceptance. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to accept bid of \$6,500.00 for Lot 4 Block 5 C. D. Wallace Subdivision (property held in trust). All present voting "Aye".

Luanne Caraway spoke of \$3,000.00 bid received for Lot 333 Block 27 Westover Addition in the City of San Marcos (located at 1002 Bishop Street)– this bid reflects an 11% recovery. The City of San Marcos has issued a Notice of Unsafe Building on this lot and bidder will be tearing down this structure. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to accept bid of \$3,000 for Lot 333 Block 27 Westover Addition (property held in trust). All present voting "Aye".

19339 AWARD POTHOLE PATCHER TO WILDCAT MFG. CO., INC. [T1-659]

Bids were received from Closner Equipment Co., Inc. – San Antonio, Tx. = \$117,485 and Wildcat – Freeman, South Dakota = \$133,576.19. Road Supt/Eng. Jerry Borcharding advised that staff has looked into this pothole patcher and this is the one they want to purchase. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to award pothole patcher to Wildcat Mfg. Co., Inc. in the amount of \$133,576.19 with optional distributor (\$2400). All present voting "Aye".

19340 ACTION TO ABSORB "BOND CREW" EMPLOYEES INTO VACANT SLOTS IN THE ROAD DEPARTMENT AND ADDITIONAL POSITION CHANGES [T1-706]

County Auditor Bill Herzog spoke of saving of \$5,000 in the budget by making the proposed changes. Road Supt./Engineer Jerry Borcharding advised that he would like to make two changes to his proposal: the first slot on the transfer should have read "Lead" instead of "Senior" at Grade 26 instead of Grade 23 and allow trade of a specialist slot for another senior slot (this would use the \$5,000 savings but would not go over the budget). A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve changes to Road Department Personnel as requested by Road Superintendent/Engineer Jerry Borcharding. All present voting "Aye".

Change title of Road Administrator slot to Operations Superintendent
 Change title of Planning Assistant slot (Grade 26 Step 1) to RMW Lead (Grade 26 Step 1)
 Combine 2 RWM Specialist slots (Grade 20 Step 1) into a RMW Senior slot (Grade 23 Step 2)
 Combine 2 RWM Specialist slots (Grade 20 Step 1) into a Foreman slot (Grade 30 Step 4)
 Direct transfers include the following:
 Senior Lead Slot (Grade 26 Step 1) filled by Picasso (Grade 26 Step 3)
 Senior slot (Grade 23 Step 1) filled by Saucedo (Grade 23 Step 3)
 Senior slot (Grade 23 Step 1) filled by Nevarez (Grade 23 Step 6)
 Senior slot (Grade 23 Step 1) filled by Fratioelli (Grade 23 Step 7)
 Senior slot (Grade 23 Step 1) filled by Trinidad (Grade 23 Step 2)
 Senior slot (Grade 23 Step 1) filled by Martinez (Grade 23 Step 4)
 Specialist slot (Grade 20 Step 1) filled by Torres (Grade 19 Step 1)
 Specialist slot (Grade 20 Step 1) filled by Aviles (Grade 20 Step 6)
 Specialist slot (Grade 20 Step 1) filled by Quiroga (Grade 19 Step 1)

19341 ADOPT A RESOLUTION IN SUPPORT OF SENATE BILL NO. 816, AMENDING SECTION 623.092 OF THE TRANSPORTATION CODE [T1-768]

Commissioner Molenaar spoke of conversations with Senator Armbrister regarding moving of mobile homes that are causing damages on county roads –new legislation will require mobile home movers to contact the court (or Road Dept.) when they use county roads and be responsible for damages. He spoke of incidents that have occurred in his precinct. A bill has been written to amend Section 623.092 of the Transportation Code (he read from the bill) which requires permitting. Tax Assessor-Collector Luanne Caraway spoke of a bill requiring permitting for tax purposes. Commissioner Ingalsbe spoke of help that could be obtained from the Constable offices. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to adopt a resolution in support of Senate Bill No. 816 amending Section 623.092 of the Transportation Code. All present voting "Aye".

***A Resolution of the Commissioners' Court of Hays County, Texas
 Requesting the State Legislature approve SB 816***

WHEREAS, a primary responsibility of Texas Counties is to protect the health and safety of their residents and to maintain the county road system, and
WHEREAS, counties are seeing increased damages to roads, bridges, drainage facilities, fences, trees, and private property as a result of the transport of unregulated oversize manufactured houses, and
WHEREAS, increasing numbers of citizens complaints indicate that county roads are being unlawfully blocked or closed by these oversize manufactured houses, prohibiting passage of emergency vehicles and school buses, and
WHEREAS, counties desire to cooperate with the Texas Department of Transportation and local law enforcement officials to provide safe and efficient routing of legally permitted oversize manufactured houses,
NOW, THEREFORE, BE IT RESOLVED THAT THE COMMISSIONERS' COURT OF HAYS COUNTY REQUESTS THAT THE TEXAS LEGISLATURE APPROVE SENATE BILL 816 AMENDING SECTION 623.092 OF THE TRANSPORTATION CODE ALLOWING COUNTIES TO REQUIRE A PERMIT, BOND, FEE, OR LICENSE, IN ADDITION TO THAT REQUIRED BY STATE LAW FOR THE MOVEMENT OF A MANUFACTURED HOUSE.



STAFF REPORT: Judge Powers advised that a special meeting will be held on Friday to consider cancellation of meeting scheduled for March 13th

STAFF REPORT RELATING TO THE PROPOSED INTERLOCAL AGREEMENT WITH THE CITY OF NEIDERWALD RELATING TO SUBDIVISION REGULATION, ETC.

[T1-970] Special Counsel Jacqueline Cullom Murphy advised that a legal opinion has been received from David Brooks:

Jim Powers
Hays County Judge
San Marcos, Texas

Dear Judge Powers:

I have been asked to review the legality of a proposed interlocal agreement with the city of Niederwald. I have done so, as well as the pertinent statutory provisions in the Local Government Code and the Interlocal Cooperation Act, appearing as chapter 791 of the Government Code. The proposed agreement purports to bestow authority on Niederwald to approve, under the city's subdivision ordinance, subdivision plats that lie partially within Niederwald's extraterritorial jurisdiction and partially outside the ETJ. It is my opinion that the proposed agreement cannot expand the regulatory powers of Niederwald in this manner.

The Local Government Code clearly states that a municipality cannot "regulate or approve the filing of plats" outside the ETJ, except as may be allowed by the Interlocal Cooperation Act Section 242.001(d). This language was added in 1983 by legislation that substantially amended the subdivision statutes. Among other things, this 1983 legislation clarified that plats within the ETJ require the approval of both the city and the county and that where in conflict the "more stringent" applies.

The Interlocal Cooperation Act does not allow a contracting party to expand its substantive powers by agreement. An agreement must be one in which both parties are "mutually interested". Government Code Section 791.003(3)(N). by statute, Niederwald has no legal interest in plats outside the ETJ. The Act further states that any agreement for the performance of a governmental function or service must be one that "each party to the contract is authorized to perform individually". Section 791.011(c) (2). Absent the agreement, Niederwald individually would have no authority to approve plats outside its ETJ. The troubling language in Section 242.001 - "except as provided by The Interlocal Cooperation Act" - contemplates an arrangement whereby one city is contracted with to approve plats on behalf of another under the latter's substantive plat regulatory authority. For example, Hays County could contract with Niederwald for assistance in approving plats outside the ETJ under the county's regulations on the theory that Niederwald has general authority to approve plats. Or more likely, a central hub city like Houston might contract with smaller communities in the area for approving plats outside Houston's ETJ under the subdivision ordinances of the smaller communities for the reason perhaps that the smaller communities lack the trained staff required for plat approvals.

In summary, I believe it is clear that Niederwald cannot extend its subdivision ordinance past its ETJ under the proposed agreement or under any scenario.

Best regards,

s/David B. Brooks

Judge Powers spoke of a bill that will give counties more authority and will take care of issues like this. Commissioner Molenaar spoke of interlocal agreement statute. Cities have more powers in some areas than counties do. No action taken.

19342 EXECUTIVE SESSION PURSUANT TO SECTION 551.072, TEXAS GOVERNMENT CODE, TO DISCUSS THE SALE OF REAL PROPERTY KNOWN AS THE "OLD HOSPITAL PROPERTY" WITH ACTION TO REJECT BID OFFER [T1-1056]

The court convened into closed executive session to discuss the sale of real property known as the "old hospital property" (8.57 ac) located on IH35 North in San Marcos, Texas. Upon completion of the closed session, the court reconvened into open meeting. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to reject bid offer in the amount of \$ 746,618.40 as recommended by the county's Real Estate Agent. All voting "Aye".



Judge Powers was not able to attend the afternoon session of Commissioners' Court, therefore, Commissioner Molenaar (Senior Court Member) presided over the remainder of the meeting.

DISCUSSION REGARDING A FEE COLLECTION PROGRAM (1:30 pm) [T1-1069]

Commissioner Molenaar spoke of difficulty in collecting probation fees and restitution in the courts. District Clerk Cecelia Adair introduced Russ Duncan, Kerr County Courts Collection Officer, and Jim Lehman, from the Office of Court Administration. Mr. Duncan spoke of collections on court cases and locating people who owe money. He spoke of defendants that do not have all the money they need when they appear in court - they are sent to the collections officer -- 50% is due in 48 hrs and the remainder is due in 60-90 days. He spoke of getting a list of people on parole - part of their parole agreement contains money that is due - they are put on a payment agreement - a writ is issued if payment is not made. He spoke of outsourcing court collections - you lose a lot of control and you have to generate a list for the collection company. In Kerr County they allow use of a credit card using a 1-800 number - the defendant pays the fee charged by the credit card company and not the county. He spoke of using a digital camera to photograph the defendant at time of filling out the payment agreement and that photo is provided to the Probation Dept. He spoke of warrants working hand-in-hand with collections. Cost of collection program depends on what you want to spend - it might take 1.5 - 2 people for a county the size of Hays County. He spoke of computer programs that help to locate people and they are a member of the credit bureau. He can find some people by running their social security number (through the Texas Workforce Commission) - a \$25 contract. Cecelia Adair advised that the county would have to hire a person who could collect for all the county departments. Mr. Duncan advised that in Kerr County he puts people on payment agreements and follows up to make sure that payments are being made - he does not collect the money (the clerk's office takes the payments). [T1-1550] Commissioner Molenaar advised that he does understand the program and he spoke of his experience in law enforcement. Mr. Duncan advised that he also helps law enforcement locate people. He spoke of using the weekly county court docket and he distributes it to other county offices (sharing information). [T1-1643] Jim Lehman (OCA) spoke of purpose of the Office of Court Administration to assist counties. As a Collector, his responsibility is to encourage people to pay what they owe. Collection approaches: (1) Pro-Active and (2) Re-Active. He advocates a Pro-Active approach to collection. Re-Active is responsive (action occurs after default), Recovery (damage control), timely follow-up & enforcement, reduced effectiveness, passive perception, and pros & cons. Pro-Active approach: preventive (definitive action taken to deter default), qualification (standards established for acceptance), Clarification (clear and precise dissemination of responsibility & consequence), swift follow up & enforcement, aggressive perception, pros & cons. 6 common reasons for non-payment: negligent, confused (70%), temporary financial difficulty, seasonal, unexpected disaster, deliberate (10%). The problem: presumption "can't pay" = low priority, random set terms = perception/inconsistent, weak follow up = high default rate, warrant = expensive and ineffective. The solution : prioritize fines/costs, uniform collection policy, clear line of responsibility, firm realistic goals and targets, immediate response to default, severe and timely sanctions for default, and realistic enforcement options. Consequences are good for us - we learn by our mistakes. Russ Duncan spoke of CSR (Community Service Restitution) programs (must wear a vest to identify them) to pay off money owed. Keys to success: total judicial commitment, simplicity, communication & cooperation, and quality staffing. A fine is punishment for a crime only if it is collected. Jim Lehman advised that he is available free of charge to the county to set up a program.

Court was adjourned.

MINUTES APPROVED IN OPEN COURT ON THE _____ DAY OF MARCH, 2001.

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

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

