



JUNE 19, 2001

VOL S PG 157

STATE OF TEXAS *
*
COUNTY OF HAYS *

ON THIS THE 19th DAY OF JUNE, A.D., 2001, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

19559 APPROVE THE COMMISSIONERS' COURT MINUTES OF JUNE 12, 2001

A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve the Commissioners' Court Minutes of June 12, 2001 as presented by the County Clerk. All voting "Aye".

19560 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 \$281,306.42 as presented by the County Auditor. All voting "Aye".

Public Safety Services	\$ 120.00	Fines	\$ 156.00	Auditor's Office	\$ 850.53
Treasurer's Office	\$ 2,197.08	Extension Office	\$ 1,579.21	Juvenile Probation Ofc	\$ 1,364.08
Election Administration Ofc	\$ 199.94	Indigent Care	\$ 4,399.71	Bldg Mtc. Dept.	\$ 9,310.75
Environmental Health	\$ 1,029.95	Civic Center	\$ 95.55	Countywide Operating	\$ 52,467.31
Tax Assessor-Collector Ofc	\$ 672.34	District Clerk's Office	\$ 482.84	Sheriff's Office	\$ 22,365.83
Jail Operations	\$ 42,735.03	County Judge's Office	\$ 239.31	County Court at Law 1	\$ 452.83
District Attorney's Office	\$ 1,185.07	Justice of the Peace 1-1	\$ 145.00	Justice of the Peace 1-2	\$ 340.53
Justice of the Peace 2	\$ 139.00	Justice of the Peace 4	\$ 145.00	Justice of the Peace 5	\$ 19.95
Constable 1	\$ 107.00	Constable 3	\$ 11.84	Constable 4	\$ 13.30
Constable 5	\$ 188.23	District Court Operations	\$ 1,148.90	Co & JP Court Operations	\$ 2,395.55
Veteran's Adm Office	\$ 727.09	Computer Services	\$ 12,780.08	DPS/License & Weights	\$ 195.10
Fire Marshal/EMC	\$ 471.72	District Court Reporters	\$ 753.20	TJPC CCAP Grant	\$ 1,670.17
Assoc. Judge/Family Law	\$ 38.41	Comm Court Expenses	\$ 340.50	CDJ/VOCA Grant	\$ 496.15
CJD/VAWA Grant	\$ 16.94	CJD/Truancy Officer	\$ 696.32	CAPCO/911 Adrs Mtc Grant	\$ 87.88
General Fund Credit	<\$607.04>	Hays Co Parks Fund	\$ 52.81	Rec Mng/Co Clerk	\$ 9,919.47
Co Records Preservation	\$ 423.00	Health Services Grants	\$ 4,209.57	Law Library Fund	\$ 954.50
Sheriff Special Projects	\$ 69.02	Courthouse Security	\$ 29.95	Sheriffs Drug Forfeiture Fund	\$ 2,657.02
Family Health Services Fund	\$ 2,499.55	DOJ/Equip & Tech Fund	\$ 322.73		

19561 APPROVE BUDGET AMENDMENT #01-27

A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve Budget Amendment #01-27 as proposed by the County Auditor. All voting "Aye".

AMENDMENT NO. 2001-27 FY 2001 BUDGET 6-19-01				
FUND NO. 01 FUND TITLE GENERAL FUND				
LINE ITEM - EXPENDITURES	APPROPRIATION	AMENDMENT		APPROPRIATION
	BEFORE	INCREASES	DECREASES	AS AMENDED
DISTRICT CLERK (416):				
01-416-5213 Books	100	200		300
01-416-5489 Telephone	4,500		(200)	4,300
<i>Transfer for needed expense</i>				
JUVENILE PROBATION (405):				
01-405-5271 Fuel	2,750	1,500		4,250
01-405-5160 Insurance	5,000		(1,500)	3,500
<i>Transfer Personnel savings for needed expense</i>				



				AMENDMENT NO. 2001-27 FY 2001 BUDGET 6-19-01
FUND NO. 01 FUND TITLE GENERAL FUND				
	APPROPRIATION BEFORE	AMENDMENT		APPROPRIATION AS
LINE ITEM - EXPENDITURES	AMENDMENT	INCREASES	DECREASES	AMENDED
NRCS/DAM SITE 5 GRANT (723):				
01-723-5621 Engineering	4,000	4,563		8,563
01-723-5611 Construction	22,358		(1,526)	20,832
REVENUES:				
01-381-2723 Federal NRCS/Dam 5	84,000	DECREASE:	INCREASE:	87,037
		<u>4,563</u>	<u>3,037</u>	
			<u>4,563</u>	
<i>Adjust for additional revenue per Agency for expense close out</i>				

19562 APPROVE UTILITY PERMITS #01472-01474

The following Utility Permits were submitted for approval:

Utility Permit #	Road #/Name	Utility Company
01472	Bonham Ranch Road	Pedernales Electric
01473	CR152/Heidenreich Road	General Telephone Co. of SW
01474	Leveritts Loop	Time Warner Cable

A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve Utility Permits #01472, #01473, & #01474 as submitted by the Road Department. All voting "Aye".

19563 APPROVE REFUND OF DOUBLE PAYMENT ON TAXES

The following application for refund of double payment of taxes was submitted for approval: Lot 23 Blue Creek Ranch = \$3,920.49. A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve refund of double payment on taxes as submitted by the County Tax Assessor-Collector. All voting "Aye".

19564 APPROVAL OF SPECIFICATIONS FOR ROAD BUILDING MATERIALS AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve specifications for road building materials and authorize the Purchasing Department to solicit for bids and advertise. All voting "Aye".

Clerk's Note: Agenda Item #8 Re: APPOINTMENT OF BRITNEY RICHEY AS DEPUTY TREASURER was pulled – no discussion and no action taken.

19565 RESUBDIVISION OF THE WOODLANDS LOT 5 [PCT. 4 #01-4-029] * PUBLIC HEARING AND APPROVE FINAL PLAT [T1-46]

Judge Powers declared the public hearing open - no public input was received and the public hearing was closed. Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve final plat of "Resubdivision of Lot 5 The Woodlands". All voting "Aye".

19566 SAWYER RANCH, SECTION 5 [PCT. 4 #01-4-07] * APPROVE FINAL PLAT [T1-57]

Environmental Health Director Allen Walther advised that this is a phase development and this is the last section of the subdivision - he gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve final plat of "Sawyer Ranch Section 5". All voting "Aye".

19567 REPLAT OF HIDDEN CREEK LOTS 17-20 [PCT. 4 #01-4-046] * APPROVE PRELIMINARY PLAT [T1-70]

Environmental Health Director Allen Walther advised that the new lots being created will be substantially larger than original lots and he gave staff recommendation for preliminary plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve preliminary plat of "Replat of Lots 17-20 of Hidden Creek". All voting "Aye".



JUNE 19, 2001

VOL S PG 159

19568 APPROVE AN INTERLOCAL AGREEMENT WITH THE VILLAGE OF WIMBERLEY FOR FOOD ESTABLISHMENT INSPECTIONS AND PERMITTING [T1-83]

Environmental Health Director Allen Walther spoke of his department having always inspected the food establishments in Wimberley - now that Wimberley is incorporated, an interlocal agreement is necessary to continue this service. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve an interlocal agreement with the Village of Wimberley for food establishment inspections and permitting. All voting "Aye".

FOOD ESTABLISHMENT INSPECTION & PERMITTING AGREEMENT

An agreement between the City of Village of Wimberley and Hays County Environmental Health Department for the purpose of establishing and enforcing minimum sanitation requirements for food establishments.

The City of Village of Wimberley agrees to have Hays County Environmental Health Department inspect all food establishments within the Corporate City Limits for compliance with the State Rules on Food Service Sanitation Regulations and the Hays County Environmental Health Department Food Sanitation Regulations. The Regulations establish procedures for permitting of all food establishments, and for training and registration requirements of all food service workers.

Fees as established by these Regulations shall be collected by the Hays County Environmental Health and remitted to the Hays County Treasurer.

This agreement shall expire on December 31 of each year but shall be automatically renewable with the mutual consent of both parties.

19569 SET A FEE FOR MASS GATHERING PERMIT APPLICATIONS [T1-96]

Environmental Health Director Allen Walther advised that there is a substantial amount of staff time involved in reviewing an application for mass gatherings. Previous applications have resulted in substantial staff time with no reimbursements to the county. He stated that he had conducted an analysis going dept by dept involved in the process to see what the costs were and he recommended setting an application fee of \$2,000 (an easily justifiable amount). Anytime there is at least 5,000 people gathering for at least 5 hours outside of an incorporated city limits it constitutes a "mass gathering". Special Counsel Jacqueline Cullom Murphy spoke of mass gathering act authorizing this fee. A motion was made by Judge Powers, seconded by Commissioner Molenaar to set a fee of \$2,000 for mass gathering permit applications effective immediately. All voting "Aye".

19570 AUTHORIZE THE COUNTY ATTORNEY TO NEGOTIATE A COST WITH THE RIOS LAW FIRM TO DETERMINE THE VALIDITY OF ADDITIONAL REDISTRICTING PLANS SUBMITTED TO THE REDISTRICTING COMMITTEE AND AUTHORIZE THE RIOS LAW FIRM TO PROCEED WITH THIS DETERMINATION [T1-196]

Lyle Bollinger suggested that the court consider telling the law firm to consider only those plans that do not displace any commissioners. Lindell Bollinger feels like most people at the public meetings do not think it is correct removing commissioners by redrawing redistricting lines - it should up to the voters in their precinct whether they keep their commissioner or not. He wanted to point out that one of the law firm maps (Map E) has a 10.6% population variation so you can't consider it because it is outside of the 10% limit. He favors Plans D & K with limits in the 56% deviation - he feels like other maps being presented should be validated before being considered. He doesn't think any maps should be considered that remove any commissioners. Sam Davis spoke of his concern with spending money that he feels will not benefit anyone - he feels like the court should vote only on the maps they currently have or ones that they draw themselves. Commissioner Burnett asked what Rios would be doing to validate the additional maps. Commissioner Ingalsbe stated that she did speak with Rolando Rios and was informed that they would be looking at the deviation figures on the maps and verify those by running them through their computer and make sure they meet all the criteria (\$700 per map for 2 or 3 OR \$5,000 to do all 10-14 maps). Commissioner Molenaar asked why we are paying more? - he thought the contract included all maps being considered. Commissioner Carter stated that they said that their maps would be a starting point for conversation and they would expect things to change - one of them did not appear at the last hearing and the one that was there was not the lawyer so it looks like we did not get our moneys worth in San Marcos. She suggested considering only the maps that don't displace anybody at no additional charge. Commissioner Molenaar spoke of wanting to know what we are paying for - he suggested tabling action today and allow our attorney to speak with them regarding charges. County Clerk Lee Carlisle spoke of contract and his understanding, by way of the committee, was that they (Rios Law Firm) would allow our GIS person (Steve Floyd) to check their maps and we would be allowed to draw up our own configurations. He has heard that the contract says that they would only submit or defend the ones that they had drawn - this was a surprise to him because he thought it would be whatever the court selected and if they could defend it they would defend it. He stated that every one of the other maps do meet the criteria to get through the Justice Dept. He suggested selecting the preferred maps and then see if they would defend that map (they have a good track record dealing with the Justice Dept.). Special Counsel Jacqueline Cullom Murphy stated that her understanding was that the redistricting committee will make a presentation to the court (present summaries of all the public comments), the court will make a decision on a map, then the Rios Law Firm will analyze it to make sure that they can defend it.



[T1-468] A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to have a meeting with all the maps being considered, then the court will pick a map to be presented to the Rios Law Firm for them to analyze and validate. [T1-511] Charlie Johnson (resident of the City of Kyle) requested that the court adopt a plan to comply with all legal requirements, keep the entire City of Kyle in Precinct 2 (has been in precinct 2 since 1880), and keep Commissioner Carter's residence in Pct. 2. He spoke of timeframe to be considered at the Justice Dept. (120 days) and he stated that the Rios Law Firm has a good track record in getting these plans through the Justice Department. Commissioner Molenaar advised that to his knowledge there is no one on this court that has said anything about redistricting Commissioner Carter out of her precinct – statements have been made at the public hearings that the court is going to get rid of Commissioner Carter – he stated that he has no intention of doing that. Lindell Bollinger asked to get additional maps validated prior to the court considering them to make sure they meet the legal criteria and they will have the support of the law firm. Commissioner Burnett stated that we can validate the maps ourselves through our own GIS department – the court will not vote for any map that isn't going to be adopted by the Justice Department. Charlie Johnson spoke of packet that was passed out at public meetings showing all the maps (5 original maps plus all other maps show all the deviation, population, and breakdown of minorities). Commissioner Carter spoke of more to it than the 10% deviation that we have to be concerned about – how does the voting population react within the prescribed precinct – do they come out and vote sufficiently. She spoke of the prison facility in Kyle which is a dormant population that does not vote – can this population be compensated in some other way. Commissioner Carter felt like the people at the hearings were not so much saying that the court had malicious motives, but that the law firm maps were so strange in that everyone of them displaced some commissioner and none of them gave us an opportunity to redraw lines without breaking any of the traditional rules of redistricting or the legal parameters we have to meet. She felt like it was hard for the people to understand why that was the case. Lee Carlisle stated that in this case, the law firm declined to put Kyle into Precinct 1 because of its historical nature of being in Precinct 2 and also because it has been the central government of offices in precinct 2. He spoke of the traditional criteria regarding the 10% deviation and he stated that there are only 2 ways to maintain the minority precinct (60.5%) that exist today in Precinct 2: ≥ move up the right side of the interstate or < move into Kyle – you can't move into precincts 3 or 4 because that would dilute the minority figures. The Rios Law Firm followed the natural flow of going up the right (east) side of the interstate because going into Kyle broke about 4 or 5 of the traditional rules. Judge Powers requested a vote on the motion on the floor at this time. All voting "Aye".

EXECUTIVE DISCUSSION PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE, RELATING TO PERSONNEL REGARDING DEPARTMENT HEAD JOB PERFORMANCE EVALUATIONS

The Court convened into closed executive session to discuss Department Head Job Performance Evaluations. Upon completion of the closed session, the court reconvened into open meeting. No action was taken.

19571 APPROVE SPECIFICATIONS FOR GROUP MEDICAL/RX/DENTAL INSURANCE PLAN AND AUTHORIZE SUNDAY & ASSOCIATES TO SOLICIT FOR PROPOSALS AND ADVERTISE [T1-720]

Mr. Burt Sunday spoke of timeline for RFP process: RFP's due by July 27th, committee consensus by August 10th, with workshop and possible action on August 14th by Commissioners Court. He spoke of process being followed. He will provide a spreadsheet showing local providers. The market will be covered. He provided a list of carriers that will be sent the RFP. Mr. Sunday explained self-funded insurance program and how it works. He spoke of determining and setting specific stop loss amount (\$100,000). Mr. Sunday spoke of managed care cycle - insurance carriers have been in control (especially HMO's) - health care providers are gaining control so managed care as we know it is dying. He thinks we will see employers providing an amount for insurance (ie \$150 per month) and employee purchases what they want with who they want and we will see incentives for people remaining healthy. For the next year we will need to hold on to the old and embrace the new. He spoke of appeals process that can be followed and he spoke briefly of the patients bill of rights - he does not feel it will fully benefit us (only the attorneys). He spoke of medical savings accounts which has not proven to be advantageous. A motion was made by Judge Powers, seconded by Commissioner Molenaar to approve specifications for group medical/rx/dental insurance plan and authorize Sunday & Associates to solicit for proposals and advertise. All voting "Aye".

Court was adjourned.

MINUTES APPROVED IN OPEN COURT ON THE 26TH DAY OF JUNE, 2001.

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

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