



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 28th DAY OF AUGUST, 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.

PRESENTATION BY TEXAS FOREST SERVICE ON URBAN WILD LAND INTERFACE

County Fire Marshal Mark Chambers introduced representatives from the Texas Forest Service who will address how to protect your surroundings - they hope to make additional presentations to the citizens of Hays County. Jan Fulkerson (UWI Community Planning Specialist) & Joe Stuchly (UWI Neighborhood Organization Specialist) appeared before the court. Joe Stuchly spoke of Hays County Urban Wildlife Interface [UWI] where combustible structures meet combustible vegetation – an example of UWI is houses/structures coming up in the middle of vegetation (tall grasses and cedars). He spoke of wild fires that have occurred. The topography of Hays County is hills and slopes and the percentage of change since 1990 is 48.7% (population = 97,589). He spoke of Hays County having urban sprall problems and people who are moving out in the county are use to city services. The Texas Forest Service is asking the court to help in creating a "master plan" which will address training personnel in all areas, equipment & resources, mutual aid agreements, public outreach and prevention programs, subdivision & countywide planning, and state & federal funding. A Partnership with stakeholders is important. He spoke of what is needed in order for this plan to work. They will provide resources for creating this program. Mark Chambers spoke of having mutual agreements with some counties and consideration of interlocal agreement and/or memorandum of agreements. Three additional surrounding counties assisted with the recent fire on the Freeman Ranch. Judge Powers spoke in support of a Master Plan. Mark Chambers advised that he will be working with the Texas Forest Service. Joe Stuchly spoke of services provided by the Texas Forest Service (their primary role is support for counties and they provide prevention teams).

19714 ADOPT A PROCLAMATION DECLARING THE WEEK OF SEPTEMBER 3-9, 2001 AS "GRANDPARENTS WEEK" [T1-268]

Commissioner Molenaar read the proposed Proclamation. Senior Smiles Representative Diana Downing thanked the court for their consideration. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to adopt a Proclamation declaring the week of September 3-9, 2001 as "Grandparents Week". All voting "Aye".

PROCLAMATION

WHEREAS, the State of Texas is composed of approximately 17.6% Seniors and Hays County is composed of approximately 14.3% Seniors; and
WHEREAS, Central Texas has approximately 1,500 Senior Volunteers in Retired and Senior Volunteer Programs and Hays County has approximately 300 Seniors signed up as RSVP members; and
WHEREAS, Seniors actively work in providing mentoring groups to students in elementary school as well as in a cultural exchange program by mail and e-mail with students and seniors all over the country; and
WHEREAS, Seniors work together in providing various outreach programs to other seniors by providing assistance with utilities and/or rent payments, bereavement programs, long-term care planning and assets protection programs, Community Thanksgiving Dinners and a Golden Tree Christmas program; and
WHEREAS, statistics show that Seniors are increasingly becoming the head of households and are raising their grandchildren; and
WHEREAS, Senior Smiles is a program that enhances the lives of our Seniors and the community through these mentoring and outreach volunteer programs for Seniors.
NOW, THEREFORE, BE IT PROCLAIMED by the Commissioners' Court of Hays County, Texas that September 3-9, 2001 be recognized as

"GRANDPARENTS WEEK IN HAYS COUNTY"

and hereby encourages the citizens and officials of Hays County to recognize the support and services that are provided by Seniors in Hays County and join in any community celebration.

ADOPTED THIS THE 28th DAY OF AUGUST, 2001



19715 APPROVE THE COMMISSIONERS' COURT MINUTES OF AUGUST 21, 2001

A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve the Commissioners' Court Minutes of August 21, 2001 as presented by the County Clerk. All voting "Aye".

19716 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 \$273,821.59 as presented by the County Auditor. All voting "Aye".

Public Safety Svcs	\$ 28,650.00	Fines	\$ 4,732.08	Lease Pmt	\$ 408.36
Auditors Office	\$ 183.01	Extension Office	\$ 4,276.16	Juvenile Prob Ofc	\$ 575.05
Election Admin Office	\$ 50.00	Comm & Soc Svc	\$ 2,083.33	Indigent Care	\$ 10,176.25
Transfer Station	\$ 2,193.86	Bldg Mtc Dept	\$ 12,887.31	Environ Health	\$ 3,032.58
Civic Center	\$ 2,617.71	Countywide Oper	\$ 19,404.86	Tax A/C Office	\$ 189.04
District Clerk's Office	\$ 96.71	Sheriff's Office	\$ 13,915.60	Jail Operations	\$ 11,697.33
County Judge's Office	\$ 22.13	Co Crt @ Law 1	\$ 158.00	District Atty's Office	\$ 41.89
J.P. 1-1	\$ 24.96	J.P. 2	\$ 51.98	J.P. 3	\$ 233.66
J.P. 4	\$ 291.59	J.P. 5	\$ 486.38	DPS	\$ 736.84
Constable 3 Office	\$ 527.96	Constable 4 Office	\$ 138.44	Constable 5 Office	\$ 354.44
District Court Operations	\$ 7,322.75	Co & JP Crt Oper	\$ 2,504.59	Veterans Adm Ofc	\$ 893.79
Computer Services	\$ 365.34	DPS/L&W	\$ 53.66	TJPC CCAP Grant	\$ 26,245.78
Assoc Judge/Family Law	\$ 86.31	Comm Crt Exp	\$ 65.05	CJD/VOCA Grant	\$ 708.98
CJD/Truancy Ofcr Grant	\$ 80.83	Waste Task Force	\$ 35.85	911 Adds Mtc Grant	\$ 8,857.76
R&B Operations	\$ 34,989.24	Precinct 1	\$ 262.31	Precinct 2	\$ 150.00
Precinct 3	\$ 193.82	Precinct 4	\$ 214.23	R&B Gen Fund	<\$32.04>
Hays Co Parks Fund	\$ 4,815.27	Rec Mng/Co Clerk	\$ 508.76	Health Svcs Grants	\$ 6,432.86
Burnett Rd Dist I&S	\$ 36.90	Sheriff Spec Proj	\$ 1.74	Crths Security Fund	\$ 535.65
Medical & Dental Insur	\$ 46,000.00	Family Health Svcs	\$ 12,254.65		

19717 APPROVE BUDGET AMENDMENT #01-36

A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve Budget Amendment No. 01-36 as proposed by the County Auditor. All voting "Aye".

					AMENDMENT NO. 2001-36 FY 2001 BUDGET 8-28-01
FUND NO. 01 FUND TITLE GENERAL FUND					
LINE ITEM - EXPENDITURES	APPROPRIATION	AMENDMENT		APPROPRIATION	AS
	BEFORE AMENDMENT	INCREASES	DECREASES	AMENDED	
SHERIFF OFFICE (418):					
01-418-5031 Hol/Comp/OT	125,000	20,000		145,000	
01-418-5211 Office Supply	15,200	1,900		17,100	
01-418-5213 Books	2,500	500		3,000	
01-418-5235 Law Enf Supply	28,308	8,000		36,308	
01-418-5321 Dues & Bonds	1,500	300		1,800	
01-418-5362 C.I.D. Expense	9,466	1,400		10,866	
01-418-5391 Other-Vaccine	850	3,030		3,880	
01-418-5480 Utilities	20,900	20,000		40,900	
01-418-5489 Telephone/Data Lines	70,000	30,000		100,000	
01-418-5717 Law Enf Equip-Rifles	24,362	6,000		30,362	
01-418-5801 Training Div	34,966	6,000		40,966	
01-418-5021 Staff	2,750,015		(52,830)	2,697,185	
01-418-5101 FICA/RET	498,491		(12,000)	486,491	
01-418-5160 Insurance	289,986		(2,500)	287,486	
01-418-5192 Uniform Allowance	37,260		(5,000)	32,260	
01-418-5271 Fuel	187,227		(20,000)	167,227	
01-418-5394 Estray	500		(500)	-0-	
01-418-5411 Off Equip Maintenance	100		(100)	-0-	
01-418-5461 Printing	7,500		(2,000)	5,500	
01-418-5715 Communication Equip	39,544		(1,500)	28,044	
01-418-5311 Travel	1,500		(500)	1,000	
01-418-5719 Misc Equip	2,325		(200)	2,125	
		<u>97,130</u>	<u>(97,130)</u>		

Transfer for needed buy-back, shot guns (supply) and authorize and transfer for rifles (equip) and needed expenses from personnel savings and other items.



AMENDMENT NO. 2001-36 FY 2001 BUDGET 8-28-01				
FUND NO. 01 FUND TITLE <u>GENERAL FUND</u>				
LINE ITEM - EXPENDITURES	APPROPRIATION	AMENDMENT		APPROPRIATION
	BEFORE	INCREASES	DECREASES	AS
	AMENDMENT			AMENDED
JAIL OPERATIONS (419):				
01-419-5031 Hol/Com/OT	140,000	5,000		145,000
01-419-5212 Postage	3,500	1,500		5,000
01-419-5234 Inmate-Personnel-Uniform	12,000	3,000		15,000
01-419-5281 Janitorial Supply	29,000	5,000		34,000
01-419-5321 Dues & Bonds	1,000	600		1,600
01-419-5363 Prisoner Transfer	2,500	10,000		12,500
01-419-5364 New Employee Expense	3,000	725		3,725
01-419-5431 Medical/Dental Unreimb Svc	103,000	36,000		139,000
01-419-5452 Dumpster Hauling	5,000	1,000		6,000
01-419-5461 Printing	8,000	5,000		13,000
01-419-5235 Law Enf Supply	1,700	600		2,300
01-419-5474 Uniform (shop/kitchen)	-0-	4,600		4,600
01-419-5480 Utilities	195,000	65,000		260,000
01-419-5021 Staff	3,334,196		(9,180)	3,325,016
01-419-5061 Longevity	27,815		(845)	26,970
01-419-5101 FICA/RET	588,589		(38,000)	550,589
01-419-5160 Insurance	383,315		(32,000)	351,315
01-419-5192 Unif Allowance	37,980		(1,700)	36,280
01-419-5214 Photo Supply	8,500		(500)	8,000
01-419-5231 Medical Supply	50,000		(12,000)	38,000
01-419-5232 Prisoner Meals	315,000		(7,000)	308,000
01-419-5236 Bedding	8,300		(800)	7,500
01-419-5241 Bldg Maint Supply	40,000		(5,000)	35,000
01-419-5311 Travel	500		(500)	-0-
01-419-5391 Other	1,500		(200)	1,300
01-419-5411 Office Equip Maint	250		(250)	-0-
01-419-5419 Misc Equip Maint	3,000		(700)	2,300
01-419-5451 Building Maint	50,000		(20,000)	30,000
01-419-5473 Equip Rental	2,900		(2,900)	-0-
01-419-5489 Telephone	8,000		(6,000)	2,000
01-419-5719 Misc Equipment	14,630		(450)	14,180
		<u>138,025</u>	<u>138,025</u>	
<i>Transfer for needed buy-back, utilities from personnel savings and other items.</i>				
VETERAN'S OFFICER (455):				
01-455-5413 Vehicle Maint	5,050	292		5,342
01-455-5331 Cont Ed	1,250		(292)	958
<i>Transfer for balance of engine repair</i>				
DEPARTMENT OF PUBLIC SAFETY (430):				
01-430-5391 Other	-0-	500		500
01-430-5473 Equipment Rental	3,840		(500)	3,340
<i>Transfer for investigation expenses</i>				
CONSTABLE 2 (432):				
01-432-5160 Insurance	4,395	85		4,480
01-432-5021 Staff	8,426		(85)	8,341
01-432-5391 Other	898	125		1,023
01-432-5717 Law Enf Equipment	2,222		(125)	2,097
		<u>210</u>	<u>(210)</u>	
<i>Transfer for needed expense</i>				
FUND NO. 03				
FUND TITLE <u>ROAD & BRIDGE GENERAL FUND</u>				
LINE ITEM - EXPENDITURES	APPROPRIATION	AMENDMENT		APPROPRIATION
	BEFORE	INCREASES	DECREASES	AS
	AMENDMENT			AMENDED
ROAD & BRIDGE GENERAL OPERATIONS (438):				
03-438-5211 Office Supply	7,084	500		7,584
03-438-5271 Fuel	140,000	18,000		158,000
03-438-5351 Materials	2,495,118		(20,000)	2,475,118
03-438-5262 Signs/Barricades	60,000	1,500		61,500
		<u>20,000</u>	<u>(20,000)</u>	
<i>Transfer for needed expense</i>				

**19718 APPROVE UTILITY PERMIT #01497**

A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve Utility Permit #01497 on Ayers Road issued to Kyle Water Department as submitted by the County Road Department. All voting "Aye".

19719 AUTHORIZE PURCHASE OF RIFLES NOT PREVIOUSLY SPECIFIED IN SHERIFF'S LAW ENFORCEMENT EQUIPMENT

Sheriff Montague would like to purchase 15 rifles and will be transferring balance of cost in other line items into the law enforcement equipment line item for this purchase (per budget amendment). A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to authorize purchase of rifles not previously specified in the Sheriff's Law Enforcement Equipment as requested by the Sheriff. All voting "Aye".

19720 APPROVE SPECIFICATIONS FOR RENTAL OF EMPLOYEE UNIFORMS [BID #2001-B028] AND AUTHORIZE PURCHASING TO SOLICIT BIDS AND ADVERTISE

A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve specifications for rental of employee uniforms [Bid #2001-B028] and authorize purchasing to solicit bids and advertise. All voting "Aye".

19721 APPROVE SPECIFICATIONS FOR OFFICE SUPPLIES [BID#2001-B027] AND AUTHORIZE PURCHASING TO SOLICIT FOR BIDS AND ADVERTISE

A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve specifications for office supplies [Bid #2001-B027] and authorize Purchasing to solicit for bid and advertise. All voting "Aye".

19722 APPROVE RESOLUTIONS AUTHORIZING CONDEMNATION ACTION RELATING TO SH45 (PARCEL #1 AND PARCEL #6)

A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve resolutions authorizing condemnation action relating to State Highway 45 (Parcel #1 and Parcel #6). All voting "Aye".

PARCEL #1**IN THE COMMISSIONERS COURT
OF HAYS COUNTY, TEXAS****RESOLUTION**

WHEREAS, the Commissioners' Court of Hays County, Texas, has found and determined that in order to promote the public safety, to facilitate the safety and movement of traffic, and to preserve the financial investment of the public in its roadways, public necessity requires acquisition of fee simple title to the hereinafter described Parcel No. 1 for the construction, reconstruction, maintaining, widening, straightening lengthening, and operating of a highway, excluding all the oil, gas, and sulphur which can be removed from beneath said real property, without any right whatever remaining to the owner of such oil, gas, and sulphur of ingress to or egress from the surface of said real property for the purpose of exploring, developing, or mining of the same, as a part of the improvements to State Highway 45, at such locations as are necessary and that such construction, reconstruction, maintaining, widening, straightening, lengthening, and operating shall extend across and upon, and will cross, run through, and be upon the hereinafter described real properties; and

WHEREAS, the Commissioners' Court of Hays County, Texas, has found and determined that in order to promote the public safety, to facilitate the safety and movement of traffic, and to preserve the financial investment of the public in its roadways, public necessity requires acquisition of a damage easement in, upon and across the hereinafter described Parcel No. 1 for the constructing, reconstructing, placing, replacing, operating, rebuilding, relocating and maintaining drainage water ways and maintaining said drainage water ways free and clear of all obstructions, obstacles and hindrances to the natural flow of water of any kind whatsoever a part of the right-of-way; and

WHEREAS, the Commissioners' Court of Hays County, Texas, has found and determined that in order to promote the public safety, to facilitate the safety and movement of traffic, and to preserve the financial investment of the public in its roadways, public necessity requires acquisition of a temporary construction easement in, upon and across the hereinafter described Parcel No. 1 for the construction, reconstruction, maintaining, widening, straightening, lengthening, and operating of State Highway 45; and

WHEREAS, the Commissioners' Court of Hays County, Texas, has found and determined that in order to promote the public safety, to facilitate the safety and movement of traffic, and to preserve the financial investment of the public in its roadways, public necessity requires acquisition of a slope easement for the purpose of placing or removing earthen materials, revegetation and the grading and aligning of said materials as a part of the improvements to State Highway 45; and



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WHEREAS, the Commissioners' Court of Hays County, Texas, has through its agents employed by the said office, entered into good faith negotiations with the owners of the hereinafter described properties and has failed to agree with the owners on the damages due to said owners. Now, therefore,

BE IT RESOLVED BY THE COMMISSIONERS' COURT OF THE COUNTY OF HAYS that the County be and is hereby authorized and directed to file or cause to be filed against the owners of any interest in, and the holders of any lien secured by, the following described tracts of land, to wit: See attached Exhibit "A"

a suit eminent domain to acquire fee simple title for the aforesaid purpose, and;

BE IT FURTHER RESOLVED that the County be and is hereby authorized and directed to incur such expenses and to employ such experts as she shall deem necessary to assist in the prosecution of such suit in eminent domain, including, but not limited to, appraisers, engineers, and land use planners.

Adopted this 28th day of August, 2001.

PARCEL #6

**IN THE COMMISSIONERS COURT
OF HAYS COUNTY, TEXAS**

RESOLUTION

WHEREAS, the Commissioners' Court of Hays County, Texas, has found and determined that in order to promote the public safety, to facilitate the safety and movement of traffic, and to preserve the financial investment of the public in its roadways, public necessity requires acquisition of fee simple title to the hereinafter described Parcel No. 6 for the construction, reconstruction, maintaining, widening, straightening lengthening, and operating of a highway, excluding all the oil, gas, and sulphur which can be removed from beneath said real property, without any right whatever remaining to the owner of such oil, gas, and sulphur of ingress to or egress from the surface of said real property for the purpose of exploring, developing, or mining of the same, as a part of the improvements to State Highway 45, at such locations as are necessary and that such construction, reconstruction, maintaining, widening, straightening, lengthening, and operating shall extend across and upon, and will cross, run through, and be upon the hereinafter described real properties; and

WHEREAS, the Commissioners' Court of Hays County, Texas, has found and determined that in order to promote the public safety, to facilitate the safety and movement of traffic, and to preserve the financial investment of the public in its roadways, public necessity requires acquisition of a damage easement in, upon and across the hereinafter described Parcel No. 6 for the constructing, reconstructing, placing, replacing, operating, rebuilding, relocating and maintaining drainage water ways and maintaining said drainage water ways free and clear of all obstructions, obstacles and hindrances to the natural flow of water of any kind whatsoever a part of the right-of-way; and

WHEREAS, the Commissioners' Court of Hays County, Texas, has found and determined that in order to promote the public safety, to facilitate the safety and movement of traffic, and to preserve the financial investment of the public in its roadways, public necessity requires acquisition of a temporary construction easement in, upon and across the hereinafter described Parcel No. 6 for the construction, reconstruction, maintaining, widening, straightening, lengthening, and operating of State Highway 45; and

WHEREAS, the Commissioners' Court of Hays County, Texas, has found and determined that in order to promote the public safety, to facilitate the safety and movement of traffic, and to preserve the financial investment of the public in its roadways, public necessity requires acquisition of a slope easement for the purpose of placing or removing earthen materials, revegetation and the grading and aligning of said materials as a part of the improvements to State Highway 45; and

WHEREAS, the Commissioners' Court of Hays County, Texas, has through its agents employed by the said office, entered into good faith negotiations with the owners of the hereinafter described properties and has failed to agree with the owners on the damages due to said owners. Now, therefore,

BE IT RESOLVED BY THE COMMISSIONERS' COURT OF THE COUNTY OF HAYS that the County be and is hereby authorized and directed to file or cause to be filed against the owners of any interest in, and the holders of any lien secured by, the following described tracts of land, to wit: See attached Exhibit "A"

a suit eminent domain to acquire fee simple title for the aforesaid purpose, and;

BE IT FURTHER RESOLVED that the County be and is hereby authorized and directed to incur such expenses and to employ such experts as she shall deem necessary to assist in the prosecution of such suit in eminent domain, including, but not limited to, appraisers, engineers, and land use planners.

Adopted this 28th day of August, 2001.

19723 RESUBDIVISION OF GLENN H. KOTHMANN SUBDIVISION, TRACT 7 [PCT. 4 #01-4-057] * PUBLIC HEARING AND APPROVE FINAL PLAT [T1-345]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Environmental Health Director Allen Walther advised gave staff recommendation for approval of final plat. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve final plat of "Glenn H. Kothmann Resubdivision of Tract 7". All voting "Aye".



19724 GOLDEN VUE ESTATES [PCT. 4 #01-4-053] * **APPROVE FINAL PLAT** [T1-364]

Environmental Health Director Allen Walther advised that the developer has included a plat note regarding storm water runoff - he gave staff recommendation for approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve final plat of "Golden Vue Estates". All voting "Aye".

19725 REPLAT OF HIDDEN CREEK, PHASE 1, LOTS 13, 15 & 16 [PCT. 4 #01-4-062] * **WAIVE PUBLIC NOTIFICATION AND APPROVE FINAL PLAT** [T1-378]

Environmental Health Director Allen Walther advised that 3 lots are being increased in size from approximately 10 acres each to between 25 and 50 acres after replatting. There are no additional lots being created. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to waive public notification and approve final plat of "Hidden Creek Phase I Replat of Lots 13, 15 & 16". All voting "Aye".

19726 HUBER ESTATES PHASE 3 [PCT. 2 #01-2-021] * **APPROVE FINAL PLAT** [T1-392]

Environmental Health Director Allen Walther advised that this is a 15 lot subdivision - he gave staff recommendation for final plat approval. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve final plat of "Huber Estates Phase 3". All voting "Aye".

19727 VARIANCE REQUEST FROM PLAT NOTE REQUIREMENT GRANTED FOR SAWYER RANCH, SECTION 2 LOT 44C [PCT. 4 #01-4-067] [T1-410]

Drees Custom Homes built a home and completed the driveway on Lot 44C of Sawyer Ranch Section 2 without consulting the notes on the plat that restricted driveway access to Thatcher's Court (Plat Note # 20). The driveway was subsequently built accessing onto Tom Sawyer Road in violation of the plat note. The Title Company and Drees Custom Homes are requesting a variance from the approved plat note (#20) regarding placement of driveways. The County Road Department has investigated and found no safety concerns and it does meet the County specifications for driveway placement. Environmental Health Director Allen Walther gave staff recommendation to grant the variance request. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to grant a variance from plat note requirement [plat note #20] for Sawyer Ranch Section 2 Lot 44C. All voting "Aye".

19728 ADOPT "ORDER AUTHORIZING THE ISSUANCE OF HAYS COUNTY, TEXAS GENERAL OBLIGATION REFUNDING BONDS, SERIES 2001A; LEVYING AN AD VALOREM TAX IN SUPPORT OF THE BONDS; APPROVING A PAYING AGENT/REGISTRAR AGREEMENT, AN OFFICIAL STATEMENT, A BOND PURCHASE AGREEMENT AND AN ESCROW AGREEMENT; CALLING CERTAIN OBLIGATIONS FOR REDEMPTION AND AUTHORIZING OTHER MATTERS RELATING TO THE BONDS." [T1-432]

Dan Wegmiller (First Southwest Company) presented a report titled "Final Pricing Information" for \$15,700,000 Unlimited Tax Bonds Series 2001 & \$4,610,000 General Obligation Refunding Bonds Series 2001-A. Mr. Wegmiller stated that Hays County has been upgraded by Moodys Investors Service from A1 to Aa3. This rating establishes your name (name recognition in the market) and makes your bond issue more marketable as well as lowering your interest cost. Moody's opinion is that Hays County has a vibrant economy in a fast growth area, consistently strong finances, and that the above average debt burden is manageable. [See report in file] Standard & Poor's rating is A+ with a stable outlook. The A+ rating reflects the county's diversifying local economy in the Austin MSA, sustained strong tax base growth, solid financial operations and positions, and moderate overall debt levels. [see report in file]. Mr. Wegmiller spoke of Pricing Summary for the \$15,700,000 Unlimited Tax Bonds Series 2001 showing the True Interest Cost (TIC) = 4.8031902% and the Summary of Bonds Refunded and Debt Service Comparison. The Pricing Summary for the \$4,610,000 General Obligation Refunding Bonds Series 2001-A shows a True Interest Cost (TIC) = 3.4780020% with interest rate on coupons ranging from 3 - 4 % with previous interest rates being paid on these in the range of 6.1 - 6.6%. This will create a total reduction in current debt service of \$319,615.00 over the next six years (reflects a 6.39% savings). Mr. Wegmiller spoke of estimated Interest & Sinking Tax Rate of 8 cents or below for debt and outstanding General Obligation Debt = \$36,075,000 (principle amounts) - they picked out only the issues with the most savings for refunding [General Obligation Bonds = \$32,715,000 Certificates of Obligation = \$2,900,000 and Anticipation Notes = \$460,000]. Carol Palumbo (Bond Counsel) explained the final documents needed for refunding and financing. The Court covenants to levy, each year, tax sufficient to pay debt service on the bond. Dan Wegmiller spoke of other cities (City of Austin, City of Roundrock) and counties (Williamson County, Bell County) in this region who are rated AA and the factors used to get this rating. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to adopt an Order Authorizing the Issuance of Hays County General Obligation Refunding Bonds, Series 2001A; Levying an Ad Valorem Tax in Support of the Bonds; Approving a Paying Agent/Registrar Agreement, and Official Statement, a Bond Purchase Agreement and an Escrow Agreement; Calling Certain Obligations For Redemption and Authorizing Other Matters Relating to the Bonds. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Carter voting "No". [See Order in file]



19729 ADOPT "ORDER AUTHORIZING THE ISSUANCE OF HAYS COUNTY, TEXAS UNLIMITED TAX BONDS, SERIES 2001; LEVYING AN AD VALOREM TAX IN SUPPORT OF THE BONDS; APPROVING A PAYING AGENT/REGISTRAR AGREEMENT, AN OFFICIAL STATEMENT AND A BOND PURCHASE AGREEMENT; AND AUTHORIZING OTHER MATTERS RELATED TO THE BONDS" [T1-847]

This item was discussed under the previous action. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to adopt Order authorizing the Issuance of Hays County, Texas Unlimited Tax Bonds, Series 2001; Levying an Ad Valorem Tax in Support of the Bonds; Approving a Paying Agent/Registrar Agreement, and Official Statement and a Bond Purchase Agreement; and authorizing Other Matters Related to the Bonds. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No". [See Order in file]

19730 ACCEPT DONATION OF RIGHT-OF-WAY ON CR157/GOFORTH ROAD TO HAYS COUNTY FROM THE LEHMANS AND GURENBEINS [T1-873]

Real Estate Attorney Gene Majors (representing Ted & Hazel Lehman) spoke of property the Lehman's sold to Hays CISD. The Surveyor determined that a good bit of Goforth Road was under the Lehman's deed line and a small portion was under the the Gurenbein's property. Mr. Majors asked the court to accept donations of Right-of-Way from the Lehmans and Gurenbeins. A motion was made by Commissioner Carter, seconded by Commissioner Burnett to accept donation of right-of-way on CR157/Goforth Road to Hays County from Johnny F. Gurenbein, Theodore H. Lehman, and Hazel L. Lehman. All voting "Aye".

19731 EMPLOY THE SERVICES OF A REAL ESTATE ATTORNEY TO RESEARCH TITLE OF REAL PROPERTY TO VERIFY OWNERSHIP BY HAYS COUNTY [T1-909]

Commissioner Carter advised that the cost of research to verify Hays County ownership of property along County Road 157 (Goforth Road) has been estimated at \$750 and is expected to be recouped through the sale or other disposition of said properties – title insurance claims may be in order. Real Estate Attorney Gene Majors spoke of this land being considered a "gore of land" (a long triangular piece of property that arises when survey lines don't line up properly) – it was deeded to the county many years ago and as property was surveyed and sold they crossed the line into property owned by the county. He will verify that the county has not given right of way deeds – the statute of limitations does not run against county government (no squatters rights). Often title insurance is involved and sometimes claims are paid and sometimes they are denied. The court would need to determine if they want to get money for the land that is being claimed by other property owners. Commissioner Carter suggested using contingencies for funding needed. Commissioner Ingalsbe asked about ownership. Gene Majors advised that the school district owns one tract. A claim could be filed on the title policy or the court could decide not to pursue payment from the property owner(s). Commissioner Carter spoke of value of properties involved and need to pursue. A motion was made by Commissioner Carter, seconded by Judge Powers to employ the services of Real Estate Attorney Gene Majors to research title of real property to verify ownership by Hays County. Commissioner Ingalsbe, Commissioner Carter and Judge Powers voting "Aye". Commissioner Molenaar and Commissioner Burnett voting "No". MOTION PASSED. Commissioner Molenaar advised that he voted against this motion because the county has staff to tend to this.

PUBLIC HEARING ON A PROPOSAL TO INCREASE TOTAL TAX REVENUES FROM PROPERTIES ON THE TAX ROLL IN THE PRECEDING YEAR BY 4.18% AND PROPOSING A TAX RATE OF 44.86¢ [T1-1050]

Judge Powers declared the public hearing open. Sam Davis spoke of this being a tax increase and not a tax decrease and he wants the court to emphasize that it is a tax rate decrease and not a tax decrease. Commissioner Carter spoke of taxpayers that cannot afford to keep paying more for taxes. She spoke of others believing that the focus on the tax rate instead of the tax bill in real dollars is misleading. Commissioner Burnett spoke of Court holding the line on taxes (2nd or 3^d rate reduction) and trying to offset increases. He spoke of court minutes of Commissioner Carter voting to add a total of \$724,000 to the budget which equates to a 1.47 rate increase. We need to be clear when we say we want to lower the effective rate, we don't vote to add \$724,000. Commissioner Carter stated that there are areas in the budget she would like to cut. She would like to rearrange the priorities within the budget, to be more frugal than most, but she knows there is not that sentiment on the court. Sam Davis spoke of Sheriffs Dept. request for increase cost in rifles - he asked the Sheriff how many rifles and how much money and the Sheriff could not tell him. Mr. Davis feels like he is trying to come in the back door and he resents things coming in the back door. Commissioner Carter spoke of difficulty she has had in getting accountability on how many vehicles each department has - we need greater accountability – she wants full reports. Commissioner Molenaar stated that he resents the fact that Commissioner Carter thinks that we don't investigate things on this court and we don't work hard on this budget. He spoke of working together on the court – we have dropped the rate since he has been on the court - he worked hard on the budget this year and there was no place to cut the budget. He spoke of growth that has to be addressed and he spoke in support of the Sheriffs Dept. and the Road Dept. Commissioner Molenaar spoke of voters supporting the road bond issue and he feels like county taxes are moderate. Judge Powers felt like it is his responsibility to prepare a budget and he feels like this is a conservative budget - he asked the court to fix it if there is a problem and he is open for change but don't just gripe about it. Judge Powers feels like its a



good budget and we need to do what is best for the people of Hays County. He would like to lower the tax rate but he knows that there are more people in Hays County and there are services that are needed. Commissioner Ingalsbe stated that it is not the intent of this court to deceive or fool anyone and there is a publication that was put out that shows that there is a 14% increase with this tax rate. Judge Powers stated that when you look at the overall taxes of Hays County, the majority of the dollars are for school districts and other taxing entities – because we collect everyone's taxes we get credit for the increases. He wants to tell people that we are trying to be conservative and still provide services – more people are here and taxes must go up – we are trying to hold the line. He stated that to go with the effective rate we would have to decrease the budget by \$1.5 million (effective tax rate = 41.88 cents). Jim Green [T1-1343] spoke of increase in appraised value and he would like to see the court work with the state through Representative Green to change state law which would not allow the City of Austin to take property off the Hays County tax roll - could require a political entity (ie cities, universities, etc.) to make a payment in lieu of taxes. He spoke of SWTSU property that will have apartments on it. Judge Powers spoke in support of not letting entities buy property and take them off the tax roll. Commissioner Molenaar spoke of efforts that were made in the past through the legislature (ETJ issues), however, it was hard to fight the larger entities and we did not succeed. Judge Powers closed the public hearing.

19732 WAIVE PLATTING REQUIREMENTS AND PERMIT FEES ON A ONE (1) ACRE LOT ON CR190 DONATED TO THE HENLY VOLUNTEER FIRE DEPT. [T1-1480]

Commissioner Molenaar spoke of land that was donated for the Henly Volunteer Fire Dept. – the water source for this property will be rain water collection - no well will be drilled. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to waive platting requirements and permit fee (\$10 fee to State is not waived) on a one (1) acre lot on CR190 donated to the Henly Volunteer Fire Dept. All voting "Aye".

19733 ADD VALIC DEFERRED COMPENSATION PLAN AS A PAYROLL DEDUCTION

[T1-1507] County Treasurer Michele Tuttle introduced Diane Moore (VALIC). Nationwide (bought out PEBSO), our current deferred compensation plan, is no longer willing to come to Hays County to sell their product. It is her recommendation to add the VALIC deferred compensation plan as a payroll deduction and to continue the Nationwide plan for those employees that wish to stay with Nationwide. Diane Moore spoke of current investment market being volatile - they will provide advice and counseling regarding investments. She spoke of their company dealing primarily with governmental entities. She spoke of representative Terry Roberts (23 years with the company – lives in Martindale and services the SWT campus and San Marcos ISD campus) that will work with Hays County employees. She spoke of funds available to employees – there are no maintenance fees and no surrender penalties – they offer complete financial planning and internet access. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to add VALIC Deferred Compensation Plan as a county payroll deduction. All voting "Aye".

PUBLIC HEARING ON THE FY 2002 HAYS COUNTY BUDGET [T1-1733]

Judge Powers declared the public hearing open. Stan Livingston stated that he feels like the court has done a good job with this budget - he spoke of other entities that are increasing their budgets without much regard to taxpayers and he commended the commissioners court for holding the taxes down. Mr. Livingston feels like keeping the rate down will bring businesses to Hays County. No further public input was received and the public hearing was closed.

19734 SET SALARIES AND ALLOWANCES FOR HAYS COUNTY ELECTED OFFICIALS FOR FY2002 [T1-1789]

Sam Davis questioned the notification process regarding salary increases – salary increases were not published in the Wimberley paper until Aug 25th and he feels like more notice is needed. Mr. Davis spoke of need to make comparisons of other counties of like size and he asked if it is time for a citizens review board? Commissioner Carter spoke of having done a comparison of salaries for elected officials for the year 2000 - she sees the salaries for Commissioners in Hays County on the high side of other counties of like size. She feels that people who work for the government are lucky and should not expect a salary increase every year. Sam Davis spoke of many people who move to Hays County are retired and on a fixed income. Commissioner Molenaar advised that only the Sheriff and County Judge made it on the list of top 500 salaries paid in Hays County. He stated that he works hard in his job and expects to be paid for it - he does not have the assistants that other county and city officials have. Special Counsel Jacqueline Cullom Murphy stated that the law requires the public notice on elected officials salaries to go out 10 days before this meeting today (it was published in the San Marcos Record on 8/17/01). County Auditor Bill Herzog spoke of publishing this notice in all the papers in the county but it is difficult because of newspapers that are printed only on a weekly basis. Commissioner Burnett spoke of need to attempt to get salary issues early on in the budget process so that notice can get out early enough. Jacqueline Cullom Murphy advised that statutory requirement has been met. Commissioner Burnett recommended posting this information on the website as well next year. The salary increases published reflects a 5% increase (same as county employees) and the County Court at Law Judges salaries are \$109,968 (as required by law). A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to set salaries for Hays County Elected Officials for FY2002 as published and to furthermore set the salaries of the County Court at Law Judges at \$109,968. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Carter voting "No". MOTION PASSED.



**NOTICE OF INTENTION TO RAISE SALARIES AND
ALLOWANCES OF COUNTY ELECTED OFFICIALS**

in accordance with section 152.013 of the Texas Local Government Code, the Commissioners' Court of Hays County is publishing the following increases in salaries and allowances for elected officials. These increases are proposed as part of the new fiscal year budget, which would begin October 1, 2001. A public hearing on the budget and an expected vote on the budget are scheduled for August 28, 2001 at 1:30pm at the Commissioners' Courtroom of the Hays County Courthouse.

<u>ELECTED OFFICIALS</u>	<u>FY2001</u>	<u>PROPOSED FY2002</u>	<u>ANNUAL INCREASE</u>
Treasurer	\$ 49,100	\$ 51,555	\$ 2,455
Longevity	1,875	935	60
Tax Assessor	52,183	54,792	2,609
Longevity	335	395	60
District Clerk	49,000	51,450	2,450
Longevity	260	320	60
County Clerk	49,000	51,450	2,450
Sheriff	69,960	73,458	3,498
Longevity	755	815	60
County Judge	58,752	61,690	2,938
Auto Allowance	4,380	5,000	620
Justice of the Peace 1-1	41,569	43,647	2,078
Longevity	675	735	60
Magistration Allowance	0	3,000	3,000
Justice of the Peace 1-2	41,569	43,647	2,078
Longevity	1,150	1,200	50
Magistration Allowance	0	3,000	3,000
Justice of the Peace 2	41,569	43,647	2,078
Magistration Allowance	0	3,000	3,000
Justice of the Peace 3	41,569	43,647	2,078
Magistration Allowance	0	3,000	3,000
Justice of the Peace 4	41,569	43,647	2,078
Longevity	300	360	60
Magistration Allowance	0	3,000	3,000
Justice of the Peace 5	41,569	43,647	2,078
Longevity	300	360	60
Magistration Allowance	0	3,000	3,000
Constable Pct. 1	36,000	37,800	1,800
Longevity	1,042	1,102	60
Constable Pct. 2	36,000	37,800	1,800
Longevity	1,068	1,128	60
Constable Pct. 3	36,000	37,800	1,800
Constable Pct. 4	36,000	37,800	1,800
Constable Pct. 5	36,000	37,800	1,800
Longevity	1,050	1,110	60
Commissioner Pct. 1	47,318	49,684	2,366
Longevity	455	515	60
Auto Allowance	4,325	5,000	675
Commissioner Pct. 2	47,318	49,684	2,366
Auto Allowance	4,325	5,000	675
Commissioner Pct. 3	47,318	49,684	2,366
Longevity	0	240	240
Commissioner Pct. 4	47,318	49,684	2,366
Longevity	480	540	60

19735 ADOPT THE FY2002 HAYS COUNTY BUDGET WITH FINAL CHANGES [T1-2149]

Commissioner Molenaar spoke of funding requested by the Soil Conservation District (matching grant funds are needed). **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to add \$1400 to the Soil Conservation District (Community & Social Services line item 5853). All voting "Aye".**

A motion by Commissioner Ingalsbe, seconded by Commissioner Burnett to fund the Calaboose African American Museum in the amount of \$1500. Commissioner Molenaar and Commissioner Carter voting "No". Commissioner Ingalsbe, Commissioner Burnett and Judge Powers voting "Aye". MOTION PASSED.

County Auditor Bill Herzog presented a list of additional expenditures offset by additional revenues and a list of roll over funds. Bill Herzog spoke of increase for health insurance costs being less than anticipated, copier/fax for human resources since that dept. is now separate from treasurers office (confidential faxes will be received), additional money needed for Human Resources telephone, county portion of CAD budget adopted is less, additional funds needed to meet contract level for SM/Hays Co EMS, and additional funds are needed for District Court appointed attorneys. Bill Herzog advised that court appointed attorneys are already exceeding \$200,000 this fiscal year, therefore he plugged this \$13,470 into this line item for FY2002. He also advised that this budget reflects a tax rate of 44.61 cents (which is less than advertised). **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve additional budget considerations as presented by the County Auditor. All voting "Aye".**



ADDITIONAL BUDGET CONSIDERATIONS	
EXPENDITURES	
Increase in Health Insurance Costs	\$ 57,500
Copier/Fax for Human Resources	\$ 2,000
Increase in Telephone - Human Resources	\$ 1,300
Decrease budget of CAD	(\$ 4,270)
Increase SM/Hays Co EMS	\$ 30,000
Increase Apptd Atty - District Court	<u>\$ 13,470</u>
TOTAL Increase in Expenditures	\$100,000
REVENUES	
Increase in Sales Tax	<u>\$100,000</u>
TOTAL Increase in Revenues	\$100,000
ROLLOVER FUNDS	
Sheriff's Drug Forfeiture Funds	\$ 30,000
Sheriff's Special Project Funds	\$ 5,200
D.A. Drug Forfeiture Funds	\$ 16,700
Right of Way (Road & Bridge Fund]	\$170,000
Time Payment Fees - JP 1-1	\$ 1,000
" JP 1-2	\$ 11,400
" JP 2	\$ 2,800
" JP 3	\$ 570
" JP 4	\$ 360
" JP 5	\$ 1,550
" CCL	\$ 4,400
" Dist. Court	\$ 2,000
LEOSE Funds	\$ 6,880
NEW FUNDS	
Justice Court Technology Fund	
Bail Bond Board Fund	
FUNDS TO BE DELETED	
Stellar Plastics	
New Canaan	
Ace In The Hills	
MISCELLANEOUS	
Move Miscellaneous Capital Improvements in Building Mtc. Budget to Countywide Capital Improvements.	
Increase Medical & Dental Fund Revenues & Expenditures to reflect increase in insurance claims of \$400,000.	

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to adopt the FY2002 Hays County Budget. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Carter voting "No".

19736 EXECUTIVE SESSION [PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE] TO INTERVIEW CANDIDATES, DISCUSS THE APPOINTMENT, ASSIGNMENT, EMPLOYMENT AND/OR DUTIES OF THE HAYS COUNTY PERSONNEL COORDINATOR WITH ACTION [T1-2700]

The Court convened into closed executive session to interview candidates for Hays County Personnel Coordinator, and to discuss the appointment, assignment, employment and/or duties. Upon completion of the closed session, the Court reconvened into open meeting. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to offer Luis Gonzales Jr. the position of Personnel Coordinator at Grade 34 Step 2 with general supervisory authority to be provided by Allen Walther and give him possession of all necessary forms and files. All voting "Aye".

Court was adjourned.

MINUTES APPROVED IN OPEN COURT ON THE 4TH DAY OF SEPTEMBER, 2001

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

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

