



STATE OF TEXAS 0
 COUNTY OF HAYS 0

ON THIS THE 26th DAY OF FEBRUARY A.D., 2002, 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 Molenaar led the Court in the Pledge of Allegiance to the Flags.

20117 PROCLAMATION RECOGNIZING MARCH 2ND AS TEXAS INDEPENDENCE DAY

Commissioner Carter read the Proclamation. Dottie & Bill Barnes appeared before the court representing "Celebrate Texas". Mr. Barnes spoke of "Celebrate Texas" organization which encourages and promotes the education of the general public regarding Texas Independence Day and the history of Texas and its people. A video presentation was given. Commissioner Molenaar spoke in support of Jay Johnson. A motion was made by Commissioner Carter, seconded by Commissioner Molenaar to adopt Proclamation recognizing March 2nd as Texas Independence Day. All voting "Aye".

PROCLAMATION RECOGNIZING TEXAS INDEPENDENCE DAY

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 explaining the significance of Texas Independence Day to any and all school age children; and*

WHEREAS, March 2nd is TEXAS INDEPENDENCE DAY; *now therefore be it*

RESOLVED, *that the HAYS COUNTY COMMISSIONERS' COURT wishes to promote a general awareness of March 2nd as Texas Independence Day, a day 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 26th day of February 2002.*

20118 APPROVE THE COMMISSIONERS' COURT MINUTES OF FEBRUARY 19, 2002

A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve the Commissioners' Court Minutes of February 19, 2002 as presented by the County Clerk. All voting "Aye".

20119 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 \$284,882.49 as submitted by the County Auditor. All voting "Aye".

| | | | | | |
|----------------------|-------------|---------------------|---------------|-----------------------|--------------|
| Public Safety Svcs | \$ 160.00 | Fines | \$ 270.00 | Auditors Office | \$ 331.81 |
| Extension Office | \$ 220.76 | Grants Admin Ofc | \$ 120.22 | Juvenile Prob Office | \$ 6,426.64 |
| Election Admin | \$ 338.45 | Comm & Soc Svcs | \$ 15,000.00 | Indigent care | \$ 6,438.84 |
| Transfer Station | \$ 739.90 | Bldg Mtc Dept. | \$ 10,265.43 | Environ Health | \$ 254.41 |
| Civic Center | \$ 280.54 | Countywide Oper | \$ 3,474.36 | Tax A/C Office | \$ 1,386.46 |
| District Clerk's Ofc | \$ 142.62 | Sheriff's Office | \$ 146,380.63 | Jail Operations | \$ 25,913.05 |
| County Judge Ofc | \$ 80.00 | Human Resources | \$ 2.00 | County Court at Law 1 | \$ 59.50 |
| J.P. 1-2 | \$ 13.82 | J.P. 2 | \$ 14.09 | J.P. 3 | \$ 181.31 |
| J.P. 4 | \$ 255.93 | J.P. 5 | \$ 107.60 | Dept of Public Safety | \$ 701.56 |
| Constable 2 | \$ 4.17 | Constable 3 | \$ 162.38 | Constable 4 | \$ 138.76 |
| Constable 5 | \$ 100.22 | District Court Oper | \$ 4,541.61 | Co & JP Court Oper | \$ 2,192.75 |
| Precinct 1 | \$ 572.20 | Precinct 3 | \$ 761.15 | Veterans Admin | \$ 26.69 |
| Computer Svcs | \$ 443.32 | Co Court at Law 2 | \$ 70.00 | DPS/L&W | \$ 52.81 |
| Fire Marshal/EMC | \$ 277.00 | TJPC CCAP Grant | \$ 90.00 | Animal Control | \$ 219.43 |
| Spec Counsel Ofc | \$ 103.00 | General Fund Credit | <\$42.49> | R&B General Fund | \$ 39,663.21 |
| Sheriff Abandon Veh | \$ 161.94 | Hays Co Parks Fund | \$ 538.90 | Rec Mngmnt/Co Clerk | \$ 29.28 |
| Health Svcs Grants | \$ 1,531.64 | Hays Co I & S Fund | \$ 7,130.00 | Family Health Svcs | \$ 6,554.49 |



20120 APPROVE REFUND OF DOUBLE PAYMENTS ON TAXES

The following applications were submitted for refund of double payments on taxes:

| | |
|--|-------------|
| River Hills #2 Lot 3 | \$ 1,652.65 |
| 14.079 acres Thomas J. Chambers Surv | \$ 2,466.93 |
| Polo Club @ Rooster Springs Ph 3 Blk B Lot 3 | \$ 1,923.75 |

A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve refund of double payments on taxes as submitted by the Tax Assessor-Collector. All voting "Aye".

20121 APPROVE BUDGET AMENDMENT 02-15

County Auditor Bill Herzog advised that the chipper approved by Commissioners' Court was obtained early and requires a budget amendment for this year – funding will come out of contingencies. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve Budget Amendment #01-15 as proposed by the County Auditor. All voting "Aye".

| | | | | AMENDMENT NO. <u>02-15</u> FY 2000 BUDGET <u>02/26/02</u> |
|--|--|---------------|--------------------------------|--|
| FUND NO. 01 FUND TITLE <u>GENERAL FUND</u> | | | | |
| APPROPRIATION BEFORE AMENDMENT | <u>AMENDMENT</u> INCREASES DECREASES | | APPROPRIATION AS AMENDED | |
| <u>CAPCO/SOLID WASTE CHIPPER GRANT (731):</u> | | | | |
| 01-731-5719 Equipment | -0- | 33,080 | | 33,080 |
| <u>COUNTY-WIDE OPERATING (414):</u> | | | | |
| 01-414-5399 Contingencies | 58,266 | | 7,080 | 51,186 |
| REVENUES | | | | |
| 01-384-3731 CAPCO/Solid Waste Chipper | -0- | | <u>26,000</u> | 26,000 |
| | | <u>33,080</u> | <u>33,080</u> | |
| <i>County Match for CAPCO/Chipper Grant approved December 2001 for FY 2003 Budget (copy of Commissioners' Court Minutes attached); Grant approved early and match needed in FY 2002 Budget grant award and authorize county match to be amended from current budget line item Contingencies.</i> | | | | |
| <u>PRECINCT #1 COUNTY COMMISSIONER (439):</u> | | | | |
| 01-439-5353 Special Projects | 1,500 | 1,000 | | 2,500 |
| 01-439-5021 Staff Salaries | 24,061 | | 1,000 | 23,061 |
| <i>Transfer for prior flood expense from Personnel savings.</i> | | | | |
| <u>JUSTICE OF THE PEACE 1-1 (424):</u> | | | | |
| 01-424-5021 Staff | 54,523 | 224 | | 54,747 |
| 01-424-5101 FICA/RET | 17,047 | 37 | | 17,084 |
| 01-424-5335 Time Payment Expense | 1,000 | | (261) | 739 |
| <i>Transfer for approved OT as authorized</i> | | | | |

20122 APPROVE UTILITY PERMITS #01541 & #01542

The following Utility Permits were submitted for approval: #01542 on CR225/Lime Kiln Road issued to P.E.C. and #10541 on CR126/Rohde Road issued to P.E.C. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve Utility Permit #01541 and #01542 as submitted by the County Road Department. All voting "Aye".

20123 APPROVE OUT-OF-STATE TRAVEL FOR COMMISSIONER BILL BURNETT TO ATTEND THE NATIONAL ASSOCIATION OF COUNTIES CONFERENCE

Commissioner Carter asked where fund is coming from for this travel. Commissioner Burnett spoke of purpose of his going to this conference – they will be discussing storm water runoff & EPA rules – and he advised that funding will come from his continuing education line item. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve out-of-state travel for Commissioner Bill Burnett to attend the National Association of Counties Conference. All voting "Aye".



20124 AUTHORIZE WAIVER OF CLASS B FLOODPLAIN PERMIT FEE FOR JOYCE P. MAILE AT 101 ROUND UP DRIVE, CEDAR OAKS MESA IN WIMBERLEY

The Maile home was flooded during November 2001 and they wish to replace it. This waiver of permit fees is consistent with county policy related to residences damaged in previous floods. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to authorize waiver of Class B Floodplain Permit Fee for Joyce P. Maile at 101 Round Up Drive, Cedar Oaks Mesa in Wimberley. All voting "Aye".

20125 ARROYO RANCH SECTION 2 [Pct. 2 #02-2-005] * APPROVE FINAL PLAT [T1-258]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Carter, seconded by Commissioner Burnett to approve final plat of "Arroyo Ranch Section 2". All voting "Aye".

20126 AUTHORIZE CLERK OF JP PCT. 1 PLACE 1 TO WORK OVERTIME FOR A PERIOD OF APPROXIMATELY ONE MONTH TO ACCOMPLISH TASK ASSOCIATED WITH NEW REGULATIONS, AND AMEND THE BUDGET [T1-272]

Judge Macel Sullivan advised that funding will come from Line Item 5335 which are funds to be used for the betterment of her office (time payment fund) – 12 hours of overtime is needed to catch up on warrants which got behind because it took a month to get the paperwork in order to comply with changes associated with new regulations. She spoke of her one clerk doing paperwork for all the Municipal Judges and JP's that perform magistration at the jail. Commissioner Carter gave her appreciation to Judge Sullivan for the work she does. Commissioner Burnett spoke of not wanting to start a waive of overtime request from other offices dealing with these same forms (ie County Clerk's office). He suggested comp time instead of overtime. Commissioner Molenaar spoke of setting a precedent if approved. Commissioner Carter spoke in support of this one time request. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to authorize Virginia Ibarra, Clerk for Justice of the Peace Pct. 1 Place 1 to work two to four hours of overtime per week for a period of approximately one month to accomplish the task associated with new regulations, and to furthermore amend the budget accordingly. Commissioner Ingalsbe, Commissioner Carter and Judge Powers voting "Aye". Commissioner Burnett and Commissioner Molenaar voting "No". MOTION PASSED. Commissioner Burnett stated that he appreciates the work by JP1-1 but he is looking at all departments.

20127 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION FOR UP TO \$18,811 TO THE OFFICE OF GOVERNOR-CRIMINAL JUSTICE DIVISION TO CONTINUE THE HAYS COUNTY TRUANCY PROGRAM AND EXECUTE CONTRACT

[T1-402] Grants Administrator Richard Salmon advised that on 2/9/99 the Commissioners' Court authorized the submittal of a 5-year grant application to the Office of the Governor – Criminal Justice Division to start a truancy program in conjunction with the San Marcos and Wimberley School Districts. The application was approved and funds were accepted by the county on 8/16/99. This is the 4th year renewal grant application for \$18,811. Continued funding of the program is based on performance and availability of funds. The Hays County Truancy program enforces compulsory school attendance laws pursuant to Texas Education Code Chapter 25 Section 25.096. This is an intervention program to prevent delinquent behavior, keep students in school and lower juvenile crime in the county. The primary target group this year is Wimberley ISD; secondary target group is Dripping Springs ISD and Hays CISD. Night visits (6pm to 9pm) will continue to be made on a regular basis for WISD. Assistance to HCISD and DSISD will be on an "as needed" basis. The program will serve students who are in violation of the Texas Compulsory School Attendance Statute. San Marcos CISD has met their target levels and elected not to continue for now. Hays County Deputy Sheriff Mike Thielen spoke of success of the program – some districts need more assistance than others – the officers make a friendly visit and let them know what the law is – their goal is to keep the kids out of the JP courts and keep them in school. Richard Salmon advised that Wimberley ISD is participating @ \$2500, San Marcos CISD is not participating at this time, and the other school districts are participating as needed. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to authorize the County Judge to submit a grant application for up to \$18,811 to the Office of the Governor – Criminal Justice Division to continue the Hays County Truancy Program and to execute the contract. Commissioner Ingalsbe, Commissioner Carter, Commissioner Burnett, and Judge Powers voting "Aye". Commissioner Molenaar abstained because he is a member of the Office of Governor-Criminal Justice Division Board.



RESOLUTION

A resolution of the Commissioners Court of the County of Hays, Texas hereby authorizes the submission of a grant request to the Office of Governor/Criminal Justice Division/Juvenile Justice & Delinquency Prevention (JJDP) Program.

WHEREAS, the Hays County is the applicant for the grant request under the rules of Office of Governor/Criminal Justice Division Grant Program. The grant request is for up to \$18,811 to continue a Truancy Program in partnership with San Marcos ISD, Wimberley ISD and the San Marcos PD.

NOW, THEREFORE, BE IT RESOLVED BY THE Commissioners Court for Hays County, Texas:

1. To request a grant for up to \$18,811 from the Office of Governor/Criminal Justice Division/ JJDP Program and to provide the required match,
2. To comply with the provisions of the fiscal reimbursement and reporting requirements of the Office of Governor/Criminal Justice Division/JJDP Program,
3. To provide cash match agreed to on original grant application.
4. To use the funds solely for the purposes for which they are provided and to return the grant funds in full to the Office of Governor/ Criminal Justice Division in the event of loss or misuse,
5. To authorize the County Judge to execute all necessary documents as may be required to initiate process and complete this Hays County grant application and execute a contract.

PASSED AND APPROVED at a meeting of the Commissioners Court of Hays County, Texas on the 26TH day of February, 2002.

20128 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE BULLETPROOF VEST PARTNERSHIP PROGRAM OF THE U.S. OFFICE OF JUSTICE PROGRAMS FOR UP TO \$6,125 AND TO EXECUTE CONTRACT [T1-542]

Grants Administrator Richard Salmon explained the grant: Grant and matching funds will be used to purchase up to 35 custom bulletproof vests for county deputies, constables and other law enforcement officers. No administration funds are included in the grant. Total grant request is for \$6,125 and Hays County is required to provide a matching amount. The Sheriff's Office has \$6,125 budgeted this year for this grant. Bulletproof vest has to be replaced after 5 years and each is custom fitted to the person. Average cost of the new vest is \$317 each. Commissioner Carter spoke of need for accounting of vests we already own, their years of use, and documentation for the courts consideration. A motion was made by Commissioner Molenaar, seconded by Judge Powers, to authorize the County Judge to submit a grant application to the Bulletproof Vest Partnership Program of the U.S. Office of Justice Programs for up to \$6,125 and to execute a contract. All voting "Aye".

20129 ADOPT NEW STATE DATA CENTER POPULATION FIGURES FOR HAYS COUNTY

[T1-594] Commissioner Burnett spoke of new population projections produced by the State Data Center in College Station. At the last CAMPO meeting the board adopted the 1.0 scenario for Hays and Travis counties. These numbers have been discussed and reviewed by Hays County Environmental Health Director Allen Walther, Hays County GIS Program Manager Steve Floyd, TxDOT, City of Kyle and City of San Marcos staff and they all agree with the projections. He suggested that the court adopt the figures for years 2007, 2017, & 2027 and forward them to all department heads and elected officials for budgeting purposes and long range infrastructure and capital improvements. Steve Floyd spoke of population migrations for the State of Texas – growth will continue at 50% of the 1990-2000 growth. We are confident that the county population from the latest census was also low. He spoke of HCISD enrollment (8.2% per year) and they are forecasting a 15% increase. Commissioner Burnett spoke of Table 3 Population Control Totals for 2027 Plan Update which shows population figures adopted by CAMPO for transportation modeling. He stated that 35% of people in Hays County migrate to Austin for work. Commissioner Carter feels like we should go with figures from A&M. Allen Walther spoke of using information based on permits, etc. issued since the census – the City of Kyle grew by over 4,000 people in one year – we are working from actual growth rates. Commissioner Burnett spoke of high level adopted (6% growth) instead of 2% growth figure. Commissioner Carter does not support adopting figures on the high side – she suggested adopting figures on the moderate side. Commissioner Molenaar spoke of need to adopt figures that departments can project to. [T1-846] Commissioner Burnett advised that these numbers have been produced on different levels of growth projects by the State Data Center – the numbers have been justified by our environmental health department based on septic permits and plats that have been filed as well as the City of San Marcos and the City of Kyle for permits that they have issued. The 1.0 scenario is one that is in line with what is happening on the ground today and these are projections. Commissioner Molenaar spoke of need for figures for planning purposes. Allen Walther spoke of City of Kyle permits (building & utilities) which reflect increase in population. He spoke of more dramatic numbers that have come out of San Marcos. He spoke of actual growth exceeding the proposed figures. [T1-920] A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to adopt for the year 2007 a 144,000 population, for year 2017 a 236,000 population, and for year 2027 a 359,000 population; which is the Data Centers 1.0 scenario; for use by Hays County Department Heads and Elected Officials. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

| YEAR | 2007 | 2017 | 2027 |
|-------------|---------|---------|---------|
| POPULATION: | 144,000 | 236,000 | 359,000 |



20130 APPOINT MIKE W. BOYLE TO THE WIMBERLEY EMERGENCY SERVICES DISTRICT TO REPLACE BETTY GRUNER [T1-932]

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to appoint Mike W. Boyle to the Wimberley Emergency Services District to replace Betty Gruner (resigned). All voting "Aye".

20131 PULL CASH BOND OF \$18,189.35 FROM THE DEVELOPER OF CROOKED OAKS AND AMEND THE ROAD DEPARTMENT BUDGET ACCORDINGLY [T1-940]

This cash bond was put in place to assure that a cul-de-sac was constructed at the end of Post Oak Road. The developer did not complete construction and has agreed to not protest the use of the cash bond as payment to Hays County for construction of the cul-de-sac. Proposed action is to allow the \$18,189.35 cash bond (which was deposited in the general fund) to be transferred into the Road Department budget. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to pull cash bond of \$18,189.35 from the Developer of Crooked Oaks and amend the Road Department budget accordingly (transfer from the general fund to the Road Dept. contract road building line item). All voting "Aye".

20132 ACTION RELATING TO THE GRADE AND STEP DESIGNATIONS OF TWO EMPLOYEES (EDWARD KAYE AND JODY GINN) IN THE HAYS COUNTY DISTRICT ATTORNEY'S OFFICE [T1-967]

District Attorney Office Manager Carolyn Brown spoke of documentation to justify this request. D.A. Investigator (part-time) Jody Ginn has 9 years experience as a peace officer, has a BS in Criminal Justice, has Advanced Peace Officer Certification, and 840 class hours in service training) – he previously worked as a Deputy Constable in Pct. 1. Assistant District Attorney Edward Kaye has 3 years legal experience, briefing attorney – 4th Court of Appeals, intern – Court of Criminal Appeals, civil litigation and criminal practice. Carolyn Brown spoke of Assistant DA's that have been lost recently to higher paying jobs. She spoke of being put in a position of hiring attorneys with very little experience (fresh out of law school or one year of experience) defending the crime victims of this county. Edward Kaye was offered the salary proposed (Grade 33 Step 2). She spoke of need to re-grade the prosecutor positions. Grade 33 Step 2 = \$40,369. Hays County Policy allows up to a Step 4 for the Investigator because of his years of experience and Mike Wenk is willing to pay the additional 2 steps (Grade 25 Step 6) for the investigator out of his discretionary funds until the end of this fiscal year. Hays County Policy allows up to a Step 2 for the Assistant D.A. based on years of experience. Commissioner Carter asked for more information - in writing – to justify this request. Commissioner Burnett feels like it is unfair for departments with discretionary funds to supplement salaries – this puts our grade and step system out of whack. Allen Walther advised that Human Resources has been following the policy as written. Commissioner Molenaar spoke in support of the request. A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve hiring of District Attorney Investigator Jody Ginn at Grade 25 Step 4. All voting "Aye". A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize hiring of Assistant District Attorney Edward Kaye at Grade 33 Step 2. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

Court was adjourned.

MINUTES APPROVED IN OPEN COURT ON THE 5TH DAY OF MARCH, 2002

JAMES L. POWERS, COUNTY JUDGE
H A Y S C O U N T Y, T E X A S

LEE CARLISLE, COUNTY CLERK
H A Y S C O U N T Y, T E X A S

