



STATE OF TEXAS 0  
 COUNTY OF HAYS 0

ON THIS THE 26<sup>th</sup> DAY OF MARCH A.D., 2002, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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

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

Judge Powers was not present at the beginning of the meeting. Commissioner Molenaar presided over the meeting until Judge Powers appeared. Commissioner Molenaar called the meeting to order and gave the invocation and Commissioner Burnett led the Court in the Pledge of Allegiance to the Flags.

**PRESENTATION BY HAYS COUNTY EXTENSION OFFICE ON TEXAS COMMUNITY FUTURES**

County Extension Agent Rachel Bauers spoke of presentation to be given. 4H Agent Richard Parrish gave a slide presentation [Texas Community Futures Report]. Agent Susan Schramm spoke of baskets that were given to court members: Mug representing water issues (clean water to drink), a chocolate rabbit representing the small land owner stewardship education (like rabbits, our population continues to increase with urban sprawl), grass to hold and support (represents the county spreading out and increasing services through infrastructure and trying to meet the demands), Peeps/chicks in a box represent our youth (like our incarcerated youth – their potential is there and we hope to make them good as they grow up and have a bright future), and the basket that represents our social services (setting the foundation and building the framework for the families in the county). She gave their appreciation to the court for their support.

*Judge Powers came to the meeting at this time.*

**20171 APPROVE THE COMMISSIONERS' COURT MINUTES OF MARCH 19, 2002**

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

**20172 APPROVE PAYMENT OF COUNTY INVOICES**

A motion was made by Commissioner Burnett, seconded by Commissioner Carter to approve county invoices in the amount of \$207,063.07 as presented by the County Auditor. All voting "Aye".

Fines	\$ 1,348.16	Lease Pmt	\$ 408.36	Auditor's Office	\$ 73.76
Treasurer's Office	\$ 322.44	Grants Admin Office	\$ 1,541.42	Juvenile Prob Office	\$ 7,924.57
Election Admin Office	\$ 50.00	Comm & Soc Svcs	\$ 2,083.34	Indigent Care	\$ 6,455.02
Transfer Station	\$ 24.42	Building Mtc. Dept.	\$ 4,744.47	Environ Health	\$ 83.39
Civic Center	\$ 152.77	Countywide Oper	\$ 22,455.08	Tax A/C Office	\$ 249.03
Sheriff's Office	\$ 6,171.68	Jail Operations	\$ 48,282.36	Human Resources	\$ 5.76
Co Court at Law 1	\$ 105.84	District Atty's Ofc	\$ 781.77	J.P. 1-2	\$ 199.83
J.P. 2	\$ 199.83	J.P. 4	\$ 247.51	J.P. 5	\$ 441.77
DPS	\$ 725.68	Constable 3	\$ 165.72	Constable 4	\$ 12.08
Constable 5	\$ 93.14	District Court Oper	\$ 31,906.09	Co & JP Court Oper	\$ 3,092.16
Precinct 1	\$ 15.95	Precinct 3	\$ 1,462.04	Precinct 4	\$ 140.96
Veterans Admin Ofc	\$ 29.99	Computer Svcs	\$ 1,682.84	DPS/L&W	\$ 92.48
Fire Marshal/EMC	\$ 61.61	CJD/VAWA Grant	\$ 1,197.45	911 Addrs Mtc. Grant	\$ 112.47
General Fund Credit	<\$1.09>	Road & Bridge Gen	\$ 32,400.87	Hays Co Parks Fund	\$ 270.00
Rec Mng/Co Clerk	\$ 520.75	Health Svcs Grants	\$ 4,950.79	Sheriffs Drug Forf Fund	\$ 8,000.00
D. A. Drug Forf Fund	\$ 2,354.12	Family Health Svcs	\$ 13,024.39		

**20173 APPROVE REFUND OF DOUBLE PAYMENTS ON TAXES**

The following properties requested refund of double payments on taxes:

*Steeplechase Phase I Lot 34 Blk B \$ 2,876.52 double payment*  
*Philip A. Smith Survey 9.94 ac. \$ 1,894.94 double payment*  
*D. S. Combs Addition Blk 3 Lot 1 \$ 1,098.95 double payment*  
*Richard Vaughn Survey 5.00 ac. \$ 1,016.14 double payment*  
*John Barton Survey 2.44 ac. \$ 1,040.80 double payment*  
*Spring Branch Section 1-D Blk H Lot 1D \$ 2,537.04 double payment*  
*Spring Branch Section 1-D Blk G Lot 3D \$ 1,875.95 double payment*  
*Fieldstone Lot 20 Blk A 5.38 ac. \$ 4,772.02 double payment*  
*Cimarron Park II Lot 33 Blk F \$ 1,962.49 double payment*

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



**20174 APPROVE UTILITY PERMITS # 01552 - 01554**

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

UTILITY PERMIT #	COUNTY ROAD #/NAME	UTILITY COMPANY
01552	CR266 – Old Bastrop Rd	Century Tel of San Marcos
01553	CR157 – Goforth Road	Verizon
01554	CR157 – Goforth Road	Verizon

A motion was made by Commissioner Burnett, seconded by Commissioner Carter to approve Utility Permits # 01552, 01553, & 01554 as submitted by the County Road Department. All voting “Aye”.

**20175 APPROVE THE REAPPOINTMENT OF COMMISSIONER DEBBIE GONZALES INGALSBE TO THE CARTS BOARD OF DIRECTORS**

This CARTS Board of Directors appointment is for a two year term beginning March 2002. Currently Commissioner Pct. 1 Debbie Ingalsbe represents Hays County on the board. A motion was made by Commissioner Burnett, seconded by Commissioner Carter to reappoint Commissioner Pct. 1 Debbie Gonzales Ingalsbe to the CARTS Board of Directors for a two year term. All voting “Aye”.

**20176 APPROVE THE APPOINTMENT OF COMMISSIONER DEBBIE GONZALES INGALSBE TO THE GREATER SAN MARCOS ECONOMIC DEVELOPMENT COUNCIL**

There is currently a Hays County vacancy on the Greater San Marcos Economic Development Council and Commissioner Ingalsbe is willing to serve. A motion was made by Commissioner Burnett, seconded by Commissioner Carter to approve the appointment of Commissioner Pct. 1 Debbie Gonzales Ingalsbe to the Greater San Marcos Economic Development Council. All voting “Aye”.

**20177 APPROVE THE PURCHASE OF A COLOR LASER PRINTER FOR NEW FILING SYSTEM**

Personal Health Director Gay Helmly explained the need for purchase of a color laser printer (\$2,369.38) for their new filing system - labels are color coded - they have the software to create the labels but a laser printer is needed. They are currently using an ink jet, however, the color cartridges are expensive. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve purchase of a color laser printer for the new filing system at the Health Department. All voting “Aye”.

**20178 APPROVE OUT OF STATE TRAINING FOR LEAD MECHANIC STEVE COST TO ATTEND THE HARLEY DAVIDSON TECHNICAL SCHOOL IN ORLANDO, FL.**

[T1-205] Sam Davis stated that he was not aware that the county had Harley Davidson motorcycles – he voiced his concern about going all the way to Orlando for technical training to work on just 3 motorcycles – he feels like training could be obtained closer to home. Commissioner Molenaar advised that there are two schools and this is the closest one - it is important that training is received so that we can maintain these motorcycles. Commissioner Burnett advised that there are no training seminars in Texas. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve out-of-state training for Lead Mechanic Steve Cost to attend the Harley Davidson Technical School in Orlando, Florida. All voting “Aye”.

**20179 HOLIDAY WORLD SOUTH [PCT. 2 #01-2-018] \* APPROVE PRELIMINARY PLAT [T1-261]**

Environmental Health Director Allen Walther advised that this is a one lot subdivision located in Buda – he gave staff recommendation for preliminary plat approval. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve preliminary plat of “Holiday World South”. All voting “Aye”.

**20180 APPROVE CANCELLATION OF SOUTHLAKE SUBDIVISION SECTION 1 [PCT. 2 #02-2-014] [T1-274]**

Southlake Subdivision Section 1 is a three lot subdivision that was developed in 1999 (Volume 8 Pg 321-323 Plat Records) on CR122/BeeBee Road. Environmental Health Director Allen Walther advised that this subdivision has not developed and property owner Manual Zuniga is requesting that it be returned to acreage as provided by Local Government Code § 232.008 – Cancellation of Subdivision. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve cancellation of “Southlake Subdivision Section 1” recorded in Volume 8 Page 321-323 Plat Records of Hays County, Texas. All voting “Aye”.



**20181 PUBLIC HEARING WITH ACTION TO ESTABLISH TRAFFIC REGULATIONS AT THE INTERSECTION OF ROBINS RUN AND WILDWOOD HILLS LANE IN THE DRIPPING SPRINGS AREA [T1-287]**

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding recommended a STOP sign on Robins Run at Wildwood Hills Lane. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to establish traffic regulation of a STOP sign on Robins Run at its intersection with Wildwood Hills Lane in the Dripping Springs area. All voting "Aye".

**Clerk's Note:** Agenda Item #13 PUBLIC HEARING WITH ACTION TO ESTABLISH TRAFFIC REGULATIONS ON COTTONWOOD CREEK ROAD IN THE DRIPPING SPRINGS AREA was PULLED - No discussion and no action taken.

**20182 ACCEPT CONSTRUCTION OF ROADS AND DRAINAGE IMPROVEMENTS, RELEASE CONSTRUCTION SECURITY AND ACCEPT MAINTENANCE SECURITY FOR BLUE SKY RANCH (01-4-031) [T1-305]**

Road Supt/Engineer Jerry Borcharding recommended acceptance of road construction and drainage improvements for Blue Sky Ranch, release of construction security and acceptance of maintenance security. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to accept construction of roads and drainage improvements, release construction security and accept maintenance security for Blue Sky Ranch subdivision. All voting "Aye".

**20183 APPOINT PAUL MENDOZA TO THE HAYS COUNTY PARKS AND OPEN SPACE ADVISORY BOARD [T1-316]**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve appointment of Paul Mendoza to the Hays County Parks and Open Space Advisory Board. All voting "Aye". [Pct. 1 appointment]

**21084 AUTHORIZE THE COUNTY JUDGE TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE CITY OF SAN MARCOS FOR THE USE OF A STREET AND SIDEWALK SWEEPER [T1-324]**

Sam Davis asked how this will be used for the county and what the agreement says cost-wise, percentage-wise, etc. Judge Powers explained that the City is buying the equipment and the county will operate it around the courthouse. We will furnish 10 man-hours. Maintenance Supervisor Ron Knott spoke of currently spending 10 hours per week policing the grounds of the courthouse - the City will purchase a \$26,000 sweeper - we will do both sides of the square - the equipment will be available to do other parking lots in the area (Justice Center parking lot, etc.). The city will maintain the machine. Mayor David Chui advised that the city will make the purchase and he spoke of San Marcos citizens being a part of Hays County and appreciates the cooperation. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize the County Judge to enter into an interlocal agreement with the City of San Marcos for the use of a street and sidewalk sweeper. All voting "Aye".

**DOWNTOWN STREETS AND SIDEWALK SWEEPER AGREEMENT**

**STATE OF TEXAS**  
**COUNTY OF HAYS**

*The City of San Marcos (the "City") and Hays County (the "County") enter into this Interlocal Agreement under the authority of the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code, as amended.*

*The City agrees to furnish a sweeper/vacuum (the "Sweeper") for use on sidewalks and streets in the downtown area of San Marcos, as shown on the map attached as Attachment A. The City further agrees to provide storage and maintenance for the Sweeper.*

*The County agrees to provide an employee to operate the sweeper approximately 2 hours per day, 5 days a week, for a total for a total of ten hours per week, weather permitting, for courthouse grounds and areas around the square as shown on Attachment A. Other areas may be addressed as needed. The cleaning will be based on a schedule established by the County's Maintenance Supervisor and the City's Main Street Manager. At times other than those scheduled for downtown cleaning, the City will use the Sweeper at other locations using its own employees.*

*The City and the County acknowledge that the provision of services by each party under this agreement is fair and equitable, and will be provided from current revenues available to each party.*

*This agreement shall take effect immediately upon execution by both parties hereof and shall inure to the benefit and be binding upon the administrators, successors and assigns of the parties hereto.*



**20185 ADOPT RESOLUTION PROPOSED BY TEXAS DEPARTMENT OF TRANSPORTATION TO DISPOSE OF ABANDONED PORTION OF OLD HIGHWAY NO. 2 (NOW REFERRED TO AS LOOP 4) SOUTH OF BUDA @ INTERSECTION OF IH-35**

[T1-417] TxDot has proposed a resolution in order to sell the abandoned portion of Old Highway No. 2 that resulted from the realignment of the road, now known as Loop 4. This is a State road and the resolution establishes that the road, which can no longer be seen or used in its present condition, is not needed by Hays County. County Clerk Lee Carlisle read the resolution. Road Dept. Supv./Engineer Jerry Borcharding advised that the county has no need for this property. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to adopt Resolution proposed by the Texas Dept. of Transportation to dispose of abandoned portion of old Highway No. 2 (now referred to as Loop 4) south of Buda at the intersection of IH35. All voting "Aye".

**A RESOLUTION OF HAYS COUNTY COMMISSIONERS' COURT  
SUPPORTING THE ABANDONMENT OF A PORTION OF FORMER STATE  
HIGHWAY NO. 2 BY THE TEXAS DEPARTMENT OF TRANSPORTATION**

*On this date* at a regular meeting of the Hays County Commissioners' Court, a resolution was proposed, which was seconded and which was approved and adopted by a majority vote of the Hays County Commissioners' Court, the Resolution being as follows:

*Whereas*, the Texas Department of Transportation proposes to dispose of two tracts of land owned by the State and formerly used for highway purposes as part of State Highway No. 2 and made surplus for highway purposes by the realignment of said highway, said surplus of land being more particularly described in Exhibit "A", attached hereto and made a part hereof; and

*Whereas*, due to the State's realignment of State Highway No. 2, it has been determined that the said portion of highway in Exhibit "A" is no longer needed for the use of citizens for roadway purposes; and

*Now, Therefore Be It Resolved* by the Hays County Commissioners' Court that the surplus land described in the said attached Exhibit "A" is no longer needed by the citizens for road purposes and it is requested that the State quitclaim said surplus land to the adjoining property owners for the consideration which said owners provide to the State.

*Adopted* this the 26<sup>th</sup> day of March, 2002.

**20186 APPROVE INCREASE IN HOURLY RATE OF PAY FOR SECURITY PERSONNEL ED STAPP** [T1-475]

Judge Warner appeared before the Court requesting an increase in salary for security Personnel Ed Stapp at the Justice Center. He spoke of his current Security Coordinator anticipating retirement next year and he spoke of experience of Ed Stapp and increase in his responsibilities. There are funds available in the Court Security budget to cover this increase. Human Resources Director Luis Gonzales advised that this position is not a graded position and he spoke of the pay for security personnel. He advised that Ed Stapp is currently being paid \$12.75 per hour. Judge Powers spoke of addressing these issues in the budget process. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve increase in hourly rate of pay for Security Personnel Ed Stapp from \$11.30 per hour to \$12.75 per hour. All voting "Aye".

**20187 ACTION RELATING TO THE IMPLEMENTATION OF HOUSE BILL 1445 (SUBDIVISION REGULATION IN THE EXTRATERRITORIAL JURISDICTION OF HAYS COUNTY MUNICIPALITIES)** [T1-569]

**Summary:** Judge Powers has recently been visiting with Hays County Mayors regarding the implementation of House Bill 1445 which amended Chapter 242 of the Texas Local Government Code. HB1445 requires cities and counties to enter into interlocal agreements regarding subdivision regulations in the extraterritorial jurisdiction of municipalities. Judge Powers met with Hays County Mayors on January 17, 2002 regarding the HB 1445 issue and forwarded draft agreements in an effort to initiate dialog to each city on February 25, 2002. Over the course of several months, Judge Powers, along with staff assistance from the Director of Environmental Health and Special Counsel, has attended numerous meetings and researched the HB1445 issue. While the concept of the new law might appear straightforward at first blush, it has been challenging to actually draft agreements that can be presented to the eleven different cities that Hays County will have to work with on this issue since the legislation appears to raise several unresolved legal issues. RG-0492-JC, a pending attorney general opinion request seeks clarification of the statutory changes. There is some urgency involved since the Legislature directed that these agreements be in place by April 1, 2002. If agreements are not reached with each city by April 1, 2002, Texas Local Government Code Section 241.001(f), provides that the previous rule (plats approved by both the city and county and most stringent rule applies when a conflict occurs) applies. The Court may want to authorize the execution of interim agreements until some of the unresolved legal issues can be addressed or require that the agreements be revisited after 120 days.



Judge Powers advised that he, Allen Walther, Jacqueline Cullum Murphy, and the City Mayors have been working on this, however, there is still confusion regarding this issue. The lawmakers have created a law and we have to make decisions regarding this law. Environmental Health Director Allen Walther advised that no longer can cities and counties review a subdivision in a cities ETJ - there should be only one office for a subdivider to go to for subdivision approval. Mr. Walther explained the Options: Option #1 - the county can release their authority to a city ♦ Option #2 - the city will release to the county its authority ♦ Option #3 - contemplates joint approval (regulate different areas) ♦ Option #4 - establishes one office that accepts the plat application, collects fees for the city & county, and provide 1 response on review – would use a compilation of one set of consolidated standards. Niederwald Mayor Rickie Adkins presented their attorney. Cary Bovey, Attorney for Niederwald, advised that he will give the cities position on this issue - they want to retain jurisdiction over subdivisions in their ETJ – he has advised them to not sign the agreement in its present form. He proposed a meeting with county staff to work out issues. Commissioner Carter spoke of need for clarification before taking action. Commissioner Molenaar spoke of need for public input and work out issues in a public forum (workshop) with the Commissioners' Court. He spoke of people not having a voice in city ETJ's. [T1-747] Rob Baxter (Friendship Alliance / Driftwood resident) advised that option #4 seems to be the most attractive – they have opted to go into Dripping Springs ETJ because of Austin ETJ – the only vote they have is on Commissioners' Court and not the City of Dripping Springs. He spoke in support of a region plan. [T1-797] Walter Brown (Village of Wimberley Councilman) spoke of least desirable option would be creating one office – he feels like you should allow a city to look at areas of growth and protect that area as best it can until such time it is annexed. [T1-826] Steve Harrison (Village of Wimberley City Administrator) spoke of need for more detailed work – everyone's concerns need to be taken into account – no new bureaucracy needs to be created – there needs to be timely review and fee schedule needs to be worked out. [T1-877] Charles O'dell (Robin's Run resident living in ETJ of Dripping Springs and member of the Friendship Alliance) stated that he is against the county giving up their authority to the City – he has a representative on Commissioners' Court but has no voice in city government – he supports option #4 and he spoke of having a more efficient operation with that option. Commissioner Molenaar spoke of county continuing with inspections and reviews. [T1-970] Andrew Backus (Goldenwood resident and member of Friendship Alliance) spoke of interest in regional planning – he spoke of study that shows that residential growth is a tax deficit – he supports a combined office (option 4) and he supports regional planning. [T1-1031] Diana George (lives in Bear Creek Estates and member of Friendship Alliance) spoke of moving to Hays County in 1984 and is active in her community – she supports option #4 – those in Dripping Springs ETJ do not have a vote in what happens there – she urged citizens input – regional planning is imperative to control growth. [T1-1063] Chris Boldt (City Attorney for Dripping Springs) advised that the City of Dripping Springs has passed a resolution that states their intent and they are willing to work with the county - they have representatives outside the city limits on their planning & zoning commission. They are concerned about option #4 consolidation and would like clarification from the legislature – the statute states that the status quo stays in place. [T1-1126] Andrew Martin (representing the City of Austin) spoke of Austin City Council that has authorized the City Manager to negotiate an agreement with Hays County for a one-stop shop system - they support option #4 for at least 6 months to work out concerns. They suggest the one-stop be in Austin. He spoke of agreement with Buda to release ETJ of Austin – there should be a reduction in the Austin ETJ in the Buda area. Andrew Martin spoke of 4 counties to be negotiated with (Travis, Bastrop, Hays, & Williamson). Both entities (City & County) would retain their authority – rules/regulations must be consistent and consolidated. Commissioner Molenaar spoke of differences in authority of cities and counties and need for citizen input. He spoke of need to take our time so that it will not hurt the citizens of Hays County. [T1-1483] Chad Swedberg spoke of many residents that opted for Dripping Springs ETJ versus Austin ETJ – they want representation from people they select. He felt like the boundaries are not clear (maps are different) and he does not want the court to give up any authority. Commissioner Molenaar spoke of confusion with HB1445 – need to break down Senate Bill 873. He spoke of one-stop office which would interfere with input from Commissioners (cost share issues, etc.) and he suggested a workshop to hash out problems. Commissioner Burnett spoke of common thread being that there is a lot of confusion and contradictory language in HB1445 – there is an attorney general's opinion that should give us clarity regarding option 4. He suggested taking action on agreements with the City of San Marcos (who have requested option 1) and the City of Umland (which has requested option 2). He suggested accepting those two agreements as a good faith effort to comply with the legislature. Commissioner Burnett read his proposed resolution. Discussion was had regarding Attorney General's Opinion which must be out by July. Commissioner Molenaar spoke of importance for public input. Commissioner Burnett suggested adding language [T1-1850] in the final paragraph "that we hereby authorize County Staff and the Hays County Commissioners' Court to work toward the execution of these interlocal agreements". Attorney General's Opinion applies only to option #4. Commissioner Carter suggested adding "and clarification on Senate Bill 873". Commissioner Ingalsbe spoke of this being a living document that will have to be revisited. Special Counsel Jacqueline Cullom Murphy spoke of committee reviewing both bills (HB1445 & SB 873). Allen Walther spoke of wording in SB 873 being the same as those already in the statute relating to cities. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to adopt Resolution with added language – to include all cities in the county. [T1-2115] A substitute motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to adopt resolution as written that excludes the City of Umland and the City of San Marcos and authorizes the County Judge and Hays County to enter into interlocal agreements with the City of San Marcos and City of Umland for a time period of 120 days, to be reviewed by staff and brought to Commissioners' Court for revision or adoption. After discussion was had, all motions were withdrawn. Cary Bovey spoke of opinion by David Brooks regarding difference in authority of Cities and Counties – SB 873 gives counties the same authority of cities. It was stated that the City of Umland has no staff and they want the county to continue reviewing their subdivisions and the City of San Marcos has staff to deal with these issues and they are opting for option 1. Commissioner Carter felt like option 3 is the only option to choose.



[T1-2380] A motion was made by Commissioner Ingalsbe, seconded by Judge Powers to approve interlocal agreement with the City of San Marcos regarding the review and approval of plats of subdivisions in the city's extraterritorial jurisdiction within Hays County and declaring an effective date of March 26, 2002 and to authorize the County Judge to execute the agreement for a period of 120 days. Commissioner Ingalsbe, Commissioner Burnett and Judge Powers voting "Aye". Commissioner Carter and Commissioner Molenaar voting "No".

**A RESOLUTION OF THE HAYS COUNTY COMMISSIONERS COURT  
APPROVING AN INTERLOCAL AGREEMENT WITH THE CITY OF SAN MARCOS  
REGARDING THE REVIEW AND APPROVAL OF PLATS OF SUBDIVISIONS IN THE  
CITY'S EXTRATERRITORIAL JURISDICTION WITHIN HAYS COUNTY;  
AND DECLARING AN EFFECTIVE DATE**

**WHEREAS**, the Texas Legislature has recently revised TEX. LOCAL GOV'T CODE Chapter 242 (77<sup>th</sup> Leg. Ch. 1028 [H.B. 1445]) to require a county and municipalities with extraterritorial jurisdiction (ETJ) in that county to enter into a written agreement identifying the governmental entity authorized to regulate subdivision plats and approve related permits in the ETJ of each such municipality; and,

**WHEREAS**, the legislative intent supporting the amendments to TEX. LOCAL GOV'T CODE Chapter 242, was defined as an attempt to reduce "unnecessary expenses and delays for property owners because municipalities and counties have different standards, requirements, and levels of authority over subdivisions." (77<sup>th</sup> Leg. Ch. 1028 [H.B. No. 1445], *bill analysis*); and,

**WHEREAS**, pursuant to the newly amended TEX. LOCAL GOV'T CODE Chapter 242.001(d) there are four separate methods that counties and cities may choose to provide the "one stop shop" as intended by the legislation: 1) the city retains exclusive regulatory authority pursuant to TEX. LOCAL GOV'T CODE Chapter 212; 2) the county retains exclusive regulatory authority pursuant to TEX. LOCAL GOV'T CODE Chapter 232; 3) the ETJ is apportioned between the city and county; and, 4) the city and county enter into an interlocal agreement that establishes one office authorized to accept plat applications, collect plat application fees in one lump sum amount, and provide one response to applicants indicating approval or denial of a plat application; and,

**WHEREAS**, the Hays County Commissioners Court believes it is in the best interest of the public to adopt an agreement with the City of San Marcos that reflects the method of subdivision approval as outlined in TEX. LOCAL GOV'T CODE § 242.001(d)(1); and,

**WHEREAS**, the Hays County Commissioners Court desires to comply with the requirements of House Bill 1445 as established in the 77<sup>th</sup> Legislature and is authorizing the agreement described below in an effort to comply with the statutorily imposed deadline of April 1, 2002 but intends to revisit the agreement within one hundred twenty (120) days or upon the release of the Attorney General opinion referenced below; and,

**WHEREAS**, the Hays County Commissioners Court has, in the past, been consistent in its efforts to seek legislation that expands the regulatory authority of county government in unincorporated areas and does not hereby with the passage of this Resolution seek to send a contrary message to the Legislature; and,

**WHEREAS**, there is a pending Attorney General Opinion Request, RQ-0492-JC, that seeks to resolve some of the inconsistencies and legal concerns relating to TEX. GOV'T CODE Chapter 242.001(d)(4) and the Commissioners Court hereby expresses its intent to review and implement any direction from the Attorney General upon release of the opinion; and,

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS COURT OF HAYS COUNTY, TEXAS:**

1. The terms and conditions of the Agreement between the City of San Marcos and the Commissioners Court of Hays County regarding the review and approval of plats of subdivisions in the City of San Marcos' extraterritorial jurisdiction within Hays County are approved.
2. The County Judge is authorized to execute the attached Agreement on behalf of the County.
3. This Resolution is effective immediately upon its passage and adoption.

**ADOPTED ON THIS THE 26<sup>TH</sup> DAY OF MARCH, 2001.**



[T1-2448] A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve interlocal agreement with the City of Umland regarding the review and approval of plats of subdivisions in the city's extraterritorial jurisdiction within Hays County and declaring an effective date of March 26, 2002 and to authorize the County Judge to execute the agreement for a period of 120 days. All voting "Aye".

**A RESOLUTION OF THE HAYS COUNTY COMMISSIONERS COURT  
APPROVING AN INTERLOCAL AGREEMENT WITH THE CITY OF UHLAND  
REGARDING THE REVIEW AND APPROVAL OF PLATS OF SUBDIVISIONS IN THE  
CITY'S EXTRATERRITORIAL JURISDICTION WITHIN HAYS COUNTY;  
AND DECLARING AN EFFECTIVE DATE**

**WHEREAS**, the Texas Legislature has recently revised TEX. LOCAL GOV'T CODE Chapter 242 (77<sup>th</sup> Leg. Ch. 1028 [H.B. 1445]) to require a county and municipalities with extraterritorial jurisdiction (ETJ) in that county to enter into a written agreement identifying the governmental entity authorized to regulate subdivision plats and approve related permits in the ETJ of each such municipality; and,

**WHEREAS**, the legislative intent supporting the amendments to TEX. LOCAL GOV'T CODE Chapter 242, was defined as an attempt to reduce "unnecessary expenses and delays for property owners because municipalities and counties have different standards, requirements, and levels of authority over subdivisions." (77<sup>th</sup> Leg. Ch. 1028 [H.B. No. 1445], *bill analysis*); and,

**WHEREAS**, pursuant to the newly amended TEX. LOCAL GOV'T CODE Chapter 242.001(d) there are four separate methods that counties and cities may choose to provide the "one stop shop" as intended by the legislation: 1) the city retains exclusive regulatory authority pursuant to TEX. LOCAL GOV'T CODE Chapter 212; 2) the county retains exclusive regulatory authority pursuant to TEX. LOCAL GOV'T CODE Chapter 232; 3) the ETJ is apportioned between the city and county; and, 4) the city and county enter into an interlocal agreement that establishes one office authorized to accept plat applications, collect plat application fees in one lump sum amount, and provide one response to applicants indicating approval or denial of a plat application; and,

**WHEREAS**, the Hays County Commissioners Court believes it is in the best interest of the public to adopt an agreement with the City of Umland that reflects the method of subdivision approval as outlined in TEX. LOCAL GOV'T CODE § 242.001(d)(2); and,

**WHEREAS**, the Hays County Commissioners Court desires to comply with the requirements of House Bill 1445 as established in the 77<sup>th</sup> Legislature and is authorizing the agreement described below in an effort to comply with the statutorily imposed deadline of April 1, 2002 but intends to revisit the agreement within one hundred twenty (120) days or upon the release of the Attorney General opinion referenced below; and,

**WHEREAS**, the Hays County Commissioners Court has, in the past, been consistent in its efforts to seek legislation that expands the regulatory authority of county government in unincorporated areas and does not hereby with the passage of this Resolution seek to send a contrary message to the Legislature; and,

**WHEREAS**, there is a pending Attorney General Opinion Request, RQ-0492-JC, that seeks to resolve some of the inconsistencies and legal concerns relating to TEX. GOV'T CODE Chapter 242.001(d)(4) and the Commissioners Court hereby expresses its intent to review and implement any direction from the Attorney General upon release of the opinion; and,

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS COURT OF HAYS COUNTY, TEXAS:**

1. The terms and conditions of the Agreement between the City of Umland and the Commissioners Court of Hays County regarding the review and approval of plats of subdivisions in the City of Umland's extraterritorial jurisdiction within Hays County are approved.
2. The County Judge is authorized to execute the attached Agreement on behalf of the County.
3. This Resolution is effective immediately upon its passage and adoption.

**ADOPTED ON THIS THE 26<sup>TH</sup> DAY OF MARCH, 2001.**



[T1-2474] A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to adopt a Resolution of the Hays County Commissioners' Court Defining a Process To Implement House Bill 1445 with inclusion in the final paragraph to read " and hereby authorize the county staff and the Hays County Commissioners' Court to work towards the execution of Interlocal Agreements and these agreements shall be executed within forty-five (45) days after the release of the Attorney General's Opinion. All voting "Aye".

**A RESOLUTION OF THE HAYS COUNTY COMMISSIONERS' COURT  
DEFINING A PROCESS TO IMPELEMENT HOUSE BILL 1445**

**WHEREAS**, the Texas Legislature has recently revised TEX.LOCAL GOV'T CODE Chapter 242 (77<sup>th</sup> Leg. Ch. 1028 [H.B. 1445]) to require a county and municipalities with extraterritorial jurisdiction (ETJ) in that county to enter into a written agreement identifying the governmental entity authorized to regulate subdivision plats and approve related permits in the ETJ of each such municipality; and,

**WHEREAS**, the legislative intent supporting the amendments to TEX. LOCAL GOV'T CODE Chapter 242, was defined as an attempt to reduce "unnecessary expenses and delays for property owners because municipalities and counties have different standards, requirements, and levels of authority over subdivisions." (77<sup>th</sup> Leg. Ch. 1028 [H.B. No. 1445], *bill analysis*); and,

**WHEREAS**, pursuant to the newly amended TEX. LOCAL GOV'T CODE Chapter 242.001(d) there are four separate methods that counties and cities may choose to provide the "one stop shop" as intended by the legislation: 1) the city retains exclusive regulatory authority pursuant to TEX. LOCAL GOV'T CODE Chapter 212; 2) the county retains exclusive regulatory authority pursuant to TEX. LOCAL GOV'T CODE Chapter 232; 3) the ETJ is apportioned between the city and county; and 4) the city and county enter into an interlocal agreement that establishes one office authorized to accept plat applications, collect plat application fees in one lump sum amount, and provide one response to applicants indicating approval or denial of a plat application; and,

**WHEREAS**, the Hays County Commissioners Court has, in the past, been consistent in its efforts to seek legislation that expands the regulatory authority of county government in unincorporated areas and in particular has sought to have the ETJ of the City of Austin removed from Hays County and does not hereby with the passage of this Resolution seek to send a contrary message to the Legislature; and,

**WHEREAS**, the Hays County Commissioners Court believes strongly in regional planning, as well as public input, and desires the implementation of House Bill 1445 takes these factors into account; and,

**WHEREAS**, the Texas Legislature adopted Senate Bill 873 which will grant certain counties expanded subdivision regulation authority, and the Commissioners Court desires to implement portions of Senate Bill 873 and wishes that any action taken today does not weaken in any way our potential expanded authority; and,

**WHEREAS**, there is a pending Attorney General Opinion Request RQ-0492-JC, that seeks to resolve some of the inconsistencies and legal concerns relating to TEX. GOV'T CODE Chapter 242.001 and the Commissioners Court hereby expresses its intent to review and implement any direction from the Attorney General upon release of the opinion.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS COURT OF HAYS COUNTY, TEXAS:**

The Commissioners Court of Hays County, in order to adopt a sound and reasonable set of regulations within the Legislature's directive contained in House Bill 1445, hereby authorizes County Staff and the Hays County Commissioners' Court to work towards the execution of interlocal agreements. These agreements shall be executed within 45 days after release of the Attorney General Opinion.

**ADOPTED** this the 26<sup>th</sup> day of March, 2002.

[T1-2494] A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to direct county staff to submit a white paper talking points position paper on the inconsistencies and concerns we have with HB1445 and SB873 and send them to the Senate Committee on Intergovernmental Relations, to Senator Madla. All voting "Aye".

**Court was adjourned.**

**MINUTES APPROVED IN OPEN COURT ON THE 2<sup>ND</sup> DAY OF APRIL, 2002.**

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

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

