



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 16th DAY OF JULY A.D., 2002, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS
DEBBIE GONZALES INGALSBE
H. S. "SUSIE" CARTER
RUSS G. MOLENAAR
LINDA C. FRITSCHÉ

COUNTY JUDGE
COMMISSIONER, PCT. 1
COMMISSIONER, PCT. 2
COMMISSIONER, PCT. 4
DEPUTY COUNTY CLERK

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

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

PRESENTATION BY LEAGUE OF WOMEN VOTERS REGARDING STUDY ON VOTING TECHNOLOGY

Irene Hoadley, Co-President of the League of Women Voters spoke of study that was done last year on voting procedures and technology in Hays County – the purpose of the study was threefold: (1) examine existing procedures used in conducting county, state, and federal elections; (2) assess the five available ballot technologies including the costs and benefits of each; and (3) examine possible ballot types. Their goal was to be able to adopt a position on the most desirable technology for Hays County. She spoke of work that was done: collecting resource materials which included state codes, articles and information on existing voting equipment – hosted demonstrations of 2 electronic voting systems and 2 discussion meetings concerning the study, prepared a facts and issues document outlining the results of their data gathering, and they surveyed their members for their opinions on the topics. She read their position statement on this issue: *"The San Marcos Area League of Women Voters supports the acquisition of Direct Recording Electronic (DRE) Technology for use in Hays County elections. In considering the acquisition of any new voting system consideration should be given to a system which (1) eliminates spoiled ballots and over-voting, 2) is user friendly, (3) counts fast and accurately, (4) is modern proven technology, (5) provides instant recording of information, (6) assures privacy for handicapped voters, and (7) is a sound long term economic investment. Hays County should seek funding for new voting equipment at all governmental levels (County, State, & Federal). The Commissioners' Court and the Hays County Election Administrator should be responsible for obtaining any new voting system and the funding for that system. It is recommended that the county lease any new voting system rather than go forward with the direct purchase"*. This statement represents a general and a substantial agreement of their members – about 60% of their members participated in the activities. She spoke of focusing on the optical scan and DRE technologies – the paper, punch card and mechanical lever systems are considered obsolete - they didn't study ballot types (this was a non issue). The Texas Legislature determined that the punch card equipment can no longer be purchased and a new type of equipment is necessary. They saw only 2 of the DRE systems – other systems are available and all systems should be looked at. She spoke of costs related to new technology (equipment and staff) and suggested that new equipment be in place by November 2004 – a wide spread education program is necessary. The League Of Women Voters offered their assistance in this process.

PRESENTATION OF NEW EMPLOYEES

Environmental Health Director Allen Walther spoke of memo being sent out by Human Resources to encourage department heads to bring in new employees and introduce them to the court. He introduced new employees in his office: Sanitarians Yvonne Hernandez & Kimberley Hall.

PRESENTATION OF EMPLOYEE SERVICE AWARD

Judge Powers presented Sheriff Don Montague with a 15 year service pin and gave his appreciation to Sheriff Montague for his service to Hays County.

20402 APPROVE THE COMMISSIONERS' COURT MINUTES OF JULY 9, 2002

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve the Commissioners' Court Minutes of July 9, 2002 as presented by the County Clerk. All present voting "Aye".



20403 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve payment of county invoices in the amount of \$ 222,374.10 as presented by the County Auditor. All present voting "Aye".

| | | | | | |
|------------------------|--------------|--------------------|---------------|-------------------------|-------------|
| Cash Bond Refund | \$ 9,600.00 | Licenses & Permits | \$ 262.50 | Fines | \$ 285.00 |
| TDHCA Funds | \$ 2,665.76 | Treasurers Office | \$ 166.56 | Extension Office | \$ 47.40 |
| Grants Admin Office | \$ 36.13 | Election Admin Ofc | \$ 79.22 | Comm & Social Svcs | \$ 6,440.00 |
| Transfer Station | \$ 133.94 | Bldg. Mtc. Dept. | \$ 5,160.20 | Environmental Health | \$ 53.10 |
| Civic Center | \$ 460.93 | Countywide Oper | \$ 6,942.28 | District Clerk's Office | \$ 173.57 |
| Sheriff's Office | \$ 5,630.83 | Jail Operations | \$ 15,281.46 | Human Resources | \$ 19.71 |
| District Attorneys Ofc | \$ 4,279.28 | J. P. 1-2 | \$ 201.01 | J.P. 2 | \$ 137.55 |
| J.P. 3 | \$ 23.63 | J.P. 4 | \$ 73.50 | Dept of Public Safety | \$ 555.66 |
| Constable 1 | \$ 367.52 | Constable 2 | \$ 157.38 | Constable 3 | \$ 173.46 |
| Constable 4 | \$ 1,350.00 | Constable 5 | \$ 235.98 | District Court Oper | \$ 1,065.90 |
| Co & JP Court Oper | \$ 2,721.00 | Precinct 4 | \$ 116.97 | Veterans Adm Office | \$ 540.57 |
| Computer Svcs | \$ 144.50 | Co Court at Law 2 | \$ 7.09 | DPS/Lic & Weights | \$ 780.54 |
| Dist Court Reporters | \$ 258.73 | Historical Comm | \$ 380.00 | Animal Control | \$ 21.50 |
| VOCA Grant | \$ 583.08 | 911 Adress Mtc | \$ 109.81 | Heritage Visitor Center | \$ 1,245.88 |
| Gen Fund Credit | <\$227.66> | R & B General Fund | \$ 107,313.75 | Sheriff Abandon Veh | \$ 70.99 |
| Parks Fund | \$ 250.07 | Rec Mng/Co Clerk | \$ 11,002.39 | Health Svcs Grant | \$ 112.50 |
| Juvenile Center | \$ 7,369.20 | Sheriff Spec Proj | \$ 68.05 | Courthouse Security | \$ 287.95 |
| Sheriffs Drug Forf | \$ 32.00 | Family Health Svcs | \$ 258.32 | DOJ/Equip & Tech | \$ 1,959.80 |
| Road Bond S. 2001 | \$ 24,907.61 | | | | |

20404 APPROVE BUDGET AMENDMENT 02-32

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Budget Amendment No. 02-32 as proposed by the County Auditor. All present voting "Aye".

| AMENDMENT NO. 2002-32 FY 2002 BUDGET 07-16-02 | | | | |
|--|--------------------------------------|------------------|----------------|--------------------------------|
| FUND NO. 01 FUND TITLE GENERAL FUND | | | | |
| LINE ITEM - EXPENDITURES | APPROPRIATION BEFORE AMENDMENT | AMENDMENT | | APPROPRIATION AS AMENDED |
| | | INCREASES | DECREASES | |
| JUSTICE OF THE PEACE 1-2 (425): | | | | |
| 01-425-5711 Office Equipment | -0- | 2,300 | | 2,300 |
| 01-425-5335 Time Payment Exp | 11,400 | | (2,300) | 9,100 |
| <i>Approve and transfer for cost of four (4) lateral file cabinets</i> | | | | |
| FUND NO. 03 FUND TITLE ROAD & BRIDGE GENERAL FUND | | | | |
| ROAD & BRIDGE OPERATIONS (438): | | | | |
| 03-438-5262 Signs/Barricades | 50,500 | 10,000 | | 60,500 |
| 03-438-5351 Materials | 1,999,166 | 194,734 | | 2,193,900 |
| | | <u>204,734</u> | | |
| REVENUE: | | DECREASE: | | INCREASE: |
| 03-369-3691 Other 10,000 | | | <u>204,734</u> | 214,734 |
| <i>Budget reimbursement payment-Francis Harris Lane</i> | | | | |
| FUND NO. 10 FUND TITLE HEALTH SERVICES GRANTS FUND | | | | |
| TDH/BUREAU OF CHILD HEALTH/FEE (469): | | | | |
| 10-469-5219 Supplies | 17,200 | 3,028 | | 20,228 |
| 10-469-5311 Travel | 1,800 | | (423) | 1,377 |
| 10-469-5391 Other | 3,300 | | (1,105) | 2,195 |
| REVENUE: | | DECREASE: | | INCREASE: |
| 10-347-3475 Title V Copay Fee/P.I. | 5,000 | | <u>1,500</u> | 6,500 |
| | | <u>3,028</u> | <u>3,028</u> | |
| <i>Transfer and budget additional fees</i> | | | | |



20405 APPROVE UTILITY PERMITS

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

| UTILITY PERMIT # | COUNTY ROAD#/NAME | UTILITY COMPANY |
|------------------|-------------------------|---------------------------|
| 01593 | CR164/Sawyer Ranch Road | Single Stone Development |
| 01594 | CR124/Palamino Road | Goforth Water Supply |
| 01595 | CR127/High Road | Goforth Water Supply |
| 01596 | CR157/Goforth Road | Goforth Water Supply |
| 01597 | CR157/Goforth Road | Time Warner Cable |
| 01598 | CR235/Posey Road | Century Tel of San Marcos |

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Utility Permits #01593 - #01598 as submitted by the County Road Department. All present voting "Aye".

20406 APPROVE MEMORANDUM OF UNDERSTANDING FOR THE JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAM 2002-2003 SCHOOL TERM BETWEEN HAYS COUNTY, HAYS COUNTY JUVENILE BOARD, HAYS CISD AND SAN MARCOS CISD

Chief Juvenile Probation Officer Ed Cooper advised that this is the 4th year we have entered into this MOU for the JJAEP. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Memorandum of Understanding for the Juvenile Justice Alternative Education Program 2002-2003 School Term between Hays County, Hays County Juvenile Board, Hays CISD, and San Marcos CISD. All present voting "Aye".

20407 RENEW CONTRACT FOR BID #2001-B22 "ROAD BUILDING MATERIALS" AS PROVIDED IN ORIGINAL CONTRACT TO KOCH MATERIALS, K C MATERIALS, INDUSTRIAL ASPHALT, INC., & COLORADO MATERIALS

The Purchasing Department contacted each vendor and they are in agreement to renew their contract at no price increase to Hays County for one (1) additional year. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter renew contract for Bid #2001-B22 Road Building Materials as provided in original contract to Koch Materials, K.C. Materials, Industrial Asphalt Inc., and Colorado Materials. All present voting "Aye".

20408 APPROVE AWARD OF BID FOR "METAL CULVERT PIPE" TO WILSON CULVERTS

The Purchasing Department received two (2) bids – bidders were Wilson Culverts Inc. and Contech Construction Products Inc. The Purchasing Dept. and Road Dept. reviewed the bids and they recommend awarding the contract to Wilson Culverts Inc. Although Contech did have the lowest pricing for the flat-bands and curved-bands, they did not wish to split the contract where they would receive the award for the bands. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve award of bid for metal culvert pipe to Wilson Culverts Inc. All present voting "Aye".

20409 APPROVE AN EMERGENCY ORDER DECLARING AN EMERGENCY IN HAYS COUNTY DUE TO RECENT RAIN AND FLOODING

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve an Emergency Order Declaring An Emergency in Hays County due to recent rain and flooding. All present voting "Aye".

**EMERGENCY ORDER ISSUED BY HAYS COUNTY JUDGE
DECLARING LOCAL DISASTER**

WHEREAS, Hays County still has areas that are under water from the heavy rainfall and flooding beginning on June 30, 2002;

WHEREAS, the County Judge is authorized as the representative of the local governing body to declare a local disaster pursuant to Texas Government Code, Section 418.108;

WHEREAS, the flooding that has occurred coupled with additional rainfall creates a dangerous situation for residents of Hays County;

NOW, THEREFORE, BE IT ORDERED BY THE COUNTY JUDGE OF HAYS COUNTY, TEXAS;
THAT, a state of disaster be hereby proclaimed pursuant to Texas Government Code 418.108, by the county Judge of Hays County effective immediately this the 10th day of July, 2002.



20410 APPROVE CONTRACT WITH WATERS CONSULTING GROUP, INC. FOR A MARKET SALARY STUDY AND REVIEW OF COUNTY POSITION CLASSIFICATION AS APPROVED BY COMMISSIONERS' COURT ON JUNE 11, 2002 AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE CONTRACT

Commissioner Carter stated that she feels like we have the tools through the Texas Association of Counties and we have the personnel to do the job ourselves. She felt like this agenda item insinuates that the county has money for more pay raises and she feels like we should hold the line on pay raises this year – doesn't want to give a false impression that we have money for pay raises. Judge Powers stated that the court has already taken action to hire this firm. A contract has been negotiated and is ready for approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve contract with Waters Consulting Group Inc. for a Market Salary Study and Review of County Position Classification as approved by Commissioners' Court on June 11, 2002 and authorize the County Judge to execute the contract. Commissioner Carter voting "No". Commissioner Ingalsbe, Commissioner Molenaar and Judge Powers voting "Aye".

20411 BEN LUCAS SUBDIVISION [PCT. 1-02-1-048] * APPROVE PRELIMINARY PLAT [T1-253]

This is a 2 lot subdivision with access on CR127/High Road from a Shared Access Driveway – Lot 1 = 1.50 acres and Lot 2 – 6.817 acres. Environmental Health Director Allen Walther gave staff recommendation for preliminary plat approval. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve preliminary plat approve for "Ben Lucas Subdivision". All present voting "Aye".

20412 EDWARDS BUSINESS PARK * RELEASE MAINTENANCE FISCAL SECURITY AND ACCEPT ROADS INTO COUNTY MAINTENANCE SYSTEM [T1-264]

Environmental Health Director Allen Walther advised that the 2year maintenance period has been completed and a final inspection has been conducted and all deficiencies have been corrected for Edwards Business Park. He gave staff recommendation for release of road maintenance fiscal security and acceptance of "Edwards Drive" into the county maintenance system. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to release maintenance fiscal security and accept "Edwards Drive", in the Edwards Business Park Subdivision, into the county maintenance system. All present voting "Aye".

20413 HIGHLANDS SECTION A RESUBDIVISON OF LOT 1 & A PORTION OF MORTON RESERVE [PCT. 4 #02-4-046] * APPROVE PRELIMINARY PLAT [T1-280]

This is a Resubdivision of Lot 1 and a portion of the "Morton Reserve" which will create Lot 1-A = 5.7 acres, Lot 1-B = 5.7 acres, and Lot 1-C = 5.7 acres. Access for Lot 1-A & 1-C is Highland Pass and access for Lots 1-A & 1-B is Alpine Trail. Environmental Health Director Allen Walther gave staff recommendation for preliminary plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve preliminary plat of "Highlands Section A Resubdivision of Lot 1 and a portion of Morton Reserve". All present voting "Aye".

20414 HIGHLANDS SECTION A LOTS 2, 3, & 4 AND A PORTION OF THE MORTON RESERVE [PCT. 4 #02-4-047] * APPROVE PRELIMINARY PLAT [T1-290]

This is a Resubdivision of Lots 2-4 and a portion of Morton Reserve which will create Lot 2-A = 16.5 acres, Lot 3-A = 7.6 acres, Lot 3-B = 7.6 acres, Lot 4-A = 7.8 acres, and Lot 4-B = 7.8 acres with access on Alpine Trail – Lots 3-B and 4-A have access to Alpine Trail through a 40' Shared Access Driveway. Environmental Health Director Allen Walther gave staff recommendation for preliminary plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve preliminary plat of "Highlands Section A Resubdivision of Lots 2-4 and a portion of the Morton Reserve". All present voting "Aye".

20415 APPROVE THE APPOINTMENT OF PHILLIP W. EDGINGTON TO THE WIMBERLEY EMERGENCY SERVICES DISTRICT #3 [T1-304]

Jeri Xiques has resigned effective June 17, 2002 and Phillip Edgington has been recommended by the WESD President Ted Covington to fill that vacancy. Mr. Edgington has emergency planning background and has attended the last 2 WESD meetings. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve appointment of Phillip W. Edgington to the Wimberley Emergency Services District #3 to fill the unexpired term of Jeri Xiques. All present voting "Aye".



20416 APPROVE AN EMERGENCY BUDGET AMENDMENT TO FUND EXPENDITURES RELATED TO A MOSQUITO ERADICATION PROGRAM [T1-317]

Environmental Health Director Allen Walther spoke of associated cost with mosquito eradication – a notice was received from TDH regarding illnesses caused by mosquito bites. The recent rains have increased the amount of mosquitoes and FEMA has determined that the mosquitoes have hindered flood recovery efforts. He spoke of program by the City of San Marcos (getting 30 calls per day). There is special licensing required (involves training and certification for applicators) and the work does not occur during regular business hours – the county is so large and would require a great deal of time and money – a tremendous impact on his staff. His estimated costs are: \$20,80 for equipment [18 HP Foggers @ \$6,950 each X 3], \$2,099.20 for the product [\$209.92 per gallon X 10 gal], and \$900 for personnel time [\$30 per hour X 30 hr/wk]. Commissioner Carter spoke of her experience regarding mosquito eradication and possible effects of chemicals being used - she suggested contracting with a vector control company - would be a lesser liability for the county. Commissioner Molenaar spoke of limited number of companies that can provide this service. Allen Walther spoke of no product available that doesn't have other issues related to it – fogging for mosquitoes is primarily done by governmental agencies and not by private companies. Allen Walther spoke of training process and equipment needed – we may be able to obtain funds from FEMA (75/25 split). Commissioner Molenaar spoke of having an obligation to our citizens to protect them. Allen Walther spoke of demand for equipment from other governmental agencies – action is needed as quickly as possible. He spoke of trucks that can be utilized for the foggers – he feels like there is a critical need. He spoke of possible use of personnel from the Road Dept. and Building Maintenance. Copy estimated costs. Allen Walther advised that the best most efficient control is for homeowners to eliminate standing water. A motion was made by Commissioner Molenaar, seconded by Judge Powers to approve an emergency budget amendment to fund mosquito eradication program Not-To-Exceed \$35,000. All present voting "Aye".

| AMENDMENT NO. 2002-32A FY 2002 BUDGET 07-16-02 | | | | |
|---|-------------------------|------------------|------------------|---------------------|
| FUND NO. 01 _____ FUND TITLE GENERAL FUND _____ | | | | |
| | APPROPRIATION BEFORE | AMENDMENT | | APPROPRIATION AS |
| <u>LINE ITEM - EXPENDITURES</u> | <u>AMENDMENT</u> | <u>INCREASES</u> | <u>DECREASES</u> | <u>AMENDED</u> |
| <u>ENVIRONMENTAL HEALTH (411):</u> | | | | |
| 01-411-5021 Staff | 321,666 | 9,270 | | 330,936 |
| 01-411-5219 Fogger Supplies | -0- | 3,730 | | 3,730 |
| 01-411-5719 Fogger Equipment | -0- | <u>22,000</u> | | 22,000 |
| | | <u>35,000</u> | | |
| Budget mosquito control program as approved 7-16-02 | | | | |

20417 APPROVE HIRING OF YOLANDA MARTINEZ AS AN OFFICE ADMINISTRATOR, GRADE 20, STEP 4 AT JUVENILE PROBATION AS AUTHORIZED BY POLICY [T1-868]

Chief Juvenile Probation Officer Ed Cooper spoke of vacancy in his office and tremendous response for this position – he spoke of county guidelines being followed and requested hiring Yolanda Martinez at a step 4 due to her related job experience – she worked at SMCISD in the Alternative Education Program. Salary comparison: G20/S1 = \$1732 per mo. G20/S4 = \$1892 per mo. – there are sufficient funds in his budget and Human Resources has approved this request. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve hiring of Yolanda Martinez as an Office Administrator at Grade 20 Step 4 at Juvenile Probation as authorized by county policy. All present voting "Aye".

20418 APPROVE MEDICAL AND DENTAL INSURANCE COVERAGE WITH CIGNA HEALTH CARE FOR COUNTY EMPLOYEES FOR FY 2002-2003 [T1-960]

Insurance Consultant Burke Sunday provided a financial report/medical claims analysis. He spoke of no one employee having a claim over \$25,000 yet as a group we are in a deficit position (due to a high utilization). He advised that the dental plan has an approximate \$15,000 surplus per month and he spoke of 2000-2001 plan year runoff from Aetna (\$463,625.50). Mr. Sunday spoke of meetings held by the Insurance Committee – the committee voted unanimously to not go out for proposals for the 2002-2003 plan year in that the consensus was that there was a high level of satisfaction with CIGNA with respect to service, claims adjudication [timelines an accuracy], network availability, etc. The committee was provided with plan benefit options and the cost effect of each specific benefit option. He spoke of effects from 911 events. Benefit changes proposed: Increase the Emergency Room co-pay to \$100 per occurrence from the current \$50 co-pay per occurrence (savings = 260% of claims liability) and increase the pharmacy co-pay by \$5 for each category and increase number of co-pays for mail order (90 day supply [maintenance] to two [2] [savings = 5% of claims liability]: \$10 generic, \$20 brand, \$40 non-preferred. Suggested monthly funding rates for the 2002-2003 plan year increase the county's contribution by 17.50% from the current plan year rates and those employees who carry spouse, children, or family by 15.00% from the current plan year rates.



The Suggested Monthly Funding Rates for the Medical Plan are as follows:

| | 2001-2002 PY | 2002-2003 PY |
|----------------------------|------------------|------------------|
| Employee Only (677) | \$ 308.93 | \$ 363.00 |
| + Spouse (64) | \$ 206.24 | \$ 237.18 |
| + Children (105) | \$ 151.14 | \$ 173.81 |
| + Family (43) | \$ 366.32 | \$ 421.27 |

The Suggested Monthly Funding Rates for the Dental Plan are as follows:

| DPPO/Indemnity Plan | 2001-2002 PY | 2002-2003 PY |
|-------------------------------|-----------------|-----------------|
| Employee Only (295) | \$ 14.62 | \$16.08 |
| Employee/Spouse (72) | \$ 32.90 | \$ 36.19 |
| Employee/Children (73) | \$ 29.10 | \$ 32.10 |
| Employee/Family (57) | \$ 53.46 | \$ 58.81 |

[The DPPO rates have not been adjusted for the past three (3) plan years]

| CDC(DHMO) Plan | 2001-2002 PY | 2002-2003 PY |
|--------------------------|-----------------|-----------------|
| Employee Only | \$ 11.25 | \$ 11.25 |
| Employee/Spouse | \$ 19.69 | \$ 19.69 |
| Employee/Children | \$ 21.14 | \$ 21.14 |
| Employee/Family | \$ 31.90 | \$ 31.90 |

[Rates were guaranteed for a two (2) year period initially]

Financial/Benefit Recommendations:

- Increase County contribution for medical plan for the 2002-2003 plan year by 17.50% from current level [\$363.00 vs. \$308.93]
- Increase cost for employee to carry dependent(s) for medical plan from the 2002-2003 plan year by 15.00% from current level(s).
- Make two (2) benefit changes to the medical plan:
 - Increase the Emergency Room copay to \$100 per occurrence from the current \$50 copay per occurrence [savings: 2.60% of claims liability]
 - Increase the pharmacy copays by \$5 for each category and increase the number of copays for Mail Order (90 day supply [maintenance] to two (2), [savings: 5.00% of claim liability]:
 - \$10 Generic
 - \$20 Brand
 - \$40 Non-Preferred
- County maintain \$300,000 "rainy day" fund [reserves]
- County maintain \$115,000 "old self-funded" account balance [reserves].
- County retain/maintain projected Aetna Runoff surplus.
- Retain any current plan year medical plan funding surplus and any current plan year dental plan funding surplus.
- Increase DDPO funding/premium level 10.00% {County and Dependents}.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve Medical and Dental Insurance Coverage with Cigna Health Care for County employees for FY2002-2003 with proposed changes as recommended. All present voting "Aye".

20419 DISCUSSION AND ACTION REGARDING ADOPTING AS A PART OF THE HAYS COUNTY SUBDIVISION RULES A REQUIREMENT THAT SUBDIVISIONS USING WASTEWATER TREATMENT PACKAGE PLANTS MAY NOT BE GIVEN APPROVAL UNTIL A CONTRACT IS PROVIDED FOR WITH A BONAFIDE STATE OR PRIVATE PURVEYOR OF WASTEWATER TREATMENT TO OPERATE THE PLANT FOR 50 YEARS OR LONGER [T1-1677]

Commissioner Carter spoke of the purpose of this is to require that private wastewater treatment facilities be run with an eye to the long term because they will be built for subdivisions that will be here for the foreseeable future. She spoke of speaking with a Commissioner to the south of us who said that their Commissioners Court hold developers to, something like, a 50 year contract if they are going to come in with a private wastewater package plant. In speaking with John Smith (an authority on wastewater) of GBRA he advised that contracts are normally for an average of 20 years – he feels that long term contracts are very important for private wastewater treatments plants. She stated that in Pct. 2 they have had one private wastewater package plant approved already but we didn't have the legislative tool we have now – we have two more plants being discussed. Commissioner Carter spoke of compelling reasons given by John Smith for having a long term contract are (1) to help develop proper specifications for the plant, (2) important for the entity to operate the plant to help design and review the construction and materials that are used to make sure there is a stable long term facility, (3) to review and inspect collection systems is very important, (4) it is important in a long term plant to give stability and quality assurance not only to the residents but to the employees of the plant. Lack of a long term contract with a company that specializes in wastewater treatment can result in a nightmare of huge developments with small lots with a wastewater treatment plant that doesn't operate, polluting the streams, rivers, and possible ground water and then the citizens will be calling the county to rebuild or operate the plant.



She spoke of SB873 That gives counties the ability to work like a city. She spoke of steps to be taken to start the process for SB873 and she spoke of AG's opinion regarding SB873 & HB1445. Commissioner Carter spoke of City of Austin's requirements: (1) written evidence that they will provide service (a) operator must be in existence at time of the subdivision and have TNRCC approval (2) landowner/developer must provide evidence of a long term contract in that subdivision (3) landowner/developer must post bond for operation of the plant, (4) and landowner/developer must get a TNRCC permit for the plant. She spoke of having the tools to move forward with holding the landowner/developer responsible. [T1-2095] Brian Dudley spoke of county already addressing wastewater issues through subdivision rules - there are new plants being proposed and the county needs to set criteria for those. He spoke in support of proposed rules. [T1-2155] Andrew Backus (Goldenwood resident/Friendship Alliance member) spoke in support of a open planning process and the proposed requirements. [T1-2185] J. L. Howze spoke in support of proposed requirements - he spoke of his experience regarding water issues, primarily in Pct. 2 - he is in favor of stringent rules and regulations for the county. [T1-2225] Rosa Chamberlain spoke in support of the proposed rules. Environmental Health Director Allen Walther advised that Hays County is limited in our ability to regulate wastewater, we are the authorized agent for TNRCC regulating wastewater for discharges up to 5,000 gallons per day - any plant that exceeds that amount is outside our review authority - TNRCC reviews those plans and they determine if the treatment, as identified in that plan, is proper based on type of use generated there. Operators who then license those plants are permitted by TNRCC - the operator comes on board after the plant is designed. Those licensing issue are outside the county's control. He spoke of Buda Treatment Plant which was licensed by TNRCC - the county had no authority to conduct inspections, to determine if the plant was operating properly, or to take any level of enforcement action - those powers are retained solely by TNRCC. [T1-2294] Commissioner Carter disagreed with Mr. Walther's statements based on her dealings with John Smith of GBRA. Allen Walther felt like SB873 has a very general statement and does not have specific wording that gives authority to regulate sewage treatment plants - we could change our subdivision rules, but it would require a change to the rules with an order, defining the changes, and would require public hearings. Commissioner Molenaar spoke in support of this issue but he wants to make sure it is done right - he suggested delegating staff to handle this and have an open forum on this through Commissioners' Court. He feels like our special counsel, environmental health and road department need to be on board with this and more research is needed before taking action. Commissioner Carter feels like if we don't take action today we may miss the ball because of two new developments proposed in Pct. 2. Commissioner Ingalsbe advised that we do not have an Order in writing to take action on today. Special Counsel Jacqueline Cullom Murphy spoke of need for prior public notice in order to amend the subdivision rules. Commissioner Carter advised that Comal County Commissioners does this on a Commissioners basis and not a subdivision rules basis as yet because it is so new. Commissioner Molenaar felt like we could instruct staff to work on this but he did not feel like a order changing the subdivision rules cannot be done today - he did not feel like the agenda item was posted properly - a public notice is required to change the rules. Judge Powers spoke of need to make sure that what we are doing - he supports SB873. Jacqueline Cullom Murphy spoke of need for public notice in order to take action on amending the subdivision rules.

[T1-2620] A motion was made by Commissioner Carter to adopt an order and enter into minutes of Commissioners' Court the opportunity for Hays County to adopt rules governing wastewater treatment plants including the possibility of long term contract of TNRCC approved Operators and considering a fiscal bond, and those things should be looked into by staff and examined by the court so that we can all work together as a team to see what we can do to make sure that growth in Hays County is quality growth - not locking us into anything in particular except that we will move forward and examine these issues and post it in the newspaper so that people will understand the concept. DIED for lack of a second. Jacqueline Cullom Murphy requested additional time to meet with her colleagues regarding this Senate Bill. Judge Powers suggested

[T1-2917] A motion was made by Commissioner Carter, seconded by Judge Powers to adopt the sense of the court that we wish to move forward with accountability in development for wastewater plant operations and work with staff to approach the type of rules we see in areas where rules have been established and do what we can under Senate Bill 873 to emulate those. Commissioner Carter stated that her motion basically states "that Hays County Commissioners Court adopt a sense of the court to move forward with staff to develop an order and rules for accountability of developers with regard to their wastewater treatment plant operations". Commissioner Carter voting "Aye". Commissioner Ingalsbe, Commissioner Molenaar and Judge Powers voting "NO". MOTION FAILED.

[T1-3017] A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to direct staff to look into adopting, as a part of our Hays County Subdivision Rules, a requirement that a subdivision using a wastewater treatment plant may not be given approval until a contract is provided for with a bona fide State or Private Purveyor of wastewater treatment to operate the plant with a certain amount of years or longer. All present voting "Aye".

Allen Walther asked for Commissioner Carter to provide to staff the information she has received from Travis County, Comal County and GBRA because they will have to draft wording and he would like to see what they are acting under.



SPECIAL NOTE: THE FOLLOWING PRESENTATION WAS POSTED PURSUANT TO A JUDGMENT IN CAUSE NO. 99-0989, HAYS COUNTY WATER PLANNING PARTNERSHIP V. HAYS COUNTY. THE PRESENTATION WILL TAKE PLACE AT THE CONCLUSION OF ALL OTHER POSTED COUNTY BUSINESS AND WILL INCLUDE THE PLAYING OF A TAPED COURT SESSION THAT OCCURRED ON OCTOBER 26, 1999.

20420 PRESENTATION BY PRECINCT 4 COMMISSIONER RUSS MOLENAAR REGARDING THE FOLLOWING TOPICS: 1) DEVELOPMENT IN THE AREA OF EDWARDS AQUIFER (ROAD CONNECTIONS FROM SH45, FM967 AND FM150); 2) MOPAC EXTENSION AND THE 2025 TRANSPORTATION PLAN; 3) DEVELOPMENT IN HAYS COUNTY (WEEKLY MEETINGS IN PRECINCT 4 WITH SUBDIVISION APPLICANTS); 4) INTEGRITY OF HAYS COUNTY ELECTED OFFICIALS AND EMPLOYEES; 5) LCRA PIPELINE AND REGIONAL PLANNING; 6) HAYS COUNTY AND TNRCC REGULATIONS; 7) HAYS COUNTY'S PLAN FOR \$80 MILLION ROAD PLAN AND STATUS; 8) HAYS COUNTY 1993 BOND ROAD PACKAGE (FOR ADDITIONAL INFORMATION REFER TO COURT MINUTES OF OCTOBER 26, 1999)

[T1-3074] Special Counsel Jacqueline Cullom Murphy explained this agenda item – she referred to the “Special Note” and advised that the remedy that was provided to the Plaintiff in this case is the replaying of a tape recorded session that occurred on October 26, 1999 wherein Commissioner Molenaar expressed his intent to comment to some of the accusations that had been made by this group – Commissioner Molenaar sought her legal counsel regarding that issue and it was her decision to post the agenda item as a presentation by Commissioner Molenaar. It was placed under the presentation portion of the agenda – at the time there was no legal ruling in place that prohibited that and it was her viewpoint that we were going above and beyond by doing that posting because Commissioner Molenaar, as our first trial court judge agreed, enjoys first amendment rights like the rest of us – the 3rd court of appeal subsequently determined, however, was that because Commissioner Molenaar was an elected official, since he was going to make those comments at a public meeting, we should have been more specific in identifying those topics he would be discussing. She wanted the record to reflect that the wording was her decision, Commissioner Molenaar did seek her legal counsel in that regard. Since that time the County Judge’s office and staff has more formalized our agenda posting and review process – we have a meeting every Thursday morning with staff and we go over the agenda as meticulous as we can and it is our intent to embrace the requirements of the open meetings act – the open meetings act is an ethics law so it is very important that public officials and servants adhere to it. [T1-31894] Brian Dudley spoke of importance of these topics. He asked the court to set an agenda item to discuss and consider amending the roadway plan – he spoke of Rock Creek Road that was approved recently and was not included in the plan – the court needs to deliberate a plan change with public participation. The tape was played for the record. The following is a copy of the minutes of October 26, 1999 Volume R Page 537 as it pertains to this item:

PRESENTATION BY COMMISSIONER RUSS MOLENAAR REGARDING PROPOSED 2025 TRANSPORTATION PLAN

Commissioner Molenaar spoke of being pro-active instead of re-active. He spoke of areas in the county where developers have bought property to be developed. He stated that he had suggested connecting SH45 to FM150 & FM967 because of the possible development in this area and he wanted the developers to help pay for road improvements. He never suggested connecting the proposed roadways to Mopac (Loop 1). He spoke of some of the brochures being distributed that are incorrect and misleading. The object of the plan was to accommodate the CAMPOS plan. Some of the proposed roadways will not happen if development does not occur in the area. He spoke of need to upgrade some of the existing roadways. He wants to be pro-active and not re-active to the situation. The Commissioners’ Court has to make tough decisions like this. He stated that he does not do “sweet heart deals” and “backdoor deals”. He spoke of statements that our employees, department heads, and elected officials are sorry. He commended those employees, department heads, and elected officials. Some employees or leaving because they are being offered more for employment elsewhere. He stated that we have some of the finest elected officials, dept. heads, and employees and they work hard for this county. He spoke of area to be serviced by the proposed LCRA water line. He spoke of meeting with various officials and entities to see what could be done to have quality development. He spoke of conversations with Texas Parks & Wildlife and they indicated that a plan was needed. We have 2 years to get this water into Hays County or it will be gone. (to be run down FM290). He spoke of TNRCC regulations that will allow acreage less than 5 acres. He spoke of the court working on creating greenbelt areas in new developments. He spoke of efforts to get water service to subdivisions in the Dripping Springs area. He spoke of number of roads that were improved for \$20 million with 75% of the road projects completed. He spoke of his commitment to pave the roads in his precinct.

Court was adjourned.

MINUTES APPROVED IN OPEN COURT ON THE 23rd DAY OF JULY, 2002.

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

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

