



STATE OF TEXAS ⌘
COUNTY OF HAYS ⌘

ON THIS THE 17TH DAY OF SEPTEMBER 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
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILLIAM "BILL" BURNETT	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WITH THE FOLLOWING MEMBER ABSENT: COMMISSONER PCT. 1 DEBBIE GONZALES INGALSBE; WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

20550 ADOPT A RESOLUTION RECOGNIZING SEPTEMBER 2002 AS "LEUKEMIA AND LYMPHOMA AWARENESS MONTH"

County Clerk Lee Carlisle read the resolution. A motion was made by Judge Powers, seconded by Commissioner Molenaar to adopt a Resolution recognizing September 2002 as "Leukemia and Lymphoma Awareness Month" . All present voting "Aye".

<p>A RESOLUTION RECOGNIZING SEPTEMBER 2002 AS "LEUKEMIA AND LYMPHOMA AWARENESS MONTH"</p> <p>WHEREAS, blood-related cancers currently afflict more than 700,000 Americans with an estimated 110,000 new cases diagnosed each year; and</p> <p>WHEREAS, leukemia, lymphoma and myeloma will kill an estimated 60,500 people in the United States this year; and</p> <p>WHEREAS, The Leukemia and Lymphoma Society, through voluntary contributions, is dedicated to finding cures for these diseases through research efforts and support for those that suffer from them; and</p> <p>WHEREAS, Hays County is similarly committed to the eradication of these diseases and supports the treatment of it citizens that suffer from them; and</p> <p>WHEREAS, Hays County encourages private efforts to enhance research funding and education programs that address these diseases; now therefore be it</p> <p>RESOLVED, that Hays County joins with the Leukemia and Lymphoma Society in designating the month of September, 2002 as</p> <p style="text-align: center;">"LEUKEMIA AND LYMPHOMA AWARENESS MONTH"</p> <p>Adopted this the 17th day of September, 2002</p>
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20551 ADOPT A RESOLUTION SETTING ASIDE A WEEK IN SEPTEMBER TO HONOR THE MEMORY OF THE VICTIMS OF THE 9-11 ATTACK

County Clerk Lee Carlisle read the resolution. A motion was made by Judge Powers, seconded by Commissioner Molenaar to adopt a Resolution setting aside a week in September to honor the memory of the victims of the 9-11 attack. All present voting "Aye". Joe Cox spoke on behalf of the William Hightower Chapter Sons of the American Revolution and thanked the court for adopting this resolution.

<p>A RESOLUTION SETTING ASIDE A WEEK IN SEPTEMBER TO HONOR THE MEMORY OF THE VICTIMS OF THE 9-11 ATTACK</p>
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HAYS COUNTY COMMISSIONERS' COURT MINUTES



SEPTEMBER 17, 2002

VOLUME S PG 527

20552 APPROVE THE COMMISSIONERS' COURT MINUTES OF SEPTEMBER 10, 2002

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve the Commissioners' Court Minutes of September 10, 2002 as presented by the County Clerk. All present voting "Aye".

20553 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve payment of county invoices in the amount of \$471,372.17 as presented by the County Auditor. All present voting "Aye".

Ad Valorem Tax	\$ 25,716.26	Fines	\$ 260.00	TDHCA Funds	\$ 2,072.63
Auditors Office	\$ 226.66	Treasurers Office	\$ 397.67	Extension Office	\$ 397.36
Grants Admin	\$ 132.96	Juvenile Probation	\$ 41,284.00	Election Admin	\$ 593.32
Transfer Station	\$ 5,737.34	Building Mtc. Dept	\$ 9,904.95	Civic Center	\$ 1,109.03
Countywide Oper	\$ 191,995.12	Tax A/C	\$ 761.97	District Clerks Office	\$ 555.44
Sheriffs Office	\$ 26,844.70	Jail Operations	\$ 41,640.58	Human Resources	\$ 80.61
District Attorney	\$ 1,599.53	Constable 1	\$ 296.23	Constable 2	\$ 31.41
Constable 3	\$ 1,877.99	Constable 4	\$ 1,356.83	District Court Oper	\$ 2,716.78
Co & JP Court Oper	\$ 15.00	Precinct 1	\$ 70.00	Precinct 2	\$ 138.99
Precinct 3	\$ 430.70	Veterans Admin	\$ 638.07	Computer Svcs	\$ 8,019.95
Fire Marshal/EMC	\$ 33.54	Assoc. Judge/Family	\$ 81.76	CJD/VOCA Grant	\$ 454.90
CJD/VAWA Grant	\$ 42.17	Auto Theft Task Force	\$ 79.60	CJD/Trauncy Ofcr	\$ 1,502.54
CAPCO/911 Adrs	\$ 1,478.12	LCRA/Fire Marshal	\$ 267.10	General Fund Credit	<\$302.58>
Election Contract fee	\$ 655.72	R&B Operations	\$ 67,665.11	Co Engineer Ofc	\$ 302.82
R&B Gen Fund Credit	<\$183.66>	Parks Admin	\$ 85.96	Rec Mng/County Clerk	\$ 10,073.09
Law Library Fund	\$ 172.50	Burnett Rd Dist I&S	\$ 15.17	Juvenile Center	\$ 3,597.40
Sheriff Spec Proj	\$ 62.53	Courthouse Security	\$ 127.95	Sheriffs Drug Forf	\$ 412.63
Family Health Svcs	\$ 431.43	Road Bond S.2001	\$ 17,394.29		

20554 APPROVE BUDGET AMENDMENT NO. 02-41

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve Budget Amendment No. 02-41 as proposed by the County Auditor. All present voting "Aye".

AMENDMENT NO. 2002-41 FY 2002 BUDGET 09-17-02					
FUND NO. 01 FUND TITLE <u>GENERAL FUND</u>					
LINE ITEM - EXPENDITURES	APPROPRIATION	AMENDMENT		APPROPRIATION	
	BEFORE	INCREASES	DECREASES	AS	
	AMENDMENT			AMENDED	
ENVIRONMENTAL HEALTH (411):					
01-411-5211 Office Supply	5,000	250		5,250	
01-411-5212 Postage	4,000		700	4,700	
01-411-5489 Telephone	14,000	3,350		17,350	
01-411-5449 Temp Personnel	2,500		(2,000)	500	
01-411-5271 Fuel	10,000		(840)	9,160	
01-411-5413 Vehicle Maintenance	3,500		(310)	3,190	
01-411-5719 Misc Equipment	22,000		(1,150)	20,850	

01-404-5448 Contract Services	8,150		54		
8,204					
01-404-5462 Public Notices	600	—		(100)	500
			<u>100</u>		<u>(100)</u>
<i>Transfer for balance of expenses</i>					
CONSTABLE 1 (431):					
01-431-5271 Fuel	2,710	300			3,010
01-431-5413 Vehicle Maintenance	1,989			(250)	1,739
01-431-5211 Office Supply	615	—		(50)	565
			<u>300</u>		<u>(300)</u>
<i>Transfer for balance of fuel expense</i>					

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					AMENDMENT NO. 2002-41 FY 2002 BUDGET 09-17-02
FUND NO. 01 FUND TITLE <u>GENERAL FUND</u>					
	APPROPRIATION BEFORE	<u>AMENDMENT</u>		APPROPRIATION AS	
<u>LINE ITEM - EXPENDITURES</u>	<u>AMENDMENT</u>	<u>INCREASES</u>	<u>DECREASES</u>	<u>AMENDED</u>	
TJPC/TITLE IV JUVENILE PROBATION (741):					
01-741-5719 Equipment	23,900	1,500		25,400	
01-741-5497 Residential	26,100		(1,500)	24,600	
<i>Authorize and transfer for (2) computers per agency</i>					
OJP/BULLETPROOF VEST GRANT (701):					
01-701-5717 Law Enf Equipment	11,900	578		12,478	
SHERIFF OFFICE (418):					
01-418-5271 Fuel	228,500		(289)	228,211	
REVENUE:					
		DECREASE:	INCREASE:		
01-381-2701 OJP/Bulletproof Vest Grant	5,950		—	289	6,239
			<u>578</u>	<u>578</u>	
<i>Budget vests purchase and Sheriff's matching portion for grant</i>					
FUND NO. 03 FUND TITLE <u>ROAD & BRIDGE GENERAL FUND</u>					
ROAD & BRIDGE OPERATIONS (438):					
03-438-5031 OT	80,000	2,500		82,500	
03-438-5351 Materials	2,311,796	120,000		2,431,796	
03-438-5212 Postage	400		100	500	
03-438-5219 Misc Supply	16,000	1,000		17,000	
03-438-5413 Vehicle/Equip Maint	194,292	5,000		199,292	
03-438-5452 Trash Hauling	7,000	1,000		8,000	
03-438-5480 Utilities	22,000		4,000	26,000	
03-438-5719 Misc Tools	9,000		(886)	8,114	
03-438-5021 Staff	2,207,119		(132,714)	2,074,405	
			<u>133,600</u>	<u>(133,600)</u>	
<i>Transfer for GPS receivers, equipment repair and materials from tools and personnel savings</i>					
03-438-5271 Fuel	160,000	8,000		168,000	
03-438-5351 Materials	2,431,796	<u>6,742</u>		2,438,538	
			<u>14,742</u>		
REVENUES:					
		DECREASE:	INCREASE:		
03-363-3633 Auction Sales	20,792		14,742	35,534	

20555 AWARD BID FOR "SELF-PROPELLED BROOM" TO COOPER EQUIPMENT

Cooper Equipment is the only vendor who responded with a bid price. Their bid was \$22,965 with a 1 year warranty at no charge and a 1 year extended warranty including parts and labor for \$975.00. The Road Dept. would like to include the one (1) year extended warranty to the cost of the broom for a total of \$23,940.00. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to award bid for "self propelled broom" to Cooper Equipment. All present voting "Aye".

20556 APPROVE INCREASING THE CAPITALIZATION OF EQUIPMENT AND BUILDINGS TO \$5,000 OR MORE FROM THE CURRENT POLICY OF \$300.00 OR MORE

County Auditor Bill Herzog advised that the county currently capitalizes all equipment and buildings which cost \$300 or more. He recommends that minimum amount be increased to \$5,000. In FY2003 we will need to begin depreciating buildings, equipment and roads in compliance with GASB34. This change in policy will eliminate depreciating smaller purchases. Most counties are going to follow this same policy. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve increasing the capitalization of equipment and buildings to \$5,000 or more from the current policy of \$300 or more. All present voting "Aye".

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20557 APPROVE ANNUAL CONTRACT FOR ELEVATOR MAINTENANCE

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve annual contract (elevator maintenance agreement) with ThyssenKrupp Elevator. All present voting "Aye".

20558 COVES OF CIMMARRON SECTION 2 PHASE 4 [PCT 2 #00-2-026] * APPROVE COMPLETION OF THE MAINTENANCE PHASE, RELEASE THE MAINTENANCE FISCAL SECURITY, AND ACCEPT THE ROADS IN THIS SECTION INTO THE COUNTY MAINTENANCE SYSTEM [T1-106]

Environmental Health Director Allen Walther advised that the road dept has completed inspections and recommend release of maintenance bond and accept the roads for county maintenance. A motion was made by Commissioner Carter, seconded by Commissioner Molenaar to approve completion of the maintenance phase, release the maintenance fiscal security and accept the roads in Coves of Cimarron Section 2 Phase 4 into the county maintenance system. All present voting "Aye".

DISCUSSION REGARDING INITIATING A LETTER TO TIME WARNER, VICE PRESIDENT OF PUBLIC AFFAIRS, REQUESTING LIVE COVERAGE OR VIDEO REPLAY OF HAYS COUNTY COMMISSIONERS' COURT MEETINGS [T1-123]

Computer Services Director Jeff Magill advised that Commissioner Carter contacted him regarding this issue last week – the City of San Marcos and other communities are doing this – there would be an initial investment but he has not been able to get that information at this time. We don't have the technology to make a live broadcast available on the internet but we could do a video taped version. It may cost between \$5,000-10,000. Sam Davis recommended that without cost figures the court should not take a vote today. Environmental Health Director Allen Walther stated that Commissioner Ingalsbe has spoken with Mrs. Hill from Time Warner and she advised that we would have to enter into an interlocal agreement with the City of San Marcos (a franchise issue) – the School Board is also considering this but it is very expensive. Jeff Magill spoke of audio/video media archives – it would require purchase of cameras, etc. No action taken.

20559 CANVASS ELECTION RESULTS FOR THE CITY OF DRIPPING SPRINGS LOCAL OPTION ELECTION HELD SEPTEMBER 14, 2002 [T1-282]

Elections Administrator Joyce Cowan provided election results for the City of Dripping Springs Local Option Election held on September 14, 2002:

Joyce Cowan provided election results for Justice Precinct 5 Local Option Election held on September 14, 2002:

PROPOSITION: "The Legal Sale of Mixed Beverages in Restaurants by Food and Beverage Certificate Holders Only"

FOR = 584

AGAINST = 129

PROPOSITION PASSED

A motion was made by Commissioner Carter, seconded by Commissioner Burnett to canvass the Election Results for Justice of Peace Precinct 5 Local Option Election held September 14, 2002 which resulted in the Legalization of the following proposition: "The legal sale of mixed beverages in restaurants by food and beverage certificate holders only". All present voting "Aye".

HAYS COUNTY COMMISSIONERS' COURT MINUTES



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SEPTEMBER 17, 2002

**AUTHORIZE THE COUNTY JUDGE TO SIGN AN ORDER AND NOTICE CALLING FOR THE
GENERAL ELECTION ON NOVEMBER 5, 2002 TO ELECT COUNTY AND PRECINCT OFFICERS AS
REQUIRED BY ARTICLE XVI, SECTION 65 OF THE TEXAS CONSTITUTION [T1-323]**

A motion was made by Judge Powers, seconded by Commissioner Burnett to authorize the County Judge to sign a Order and Notice calling for the General Election on November 5, 2002 to elect County and Precinct Officers as required by Article XVI Section 65 of the Texas Constitution. All present voting "Aye".

ORDER OF GENERAL ELECTION

An election is hereby ordered to be held on November 5, 2002, in Hays County, Texas, for the purpose of electing the following county and precinct officers as required by Article XVI, Section 65 of the Texas Constitution.

(List Offices)

Criminal District Attorney, County Judge, County Court at Law #1, County Court at Law #2, District Clerk, County Clerk, County Treasurer, County Surveyor, Commissioner Pct. 2, Commissioner Pct. 4, Justice of the Peace Pct. 1 Pl. 2, Justice of the Peace Pct. 2, Justice of the Peace Pct. 3, Justice of the Peace Pct. 4, and Justice of the Peace Pct. 5.

Early voting by personal appearance will be conducted each weekday at: 401-C Broadway, San Marcos, Tx 78666-7751 between the hours of 8:00 a.m. and 5:00 p.m. beginning on October 21, 2002 and ending on November 1, 2002.

Applications for ballots by mail shall be mailed to: Joyce A. Cowan, Early Voting Clerk, 401-C Broadway, San Marcos, TX 78666-7751.

Applications for ballots by mail must be received no later than the close of business on October 29, 2002.

Issued this the 17th day of September, 2002.

20564 AUTHORIZE PAYMENT TO TXDOT FOR AN ADDITIONAL \$43,717.40 FOR FM 2439 FROM SAN MARCOS CITY LIMITS TO CENTERPOINT ROAD [T1-367]

County Auditor Bill Herzog spoke of invoices received from the State for additional funds needed on this project. Moving the utilities were a greater expense than anticipated. Commissioner Burnett spoke of previous funding. Bill Herzog suggested taking this out of R-O-W funds. Commissioner Burnett spoke of widening of this roadway. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to authorize payment to TxDot for an additional \$43,717.40 for FM2439 (Hunter Road) from the San Marcos City Limits to Centerpoint Road to be paid out of Right-Of-Way funds. All present voting "Aye".

20565 APPROVE AN INTER-LOCAL AGREEMENT WITH THE REGIONAL AUTO THEFT ENFORCEMENT TASK FORCE AND TO EXECUTE THE CONTRACT FOR \$43,807.40 [T1-405]

This group was created to form a mutual aid law enforcement task force to cooperate in criminal investigations and law enforcement in combating auto theft in Central Texas. The salary and benefits of Officer Richard Rutledge in the Sheriff's office are paid through this grant. Due to increases in salary and benefits, Hays County has to provide \$3,200 as this year's match. Travis County is the manager for the administration of the grant, which is utilized to support Task Force operations. Travis County allocates funding and equipment in accordance with provisions of the grant. This is the 5th year Hays County will be participating in this grant. Deputy Sheriff W. M. Casteel explained the grant and requested approval. County Auditor Bill Herzog advised that the matching funds (\$3,200) are budgeted for FY2003. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve an interlocal agreement with the Regional Auto Theft Enforcement Task Force and to execute the contract for \$43,807.40. All present voting "Aye".

HAYS COUNTY COMMISSIONERS' COURT MINUTES



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20566 SELECT A COMMITTEE COMPRISED OF THE SHERIFF, COUNTY TAX ASSESSOR-COLLECTOR, COUNTY TREASURER, COUNTY CLERK, DISTRICT CLERK, CRIMINAL DISTRICT ATTORNEY AND THREE PUBLIC MEMBERS TO SERVE AS THE HAYS COUNTY SALARY GRIEVANCE COMMITTEE [T1-429]

Special Counsel Jacqueline Cullom Murphy spoke of the court selecting a citizens Salary Grievance Committee in January pursuant to the Local Government Code, however, we were not able to get our 9 members. The Constables have requested a hearing to address their salaries (scheduled for Friday @ 3pm). She recommended selecting a committee comprised of 6 elected officials and 3 members of the public in order to comply with their request. A motion was made by Judge Powers, seconded by Commissioner Molenaar to select a committee comprised of the Sheriff, County Tax Assessor-Collector, County Treasurer, County Clerk, District Clerk, Criminal District Attorney and three public members to serve as the Hays County Salary Grievance Committee. All present voting "Aye".

20567 ACTION REGARDING SELECTION CRITERIA TO BE USED TO RATE HAYS COUNTY POSITIONS FOR THE SALARY SURVEY PROCESS [T1-450]

Commissioner Burnett spoke of the county entering into a contract with Waters Consulting Group to evaluate our pay-scale. He advised that we are at the point on the salary survey process where we need to give our consultant and the salary committee direction on who we should compare and grade our positions to for the purpose of salary evaluation. In the past we have chosen a list of counties that have a similar makeup as Hays County and found the average for every position and rated ourselves to that average. This, in his opinion, is not a true reflection of the market we are in. He thinks it would be more reflective of our market if we were to rate our positions to equal positions within the structure of the City of San Marcos. All other positions that do not have a similar match would be rated to the list of counties that has been provided by Water Consulting (Angelina, Bexar, Bowie, Comal,

IH35 corridor. Commissioner Burnett stated that our employees are first and foremost and we are only as good as our employees are and if you do not pay them a workable, reasonable, livable wage you will not get good employees. [T1-507] A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to instruct Waters Consulting Group to rate positions within Hays County of like and similar job descriptions with the City of San Marcos for discussions for rating and salary purposes – all those that do not match up with positions within the City of San Marcos correctly will be selected in the traditional fashion of rating counties that have similar population, size and demographic makeup. Commissioner Molenaar, Commissioner Burnett, and Judge Powers voting “Aye”. Commissioner Carter voting “No”.

20568 APPOINT A WORK GROUP TO GATHER INFORMATION RELATING TO POTENTIAL REGULATORY CHANGES WHICH MAY BE AUTHORIZED BY SB873 [T1-611]

Commissioner Molenaar spoke of previous discussions regarding new legislation which potentially gives counties the same regulatory authority currently available to cities within their ETJ. It is recommended that a work group be appointed that will be responsible for compiling information and receiving public input to bring back to the court. They will solicit input from property owners, developers, engineers, realtors, and groundwater conservation districts. The group will report to the Commissioners’ Court their findings. Environmental Health Director Allen Walther spoke of distinct regions in our county and the intent is to solicit information from these areas – this will be a fact finding group. Commissioner Molenaar spoke of need for legal assistant at some point. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to appoint a work group of Judge Powers, Commissioner Molenaar, Environmental Health Director Allen Walther, and Road Supt/Engineer Jerry Borcherding to gather information relating to potential regulatory changes which may be authorized by Senate Bill 873. Commissioner Molenaar, Commissioner Burnett, and Judge Powers voting “Aye”. Commissioner Carter voting “No”.

HAYS COUNTY COMMISSIONERS' COURT MINUTES



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20569 AUTHORIZE THE COUNTY JUDGE TO EXECUTE WORK AUTHORIZATION NO. 7 WITH TURNER, COLLIE & BRADEN, INC./PBS&J FOR THE HAYS COUNTY ROAD BOND PROGRAM (CENTERPOINT ROAD) [T1-757]

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to authorize the County Judge to execute Work Authorization No. 7 with Turner, Collie & Braden Inc./PBS&J Inc. for the Hays County Road Bond Program (Centerpoint Road). All present voting “Aye”.

20570 AUTHORIZE THE COUNTY JUDGE TO EXECUTE WORK AUTHORIZATION NO. 8 WITH TURNER, COLLIE & BRADEN, INC./PBS&J, INC. FOR THE HAYS COUNTY ROAD BOND PROGRAM (MCCARTY LANE)

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to authorize the County Judge to execute Work Authorization No. 8 with Turner, Collie & Braden Inc./PBS&J Inc. for the Hays County Road Bond Program (McCarty Lane). All present voting “Aye”.

20571 AUTHORIZE THE COUNTY JUDGE TO EXECUTE WORK AUTHORIZATION NO. 9 WITH TURNER, COLLIE & BRADEN, INC./HNTB INC. FOR THE HAYS COUNTY ROAD BOND PROGRAM (NUTTY BROWN ROAD)

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

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

