



STATE OF TEXAS 0
 COUNTY OF HAYS 0

ON THIS THE 24TH 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
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WITH THE FOLLOWING MEMBER ABSENT: COMMISSONER 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 Carter led the Court in the Pledge of Allegiance to the Flags.

20572 ADOPT A PROCLAMATION RECOGNIZING SEPTEMBER 2002 AS "DESTINATION DIGNITY MONTH"

A motion was made by Judge Powers, seconded by Commissioner Molenaar to adopt a Proclamation recognizing September 2002 as "Destination Dignity Month". All present voting "Aye".

**A PROCLAMATION RECOGNIZING SEPTEMBER 2002 AS
 "DESTINATION DIGNITY MONTH"**

WHEREAS, Governor Rick Perry has proclaimed September 2002 as "Destination Dignity Month" in Texas; and

WHEREAS, The Commissioners' Court of Hays County recognizes that Hill Country Community Mental Health and Mental Retardation Center helps residents of Hays County with serious mental disabilities to lead productive lives as members of their local community; and

WHEREAS, the Court recognizes that more than 175,000 Texans and their families rely on the services of Community Mental Health and Mental Retardation Centers as a means of receiving the specialized support they need; and

WHEREAS, the Court recognizes that the support offered through Hill County Community Mental Health and Mental Retardation Center provides the assistance and resources crucial to individuals with mental disabilities in being able to live as independently and successfully as possible; and

WHEREAS, the Court encourages the promotion of community awareness, understanding and acceptance of individuals with serious mental disabilities; and

WHEREAS, the Court urges all citizens to recognize and appreciate the valuable role that individuals with serious mental disabilities, their families, and Hill Country Community Mental Health and Mental Retardation Center each perform in linking individuals with serious mental disabilities with resources to reach their full potential as valued members of there community; now therefore be it

PROCLAIMED, that Hays County Commissioners' Court designates the month of September, 2002 as

"DESTINATION DIGNITY MONTH"

Adopted this the 24th day of September, 2002

20573 APPROVE THE COMMISSIONERS' COURT MINUTES OF SEPTEMBER 17, 2002

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve the Commissioners' Court Minutes of September 17, 2002 as presented by the County Clerk. All present voting "Aye".



20574 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve payment of county invoices in the amount of \$408,765.96 as presented by the County Auditor. All present voting "Aye".

Licenses & Permits	\$ 210.00	State Shared Rev	\$ 38.29	Public Safety Svcs	\$ 109.60
Fines	\$ 150.00	Sales & Auctions	\$ 4,590.04	Auditors Office	\$ 268.32
Extension Office	\$ 2,691.33	Grants Admin Ofc	\$ 27.45	Juvenile Prob Ofc	\$ 5,589.36
Election Admin Ofc	\$ 1,619.43	Comm & Soc Svcs	\$ 2,083.34	Indigent Care	\$ 15,250.74
Transfer Station	\$ 41.55	Building Mtc. Dept	\$ 10,887.00	Environ Health	\$ 1,012.57
Civic Center	\$ 385.89	Countywide Oper	\$ 22,719.86	Tax A/C	\$ 194.92
Sheriff's Office	\$ 11,055.61	Jail Operations	\$ 34,373.73	Co Court at Law 1	\$ 263.6t5
J.P. 1-2	\$ 333.43	J.P. 2	\$ 43.20	J.P. 4	\$ 256.30
J.P. 5	\$ 718.46	DPS	\$ 1,326.13	Constable 1	\$ 250.93
Constable 2	\$ 140.00	Constable 4	\$ 109.78	Constable 5	\$ 208.39
District Court Oper	\$ 3,891.82	Co & JP Court Oper	\$ 4,783.70	Precinct 2	\$ 109.05
Precinct 4	\$ 567.71	Veterans Admin	\$ 445.42	Computer Svcs	\$ 1,839.72
TJPC Salaries Grant	\$ 2,000.00	DPS/Lic & Wgts	\$ 995.09	Fire Marshal/EMC	\$ 242.82
District Court Reprtrs	\$ 400.58	Historical Comm	\$ 3,072.05	Comm Crt Expenses	\$ 693.66
CJD/VOCA Grant	\$ 861.08	CJD/Truancy Ofcr	\$ 3,800.00	CAPCO/Waste Task	\$ 54.84
TJPC/Title 4 Juv Prob	\$ 2,827.82	TJPC/Juv Justice A E	\$ 122.50	LCRA/Fire Marshal	\$ 265.67
Johnson/Heritage Ctr	\$ 787.83	General Fund Credit	<\$193.74>	R&B Operating	\$ 117,791.89
Right of Way	\$ 285.00	R&B Gen Fund Credit	<\$13.78>	County Parks Fund	\$ 41.55
Rec Mng/County Clerk	\$ 359.81	Health Svcs Grants	\$ 9,944.19	Law Library Fund	\$ 1,545.71
Juvenile Center	\$ 3,998.43	Sheriffs Spec Proj	\$ 455.59	Sheriffs Drug Forf	\$ 347.79
Family Health Svcs	\$ 9,948.67	Tobacco Settlement	\$ 110,264.09	Rd Bond S.2001 Constr	\$ 9,272.10

20575 APPROVE BUDGET AMENDMENT NO. 02-42

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve Budget Amendment No. 02-42 as presented by the County Auditor. All present voting "Aye".

AMENDMENT NO. 2002-42 FY 2002 BUDGET 09-24-02				
FUND NO. 01 FUND TITLE GENERAL FUND				
LINE ITEM - EXPENDITURES	APPROPRIATION	AMENDMENT		APPROPRIATION
	BEFORE	INCREASES	DECREASES	AS AMENDED
AMENDMENT				
AUDITOR (401):				
01-401-5321 Dues & Bonds	1,025	200		1,225
01-401-5331 Cont Ed	6,000		(200)	5,800
<i>Transfer for balance of Bond</i>				
JUSTICE OF THE PEACE 1-2 (425):				
01-425-5489 Telephone	2,800	375		3,175
01-425-5211 Office Supply	4,000		(375)	3,625
<i>Transfer for balance of telephone</i>				
JUSTICE OF THE PEACE 3 (427):				
01-427-5489 Telephone	1,000	200		1,200
01-427-5449 Temp Personnel	250		(200)	50
<i>Transfer for balance of telephone</i>				
JUSTICE OF THE PEACE 5 (429):				
01-429-5021 Staff	69,521	1,406		70,927
01-429-5101 FICA/RET	19,269	232		19,501
01-429-5335 Time Payment Expense	1,103		(1,042)	61
01-429-5321 Dues & Bonds	550		(145)	405
01-429-5311 Travel	50		(50)	-0-
01-429-5411 Office Equipment Maintenance	150		(100)	50
01-429-5461 Printing	250		(201)	49
01-429-5213 Books	550		(100)	450
		<u>1,638</u>	<u>(1,638)</u>	
<i>Transfer for buy down of employee comp</i>				
DEPARTMENT OF PUBLIC SAFETY (430):				
01-430-5717 Law Enf Equipment	-0-	400		400
01-430-5391 Other	1,925		(400)	1,525
<i>Authorize and transfer cost of camera from donation received</i>				
BUILDING MAINTENANCE (410):				
01-410-5719 Misc Equipment	800	400		1,200
01-410-5101 FICA/RET	40,495		(400)	40,095
<i>Authorize and transfer for mower from personnel savings</i>				

**20576 APPROVE UTILITY PERMITS #01605 & #01606**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve Utility Permit #01605 on CR204/Lehman Road issued to Time Warner Cable and #01606 on CR127/High Road issued to Pedernales Coop Inc. as submitted by the Hays County Road Department. All present voting "Aye".

20577 MOUNTAIN VIEW GAME PRESERVE [PCT 3 #02-3-023] * APPROVE PRELIMINARY PLAT, ACCEPT LETTER OF CREDIT FOR ROAD AND DRAINAGE IMPROVEMENTS, AND ADOPT A RESOLUTION PROVIDING FOR AN AGREEMENT BETWEEN DON GRAMMER, DEVELOPER AND HAYS COUNTY ESTABLISHING PLAT APPROVAL CONDITIONS [T1-63]

Environmental Health Director Allen Walther spoke of this being a 5 lot subdivision with a development proposal to insure completion of this project – he gave staff recommendation for approval. A motion was made by Commissioner Molenaar, seconded by Judge Powers to approve preliminary plat of "Mountain View Game Preserve", accept the Letter of Credit for road and drainage improvements and adopt a resolution providing for an agreement between Don Grammar, Developer (Mountain View Game preserve, Ltd.) and Hays County establishing plat approval conditions. All present voting "Aye".

**RESOLUTION OF THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS
PROVIDING FOR AN AGREEMENT BETWEEN HAYS COUNTY, TEXAS AND
MOUNTAIN VIEW GAME PRESEVE LTD., DEVELOPER OF
MOUNTAIN VIEW ESTATES
REGARDING SUBMITTING A PLAT PROVIDED CERTAIN
CONDITIONS ARE MET**

**STATE OF TEXAS
COUNTY OF HAYS**

WHEREAS, Hays County ("Hays County") has statutory authority to regulate the development of subdivisions pursuant to Chapter 232, Texas Local Government Code; and

WHEREAS, Hays County has enacted Subdivision and Development Regulations as authorized by State Law; and

WHEREAS, Section 5.8 of the Hays County Subdivision Rules provides that the approval of a preliminary plat shall expire and be of no further force and effect in the event a final plat is not filed within twelve months; and

WHEREAS, the Hays County Commissioners Court approved a preliminary plat submitted by applicant Mountain View Game Preserve, Ltd., ("Mountain View") for Mountain View Estates on or about October 31, 2000, and

WHEREAS, Mountain View has resubmitted the preliminary plat pursuant to the Hays County Subdivision Rules, and

WHEREAS, the parties have reached the herein set out agreement.

NOW, THEREFORE, be it resolved by the Hays County Commissioners' Court:

1. Mountain View agrees to file a new application, filing fees (paid), engineering plans (completed), a timetable of the projected job and engineered estimate of costs (completed).
2. Mountain View has obtained an irrevocable letter of credit, which has already been submitted to and approved by Hays County.
3. Mountain View agrees that the road will be completed to the specifications as approved by the County on September 6, 2002, within 120 days from the date of this agreement.
4. A road maintenance agreement must be prepared and signed by all affected property owners.
5. Final recorded plat, signed by all owners, must be submitted to the County for review and filing.
6. Once all the above is completed to according to the Subdivision Regulations, Hays County will issue its final permit.

20578 RAINBOW RANCH, TRACTS 95 & 96 [PCT 4 #02-4-073] * RELEASE OF UTILITY EASEMENT [T1-85]

Environmental Health Director Allen Walther advised that the applicant is requesting release of utility easement along the common lot line of Tracts 95 & 96 – the utility companies have agreed to release the easement – he gave staff recommendation for approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to release utility easement on Rainbow Ranch Tracts 95 & 96. All present voting "Aye".



20579 PUBLIC HEARING * ESTABLISH TRAFFIC REGULATIONS IN THE CYPRESS CREEK ACRES SUBDIVISION IN THE WIMBERLEY AREA [T1-98]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding recommended setting a speed limit of 30MPH in the Cypress Creek Acres Subdivision. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to establish traffic regulations of 30MPH speed limit in the Cypress Creek Acres Subdivision in the Wimberley area (street names: Summit Drive East, Meadow Lane, & Summit Drive). All present voting "Aye".

20580 CALL FOR A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS AT TIGER LANE AND BELL SPRINGS ROAD ON OCTOBER 8, 2002 [T1-113]

Commissioner Molenaar advised that a STOP sign is needed at Tiger Lane. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to call for a public hearing to establish traffic regulations at Tiger Lane and Bell Springs Road on October 8, 2002. All present voting "Aye".

20581 ADOPT A RESOLUTION "ACCEPTING THE HAYS COUNTY PARKS AND OPEN SPACE ADVISORY BOARD MASTER PLAN" [T1-123]

Carolyn Vogel (Chair of the Parks Board) introduced Paula Hamilton. Paula Hamilton requested that this board continue in place – they want to begin again and have a smaller board consisting of 15 members (3 appointees from each member of the court). [T1-158] Charles O'Dell appeared representing "The Friendship Alliance" and himself. He spoke of the Master Plan being a culmination of an initiative begun in 1998 and 3 intervening years of hard work by a 25 member board of diverse and dedicated citizens who surveyed their fellow Hays County Citizens about their needs and desires for county parks and open space. That county-wide survey showed the vast majority of citizens supporting county acquisition of land to protect aquifer recharge areas, acquisition of park land along rivers and creeks, acquisition of buffer land along streams to provide flood protection, protect habitat, natural environment and water quality, and land for large parks to be developed with various recreational facilities. There is an opportunity in Hays County to create a state-of-the-art parks and open space system that meets all of the stated goals and objectives. He urged the court to pass, "adopt" and take all necessary action to "implement" the Hays County Parks and Open Space Master Plan. [T1-211] Henry Leal (representing residents east of IH35) voiced his support for the Hays County Parks & Open Space Plan – he spoke of the east side being predominantly a Hispanic community and he feels like it would benefit the community – he supports parks in the east side for families to gather (a safe place). [T1-239] Jim Green spoke of Pat Moore and Jackie Craig not being able to attend the meeting today, however, there positions are as follows: they are opposed to the Jacob Wells provision and the Prop 2 provision – they want the court to maintain their control by "accepting" and not "adopting" this plan. He is also opposed to the Jacobs Well and Prop 2 provisions in the plan and he felt like the survey that was conducted was "self selecting" and he feels like it is worthless – the people simply voted for parks and open space and they didn't vote on each one of these provisions. Mr. Green spoke of Jacobs Well provision and property surrounding Jacob Well – he suspects the Jacob Well proposal has to do with the shadowy environmental extremist and cult leader Jeffrey Bronfman who is a friend and apparently a longtime influence on a former member of the Hays County Parks & Open Space Advisory Board (Mr. Baker) and owns property adjacent to and in the area of Jacobs Well. He spoke of Mr. Bronfman's wealth and involvement in various activities and organizations (extremist groups). He feels like this proposal is permanently tainted and he is concerned that the commissioners court keep control of this plan and not lock themselves into the plan – the court needs to create family oriented parks such as Dudley Johnson Park - and upgrade Dudley Johnson Park - and east of IH35 should be the first priority. Judge Powers stated that he is committed to parks and open space – the parks board has done an outstanding job – the county has not issued bonds yet – the master plan is a living document and is going to change. County Clerk Lee Carlisle read the proposed resolution. A motion was made by Judge Powers, seconded by Commissioner Molenaar to adopt a Resolution Accepting the Hays County Parks and Open Space Advisory Board Master Plan. [T1-406] Commissioner Carter requested amendment to the proposed resolution #3 "anyone who has served or is serving" and she spoke of need to take Jacobs Well proposal off the list and the Prop 2 provision. Commissioner Molenaar stated that he supports taking out Jacobs Well, but not the Prop 2 – he will amend his motion regarding wording on #3 as proposed and strike Jacobs Well. Commissioner Molenaar and Judge Powers agreed to the amendments. All present voting "Aye".

A RESOLUTION ACCEPTING THE HAYS COUNTY PARKS AND OPEN SPACE ADVISORY BOARD MASTER PLAN

WHEREAS, the Commissioners' Court of Hays County, Texas authorized the development of a Parks & Open Space Master Plan for the County of Hays; and

WHEREAS, a quality park system is a key component of the quality of life in Hays County; now therefore be it

RESOLVED BY THE Commissioners' Court of Hays County that:

- 1 The Parks & Open Space Master Plan, attached hereto as Exhibit "A," is hereby accepted by the Hays County Commissioners' Court,
2. The Commissioners' Court may refer to the Master Plan for future park and open space endeavors.



3. Anyone who has served or is currently serving on the Hays County Parks & Open Space Advisory Board may not benefit monetarily or by employment from any funding for Hays County Parks & Open Spaces.
 - a. Such individual or corporation to which they belong may not sell land to Hays County for parks and open space.
 - b. Such individual or corporation to which they belong may not represent sellers for land to Hays County for parks and open space.
4. Funds for Hays County Parks and Open Spaces will be used solely for the benefit of Hays County and its residents.
5. Funds for Hays County Parks and Open Spaces are under the control of the Hays County Commissioners' Court.

Accepted this the 24th day of September, 2002

20582 APPROVE PURCHASE OF A DOCUMENT SCAN STATION FOR THE TAX OFFICE

[T1-538] Summary: All information from 1994 forward in the property tax computer still resides on the computer system. They need to be able to move this off to CD or some other media. Tax A/C Luanne Caraway proposes purchasing the Software Group package that would allow her to handle this situation. This would get her started on her records management requirements for the tax records. County Auditor Bill Herzog recommended paying for this equipment out of the countywide records preservation fund. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve purchase of a document scan station for the Tax Office out of Records Preservation Funds in the amount of \$19,500. All present voting "Aye".

20583 APPROVE A RESOLUTION FOR CEDAR OAKS MESA GRANT APPLICATION, AUTHORIZING THE AWARD OF SERVICE PROVIDER CONTRACT FOR THE TX COMMUNITY DEVELOPMENT PROGRAM UPON THE RECEIPT OF GRANT AWARD

[T1-568] Grants Administrator Richard Salmon explained the grant application. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve a Resolution for Cedar Oaks Mesa Grant Application authorizing the award of service provider contract for the Texas Community Development Program upon the receipt of grant award. Commissioner Ingalsbe, Commissioner Carter, and Judge Powers voting "Aye". Commissioner Molenaar abstained – he sits on the committee that reviews these grants.

RESOLUTION

A RESOLUTION OF HAYS COUNTY, TEXAS, AUTHORIZING THE AWARD OF SERVICE PROVIDER CONTRACT FOR THE TEXAS COMMUNITY DEVELOPMENT PROGRAM (TCDP) CONTINGENT UPON THE RECEIPT OF A TCDP GRANT AWARD

WHEREAS, the TCDP has determined that the request-for-proposals (RFP)/local selection process used to select service providers may cause a significant delay in the implementation of TCDP grant contracts, and

WHEREAS, the TCDP shall award five (5) points to TCDP applicants that complete the RFP/local selection process for applications submitted under the Community Development Fund prior to the September 26, 2002, deadline for the Program Years 2003/2004 biennial funding competition; and

WHEREAS, these five (5) points may be vital in determining whether or not an application is selected for funding; and

WHEREAS, the engineering for the application will be paid for with local funds from the Cedar Oaks Mesa Water Supply Corporation;

NOW, THEREFORE, BE IT RESOLVED:

Section 1. That Hejl Lee Engineers be awarded a contract to provide TCDP project-related professional engineering services for TCDP Program Years 2003-2004 grant(s), should such services be required.

Section 2. That any and all contracts or commitments made with the above-named services providers are full dependent on the actual award and receipt of a TCDP Program Years 2003-2004 TCDP grant(s); and

Section 3. That we reserve the right to renegotiate, terminate, or otherwise reconsider any and all contracts or commitments made between us and these service providers at any time.

PASSED AND APPROVED September 24, 2002.



20584 RECOMMENDATION SUBMITTED BY THE HAYS COUNTY SALARY GRIEVANCE COMMITTEE REGARDING SALARY INCREASE REQUESTED BY CONSTABLES [T1-609]

Judge Powers spoke of Salary Grievance Committee hearing that was held pursuant to Local Government Code § 152.016. The recommendation was as follows:

On the 20th day of September, 2002, the Hays County Salary Grievance Committee held a public hearing in the Commissioners' Courtroom of the Hays County Courthouse located at 111 E. San Antonio, San Marcos, Texas 78666 pursuant to Subchapter B, Chapter 152, Texas Local Government Code. The public hearing was requested by the following Hays County Elected Officials: 1) Constable Bill Reeves; 2) Constable James Kohler; 3) Constable Ron McGill; 4) Constable Lupe Cruz; and 5) Constable Debbie Brown ("Constables"). The constables presented testimony seeking an annual salary increase from \$38,745 to \$50,022.

Upon hearing testimony and evidence relating to the requested salary increase of the constables the members of the Hays County Salary Grievance Committee deliberated and voted as follows:

ELECTED MEMBERS	APPROVE	DISAPPROVE
Hon. Cecelia Adair	<u>s/ Cecelia Adair</u>	
Hon. Luanne Caraway	<u>s/ Luanne Caraway</u>	
Hon. Lee Carlisle		<u>s/ Lee Carlisle</u>
Hon. Don Montague	<u>s/ Don Montague</u>	
Hon. Michele Tuttle	<u>s/ Michele Tuttle</u>	
Hon. Mike Wenk	<u>s/ Michael Wenk</u>	
PUBLIC MEMBERS		
Havis Max Welch	<u>s/ Havis Max Welch</u>	
Sharleen Forrest		<u>s/ Sharleen Forrest</u>
Rozella Strohmeyer		<u>s/ Rozella Strohmeyer</u>
ATTEST:		
<u>S/ Jim Powers</u>		
Jim Powers		
Hays County Judge		

[T1-638] Constable Pct. 5 Billy Reeves presented a written statement to the court as follows:

Of the comments made by the six affirmative votes and even from one of the negative votes during the Grievance Committee hearing conducted last Friday, September 20, 2002, a common theme seemed to be we constables should receive a substantial raise, but they were not sure it should be as much as a Sheriff's Captain's salary.

We were asked during the proceedings if we were set on the Captain's salary figure or if we would be receptive to something less. Our response was that we felt the Captain's salary was a reasonable request, which is why we made it. But, if the Committee felt something less would be more appropriate, to please tell us what that would be. We felt we need an adjustment, but would be flexible about it.

To demonstrate our willingness to be reasonable and reach a compromise, we would like to submit at this time a compromise proposal that each of our salaries be adjusted to a level equivalent to a Sheriff's Lieutenant's salary, reflected on the FY02 Grade/Step Scale as grade 36, step 1, plus the 2 ½ % C.O.L.A. approved by FY03.

This breaks down as follows:	FY02 Lieutenant's salary	=	\$ 45,371.00
	Plus 2 ½% C.O.L.A. for FY03	=	\$ 1,134.00
	Constables salary for FY03	=	\$ 46,505.00

If the court feels that further compromise is in order, we would finally suggest the FY03 salary not go into effect until January 1, 2003, thereby making the new rate effective for only the last nine months of FY03. The differential is illustrated below:

12 month proposal -	Proposed FY03 salary total for 5 constables	=	\$232,525.00
	Salaries currently approved for FY03	=	<u>\$193,725.00</u>
	Total increase for FY03	=	\$ 38,800.00
9 month proposal -	Proposed FY03 salary totals if effective 1/1/03	=	\$222,825.00
	Salaries currently approved for FY03	=	<u>\$193,725.00</u>
	Total increase for FY03	=	\$ 29,100.00

Each constable would receive \$44,565.00 in total salary for FY03 under the 9 month proposal. Nothing further.

Elected Officials salaries for FY03 as currently approved –

Sheriff	=	\$ 75,294.00
County Judge	=	\$ 63,232.00
County Tax Collector	=	\$ 56,162.00
County Treasurer	=	\$ 52,844.00
District Clerk	=	\$ 52,736.00
County Clerk	=	\$ 52,736.00
County Commissioner	=	\$ 50,926.00
Justice of the Peace	=	\$ 44,738.00
Constable	=	\$ 38,745.00



ITEM I.

The following salary amounts are what has been approved for FY03 by the Commissioners' Court for officers of the Sheriff's Department and other law enforcement personnel. The amounts shown include the 2 ½ % C.O.L.A. approved by the Court and are already in place on the County Treasurer's payroll records to commence paying out beginning October 1, 2002.

<u>Rank</u>	<u>Amount</u>
Sheriff	\$ 75,294.00
Chiefs	\$ 59,354.00 and \$ 62,969.00
Captains	\$ 51,272.00
Sergeants	\$ 42,182.00 to \$ 47,476.00
Regular Deputies*	\$ 33,051.00 to \$ 39,464.00
* includes sheriffs, constables & code enforcement	
Constables	\$ 38,745.00

Of interest: The highest salaried Deputy Constable starting October 1, 2002 will be at \$38,315.00

ITEM II.

The following salary amounts are what the Sheriff contemplates will be in place (so far as his own personnel is concerned) sometime after October 1, 2002, when a study that is now in progress is completed. The Sheriff has been working with the County Judge/Commissioners very diligently to attain this level of pay for his personnel. He is optimistic that he will achieve his goal. His goal is to gain parity with the San Marcos Police Department in order to stem the flow of sheriff's officers to that police agency. The county has set aside \$700,000.00 to use for these and other raises.

<u>Rank</u>	<u>Amount</u>
Sheriff	\$ 75,294.00
Chiefs	\$ 70,824.00 and \$72,946.00
Captains	\$ 65,603.00 to \$ 68,765.00
Sergeants	\$ 55,307.00 to \$ 58,677.00
Regular Deputies*	\$ 33,634.00 to \$ 47,278.00
* includes sheriffs, constables & code enforcement	
Constables	\$ 38,745.00

Constable Reeves spoke of money set aside in the budget for salary adjustments and he explained that elected officials can only receive salary adjustments once a year, unlike county employees, and it has to be done before the commencement of the budget. [T1-775] Commissioner Carter spoke of information she obtained from the Texas Association of Counties – the average salary for Constables for counties our size in Texas is \$24,447 and we are paying \$38,000 – the largest counties in the State (Dallas, Bexar, Houston, - 100,000 population and above) - the average is \$41,000. She feels like the request is out of sight and our budget has already been approved. Constable Reeves spoke of the same comparison counties would also show that the average salary for their Sheriff departments is far below what Hays County pays their Sheriff Dept. He spoke of the Sheriff's pay and his personnel pay is set to achieve parity with local competition – that being the San Marcos Police Dept. He said that Commissioners in Hays County are also overpaid when compared with comparable counties. Commissioner Carter advised that she has consistently voted against pay raises – she spoke of article in the Austin American Statesman regarding the City of San Marcos and their financial problems. She spoke of other departments that have asked for additional personnel and did not receive it. Constable Billy Reeves spoke of grievance committee vote, which is a recommendation, and the court must act on it. Judge Powers spoke of need to address the recommendation from the Grievance Committee. Constable Pct. 2 James Kohler spoke of Constables in Travis County making \$65,000 and their Chief Deputy makes \$54,000 and he also spoke of amount of paperwork he serves. He feels like this is a fair thing to do – he works 60 hours per week on a normal work week. [T1-958] Maria Elena Gonzalez spoke in opposition to pay raises (not particularly Constable raises) – she is currently unemployed and she feels like America is in a financial strain – her family has experienced layoffs and small businesses are dosing and people are losing their homes because they cannot pay their taxes. She would like to see the court freeze all pay raises for the next four years – she spoke of people having to live on minimum wage and not being able to keep up with the demands of local government. [T1-1046] Jim Green feels like a 30% increase is excessive at one time – he spoke of there being different duties for constables and sheriff deputies – a more reasonable approach is needed. [T1-1088] Clint Frankman spoke of being appalled by the request – this is a dangerous precedent to grant enormous pay raise request – he spoke of taxpayers being strained – a pay raise will not reduce the paperwork. Judge Powers spoke of law that gives elected officials the opportunity to go before a salary grievance committee – since it was not a unanimous vote by the committee the court must consider the recommendation – the budget has been completed and the raise was not in the budget and it was not a last minute item. He respects all comments and he stated that Hays County is in good shape because we have been conservative. Special Counsel Jacqueline Cullom Murphy spoke of there being a time crunch here – the court has the discretion to enact this salary increase and she wanted to clarify that we are doing this pursuant to the process outlined in the statute. [T1-1200] A motion was made by Commissioner Molenaar to approve a salary increase of \$40,800 (a total of \$11,968 for all 5 constables) to be taken out of contingencies in the FY03 budget. MOTION DIED FOR LACK OF A SECOND. Commissioner Ingalsbe spoke of understanding their job and she is not trying to minimize their job or position, she feels at this time she cannot support this – we are going through a salary study survey and other elected officials are waiting on the results of that – she is trying to be fair. Commissioner Molenaar stated that their job is just as dangerous as any peace officer. Constable Reeves spoke of page 2 of his proposal – he feels like they have been left behind – they are peace officers and they are at risk.



CLERK'S NOTE: Agenda Items #20 & #21 RE: SUPPLEMENTAL WORK AUTHORIZATION NO. 1 TO WORK AUTHORIZATION NO. 2 WITH TURNER, COLLIE & BRADEN, INC. FOR THE HAYS COUNTY ROAD BOND PROGRAM (MT. GAINOR) & SUPPLEMENTAL WORK AUTHORIZATION NO. 3 TO WORK AUTHORIZATION NO. 1 WITH TURNER, COLLIE & BRADEN, INC. FOR THE HAYS COUNTY ROAD BOND PROGRAM RELATING TO THE PROJECT MANAGEMENT **WAS PULLED. NO DISCUSSION AND NO ACTION TAKEN.**

CHANGES TO THE COUNTY PURCHASING POLICY [T1-1269]

County Auditor Bill Herzog spoke of trying to make the policy more efficient and update it according to new laws. Purchasing Agent Cindy Maiorka spoke of changes due to legislation. Commissioner Molenaar asked for more time to study the proposed changes. No action taken this date.

20585 AMEND SECTION 5.05 OF THE HAYS COUNTY PERSONNEL POLICY TO PROVIDE PAID INSURANCE BENEFITS TO CERTAIN COUNTY RETIREES [T1-1309]

Commissioner Molenaar spoke of changes in the county personnel policy section 5.05 which addresses retirement. The proposed amendments are as follows: Retirees may continue their county funded insurance coverage contingent on the following qualifying provisions: (1) Must have at least 10 years continuous full time service with Hays County and be retiring with the Texas County and District Retirement System under the "rule of 75", (2) Must be an active participant in Hays County's insurance program at the time of retirement with no break in service or insurance coverage, (3) Must contribute \$100 toward the cost of the insurance premium. The court shall appoint a benefits review committee which shall meet annually in August to consider the following retirement benefits: (1) cost of living increase (2) Possible revisions to insurance benefits. County Treasurer Michele Tuttle spoke of need for clarification regarding how long this would continue. Commissioner Molenaar spoke of benefits review committee that will consider the retirement benefits annually. Commissioner Carter spoke of need to add wording to clarify a payment of \$100 per month and only for those retiring after Oct. 1, 2002. She asked about offering a silver choice plan instead of a full fledge insurance policy. Commissioner Molenaar advised that this would be addressed annually by the benefits review committee and voted on by the Commissioners' Court - this is not a guaranteed benefit. A motion was made by Commissioner Molenaar, seconded by Judge Powers to amend Section 5.05 of the Hays County Personnel Policy to provide paid insurance benefits to certain county retirees – add wording to reflect a contribution of \$100 "per month" toward the cost of the insurance premium – to be effective October 1, 2002. Commissioner Ingalsbe, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

20586 APPOINT JIM POWERS, RUSS MOLENAAR AND ALLEN WALTHER TO THE HAYS COUNTY COMMISSIONERS' COURT LEGISLATIVE STEERING COMMITTEE [T1-1519]

Commissioner Molenaar spoke of using the same committee that is reviewing Senate Bill 873. He will be going to the pre-legislative update. This is an information committee that will be reviewing proposed legislation and receive input from other elected officials and citizens to be used in developing a Legislative agenda for the 78th Legislative Session. All citizens and elected officials are encouraged to participate in the 78th Legislative Session. A motion was made by Commissioner Molenaar, seconded by Judge Powers to appoint Jim Powers, Russ Molenaar, and Allen Walther to the Hays County Commissioner's Court Legislative Steering Committee. All present voting "Aye".

Court was adjourned.

MINUTES APPROVED IN OPEN COURT ON THE 1st DAY OF OCTOBER, 2002

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

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

