



STATE OF TEXAS 0
 COUNTY OF HAYS 0

ON THIS THE 14th DAY OF JANUARY A.D., 2003, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILLIAM "BILL" BURNETT	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	DEPUTY COUNTY CLERK

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.

Judge Powers advised that County Clerk Lee Carlisle is not present today because he is attending a continuing education seminar in College Station.

PRESENTATION OF HAYS COUNTY SERVICE AWARDS

County Auditor Bill Herzog presented a 10 year service pin to Cindy Maiorka. Constable Pct. 3 Ron Magill presented a 5 year service pin to Darrell Ayres (he worked for the Sheriffs Dept prior to working for the Constables office).

INTRODUCTION OF RECENTLY HIRED HAYS COUNTY EMPLOYEES

Chief Investigator for the District Attorney's Office Jody Ginn introduced new employee D.A. Investigator (VAWA Grant) Erin Christilles (she came from SWT Police Dept). Road Supt/Engineer Jerry Borcharding introduced new re-hire Israel Anderson (was a previous county employee who came back).

20764 APPROVE THE COMMISSIONERS' COURT MINUTES OF JANUARY 7, 2003

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve the Commissioners' Court Minutes of January 7, 2003 as presented by the County Clerk. All voting "Aye".

20765 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 \$512,601.37 as presented by the County Auditor. All voting "Aye".

Vouchers Payable	\$ 2,952.30	License & Permits	\$ 665.00	Public Safety Svcs	\$ 145.00
Fines	\$ 1,678.35	TDHCA Funds	\$ 2,665.76	Auditor's Office	\$ 695.70
Treasurer's Office	\$ 198.05	Extension Office	\$ 460.64	Grants Admin Office	\$ 901.47
Juvenile Probation Ofc	\$ 1,885.98	Election Admin	\$ 376.48	Transfer Station	\$ 155.97
Building Mtc. Dept.	\$ 5,151.14	Transfer Station	\$ 155.97	Building Maintenance	\$ 5,151.14
Environmental Health	\$ 2,269.19	Civic Center	\$ 192.43	Countywide Oper	\$ 16,837.38
Tax Assessor-Collector	\$ 1,288.30	District Atty's Office	\$ 1,422.12	Sheriff's Office	\$ 55,965.27
Jail Operations	\$ 26,431.54	Human Resources	\$ 230.69	Co Court at Law 1	\$ 365.76
District Attorneys Office	\$ 3,196.02	J.P. 1-1	\$ 148.28	J.P. 1-2	\$ 541.15
J.P. 2	\$ 293.95	J.P. 3	\$ 8.28	J.P. 5	\$ 221.74
Dept of Public Safety	\$ 778.63	Constable 1	\$ 468.98	Constable 2	\$ 629.09
Constable 3	\$ 186.79	Constable 4	\$ 205.88	Constable 5	\$ 383.24
District Court Operations	\$ 25,635.81	Co & JP Court Oper	\$ 3,488.49	Precinct 1	\$ 118.64
Precinct 2	\$ 445.58	Precinct 3	\$ 349.15	Precinct 4	\$ 246.40
Veterans Admin Office	\$ 903.67	Computer Services	\$ 3,204.69	Co Court at Law 2	\$ 100.00
DPS/ License & Wghts	\$ 217.28	Fire Marshal/EMC	\$ 1,170.57	TABC Office	\$ 143.22
District Court Reporters	\$ 86.47	TJPC CCAP Grant	\$ 56,419.82	Assoc Judge/Family	\$ 44.40
Special Counsel Office	\$ 224.62	Bulletproof Vests	\$ 716.10	CJD/VOCA Grant	\$ 178.08
CJD/VAWA Grant	\$ 20.07	Auto Theft Task Force	\$ 214.87	911 Adrs Maint	\$ 195.85
General Fund Credit	<\$293.37>	R&B Operating	\$ 84,205.31	Right of Way	\$ 5,370.50
Sheriff Abandoned Veh	\$ 27.84	Hays Co Parks Fund	\$ 251.90	Rec Mng/Co Clerk	\$ 1,247.85
Health Svcs Grants	\$ 285.00	Law Library Fund	\$ 22.15	Juvenile Center	\$ 2,866.15
Courthouse Security	\$ 66.42	Med/Dental Insurance	\$ 16,662.90	Sheriffs Bond Forf	\$ 325.00
Family Health Svcs	\$ 1,041.15	Road Bond S.2001 Cnst	\$ 176,402.24		



20766 APPROVE BUDGET AMENDMENT NO. 03-08

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Budget Amendment No. 03-08 as proposed by the County Auditor. All voting "Aye".

AMENDMENT NO. <u>2003-08</u> FY 2003 BUDGET 01-14-03					
FUND NO. <u>01</u> FUND TITLE <u>GENERAL FUND</u>					
<u>LINE ITEM - EXPENDITURES</u>	<u>APPROPRIATION BEFORE</u>		<u>AMENDMENT</u>		<u>APPROPRIATION AS AMENDED</u>
	<u>AMENDMENT</u>	<u>INCREASES</u>	<u>DECREASES</u>		
<u>SHERIFF OFFICE (418):</u>					
01-418-5717 Law Enf Equipment	13,000	642			13,642
01-418-5235 Supplies	45,000		(642)		44,358
<i>Transfer for additional bullet proof vest grant match</i>					
<u>JUSTICE OF THE PEACE 1-2 (425):</u>					
01-425-5461 Printing	500	25			525
01-425-5335 Time Payment	4,721		(25)		4,696
<i>Transfer for balance of new letter head, cards</i>					
<u>JUSTICE OF THE PEACE 2 (426):</u>					
01-426-5321 Dues & Bonds	300	50			350
01-426-5335 Time Payment	3,398		(50)		3,348
<i>Transfer for balance of four year bond</i>					
<u>COMMISSIONER, PCT. 3 (441):</u>					
01-441-5311 Travel	-0-	304			304
01-441-5353 Special Project	1,500		(304)		1,196
<i>Transfer for balance of travel reimbursed</i>					
<u>COMMISSIONER, PCT. 4 (442):</u>					
01-442-5321 Dues & Bonds	100	78			178
01-442-5211 Office Supply	1,000		(78)		922
<i>Transfer for balance of 4 year bond</i>					
<u>VETERAN'S ADMINISTRATION (455):</u>					
01-455-5473 Copier Lease	-0-	540			540
01-455-5448 Contract Services	19,000		(540)		18,460
<i>Authorize and transfer for copier to be shared between offices – due to relocation of Fire Marshal</i>					

20767 APPROVE REFUND OF OVERPAYMENTS ON TAXES

The following applications for tax refund were submitted for approval: Quail Ridge Subd. Lot 13 = \$ 542.56 and Ruby Ranch Phase 5 Blk B Lot 10 = \$ 506.97 . A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve refund of overpayments on taxes as submitted by the County Tax Assessor-Collector's office. All voting "Aye".

20768 APPROVE SEPTEMBER, OCTOBER AND NOVEMBER 2002 TREASURER'S REPORTS

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve the Treasurer's Reports for September – November 2002 as presented. All voting "Aye".

20769 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION FOR UP TO \$48,150 TO THE OFFICE OF GOVERNOR-EDWARD BYRNE MEMORIAL FUND FOR TWO FORD EXPEDITIONS AND TO EXECUTE A CONTRACT [T1-88]

Summary: Grant and matching funds will be used to purchase two Ford Expeditions for a total cost of \$56,138. The grant amount is \$48,150. The county match is \$7,988, of which \$2,638 will come from the Sheriff's current budget and the remaining \$5,350 is being requested from the county contingency. The vehicles will be assigned to Patrol Captains and be used as "mobile incident command" units. It is well known that Hays county is highly prone to flooding and other natural disasters. The hilly terrain makes communication in those times a real problem. To provide a higher level of law enforcement service to the citizens of Hays County, the Sheriff's Office must be equipped with the latest technology, training and methods available to public safety. During the past decade, the Hays County Sheriff's Office has responded to a number of major floods, tornados and other natural disasters, as well as barricaded subjects, hostage situations and threats of major violence against our schools. The public safety community has recognized that a proper "mobile incident command" structure is a very effective approach to these events. By obtaining these two vehicles and deploying them with the two Patrol Captains, the Sheriff's Office will have the ability to respond quickly to any major incident or natural disaster. During times of need, the units will be located at strategic locations and carry additional radios and equipment to coordinate law enforcement efforts.



Sheriff Don Montague spoke of receiving a call in November from the Governors office regarding grant funds available related to homeland security. He asked to change the funding amount from the amount posted of \$42,104 to \$48,150. He read the summary and advised that his department has been working closely with all the fire departments and public safety entities in training each of their officers in instant command situations and this would be an asset to them. Commissioner Carter spoke of the County Fire Marshal and his Assistant having Ford Expeditions which are mobile incident command units – she feels like this is an overkill and we need to remember that even our grants are tax money and we already have two mobile command units. She spoke of need to think about law enforcement within a budget, law enforcement that is adequate, but law enforcement that is not overkill. Commissioner Molenaar spoke in support of this grant. Sheriff Montague spoke of people who tell him how much they appreciate seeing our Sheriff's Dept. vehicles all over this county and he assured her that he is managing the money the best he can. A motion was made by Commissioner Montague, seconded by Commissioner Ingalsbe to authorize the County Judge to submit a Grant Application for up to \$48,150.00 to the Office of Governor-Edward Byrne Memorial Fund for two Ford Expeditions and to execute a contract. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

**20770 GREEN PASTURES SECTION 4 BLOCK 10 RESUB OF LOT 5 [PCT 2 #02-2-065] *
PRELIMINARY PLAT APPROVAL [T1-226]**

Environmental Health Director Allen Walther gave staff recommendation for preliminary plat approval. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve preliminary plat of "Green Pastures Section 4 Block 10 Resub of Lot 5". All voting "Aye".

**20771 ESTABLISH THE HAYS COUNTY SALARY GRIEVANCE COMMITTEE PURSUANT
TO 152.104 LOCAL GOVERNMENT CODE [T1-249]**

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to have a Salary Grievance Committee composed of nine public members pursuant to Local Government Code 152.014. All voting "Aye". Judge Powers made a random selection as follows: Benjamin Ruiz, Peggy Nelson, Joy Marie Bryson, Rodney Van Oudekerke, Kelly Ann Ellis, Judy Massouh, Lena Worrell, Phillip Jack, & Thomas Wendt.

**20772 REAPPOINT DAVE H. SLIDER, EDDIE GUMBERT AND RON SPANGENBERG TO
THE WIMBERLEY RURAL FIRE PREVENTION DISTRICT [T1-307]**

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to re-appoint Dave H. Slider, Eddie Gumbert, and Ron Spangenberg to the Wimberley Rural Fire Prevention District. All voting "Aye".

**20773 REAPPOINT ELMER D. DALLEY, ORA MAE TUCKER AND HAROLD E. ROBINSON
TO THE NORTH HAYS COUNTY EMERGENCY SERVICES DISTRICT #1 [T1-314]**

A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to re-appoint Elmer D. Dalley, Ora Mae Tucker, and Harold E. Robinson to the North Hays County Emergency Services District #1. All voting "Aye".

**20774 REAPPOINT MIKE CHESSMORE AND JUSTIN MCNAIR TO THE NORTHWEST
HAYS COUNTY EMERGENCY SERVICES DISTRICT #5 [T1-333]**

A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to re-appoint Mike Chessmore and Justin McNair to the Northwest Hays County Emergency Services District #5. All voting "Aye".

**20775 AUTHORIZE THE PURCHASE OF A GRILL GUARD FOR A HAYS COUNTY
EXTENSION OFFICE AGRICULTURE TRUCK [T1-342]**

County Extension Agent Rachel Bauer spoke of having obtained a new replacement vehicle which needs a grill guard – they have money in their budget in the vehicle line item to purchase this equipment (\$250). A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to authorize the purchase of a grill guard for a Hays County Extension Office agriculture Truck. All voting "Aye".

**20776 AUTHORIZE THE USE OF RECORD PRESERVATION FUNDS FOR THE PURCHASE
OF SHELVING IN THE DISTRICT CLERKS OFFICE [T1-370]**

District Clerk Cecelia Adair requested authorization to expend a portion of funds already budgeted for FY2003 from the Records Preservation Fund – not to exceed an estimated total of \$800 – to purchase shelving for storing files and exhibits. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe authorize the use of Record Preservation Funds for the purchase of shelving in the District Clerk's Office. All voting "Aye".



20777 ACTION TO RETAIN THE PART-TIME BOOKKEEPING POSITION FOR JUSTICE OF THE PEACE PCT 1 PLACE 2 FOR A PERIOD OF 90 DAYS [T1-377]

Justice of the Peace Pct. 1 Place 2 Margie Hernandez requested that she be able to transfer funds from her time payment line item into staff salaries line item – the amount to be transferred is \$1,623.89. The Bookkeeper would work 2 ½ hours per day for 12 weeks. This will enable her to get up to speed on all the necessary paperwork required to operate her justice court. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to retain the part-time bookkeeping position for Justice of the Peace Pct. 1 Place 2 for a period of 90 days as requested. Commissioner Ingalsbe, Commissioner Carter, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Burnett voting "No"

20778 DECLARE AN EMERGENCY AND AMEND THE BUDGET TO PROVIDE FUNDING FOR ADDITIONAL COURTROOM SPACE AND TO COMPLETE REMEDIATION/REPAIRS IN THE JUSTICE CENTER [T1-410]

Commissioner Ingalsbe spoke of money that was authorized and the amount that has been spent so far for remediation/repairs in the Justice Center. On August 22nd the court approved the allocation of money for UV lights, dehumidifiers, and air duct cleaning. She spoke of increase needed = \$76,794. Environmental Health Director Allen Walther advised that Burcham was overseeing the carpet removal. Maintenance Supervisor Ron Knott advised that they did the negative air system because of asbestos and have been involved in sampling. The bid is for repair of plumbing leaks identified by Gurlof – this does not include the O'Reilly side of the building. Commissioner Carter spoke of need to know what has been done and what needs to be done - a balance sheet is needed and she feels like the court is spending enough money that we could build a whole new building. Commissioner Molenaar spoke of need to complete what we have started. Allen Walther suggested completing the plumbing testing - estimated at \$10,000 - and include it in the action this date. A total of \$386,000. Allen Walther spoke of plumbing repairs that may be needed in the O'Reilly portion of the building. County Auditor Bill Herzog advised that we have been reimbursed by the insurance company in the amount of \$152,000. Commissioner Ingalsbe spoke of commitment the court made to the employees that work in the Justice Center. Ron Knott advised that all the carpet was removed from the Justice Center – we have to complete plumbing testing, install new tile down the back hall, add UV lights to A/C units, and add 2 dehumidification units to dry the air in the justice center. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to declare an emergency and amend the budget to provide funding for additional courtroom space and to complete remediation/repairs in the Justice Center in the amount of \$386,000.00 (\$10,000 of this for additional plumbing testing and \$76,794 that has already been spent but not budgeted for). Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Carter voting "No".

				AMENDMENT NO. <u>2003-09</u> FY 2003 BUDGET 01-14-03	
<u>FUND NO. 01</u> <u>FUND TITLE GENERAL FUND</u>					
		<u>APPROPRIATION</u> <u>BEFORE</u>	<u>AMENDMENT</u>		<u>APPROPRIATION</u> <u>AS</u>
<u>LINE ITEM - EXPENDITURES</u>	<u>AMENDMENT</u>		<u>INCREASES</u>	<u>DECREASES</u>	<u>AMENDED</u>
<u>COUNTYWIDE OPERATIONS (414):</u>					
01-414-5744 Justice Center Improvements	-0-		300,000		300,000
Water leaks			10,000		
Current overage			<u>76,870</u>		
			<u>386,870</u>		
Emergency basis for Justice Center space improvements and repairs					

20779 AUTHORIZE THE COUNTY JUDGE TO EXECUTE WORK AUTHORIZATION NO. 16 WITH TURNER, COLLIE & BRADEN, INC./LOCKWOOD, ANDREWS & NEWMAN, INC. FOR THE HAYS COUNTY ROAD BOND PROGRAM (RIGHT OF WAY) [T1-801]

Sam Davis (Public Comment) asked about Fischer Store Road project – he thought this project was to be done in 2003. Commissioner Carter spoke of list of roads she obtained from TC&B and it does include Fischer Store Road. Commissioner Burnett spoke of details that need to be worked out regarding the Fischer Store Road project before it comes before the court. Bob Austin (TC&B) advised that this is for all the county road bond projects and he spoke of how they were able to reduce the original cost. He spoke of all the services that are included in this work authorization and detailed accounting for the funds. A motion was made by Commissioner Burnett, seconded by Judge Powers to authorize the County Judge to execute Work Authorization No. 16 with Turner, Collie & Braden Inc./Lockwood, Andrews & Newman, Inc. for the Hays County Road Bond Program (Right of Way). All voting "Aye".



JANUARY 14, 2003

VOLUME S PAGE 597

20780 AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK AUTHORIZATION NO. 2 TO WORK AUTHORIZATION NO. 2 WITH TURNER, COLLIE & BRADEN, INC. FOR THE HAYS COUNTY ROAD BOND PROGRAM (MT. GAINOR) [T1-915]

Bob Austin (Turner, Collie & Braden Inc.) spoke of services covered by this supplemental work authorization (meetings with landowners, etc.) – 40 parcels will be acquired on this project – and it allows them to develop bridge plans. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to authorize the County Judge to execute supplemental Work Authorization No. 2 to Work Authorization No. 2 with Turner, Collie & Braden, Inc. for the Hays County Road Bond Program (Mt. Gainor). All voting "Aye".

COURT WAS ADJOURNED.

MINUTES APPROVED IN OPEN COURT ON THE 21ST DAY OF JANUARY, 2003.

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

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

