



STATE OF TEXAS ★  
COUNTY OF HAYS ★

ON THIS THE 18<sup>TH</sup> DAY OF FEBRUARY 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. FRITSCHE	CHIEF DEPUTY COUNTY CLERK

**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.

**20841            PROCLAMATION SALUTING THE WOMEN ENTREPRENEURS OF HAYS COUNTY AND PROCLAIMING THE WEEK OF FEBRUARY 23, 2003 AS "WOMEN ENTREPRENEURS WEEK IN HAYS COUNTY"**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to adopt Proclamation saluting the Women Entrepreneurs of Hays County and proclaiming the week of February 23, 2003 as "Women Entrepreneurs Week in Hays County". All voting "Aye".

***PROCLAMATION OF THE HAYS COUNTY COMMISSIONERS' COURT  
SALUTING THE WOMEN ENTREPRENEURS OF HAYS COUNTY***

**WHEREAS,** women own more than 550,000 businesses in Texas; and

**WHEREAS,** women-owned businesses employ one of every four Texas Workers; and

**WHEREAS,** women-owned businesses provide more than 1 million jobs and comprise roughly one-third of all the companies in the state; and

**WHEREAS,** women-owned businesses in Texas generated more than \$129 billion in sales in 1996, and increase of \$100 billion from 1992; and

**WHEREAS,** the women business owners who have made these contributions to the economy of Texas often have done so while nurturing and sustaining households and families;

**NOW, THEREFORE, BE IT PROCLAIMED,** that the Hays County Commissioners' Court gratefully salutes the women entrepreneurs of Hays County and declares the week of February 23, 2003 as

***Women Entrepreneurs Week in Hays County***

Adopted this the 18<sup>th</sup> day of February, 2003.

**PRESENTATION BY TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ)  
REGARDING WATER AVAILABILITY CERTIFICATION      [T1-57]**

Commissioner Carter introduced Kelly Mills (Senior Staff Geologist for the Texas Commission on Environmental Quality (TCEQ) who will speak on the topic of Chapter 230 of the TCEQ rules. Mr. Mills spoke of new rules amending Section 232 of the Local Government Code. The statute was amended the past legislative session to bring geo-scientist into the certification process – the rule is a tool for platting authority use – it gives the municipal or county authority the ability to require certification of ground water availability in the plat application process. Mr. Mills spoke of detailed aquifer testing and questions that have to be answered, and it has a three page form that must be filled out by a geo-scientist. Requires that data be made availability upon the platting authority request and it gives the platting authority some leeway in making decisions on a case by case basis. He went briefly through the eleven sections of the rule. Mr. Mills went through the required testing procedures. He spoke of it requiring a short term (10 yr) and a long term (30 yr) availability determination and it also is flexible and allows any other time frame that might be specified by the platting authority. He spoke of other requirements used for determination. Discussion was had regarding difficulty in validating water availability. Mr. Mills spoke of assumptions that are made – the engineer/geo-scientist collects the site specific data and identifies any weakness in the data. The certification is not a guarantee that groundwater is there. The intent of the legislation was for the bill to be a "consumer protection measure" and to allow platting authorities to provide some protection to future homeowners. Environmental Health Director Allen Walther advised that we do have water availability rules and documentation must be sealed by an engineer or hydro-geologist. Mr. Mills advised that he is aware of Hays County rules – the authority in Chapter 35 is broader in scope than those laid out in the Local Government Code and it was providing an opportunity for other counties that wanted a tighter rein.



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**VARIANCE REQUEST FROM RICHARD HARLOW** [T1-434]

Richard Harlow appeared requesting a variance on 1.7 acres located on Windy Hill Road for a 2 bedroom modular home. He was told by the Environmental Health Dept. that he did not have the required 2 acres of land since they sold 2 acres of the Harlow Subdivision and had created an easement to those 2 acres. He spoke of the rent house that was put in and now he is unable to obtain a septic permit – he has spent \$16,260.00. Mr. Harlow spoke of the original 6 acres he purchased in 1977, sold off 2 acres in 1992 leaving him 4 acres, the county condemned 0.283 acres for additional r-o-w (10 ft) in 1995, and in 2002 he sold 2 more acres, leaving him with 1.717 acres. If you consider the 0.283 acres the county took and add it to what is left, he would have the required 2 acres. Mr. Harlow spoke of conversation he had with County Subdivision Coordinator Jon Thompson before he put in the rental house and he felt like there was not a problem with proceeding with his plans. Jon Thompson gave his apology to Mr. Harlow for any misunderstanding – he spoke of standard operating procedure that if there is a question about permitting or septic tanks, etc. he refers them to the Environmental Health permitting section. Jon Thompson spoke of information he provided to Mr. Harlow when he subdivided his property regarding "Shared Access Driveways" which limits each lot sharing that SAD to one residence per lot – when Mr. Harlow signed off on the first page of that plat he was signing off on the entire subdivision plat. Jon Thompson advised that Mr. Harlow should have made application for a permit before he placed the house on his lot.

**PUBLIC COMMENT**

[T1-540] Charles O'Dell spoke of all aquifers having a finite capacity and maximum capacity recharge - cannot be exceeded by usage. To permit over-development (exceeds capacity of water supply) you have permitted a sham subdivision because people who invest in those homes are without water.

**20842 ACTION REGARDING POSITION OF HAYS COUNTY ADMINISTRATOR** [T1-591]

Commissioner Carter spoke of bringing this back because there were so many citizens that have questions and wanted information – she spoke of this being an opportunity to get answers to questions regarding this position.

[T1-615] Clint Frankmann (Wimberley resident) spoke in opposition to the county administrator position – this is not the time or place to increase the taxpayer burden – this is a time to tighten our belts. He stated that basing salary increases for county employees to be on par with the unionized City of San Marcos is unrealistic – Comal County would be a much more appropriate model and example to follow. [T1-643] Charles Odell (Dripping Springs ETJ resident & Board Member of Friendship Alliance) – they are neutral on the idea of need for the County Administrator position because they have not heard public discussion and justification for the position – his research shows that only Harris County has this position in Texas. They are concerned about the process by which this position was filled – they feel strongly that the county hiring policy be followed – in that process it would be incumbent to locate the greatest number of highest quality candidates for the job and make your selection from that. [T1-683] Commissioner Carter spoke of having called the Texas Association of Counties and one of their attorneys had this quote: "There is no statutory position for County Managers in counties in Texas" and "No duties can be lawfully delegated from the Commissioners' Court to a County Manager". There is no statutory authority and it isn't legal to delegate our authority to him. Mr. Odell stated that the county should make a case that a county administrator is required. [T1-715] Donna Williams (Wimberley resident) stated that she is retired and living on a fixed income and she is not supportive of this action. She felt like this position adds a tax burden to the citizens of Hays County. She suggested reducing salaries of Commissioners or step down if they do not wish to perform all their job duties. She is opposed to paying for salaries out of contingency funds. Ms. Williams stated that as a Human Resources Director with over 20 years experience, she is concerned about benchmarks used in the survey - she feels like the resultant salary structures may be skewed too high because of improper or less incomparable job comparisons. In response to Judge Powers statement last week about towing the line on tax rates she stated that you can hold the tax rate down but when the appraisal district raises the property evaluations and appraisals at alarming and annual rates the result is higher taxes. [T1-763] Bill Liddle spoke of his primary concern is what this decision does to the structure of county government – he spoke of there being two forms of municipal government systems (Mayor/Council & City Manager systems) - by creating the County Administrator position it seems the county has taken a step towards adopting a county equivalent of a city manager system which requires far more public discussion, analysis and thorough consideration. [T1-804] Sherri Bilson (San Marcos resident) presented a petition to Commissioner Molenaar in opposition to the position of County Administrator. She spoke of today's economy being bad and people are being laid off. She spoke of rush in passing the increase in county employee salaries last week without thought and deliberation. She spoke of checking the Texas Work Force site on the internet, pulled off job comparisons as best she could, and we are \$5,000-6,000 more on every job she could compare – she asked that this be put back on the table for consideration. Commissioner Molenaar spoke of job evaluations that were done and we may have to lay off people and have job freezes in the future. Mrs. Bilson spoke of county jobs paying more than the private sector. [T1-919] Frank Puckett (Wimberley resident) feels like the county is way out of line, particularly in the present economy – he spoke of concern by retired people on fixed incomes. [T1-940] Anita Fournier (Wimberley resident) asked the court to reconsider their action – she personally protests against increased county spending - the economy is worse than it has been in years. She spoke of Water Consulting Group comparing salaries to the City of San Marcos – this is not a realistic comparison – this will mean increased taxes and retired people on fixed incomes cannot afford higher taxes. [T1-963] Sam Davis stated that he is not here to argue about the position of county administrator – he feels like there will be another increase in the future because Allen will not be able to do the job he has now – he is concerned about how this was done and he asked that it be put back on the agenda for consideration.

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Commissioner Carter spoke of questions regarding the agenda request form and the posting when the position was approved – the posted executive session did not show that the court was considering the title of County Administrator. [T1-1037] Commissioner Molenaar read his response to Questions/statements:

*It was with great disappointment that I have read the newspapers and listened to the citizen input and also saw the Republican Press Release regarding the appointment of Allen Walther as our new County Administrator. I feel I must share my thoughts with the citizens of Hays County and correct the misleading statements communicated by the Republican Party( a handful of them anyway) and try to give you a "true" picture of why we made the decision to upgrade Mr. Walther's position. There are essentially three issues that I wish to respond to... -The first issue concerns the actual appointment of Mr Walther and the implication that this is a "new" position. Let me be perfectly clear: we did not create a new position. We simply modified an existing position that has been in place for several years. We did this in lieu of creating a completely new position that would have cost the taxpayers a minimum \$90k a year, if not more. Those of you who are familiar with what goes on in our county government know that much of what Mr. Walther does goes well beyond his current duties of Environmental Health Director. The second issue infers that we are not doing our jobs and/or that we hired Mr. Walther to do our jobs for us. Few people outside our offices really know what we do on a daily basis. Few know the number of state and local committees we serve on. Few are aware of the demands placed on us by our constituents for immediate responses to their concerns, whether they be public health issues, public safety issues and so on...I am constantly reviewing situations involving roads, subdivisions, personnel, elected officials, the budget, weekly agenda items, research for various committees and citizens...My office is essentially an information center for the county and particularly Precinct 4...When the legislature is in session, as it is now, we are busy researching new bills conferring with our citizens and lawmakers and preparing testimony. After the legislative session ends, we have to research the new laws and decide how they will or will not apply to Hays County and our citizens. I could go on and on....It is important to remember that our county, like many others, simply does not have an overabundance of staff. In Hays County, Commissioners have no staff other than a personal secretary. When we need to do extensive research; when we need planning; when we need to communicate with other elected officials(counties, cities, legislators)we usually do this ourselves or rely on Mr. Walther for assistance. The third issue that I take issue with is last week's Republican Party press release. A handful of self-proclaimed Republicans insinuated that Judge Powers, Commissioner Burnett and myself are not being consistent with the basic Republican platform of "smaller government, fiscal responsibility, and lower taxes." I would remind these folks that the three people they are criticizing have been responsible for the fact that the Hays County tax rate has not increased in years and has actually been reduced twice in the past 8 years. We are doing everything possible to keep the tax rate in check. It is all we, as part of the County Court, can really do. That and try and make the Administration operate as efficiently as possible...I absolutely disagree with the accusations included in the press release and here's why: #1--Increasing the duties of one Administrator in order to keep from adding a completely new position does not make government larger, it simply adds responsibility to an existing position. #2--We felt it was fiscally responsible to consolidate two areas of responsibility into one position at a very minimal cost, instead of creating a new position which would have essentially doubled the cost to the taxpayers. #3--This action will 'NOT' increase your taxes. As a matter of fact after the recent salary review was examined it makes the action we took on the consolidation of two positions look like an even better move since the salary for the Environmental Health Director is one that is targeted for a substantial increase. So the net result of our consolidation action will actually result in an increase of only \$10k to \$12k ...That's a small price to pay for efficiency, I believe... Lastly, I want to respond to Hays County Republican Chairman Stan Livingston regarding the comments he made to several newspapers last week. Mr. Livingston stated that he believed Hays County needed an outside opinion from someone who is unbiased, objective and credible, as he put it, to review what we have done relative to the new County Administrator. He is asking that we bring in the State Comptroller's office to do a review. This is ridiculous! This is an internal personnel issue . We make decisions relative to personnel everyday. It is one of the duties you elected us to do. As Mr. Livingston put it." We really need someone to come in and look at "this situation, and give us an honest opinion." Are you kidding me? Since when is an appropriate use of taxpayers money to bring in the State Comptroller to review a simple personnel matter? Oh they will not charge the County to do it, but the State of Texas will pay, so we as taxpayers will foot the bill...We certainly do not need anyone outside our county to evaluate our department heads or their employees. We need to continue to execute county policy and therefore handle personnel issues ourselves. If we have deficiencies within our departments that we cannot solve for some reason, then we can ask for outside help. But that has not happen up to this point. The fact is, the new County Administrator position that we are debating here is designed to assist the Commissioner's Court, not replace it...Mr. Walther will work directly for the Court. I also take issue with Mr. Livingston stating that Judge Powers, Commissioner Burnett and I are biased, not objective, not credible and therefore not honest. The fact is, Mr. Livingston never once called to ask me why I placed the County Administrator issue on the Court agenda. If he had called, I would have been glad to explain the reasons why we felt we needed to expand Mr. Walther's duties and what the benefit of doing so would be... In closing, I would like to thank the many supporters who have called me to support the decision to improve the operation of the County Administration and I pledge to continue to look for ways to make the system work as efficiently as possible..*

[T1-1215] Commissioner Carter advised that she does not look at her Administrative Assistant as a Secretary – she considers her a highly trained researcher and assistant. She spoke of it being the Executive Committee of the Republican Party of Hays County making the comment that government needs to be smaller and more limited. She stated that Elected Officials are offended that they must go through a liaison or county administrator to talk to the commissioners' court. Commissioner Molenaar advised that Elected Officials do not have to go through the County Administrator – Allen is dealing with issues for the court – this is not a city manager job. He spoke of creating the position of county engineer to run the Road Department to be efficient and be fiscally responsible. He spoke of Allen's position being the liaison between department heads and the court and he spoke of possible legal problems when two members of the commissioners' court serve on a board or committee. [T1-1294] Sherry Bilson spoke of budget amendment for Environment Health. Commissioner Molenaar spoke of work on legislation being done by Allen Walther – he can now evaluate department heads (12 dept. heads). Commissioner Carter asked who created the job description. Commissioner Molenaar advised that he did that – the department heads can still come to Commissioners. Commissioner Ingalsbe advised that we need to validate the job description – the court needs to step up to the plate and evaluate department heads. [T1-1387] Lee Williams (Republican Party Precinct Chair) advised that all members of the Republic Party Executive Committee (except for 3) signed the press release.



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[T1-1411] Allen Walther stated that he believes the action was the best thing for the county – he spoke of his background – 18 year county employee (12 yrs as EH Director) – he has a college degree and has made it his goal to learn as much as he can. He spoke of growth in the county and his involvement in things that have nothing to do with environmental health - the attempt was to amend his job description to include additional things he does for the county. We don't have a planning department, an engineering department, an inspection department, or a public works department. We have a lot of good staff support but when it comes to planning, we are the planners. He spoke of planning department in the City of San Marcos and the number of people in that department. He spoke of reviewing a large number of subdivision plats in the county in which we must deal with issues of water and wastewater – coordination and sharing of information is needed and this position was intended to bring that about. He wants the court to define what they want him to do. He spoke of job study that was done and the top four positions being Computer Services Director (score of 856), First Assist District Attorney (score of 891), Road Engineer/Supt. (score of 919), and Environmental Health Director (score of 990) – the salary that was set falls within those guidelines. He spoke of upper management in other entities (City of San Marcos, City of Austin, Travis County) – the positions he fills, there is not an equivalent position in any of the agencies. He spoke of four positions in Travis County that are closest to what he does "Executive Managers" – salaries range from \$101,000-102,000 and he feels like they are valid comparisons to the work he does. He asked the court to review the information he provided. [T1-1644] Commissioner Burnett spoke of Allen Walther being one of the most important employees in the county and he could easily do the position – he thinks that the additional responsibilities he has today are inconsistent with what he is being paid. He agrees that we need to take the current job description and the additional duties presented today and run it through the job evaluation committee on the point system and see where that ranks. He spoke of his opinion changing – he was wrong - the job description that was put together is the job description for County Judge and in the past, Eddie Etheredge, Don Rains, and his father (Walter Burnett) did those duties. To him, what we have done is placed on Allen the position of hiring someone to do the duties of County Judge – and that's wrong. The court needs to continue with dept. head evaluations – that is our job and we need to step up and do our job. He feels like Allen Walther could do the job, but his job description is incomplete and needs to be re-evaluated. [T1-1706] Commissioner Carter felt like the degree/credentials required for Environmental Health Director does not justify a salary higher than the Road Engineer (who has an Engineering Degree) or Assistant District Attorney (a Law Degree) and Computer Services (who has extremely high credentials and in our situation has a masters degree). She spoke of inadequate management of the Environmental Health Department. [T1-1755] Commissioner Molenaar spoke of Travis County having four positions from which he drew up the County Administrator job description (they are called something else) – their responsibility is to help other elected officials. Commissioner Carter spoke of this being another example of poor planning – we have had time to research this now and it is time to agree that there is no statutory position of county manager in Texas, there is no duties that can be lawfully delegated to a county manager. She suggested returning Mr. Walther to his position of Environmental Health Director. [T1-1805] Judge Powers stated that he supports Allen Walther and he is concerned about statements made by Commissioners regarding department head evaluations – we tried many times to do that and it didn't work. He stated that he does not have authority to hire and fire dept. heads. He spoke of it being illegal to talk about someone's character in open court. He spoke of not setting property values – the Appraisal District does that - we only control the tax rate. County's are not what they were 5-10 years ago and he is going to do what is best for Hays County. [T1-1889] A motion was made by Commissioner Carter to revoke the position of County Administrator and return the position back to Director of Environmental Health minus the increase in salary. Motion died for lack of a second. [T1-1898] A Motion was made by Commissioner Burnett, seconded by Judge Powers to reverse the action taken by Commissioners Court regarding the County Administrator position, ask the job evaluation committee to review the job description of Environmental Health Director and his additional duties and rank them as was done with every other position in Hays County, and bring that back to commissioners' court. Allen Walther asked the County Judge what he will be doing in the meantime – does he follow the job description of Director of Environmental Health? It does not cover all the projects he is working on right now – he spoke of legislation matters he is involved in – he would like an effective date and expand request of committee to come up with a proper job title. Judge Powers asked time frame for evaluation. Commissioner Burnett felt like the committee could do that this week and get back to the court immediately. He will exclude himself from that committee. Commissioner Carter spoke of need for consideration of educational background. Commissioner Burnett stated that the administrator position was in error - what he does now is not just environmental health director – he does a great deal of planning and special project management. He amended his motion to include an effective date being the date the committee comes back to Commissioners' Court. Road Supt/Engineer Jerry Borcherding spoke of committee not rating individuals, only job duties based on present job description, so his (Allen's) numerical value was based on that review, hence the salary range was set based on that compared to City of San Marcos – he asked for clarification for re-evaluation of Allen's position. Commissioner Burnett advised that the committee needs to review the Director of Environmental Health job description plus the additional responsibilities that he is doing today (Allen Walther's backup materials). MOTIONS WERE WITHDRAWN.

[T1-2133] A motion was made by Commissioner Burnett, seconded by Judge Powers to reverse previous action taken by Commissioners Court regarding the County Administrator position. Commissioner Burnett, Commissioner Carter, Commissioner Ingalsbe, and Judge Powers voting "Aye". Commissioner Molenaar voting "No". [T1-2144] Pat Moore (San Marcos resident and retired public school administrator w/staff of 73) reminded the court that job descriptions say "and other duties as assigned".

[T1-2170] A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to have the job evaluation committee review the position of Environmental Health Director and the additional responsibilities within that office and come up with a point within the range of that grade as well as discuss the correct job title for that position. Commissioner Molenaar, Commissioner Burnett, Commissioner Ingalsbe and Judge Powers voting "Aye". Commissioner Carter voting "No".

## HAYS COUNTY COMMISSIONERS' COURT MINUTES



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**20843 THE COMMISSIONERS' COURT MINUTES OF FEBRUARY 11, 2003**

A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve the Commissioners' Court of February 11, 2003 as presented by the County Clerk. All voting "Aye".

**20844 APPROVE PAYMENT OF COUNTY INVOICES**

A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve payment of county invoices in the amount of \$ 430,124.15 as presented by the County Auditor. All voting "Aye".

License & Permits	\$ 357.00	Public Safety Svcs	\$ 156.50	Fines	\$ 1,324.96
TDHCA Funds	\$ 2,257.40	Auditor's Office	\$ 681.12	Treasurer's Office	\$ 107.03
Grants Administration	\$ 126.86	Juvenile Probation	\$ 2,193.83	Election Admin	\$ 620.09
Transfer Station	\$ 5,837.95	Building Maint Dept.	\$ 4,571.32	Environ Health Dept	\$ 1,394.13
Civic Center	\$ 547.87	Countywide Oper	\$ 9,756.06	Tax A/C	\$ 1,031.28
District Clerk's Office	\$ 1,462.52	Sheriff's Office	\$ 16,868.90	Jail Operations	\$ 5,210.91
County Judge's Office	\$ 257.84	Human Resources	\$ 301.95	Co Court at Law 1	\$ 77.00
District Attorney Office	\$ 725.83	J.P. 1-1	\$ 220.00	J.P. 1-2	\$ 263.87
J.P.2	\$ 186.10	J.P. 3	\$ 29.57	J.P. 4	\$ 429.54
J.P. 5	\$ 189.45	Constable 1	\$ 107.00	Constable 3	\$ 21.11
Constable 4	\$ 23.31	District Court Oper	\$ 93.00	Co & JP Court Oper	\$ 2,252.40
Precinct 2	\$ 23.05	Precinct 4	\$ 77.00	Veterans Admin	\$ 655.99
Computer Services	\$ 1,157.00	Juv Prob Officer	\$ 135.00	TJPC Salaries Grant	\$ 2,495.00
DPS/License & Wghts	\$ 120.00	Fire Marshal/EMC	\$ 3,334.05	TJPC CCAP Grant	\$ 5,655.64
Animal Control	\$ 17,500.00	CommCourt Exp	\$ 340.50	VOCA Grant	\$ 235.00
CAPCO/911 Addrs Mtc.	\$ 73.84	Juv Justice Alt Ed	\$ 51.28	General Fund Credit	<\$770.31>
Road & Bridge Oper	\$ 195,100.22	Sheriffs Abandon Veh	\$ 76.00	Parks Fund	\$ 190.16
Rec Mng/County Clerk	\$ 947.50	Health Svcs Grants	\$ 218.76	Juvenile Center	\$ 3,809.67
Sheriffs Bail Bond Fund	\$ 31.83	Courthouse Security	\$ 29.95	Med/Dental Insur	\$ 90.00
Sheriffs Drug Forf Fund	\$ 1,329.21	Family Health Svcs	\$ 503.68	Road Bond S.2001	\$ 136,835.43

**20845 APPROVE BUDGET AMENDMENT 03-13 [T1-2251]**

A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve Budget Amendment #03-13 as proposed by the County Auditor. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

<b>AMENDMENT NO. 2003-13 FY 2003 BUDGET 02-18-03</b>					
<b>FUND NO. 01 FUND TITLE <u>GENERAL FUND</u></b>					
<b>LINE ITEM - EXPENDITURES</b>	<b>APPROPRIATION BEFORE</b>		<u><b>AMENDMENT</b></u>		<b>APPROPRIATION AS <u>AMENDED</u></b>
	<b>AMENDMENT</b>		<u>INCREASES</u>	<u>DECREASES</u>	
<b>TJPC/TCOMI JUVENILE PROBATION OFFICER (462):</b>					
01-462-5021 Staff	-0-		19,991		19,991
01-462-5101 FICA/RET	-0-		3,084		3,084
01-462-5160 Insurance	-0-		2,677		2,677
01-462-5219 Miscellaneous Supply	-0-		583		583
01-462-5311 Travel	-0-		875		875
01-462-5331 Cont Ed	-0-		875		875
01-462-5346 Worker Comp	-0-		198		198
01-462-5489 Telephone	-0-		280		280
01-462-5712 Data Proc Equipment	-0-		<u>2,000</u>		2,000
			<u>30,563</u>		
<b>REVENUE:</b>			<b>DECREASE: INCREASE:</b>		
01-384-2462 TJPC/TCOMI JUV PROB GRANT	-0-		<u>30,563</u>		
<i>Budget new grant for juvenile mental health officer for balance of FY03 as approved.</i>					
<b>CJD/BYRNE MEMORIAL GRANT/EXPEDITIONS (715):</b>					
01-715-5713 Vehicles	-0-		56,138		56,138
<b>SHERIFF (418):</b>					
01-418-5717 Law Enf Equipment	57,732			(2,638)	55,094
<b>COUNTYWIDE (414):</b>					
01-414-5399 Contingencies	75,000			(5,350)	69,650
<b>REVENUE:</b>			<b>DECREASE: INCREASE:</b>		
01-381-2715 CJD/Byrne Memorial	-0-		<u>48,150</u>		48,150
			<u>56,138</u>	<u>56,138</u>	
<i>Budget new grant for emergency response command vehicles and record county match transfer</i>					



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**20846 APPROVE UTILITY PERMITS #1635 & 1636**

A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve Utility Permit #01635 on CR129/Cotton Gin Road issued to Time Warner Cable and Permit #01636 on CR158 issued to Cash Construction Company LTD. All voting "Aye".

**20847 ACCEPT INTERNAL EXAMINATION REPORTS FOR HAYS COUNTY TREASURER AND HAYS COUNTY CLERK**

A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to accept internal examination reports for the Hays County Treasurer's office and the Hays County Clerk's office. All voting "Aye".

**20848 APPROVE INTERLOCAL AGREEMENT WITH THE CITY OF SAN MARCOS RELATING TO THE RECONSTRUCTION OF CLOVIS BARKER ROAD AS APPROVED BY THE COMMISSIONERS' COURT ON DECEMBER 3, 2002 [T1-2262]**

Sam Davis asked for clarification. Commissioner Ingalsbe spoke of already approving the money to be spent for this project. Commissioner Burnett spoke of interlocal agreement to reconstruct this road – funding will be provided out of Pct. 1 budget. Commissioner Ingalsbe spoke of paying the county's portion over a two year period. The agreement will continue for a period of 3 years. The City agrees to provide for the construction of the improvements by contract with an independent construction contractor. The City agrees that the improvements will meet or exceed County road construction standards. The County agrees to contribute \$300,000 towards the cost of constructing the improvements. The County will make the first half of this contribution in a payment of \$150,000 no later than January 31, 2003, and the County will make the second half of this contribution in a payment of \$150,000 no later than January 31, 2004. The City agrees to maintain the improvements, including the portion not presently located in the city limits. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve an interlocal agreement with the City of San Marcos relating to the reconstruction of Clovis Barker Road as approved by the Commissioners' Court on December 3, 2002. All voting "Aye".

**20849 APPROVE THE REAPPOINTMENT OF ANN MILLER STROM TO THE HAYS COUNTY HISTORICAL COMMISSION**

A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve the reappointment of Ann Miller Strom to the Hays County Historical Commission. All voting "Aye".

**20850 AWARD CONTRACT FOR THE PURCHASE OF "STANDBY/EMERGENCY GENERATOR AND AUTOMATIC TRANSFER SWITCH" FOR THE HEALTH DEPARTMENT TO WAUKESHA-PEARCE INDUSTRIES**

Bids were received from Waukesha-Pearce Industries, Stewart & Stevenson Services Inc., Cummins Southern Plains Power, and Holt Power Systems. The bids were reviewed by Purchasing and Building Maintenance Director Ron Knott. Waukesha-Pearce had the lowest bid meeting all specifications and it is their recommendation that the bid be awarded to that company. Commissioner Carter suggested using the generator at the Justice Center. Director of Personal Health Gay Hemly spoke of that generator not being mobile and explained the need for a generator at their building - in the event of a power outage they would lose a large amount of vaccine. The generator purchase will be funded by the Bio-terrorism grant 100%. A motion was made by Commissioner Burnett, seconded by Molenaar to award contract for the purchase of a "standby/emergency generator and automatic switch" for the Health Department to Waukesha-Pearce Industries in the amount of \$28,975.00. All voting "Aye".

**20851 AMEND THE MINUTES OF JANUARY 28, 2003 TO REFLECT A CORRECTION OF THE ORGANIZATIONAL CHART PRESENTED TO THE COMMISSIONERS' COURT**

Commissioner Carter spoke of need to change the organizational chart that was adopted on January 28, 2003 Resolution # 20813 (Vol. S Pg. 606) - the County Auditor is directly under the District Judges and not the Commissioners' Court. A motion was made by Commissioner Carter, seconded by Commissioner Burnett to amend the minutes of January 28, 2003 to reflect a correction of the Organizational Chart adopted by the Commissioners' Court. All voting "Aye".;

**20852 CRESTVIEW RANCH RESUBDIVISION OF LOTS 1 & 2, OF THE RESUBDIVISION OF LOT 2 [PCT. 4 #03-4-004] \* PUBLIC HEARING AND APPROVAL OF FINAL PLAT**

[T1-2379] Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Environmental Health Director Allen Walther advised that this is a 3 lot subdivision that has been approved by the City of Dripping Springs (ETJ). He gave staff recommendation for final approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve final plat of "Crestview Ranch Resubdivision of Lots 1 & 2 of the resubdivision of Lot 2". All voting "Aye".

20853      **BELTERRA PHASE 2 SECTION 6B** [PCT. 4 #03-4-006] \* APPROVE FINAL PLAT [T-2398]

Environmental Health Director Allen Walther advised that this subdivision has complied with our final plat approval and he gave staff recommendation for approval. Charles Odell spoke of this being a non-compliant application – the application specifies that either surface or ground water and that option is not in the county ordinance – the developer has an agreement with LCRA for LUE's if they use ground water. This is similar to Big Sky Ranch subdivision which was considered last week. Belterra operates totally under a development agreement with the City of Dripping Springs - with no oversight - and that development is under litigation. He feels like they need to specify where their water is coming from. County Subdivision Coordinator Jon Thompson advised that they have a WCID (Water Control Improvement District) certificate and they have a letter of commitment from the LCRA – it is exempt from our water availability rules. Pursuant to our rules they are not doing wells on the lots – water will be supplied by a public water supply (WCID and/or LCRA). Commissioner Molenaar spoke of TNRCC having control over public water supply and wastewater systems. Jon Thompson made reference to plat notes regarding water supply. Commissioner Carter spoke of need to have documentation regarding water availability and a check list to make sure that all requirements have been met. Charles Odell advised that this development is under litigation and he encouraged the court to not grant approval. Commissioner Molenaar spoke of this involving a water control district – when it goes to public water and wastewater system it is regulated by the TNRCC/State of Texas and you cannot supersede their authority. [T1-2885] Steve Sherill (Mak Foster Ranch) spoke of water control improvement districts (#1 & #2) in Belterra – that have CNN's from the TCEQ - he explained that they were told to hold back on their request to the Texas Fish & Wildlife Dept. because a group was pursuing a regional plan and they didn't want developers to get their individual pieces approved, so they held back because they thought a regional plan would be best for all. They decided along the way that the regional plat group was not making progress so they pursued their own approval from the Texas Fish & Wildlife Dept. which set aside buffers zones, limited impervious cover, etc. He spoke of commitment from LCRA (for 300 LUE's) – 261 lots have already been approved through the Commissioners' Court and the additional 26 in this section will be added. WCID has approved, through TNRCC (TCEQ), multiple public supply wells and they are also permitted through the Hays Trinity Groundwater Conservation District – their first choice is to pursue surface water all that they can – they are trying to do the best thing - they have 6,000 ft. of frontage on US Hwy 290 with direct access to LCRA water line. He encouraged the court to work on a regional plan. Allen Walther gave staff recommendation for final approval. Mr. Sherill advised that the plat note is required by law. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve final plat of "Belterra Phase 2 Section 6B". Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

20854      **APPROVE HAYS COUNTY HEALTH DEPARTMENT FEE INCREASES** [T1-3080]

Commissioner Ingalsbe advised that the proposed fees are consistent with what other counties are charging. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to approve an increase in fees for Hays County Health Department Services to be effective March 1, 2003. All voting "Aye".

SERVICE FEES	CURRENT FEE	PROPOSED FEE
<b>Title V Co-Pay</b>		
Well/Sick Child Visit	\$ 5.00	<b>\$ 10.00</b>
RID Shampoo	\$ 7.00	<b>\$ 10.00</b>
Prenatal Visit	\$ 5.00	<b>\$ 10.00</b>
DepoProvera Injection	\$ 5.00	<b>\$ 10.00</b>
<b>Private Pay Services</b>		
Well Child Visit	\$ 35.00	<b>\$ 40.00</b>
Newborn Screening	\$ 25.00	<b>\$ 30.00</b>
RID Shampoo	\$ 7.00	<b>\$ 10.00</b>
Prenatal Visit	\$ 35.00	<b>\$ 40.00</b>
DepoProvera Injection	\$ 40.00	<b>\$ 50.00</b>
Flu shot (under 59)	\$ 10.00	<b>\$ 15.00</b>
Flu shot (over 59)	\$ 7.00	<b>\$ 10.00</b>
Effective March 1, 2003		
Increased Title V co-pay is the same as current CHIP co-pay		
Private Pay increases are the same or less than the current Medicaid rate		

20855      **APPROVE HIRING A TEMPORARY PART-TIME DEPUTY CONSTABLE FOR PRECINCT ONE FOR A PERIOD OF TWO MONTHS** [T1-3097]

Due to a medical condition/emergency, Constable Lupe Cruz will be out of the office for 6-8 weeks and is asking the court to consider the hiring of a Temporary Part-time Deputy two days a week for up to eight weeks. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize the hiring of a temporary part-time deputy constable to be paid out of contingency fund. All voting "Aye".



FEBRUARY 18, 2003

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- 20856      APPROVE A RESOLUTION TO COMPTROLLER CAROLE KEETON STRAYHORN,  
COMPTROLLER OF PUBLIC ACCOUNTS TO CONDUCT A FINANCIAL  
MANAGEMENT REVIEW OF THE HAYS COUNTY [T1-3130]

Jackie Craig spoke in support of this review. Pat Moore encouraged the court to go forward with this review. Commissioner Burnett felt like a financial audit would be beneficial. County Auditor Bill Herzog advised that we have a financial audit done already every year. Commissioner Molenaar suggested holding a workshop with Department Heads. A motion was made by Judge Powers, seconded by Commissioner Carter to approve a Resolution to Comptroller Carole Keeton Strayhorn, Comptroller of Public Accounts, to conduct a financial management review of Hays County. All Elected Officials are encouraged to participate. Commissioner Ingalsbe, Commissioner Carter, Commissioner Burnett, and Judge Powers voting "Aye". Commissioner Molenaar voting "No".

**A RESOLUTION OF HAYS COUNTY COMMISSIONERS' COURT TO  
COMPTROLLER CAROLE KEETON STRAYHORN, TEXAS COMPTROLLER  
OF PUBLIC ACCOUNT TO CONDUCT A FINANNCIAL MANAGEMENT REVIEW  
OF THE HAYS COUNTY COMMISSIONERS' COURT**

**WHEREAS**, the Hays County Commissioners' Court recognizes the importance of better management, efficiency, and effectiveness in the administration of county government; and

**WHEREAS**, the Hays County Commissioners' Court understands that the FMR is a service provided by the State Comptroller's Office to assist local governments to improve the financial management procedures and the managerial effectiveness of county departments; and

**WHEREAS**, the Hays County Commissioners' Court understands that the FMR is an administrative review, and not a financial audit, and does not seek to detect financial error or fraud; now therefore be it

**RESOLVED BY THE** Hays County Commissioners' Court, that the County Judge is hereby authorized to execute and submit this resolution to the State Comptroller's Office.

**ADOPTED THIS THE 18<sup>TH</sup> day of February, 2003.**

Court was ADJOURED.

**MINUTES APPROVED IN OPEN COURT ON THE 25<sup>TH</sup> DAY OF FEBRUARY, 2003.**

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

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