



STATE OF TEXAS 0
 COUNTY OF HAYS 0

ON THIS THE 1st DAY OF APRIL 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.

20913 ADOPT A RESOLUTION IN SUPPORT OF THE PRESIDENT OF THE UNITED STATES AND OUR ARMED FORCES SERVING IN OPERATION IRAQI FREEDOM

Jim Green (San Marcos resident) spoke of it being important now for our governing bodies (Commissioners' Court and City Councils) to show support of troops in Iraq and around the world and to support our President and to express in other ways our support for our troops and for our national administration struggling these days to put an end to tyranny in Iraq and bring some measure of freedom to the people of that country – much like they did to Kuwait twelve years ago. Tom Tvrdik, Hays Co Veterans Service Officer, spoke of demonstration by the courthouse statute (about 15 people) on Tuesday and on Sunday there was a "support our troops" rally on the courthouse grounds with between 400-600 people – it was great – we want to support our troops and President but don't forget about the family members in our community who sometimes worry more than our troops on the ground. County Clerk Deputy Liz Gonzalez read the resolution to be adopted. Commissioner Burnett spoke of need to support our troops and their families – this is not a resolution supporting war, it is a resolution supporting our troops. A motion was made by Judge Powers, seconded by Commissioner Molenaar to adopt a Resolution in support of the President of the United States and our Armed Forces serving in Operation Iraqi Freedom. All voting "Aye".

A RESOLUTION OF HAYS COUNTY COMMISSIONERS COURT IN SUPPORT OF THE PRESIDENT OF THE UNITED STATES AND OUR ARMED FORCES SERVING IN OPERATION IRAQI FREEDOM

WHEREAS, the United States Armed Forces are now undertaking courageous and determined operations against the forces of Saddam Hussein's regime, and

WHEREAS, the Iraq Liberation Act of 1998 stated that it should be the policy of the United States to support efforts to remove the regime headed by Saddam Hussein from power in Iraq and to promote the emergence of a democratic government to replace that regime, and

WHEREAS, on October 16, 2002, the President signed into law House Joint Resolution 114 of the 107th Congress, the Authorization for Use of Military Force Against Iraq Resolution of 2002, and

WHEREAS, the United Nations Security Council, in Security Council Resolution 1441, voted unanimously that Iraq "...will face serious consequences as a result of its continued violations of its obligations' to disarm in accordance with all relevant United Nations resolutions, and

WHEREAS, Iraq remains in material breach of the relevant United Nations resolutions and on the evening of March 17, 2003, the President issued Saddam Hussein and his sons a final ultimatum to leave Iraq within 48 hours or face United States military intervention, and

WHEREAS, when Saddam Hussein failed to comply, the President ordered United States Armed Forces to commence military operations against the Iraqi forces during the evening of March 19, 2003, under the code name of Operation Iraqi Freedom, in order to liberate Iraq, remove Saddam Hussein from power, and neutralize Iraq's weapons of mass destruction, and

WHEREAS, the ability of the Armed Forces to successfully perform their mission requires the support of their nation, community and family, now therefore be it

RESOLVED BY THE HAYS COUNTY COMMISSIONERS' COURT our explicit support and appreciation to the President of the United States, our Armed Forces and their families serving in Operation Iraqi Freedom. To show our support, the Hays County Courthouse will have yellow ribbons tied to our trees for the duration of Operation Iraqi Freedom.

Adopted this the 1st day of April, 2003

**PRESENTATION OF RETIREMENT PLAQUE TO SERGEANT GARLAND HARWELL**

Sheriff Don Montague presented a retirement plaque to Sgt. Garland Harwell. Also present for the presentation was former Sheriff Paul Hastings. He has been an employee of the Sheriff's Dept. since December 1, 1984 – he has worked for Sheriffs Alford Hohman, Paul Hastings, and Don Montague.

PRESENTATION BY JOBAID KABIR, PH.D. WITH REGARD TO WATER AVAILABILITY

Jobaid Kabir (LCRA Water Resources Planning Manager and a Professor at the LBJ School of Public Affairs at UT Austin) spoke of Hays County having two regional water planning groups (K & L), being located in the Guadalupe & Colorado river basins and having 4 groundwater districts - surface water supplies 40-50% of need from now to the year 2050 - mostly municipal and industrial demand (very little irrigation demand) and demand will double or triple by 2050. Senate Bill 1 in 1997 facilitated state water planning and developed reliable water right administration - Senate Bill 2 in 1999 streamlined groundwater management. The essence of Senate Bill 1 is to go from the bottom up – plan is coming from local entities and going up to the State level. He spoke of the planning process – 50 year plan for drought of record – and he spoke of representation in regional planning. They feel like the population will triple by 2050 (300,000+) and demand will increase. TCEQ administers all water rights – LCRA does not own the water but they own water rights – the State owns surface water. Land owners usually own the rights of groundwater, however, local groundwater districts may regulate use and diversion rate. Dr. Kabir spoke of the Texas Water Development Board's authority. There are four groundwater districts in Hays County (multiple aquifers are located in Hays County). He spoke of purchasing surface water to meet shortages and demand and he spoke of the Hwy 290 pipeline which is providing surface water to northern Hays County (LCRA utility program). Commissioner Carter spoke of results of a severe drought – she feels like we cannot depend on utilities. Dr. Kabir spoke of planning process which will address these droughts of record – Lake Buchanan and Canyon Lake should be able to supply the demand – the problem will be in accessing the water – we have a much better tool to plan for those situations than we did in the past.

PUBLIC COMMENTS

[T1-815] **Jim Green** felt like the LCRA presentation was a fine presentation and we all thank LCRA for the job they do for central Texas, however, he cautioned putting much reliance on human created statistical studies projecting the future. Mr. Green spoke of Parks Board "new job" that was addressed last week – he spoke of story he read in the newspaper about this job – he didn't even recognize it – the public notice in the San Marcos Record refers to it as a management consultant firm. He wanted to be on the record as what himself, Mr. Salmon, and Commissioner Burnett had talked about off and on for the last few weeks – this would not be a permanent county employee – would be hired on a contract basis only – no decision making authority or administrative duties – essentially someone the Court can call on to help when needed – will not be a Natural Resources Director running a natural resource center of any kind – and more than likely it would not be someone who had served on the Hays County Parks Board (could be discussed) - salary of less than \$20,000. Mr. Green spoke of having talked to Richard Salmon about maximum efficiency - land purchases should be kept to a maximum of 100 acres – usable family parks become unmanageable above 70 or so acres and with a 100 acre park land purchase would allow an undeveloped open space area to be attached to a family park – having the parks together would help facilitate maintenance and security. He wanted these talks to be made public.

[T1-924] **Marshall Jennings** (Staff Faculty at SWTSU and past Temporary Board Member of the Hays Trinity Groundwater Conservation District) spoke of informational meetings (2 public meetings) held and attended by about 50 people (reps from GBRA, Volunteer Advisory Group of about 20 Retired Geologist, Wimberley Valley Watershed Association and Commissioner Susie Carter) – He spoke of presentation by Robert Mace talking about the science and sustainability of water – by the year 2050 we will experience 100 feet or more in the Wimberley/Dripping Springs corridor below the 1997 levels by the year 2050. He spoke of other speaker from A&M University noting significant differences between a typical chapter 36 water code district – the district now in Hays county is constrained by legislation (may not meter wells may not permit wells, may not enter property, may not charge a pumpage fee, and may not levy taxes) - he summarized that the voters in northwestern Hays County have a choice of confirming the present local management district or be faced by the Texas Commission on Environmental Quality of being faced with an obligatory Chapter 36 District within 2 years (combined with Comal County or with Bexar County). He feels like ground water management should stay local and he urged the court to join other groups by passing a resolution of support for creation of the Hays Trinity Water Conservation District to keep ground water control locally and urge voters to vote YES on May 3rd.

[T1-1018] **Lewis Bullard** (appointed member of the Temporary Hays Trinity Groundwater Conservation District) stated that he is here as a concerned individual and he complemented the court for their action in creating the Hays Trinity Groundwater Control District several years ago – he spoke of this district coming up for conformation by the voters. We are in a priority groundwater management area and the voters need to know the importance of keeping our local control.



20914 EXECUTIVE SESSION PURSUANT TO SECTION 551.071 AND 551.072, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL REGARDING HAYS COUNTY V. JAMES AND MARY LINDSTROM, CAUSE NO. 6832-C, HAYS COUNTY COURT AT LAW (CONDEMNATION LAWSUIT THE STATE HIGHWAY 45 PROJECT) WITH ACTION [T1-1101]

At 10:15 a.m. the court recessed into closed Executive Session - reconvened into open meeting at 10:40 a.m. A motion was made by Commissioner Carter, seconded by Commissioner Molenaar to authorize counsel Ellie Dietz to move forward with offer to James and Mary Lindstrom on issue of State Highway 45 project. All voting "Aye".

20915 APPROVE THE COMMISSIONERS' COURT MINUTES OF MARCH 25, 2003

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve the Commissioners' court Minutes of March 25, 2003 as presented by the County Clerk. All voting "Aye".

20916 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve the payment of county invoices in the amount of \$ 458,945.43 as presented by the County Auditor. All voting "Aye".

Interest Earnings	\$ 12,812.45	Auditor's Office	\$ 52.71	Extension Office	\$ 1,112.22
Grants Admin	\$ 315.91	Juvenile Probation	\$ 810.55	Election Admin	\$ 59.95
Comm & Social Svcs	\$ 151,686.25	Indigent Care	\$ 753.64	Transfer Station	\$ 130.06
Building Mtc. Dept.	\$ 7,891.76	Environ Health	\$ 1,362.38	Civic Center	\$ 2,370.93
Countywide Oper	\$ 17,522.20	Tax A/C	\$ 218.74	District Clerk's Office	\$ 291.14
Sheriff's Office	\$ 488.49	Jail Operations	\$ 7,916.35	County Judge's Ofc	\$ 351.65
Human Resources	\$ 284.30	Co Court at Law 1	\$ 64.08	District Atty's Office	\$ 153.50
J.P. 1-2	\$ 386.16	J.P. 2	\$ 97.24	J.P. 3	\$ 162.50
J.P. 5	\$ 948.78	DPS	\$ 1,445.21	Constable 2	\$ 275.76
Constable 3	\$ 34.12	Constable 5	\$ 63.65	District Court Oper	\$ 3,845.02
Co & JP Court Oper	\$ 5,587.48	Precinct 2	\$ 12.32	Precinct 3	\$ 270.44
Precinct 4	\$ 55.87	Veterans Admin	\$ 70.59	Computer Svcs	\$ 57,795.79
Fire Marshal/EMC	\$ 725.17	Assoc Judge/Family	\$ 72.14	Animal Control	\$ 12,500.00
Special Counsel Ofc	\$ 85.00	CJD/Byrne/Expeditions	\$ 56,062.00	911 Addrs Mtc Grant	\$ 123.34
Juv Justice Alt Ed Grant	\$ 152.98	General Fund Credit	<\$485.46>	R & B Operations	\$ 94,786.25
Hays Co Parks Fund	\$ 98.88	Rec Mng/County Clerk	\$ 583.36	Health Svcs Grants	\$ 420.00
Law Library Fund	\$ 248.00	Hays Co Juvenile Ctr	\$ 4,233.56	Medical/Dental Insur	\$ 4,694.39
Family Health Svcs	\$ 1,276.37	Justice Court Tech	\$ 3,124.26	Certif of Oblig S'97	\$ 2,545.00

20917 APPROVE BUDGET AMENDMENT 03-16

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve Budget Amendment No. 03-16 as proposed by the County Auditor. All voting "Aye".

AMENDMENT NO. 2003-16 FY 2003 BUDGET 04-01-03				
FUND NO. 01 FUND TITLE GENERAL FUND				
LINE ITEM - EXPENDITURES	APPROPRIATION	AMENDMENT		APPROPRIATION
	BEFORE	INCREASES	DECREASES	AS
	AMENDMENT			AMENDED
TRANSFER STATION (409):				
01-409-5021 Staff	28,920	6,000		36,711
01-409-5452 Trash Haul	65,000		(6,000)	59,000
<i>Transfer to allow part county match for CAPCO/Solid Waste grant-portion from Transfer Station only</i>				
CONSTABLE 2 (432):				
01-432-5413 Vehicle Maintenance	2,000	500		2,500
01-432-5160 Insurance	11,475		(200)	11,275
01-432-5417 Law Enf Equip Mtc	1,000		(300)	700
		<u>500</u>	<u>(500)</u>	
<i>Transfer for tires and repairs from savings</i>				
COMPUTER SERVICES (456):				
01-456-5429 Software Maint/Pkg	240,188	7,500		247,688
01-456-5712 Data Proc Equipment	183,497		(7,500)	175,997
<i>Transfer CAD (Communications) to packages as not hardware cost</i>				
JUVENILE PROBATION (405):				
01-405-5211 Office Supplies	3,925	450		4,375
01-405-5711 Equipment	450		(450)	-0-
<i>Transfer for purchases considered supplies</i>				



				AMENDMENT NO. <u>2003-16</u> FY 2003 BUDGET 04-01-03
<u>FUND NO. 01</u>				
<u>FUND TITLE GENERAL FUND</u>				
<u>LINE ITEM - EXPENDITURES</u>	<u>APPROPRIATION</u>	<u>AMENDMENT</u>		<u>APPROPRIATION</u> <u>AS</u> <u>AMENDED</u>
	<u>BEFORE</u> <u>AMENDMENT</u>	<u>INCREASES</u>	<u>DECREASES</u>	
HUMAN RESOURCES (421):				
01-421-5334 Employee Recognition	500	917		1,417
01-421-5801 County Training	2,500		(917)	1,583
<i>Transfer for awards/pins</i>				
<u>FUND NO. 10</u>				
<u>FUND TITLE HEALTH SERVICES GRANTS FUND</u>				
TDH/CHILD HEALTH FEE (469):				
10-469-5219 Supplies	12,000	3,000		15,000
10-469-5391 Other	5,000		(3,000)	2,000
<i>Transfer for additional medical supplies</i>				
<u>FUND NO. 29</u>				
<u>FUND TITLE COURTHOUSE SECURITY FUND</u>				
COURTHOUSE SECURITY/DISTRICT COURT (626):				
29-626-5719 Court Equipment	-0-	15,000		15,000
29-626-5021 Staff	25,896		(11,515)	14,381
29-626-5101 FICA/RET	4,297		(1,898)	2,399
29-626-5160 Insurance	4,590		(2,295)	2,295
COURTHOUSE SECURITY/JP COURT (636):				
29-636-5741 Court Improvements	-0-	<u>708</u>		708
		<u>15,708</u>	<u>(15,708)</u>	
<i>Transfer for security equipment for new courtrooms for District Court; for security upgrade JP-3 from personnel savings in District Court</i>				

20918 [PCT 2 #02-2-088] **BIG SKY RANCH** [1541 LOTS] * **APPROVE PRELIMINARY PLAT AND PHASED DEVELOPMENT AGREEMENT** [T1-1119]

Bud Hudgins (developer & sponsor of this project) spoke of executive summary and master plan development. This is a 500 acre Master Planned Development with 1,541 lots – the price range for homes will be from \$110,000 – 150,000 and will be constructed of brick and lumber – the streets will be asphalt with curbs and gutter and adjoining sidewalks – they expect to build 250-300 homes per year through the year 2009. Water will be provided by Goforth Water Supply Corp. (ground and surface water) and for the wastewater, a municipal utility district is being formed and has a permit request to the TECQ to accommodate a wastewater drip irrigation system, which is a non-discharge type permit. At full build-out, the development will bring over 200 million tax dollars to the Hays County tax roll and even larger retail dollars for the cities of Buda and Kyle, which Hays County will benefit from. Mr. Hudgins advised that they have met the county guidelines and requirements and are requesting approval of the preliminary plat. Civil Engineer John Noell spoke of their being over 150 acres of open space and greenbelts – the vast majority is outside the 100 year floodplain – it is a cluster development – the floodplain is clearly shown on the plat – Goforth Water Supply Corp. will provide water - streets and drainage will exceed county requirements. They have met with the City Manager of Kyle and the project, as presented today, is not in the Kyle ETJ – concerns have been shared and they are working to resolve those issues. Commissioner Carter felt like a majority of the parks are in the floodplain. Mr. Noell stated that a vast majority of the open space and parks area are not in the floodplain – at least 100 acres is not in the floodplain – he can provide figures to the court. [T1-1305] Attorney Tony Corbett (from Law Firm of Freeman & Corbett) advised that the project will be served by an onsite central wastewater system – it will be designed so that if there is a regional system constructed it would be able to connect to that regional system (there is one proposed on the Heep Ranch Property). The project is located within the CCN of Goforth Water Supply – they have negotiated with Goforth WS and a draft contract has been prepared and is being reviewed by Goforth's legal counsel and engineer. Under the proposed contract, facilities on-site and off-site will be constructed in a phased manner so that service is available prior to final platting of the individual subdivisions and developer has agreed to provide payment of fixed cost on behalf of Goforth to GBRA in connection with the GBRA I35 Surface Water Line which will be extended from San Marcos plant north. He explained the responsibility of a MUD (Municipal Utility District) that could be created to manage the wastewater system until such time as it might be connected to a regional system – a MUD is a political/governmental subdivision that has a general obligation, power to tax and levy rates, and impose regulations to ensure that environmental requirements are met and sufficient revenues are obtained. After the project is built out the MUD will remain in place – if the on-site system continues to operate, it will provide retail service and operate that system – if there is a connection made to the regional plant, then wholesale service would be furnished from GBRA to the MUD, which in turn would provide retail wastewater service to the property. Mr. Corbett stated that a MUD has more authority than Goforth Water



Supply Corp. because it is a political subdivision of the state of Texas. [T1-1452] Commissioner Carter spoke of density of this subdivision (9 homes per acre) and she spoke of county regulations regarding water/wastewater certification – she feels like the application is incomplete because there has not been a certification submitted. She spoke of putting a population three times the size of Dripping Springs on 500 acre in Precinct 2. She spoke of Local Government Code 232.0025 Timely Approval of Plats and she spoke of county rules regarding water availability – does Goforth Water Supply have the water today to serve 1541 lots ? – there are no contracts that have been signed and she does not feel like approval should be given today. Commissioner Carter spoke of over pumping of our aquifers – surface water will be long in coming and will be more expensive. She does not feel like Goforth Water Supply is prepared to provide surface water to this subdivision until 2004 and she feels like we are breaking our own rules if we approve this subdivision. [T1-1739] Commissioner Burnett felt like Commissioner Carter's interpretation of our rules is different from his – there is a clear distinction between preliminary and final plats. [T1-1777] Robin Melvin (lawyer with Graves, Dougherty, Hearon & Moody) spoke of letter from GBRA that states the status of their discussions with Goforth Water Supply Corp. – they are finalizing a contract for Goforth to get surface water – the developer is in discussions with Goforth about a contract pursuant to which the developer would contribute the money to allow surface water to come to Goforth – groundwater is available immediately – and surface water will be available to Goforth in about 18 months. At preliminary plan, the county rules are seeking a certification as part of the information to be provided to the staff to allow the county to carry out the duties the county has under Local Government Code regarding water availability – the county only has two powers: (1) require contracts between sellers and purchasers saying where the water is coming from and when it will be there (2) and the other has to do with situations in which ground water use would come from under the property being developed. She felt like the purpose of the county rules is to get information to make sure that the developer is complying or has the ability to comply at final plat. Commissioner Carter spoke of new legislation that allows the county to require completed applications – 100% complete - we have had developers who put homes on lots without water – we must make developers get it right now. Environmental Health Director Allen Walther advised that this subdivision complies with county regulations and he gave staff recommendation for approval of preliminary plat and for approval of the phased development agreement. Water Availability requirements refer to subdivisions when their source of water will come from the ground under that subdivision - this is not an issue of water availability, it is an issue of water system capacity which our rules provide for on final plat. Judge Powers advised that he met with Bill West of GBRA regarding this project and it was explained to him that until they have some assurance that they meet our requirements, they are not going to write any letter. Judge Powers stated that he feels like it does meet our requirements for preliminary approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve preliminary plat of "Big Sky Ranch" and approve the phase development agreement. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

20919 [PCT 3 #02-3-094] **RIVER OAKS OF WIMBERLEY UNIT 5 TRACT 23** [2 LOTS] *
APPROVE FINAL PLAT [T1-1962]

Environmental Health Director Allen Walther advised that this division complies with our rules for final plat approval and he gave staff recommendation for approval. This lot is part of an unrecorded subdivision and public notification requirements do not apply. Commissioner Carter asked why this subdivision was not recorded. Commissioner Burnett advised that this subdivision was developed years ago (70's or 80's) and we now require that all subdivisions be filed. Commissioner Molenaar advised that now we are requiring that these lots be platted as they are changed. Allen Walther advised that we are correcting what was done incorrectly. motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve final plat of "River Oaks of Wimberley Unit 5 Tract 23". All voting "Aye".

20920 [PCT 4 #03-4-022] **HIDDEN CREEK PHASE 1 LOTS 13A, 15A & 16A REPLAT** [3 LOTS]
 * **APPROVE FINAL PLAT AND WAIVE PUBLIC NOTIFICATION** [T1-2024]

Environmental Health Director Allen Walther advised that they are reconfiguring existing lots (one will be enlarged) and he gave staff recommendation for final plat approval and waiver of public notification. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve final plat and waive public notification for "Hidden Creek Phase I Replat Lots 13A, 15A & 16A". All voting "Aye".

20921 [PCT 4 #03-4-027] **TRIPLE CREEK RANCH LOT 13 BLOCK B** [1 LOT] * **APPROVE REVISION TO THE DRAINAGE EASEMENT** [T1-2049]

Environmental Health Director Allen Walther advised that a drainage easement was established on the recorded plat of "Triple Creek Ranch Lot 13 Block B", however, the actual drainage does not occur within that defined easement, therefore a revision is needed. He gave staff recommendation for approval of revision to the drainage easement. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve revision to the drainage easement on "Triple Creek Ranch Lot 13 Block B". All voting "Aye".

20922 **HOLD A PUBLIC HEARING WITH ACTION TO ESTABLISH TRAFFIC REGULATIONS IN HILLCROFT SUBDIVISION** [T1-2070]

Judge Powers declared the public hearing open – no public input was received and the public hearing was closed. Road Supt/Eng Jerry Borcharding advised that a Yield Sign is needed on Summit at Link Lane and on Link Lane at West Meadow. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to establish traffic regulations in Hillcroft Subdivision – a YIELD sign on Summit at Link Lane and on Link Lane at West Meadow. All voting "Aye".



APRIL 1, 2003

VOLUME S PAGE 661

20923 APPOINT THE DIRECTOR OF HUMAN RESOURCES AS THE PRIVACY OFFICER FOR HAYS COUNTY AS REQUIRED BY THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT [HIPPA] [T1-2093]

Human Resources Director Luis Gonzales spoke of requirement by HIPPA to appoint a Privacy Officer to protect employee information. He will also be responsible for creating a privacy policy and implementing it. A motion was made by Judge Powers, seconded by Commissioner Ingalsbe to appoint the Human Resources Director as the Privacy Officer for Hays County as required by the Health Insurance Portability and Accountability Act. Commissioner Ingalsbe, Commissioner Carter, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Burnett was not present for vote.

20924 ACTION TO REVISE THE COUNTY FEE SCHEDULE FOR SUBDIVISION REVISION PUBLIC NOTICE [T1-2172]

Environmental Health Director Allen Walther advised that postage has increased and the cost to mail certified letters has increased from \$3.00 to \$4.42. He recommended the court take action to revise the fee schedule to reflect the actual cost. Commissioner Carter spoke of subdivision rules 11.3 Public Notice – applicant must provide public notice and pay the expenses – she felt like we are doing work that the property owner should be doing. Allen Walther advised that the process being followed is to make sure that we get the information we need – we have no way of knowing if notice is sent out if we don't do it in-house. The property owner pays for the postage. A motion was made by Commissioner Molenaar, seconded by Judge Powers to revise the county fee schedule for subdivision revision public notice fee to equal that established by the United States Postal Service. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

DISCUSSION REGARDING IMPROVEMENTS TO HAYS COUNTY SUBDIVISION RULES, WASTEWATER RULES AND SUPPORTIVE DOCUMENTS [T1-2340]

Commissioner Carter spoke of rules in Bandera County that require groundwater conservation district approval of water availability before commissioners' court approval. Environmental Health Director Allen Walther advised that our districts are provided with a copy of the report – they do not have the personnel to perform a review. Commissioner Molenaar advised that the district has a choice to review this report. Commissioner Carter spoke of the county not having the expertise to review the water availability report. Road Supt/Engineer Jerry Borcharding advised that he does some of the reviews and some are done through the Hays Trinity Groundwater Conservation District.

STAFF REPORT FROM THE HAYS COUNTY CIVIC CENTER [T1-2484]

Civic Center Manager Guy Trimble advised that bookings have increased. Revenue for 2002: Jan–Mar = \$9,765 and in 2003: Jan–Mar = \$25,033 – they are getting bigger bookings. He spoke of cutting horse shows in December. He met with Jerry Hudson (auctioneer) who has agreed to have auctions in the summer. Fees vary on type of event – he will be recommending that fees be adjusted during the budget process. A monthly report is being provided to the Auditors Office of events being held. Mr. Trimble spoke of difficulty in keeping restrooms clean because of dirt floors.

COURT WAS ADJOURNED.

MINUTES APPROVED IN OPEN COURT ON THE 8th DAY OF APRIL, 2003.

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

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

