



STATE OF TEXAS 0
 COUNTY OF HAYS 0

ON THIS THE 8th 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
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

PRESENTATION ON WEST NILE VIRUS-PREVENTION METHODS

Susan Pitman (Wimberley resident) provided documentation regarding West Nile Virus Prevention Methods. She is a Professional Pest Control Trainer – and has been a Texas Structural Pest Control Board Approve Continuing Education Provider and Speaker since 1995 and approved by Texas Department of Agriculture 1996, specializing in Human Health Effects of Pesticides and Integrated Pest Management. She stated that spraying for adult mosquitoes is a temporary response to the problem – she spoke of why Fort Worth has not sprayed for mosquitoes (taken from their website) since 1991 – the fact is that spraying will not eliminate the threat of mosquito-borne illnesses – you get a temporary reduction in the number of adult mosquitoes in the immediate vicinity, but similar to some medications, the toxins used in spraying may have side effects that generally outweigh the limited positive impacts. West Nile Virus is a mosquito borne disease that is usually passed between mosquitoes and birds – sometimes humans and wildlife are affected. In humans it is rare and only 1 in 150 people will have symptoms. Livestock – mostly horses – are affected by West Nile Virus – 20-40% of symptomatic infected horses end up dying – there is a vaccine to protect horses. You can protect your pets from fleas, ticks, & mosquitoes by feeding them garlic. She spoke of bird deaths and you need to have dead birds tested to be able to locate areas with mosquitoes carrying the virus. Integrated Pest Management System was developed at Texas A & M University (primarily controlling the bollweevil) – she spoke of need to know the life cycle of mosquitoes so that it can be treated during the larva stage (4-10 days in the water). Natural predators are frogs, birds, bats, dragonflies, fish, damselflies, water strays and backswimmers which are very susceptible to pesticides. Mrs. Pitman spoke of CDC information for (IPM) Integrated Pest Management plan. She spoke of addressing mosquito problems at home: recycle old bottles, buckets and cans; clean leaf clogged gutters; clean garden ponds and stock with fish; repair leaky faucets and sprinklers; get rid of used tires properly; keep water fresh, draining standing water from around stock troughs; change water in birdbaths weekly; cover barrels and buckets; and empty water from flower pot dishes. Susan Pitman spoke of how people are exposed to pesticides and how they are affected by it – chemically sensitive people must not be exposed to any pesticides in order for their bodies to heal. She spoke of immune system and hormone system (message system to the brain) effects of pesticides and irritant effects. She spoke of pesticide labels and their accuracy. You do not have to use spraying of pesticides – just interfere with the life cycle of the mosquito. Hays County Environmental Health Director Allen Walther advised that his office does want to be contacted about dead animals, but his office is not accepting those dead animals for testing. [T1-856] Scott Reynolds (Wimberley resident) spoke of controlling pest in your garden by creating a balanced habitat - nature has a way of taking care of things if given a chance.

PUBLIC COMMENTS REGARDING COUNTY EMPLOYEES SALARY INCREASES

[T1-893] Jerrie Harper (San Marcos resident) spoke of conversation she had with Commissioner Ingalsbe regarding the previous salary surveys that have been done. Ms. Harper felt like there are numerous qualified competent and skillfully trained citizens residing in Hays County that could have served as members on the salary evaluation committee and they could have broadened the study even more by including individuals in the private sector. She stated that county government needs to live within existing revenues without new taxes - the county will be hard pressed to find the funds for the pay raise fiasco. Our Sheriff's Dept. needs to be paid a reasonable salary, but reason was not exercised when 15 members of that department were given a 40% increase. She does not believe that the people who are opposed to the salary increase are opposed to the Sheriff's Dept. - a 2-3% across the board increase is sensible and anything more than that is irresponsible and not justifiable. [T1-980] Jackie Craig (Kyle resident) stated that she is against this excessive increase in salaries – she has heard there is also a guarantee associated with Sheriff's pay increase of 5% for the next eight years and she would like that addressed. We are not against the Sheriff's Dept. Commissioner Ingalsbe stated that there is no guarantee of 5%, if the money is not there. [T1-1018] Sherri Bilson (San Marcos resident) stated that this is not a reflection of what we think of the Sheriff's Dept. – she is the mother of a policeman and doesn't think that there is a policeman alive that works for the pay – that is not why they chose to serve (how much they are going to get paid). She stated that the payroll is the issue - how we are doing it – the facts are not out and they



have not answered the questions – due consideration has not been made. Sherri Bilson asked the same questions she has been asking since February 11th - why are we creating a base salary for the Hays County Sheriff's Office that is higher (by almost \$4,000) than the City of San Marcos and the City of Austin (\$1,000 higher)? Why create a payroll that has no incentives for someone to stay with us? – they are not going to be happy when someone comes in off the street and makes the same amount of money as someone with 15 years – and she knows they have been told that they will come back and ask for more. She spoke of maximum of each grade (\$2,000 more than starting salary). These questions need to be answered. In Austin the Fire Dept. has been voted a raise but because of the war and the economic times, they have chosen to pass on a raise. [T1-1081] Bill Barnes (San Marcos resident) stated that he feels like the county pay raises will prove disastrous to the financial and economic health of the county and its taxpayers – he advised that if the pay raise goes through, he will petition the district court for the removal of all commissioners who voted for the increase. [T1-1134] Dottie Barnes (San Marcos resident and small business owner) spoke in opposition to pay raises – she is mostly outraged about the 20-40% pay raise for the Sheriff's Dept. – she felt like a 2-3% increase would be reasonable. She spoke of the economy at this time and spoke of business owners paying their employees and taxes before they receive any compensation themselves – she feels like the comparison with the County Sheriff's Dept. and the City of San Marcos Police Dept. was comparing apples to oranges – after this 40% hike, Comal County is going to get \$20,000 less and San Marcos will be getting \$5,000 less than the Hays County Sheriff's Dept. – she made comparison with military pay – men who are putting their lives on the line right now as Privates get paid \$12,000-16,000 and the lowest Lt. gets paid \$26,000 and she feels like during a recession you need to make tough decision – give reasonable pay raises of 2-3%. [T1-1185] Anita Fournier (Wimberley resident) asked the court to put off pay raises indefinitely – she is opposed to spending \$1 million to raise salaries in Hays County – she spoke of other government entities and businesses that are freezing salaries. She spoke of seniors on fixed incomes and the war and economy at this time – she stated that she highly respects the Sheriff's Dept. [T1-1216] Gaylord Bose spoke of the State going through financial problems and the City of San Marcos is making cuts in order to meet their budget. He is President of his neighborhood association and has contacted other associations and everyone he talks to says they are not against fair and equitable increases but they are asking why the grade increase at this time – the court will have to figure out how to cut corners to meet the payroll and expenses - he spoke of high number of foreclosures in this county and in Travis county – assessments will be going down in the very near future. He urged the court to review their decision and come back with another result. [T1-1282] Rosa Adalpe appeared representing “The Republican National Hispanic Assembly” and she presented a position statement concerning the proposed Hays County employee pay raises: *“The Republican National Hispanic Assembly (R.N.H.A.) of Hays County hereby expresses the opinion to the Hays County Commissioners Court that pay raises ranging up to forty percent (40%) scheduled for the Hays County Sheriff's Department is an abuse of the taxpayer's money and of the public trust. In these troubled economic times, we (The Assembly) find this proposed action to implement these pay increases incomprehensible. Other inequities and irregularities in pay are evident across the board in Hays County Government which merit further study and evaluation. Therefore, the R.N.H.A. petitions the Court to rescind further action on the aforementioned raises and recommends the study and oversight by the County's Internal Salary Review Committee concerning Sheriff Department compensation. Evidently, this was not the case in setting the department's salary guidelines according to a prominent committee member. The sole dependence on recommendations from well paid outside consultants using skewed or inappropriate pay comparisons to set unrealistic pay raises is not in the best interest of the Hays County taxpayers”.* She stated that they are proud of the Sheriffs Dept., they just do not agree with the 40% increases. [T1-1320] Clint Frankmann (Wimberley resident) spoke in opposition to this pay raise because they are out of line with reality. He spoke of Comal County versus Hays County: our Sheriff receives a base salary of \$10,000 more than the Comal County Sheriff - Comal County is asking for an average of about a \$5,000 increase for their Sergeants where Hays County is \$16,000 – he feels like it is irresponsible of the court. [T1-1386] Maria Elena Gonzales (San Marcos resident) spoke of being actively involved in this community (environmentally & politically) and having run for County Commissioner – she feels like the court is acting irresponsible and are playing deaf and dumb to the citizens of Hays County – she spoke of hard economic time the people are facing and it is the courts responsibility to do what is right. People are unemployed and unable to provide for their families. [T1-1453] Doug Kadjar (Kyle resident) spoke of real estate conditions in this area – sale prices for homes have decreased. He stated that he has served on the county appraisal review board and he does not see any increases in property values – some people cannot afford to live in Hays County anymore – the appraisal office is not responsible for setting tax rates. He stated that he cannot see that the county is losing people to the City of San Marcos (not in sufficient numbers to justify our pay level to the same as San Marcos) and they are currently having a hiring freeze and they are not an example of fiscal prudence that the county should be trying to emulate. He sees inconsistency in pay: the felony Assistant. District Attorney is going to be paid \$54,305 and a Sgt. in the Sheriff's Dept. is going to be paid \$59,019, which seems out of sort. [T1-1530] Frank Puckett spoke of committee working on increases for departments other than the Sheriff's Dept. – the Sheriff presented his own increases to the court and they approved it. Mr. Puckett spoke of affect this may have on the county's bond rating - you need to be practical and reasonable.

[T1-1588] Commissioner Carter stated that she feels like this pay raise has not been legally enacted – there are several versions of this pay raise that have come out of the Treasurer's office – it has not been legally finished - some dept. heads were given the opportunity to meet with the committee and others were not – changes have been made after the court took action. She compared the San Marcos Police Dept. pay schedule to the county pay schedule – Hays County Sergeants are getting about \$5,000 more than the San Marcos Police Dept. (same is true with some of the others positions) and some are even above Travis Co Sheriff's Office which is the highest paid in the State. She stated that it seems also that it is bias against professionals who bring educational backgrounds to their jobs – examples include Hays County Engineer in Training = \$35,000 and City of San Marcos beginning Engineer = \$40,000 - Attorneys in the District Attorney's office are being paid less than Captains, Sergeants and others in the Sheriff's Dept. She spoke of people in the Sheriff's Dept. getting their education at the expense of the taxpayers and then getting paid more than professionals in the county.



[T1-1678] Commissioner Carter stated that someone pointed out to her that this salary survey committee had one woman and she was an employee who had no choice but to do what the elected officials told her to do – this was an anti-woman, anti-professional pay schedule and Hays County will probably not be able to afford a \$1.4 million pay raise if the economy continues to be in a recession. [T1-1705] Commissioner Burnett stated that he completely disagrees with everything Ms. Carter has said, especially the anti-woman stuff – Commissioner Ingalsbe, Luanne Caraway, Michele Tuttle, and Cecelia Adair attended the meetings – the Engineer in Training cannot be compared to a beginning engineer – he spoke of rating each position – some people got increases and some did not get any – ratings were done using the market. [T1-1741] Judge Powers stated that he does have issues with the pay raise – his commitment when running for office was “parity” and parity is what we will get - anything above parity offends him and if that is the case, we need to correct that problem. He is committed to find a way to make sure that we are at parity – we are making assumptions with the City of San Marcos that he thinks are not relative. Commissioner Carter spoke of this being unfair – she compared the salary of her executive secretary versus the salary of Pct. 3 secretary. She feels like it is illegal and it deserves a lot more work before anything is done.

Clerk's Note: Agenda Item #1 RE: APPROVE AMENDMENT TO COURT RESOLUTION #20836 TO REFLECT STANDARD PAYROLL PRACTICES TO START PAYROLL AT THE BEGINNING OF THE MONTH (APRIL 1) AS REQUESTED BY MICHELE TUTTLE **was PULLED. No discussion and No action.**

20925 APPROVE THE COMMISSIONERS' COURT MINUTES OF APRIL 1, 2003

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve the Commissioners' Court Minutes of April 1, 2003 as presented by the County Clerk. All voting “Aye”.

20926 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Carter , seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$600,724.28 as presented by the County Auditor. All voting “Aye”.

Licenses & Permits	\$ 526.80	Public Safety Svcs	\$ 330.00	Fines	\$ 1,318.80
TDHCA Funds Pass-Thru	\$ 184.77	Auditor's Office	\$ 88.70	Treasurer's Office	\$ 205.08
Grants Admin Office	\$ 104.56	Juvenile Probation	\$ 49,304.50	Election Admin Ofc	\$ 450.00
Transfer Station	\$ 152.77	Bldg Mtc Dept.	\$ 5,409.00	Environ Health	\$ 547.71
Civic Center	\$ 137.54	Countywide Oper	\$ 14,589.15	Tax A/C Office	\$ 1,807.81
District Clerk's Office	\$ 486.45	Sheriff's Office	\$ 13,475.88	Jail Operations	\$ 12,076.43
County Judge's Office	\$ 39.17	Co Court at Law 1	\$ 125.89	District Attorney	\$ 126.45
J.P. 1-1	\$ 34.00	J.P. 1-2	\$ 72.79	J.P. 2	\$ 1,159.34
J.P.4	\$ 93.02	J.P. 5	\$ 755.14	Dept of Public Safety	\$ 1,067.58
Constable 2	\$ 613.05	Constable 3	\$ 101.18	Constable 5	\$ 527.28
District Court Operations	\$ 1,780.50	Co & JP Court Oper	\$ 6,525.17	Precinct 1	\$ 50.40
Precinct 2	\$ 241.40	Precinct 3	\$ 69.98	Veterans Admin Ofc	\$ 634.00
Computer Services	\$ 8,387.52	CJD/TCOMI/Juv Prob	\$ 42.84	DPS/Lic & Wgts	\$ 144.18
District Court Reporters	\$ 106.55	TJPC CCAP Grant	\$ 6,518.40	Spec Counsel Ofc	\$ 20.38
DOJ/Bulletproof Vests	\$ 7,602.00	CAPCO/911 Addrs	\$ 94.18	TJPC/Tile 4 Juv Prob	\$ 2,071.00
General Fund Credit	<\$14.94>	Road & Bridge Oper	\$ 105,719.63	Right of Way	\$ 1,044.30
R&B Gen Fund Credit	<\$26,509.78>	Hays Co Parks Fund	\$ 766.84	Records Mng/Co Clk	\$ 786.86
Health Svcs Grants	\$ 1,852.33	Hays Co Juv Center	\$ 48,558.47	Sheriffs Bail Bond	\$ 28.75
Courthouse Security	\$ 300.00	Med/Dental Insurance	\$ 18,814.99	Family Health Svcs	\$ 733.94
Justice Crt Tech Fund	\$ 1,409.99	Road Bond S.2001	\$ 299,851.56	DOJ/Equip & Tech	\$ 7,182.00

20927 APPROVE BUDGET AMENDMENT 03-17

A motion was made by Commissioner Carter , seconded by Commissioner Ingalsbe to approve Budget Amendment No. 03-17 as proposed by the County Auditor. All voting “Aye”.

AMENDMENT NO. 2003-17 FY 2003 BUDGET 04-08-03				
FUND NO. 01 FUND TITLE GENERAL FUND				
	APPROPRIATION BEFORE	AMENDMENT		APPROPRIATION AS
LINE ITEM - EXPENDITURES	AMENDMENT	INCREASES	DECREASES	AMENDED
COUNTY COURT AT LAW 1 (422):				
01-422-5331 Cont Ed	750	100		850
01-422-5335 Time Payment	2,652		(400)	2,252
COUNTY COURT AT LAW 2 (461):				
01-461-5331 Cont Ed	250	300		550
		400	(400)	
<i>Transfer to required conference for Judges from their time payment expense</i>				



AMENDMENT NO. <u>2003-17</u> FY 2003 BUDGET 04-08-03				
FUND NO. <u>01</u> FUND TITLE <u>GENERAL FUND</u>				
<u>LINE ITEM - EXPENDITURES</u>	APPROPRIATION	<u>AMENDMENT</u>		APPROPRIATION
	BEFORE	INCREASES	DECREASES	AS
	<u>AMENDMENT</u>			<u>AMENDED</u>
<u>DISTRICT COURT (436):</u>				
01-436-5306 CPS/Cluster Court	1,200	1,500		2,700
01-436-5445 Transcription/Appeals	15,000		(1,500)	13,500
<i>Transfer for special court reporting in grant court</i>				
<u>COMMISSIONER PCT. 4 (442):</u>				
01-442-5213 Books	100	340		440
01-442-5353 Special Projects	2,000		(340)	1,660
<i>Transfer for law books expense</i>				
<u>DISTRICT ATTORNEY (423):</u>				
01-423-5211 Office Supply	7,000	1,843		8,843
01-423-5711 Office Equipment	-0-	392		392
01-423-5717 Law Enforcement Equipment	-0-	2,438		2,438
01-423-5712 Data Proc Equipment	-0-	1,570		1,570
01-423-5417 Law Enf Supplies	-0-	2,407		2,407
01-423-5021 Staff	644,899		(7,426)	637,473
01-423-5101 FICA/RET	107,703		(1,224)	106,479
<i>Authorize and transfer personnel savings due to retirement and position rates reductions:</i>				
<i>To office supply - small TLETS printer and supplies</i>				
<i>To office equipment - fax</i>				
<i>To computer equipment - replacement network printer</i>				
<i>To Law Enforcement Equipment - bulletproof vests match/partition/weapons</i>				
<i>To Law Enforcement supplies - vehicle supplies/restraints, ammunition</i>				
FUND NO. <u>03</u> FUND TITLE <u>ROAD & BRIDGE GENERAL FUND</u>				
<u>LINE ITEM - EXPENDITURES</u>	APPROPRIATION	<u>AMENDMENT</u>		APPROPRIATION
	BEFORE	INCREASES	DECREASES	AS
	<u>AMENDMENT</u>			<u>AMENDED</u>
<u>ROAD & BRIDGE OPERATIONS (438):</u>				
03-438-5217 Expendable Supplies	1,300	2,000		3,300
03-438-5219 General Supplies	4,200	2,000		6,200
03-438-5218 Small Tools/Equipment	14,500		(4,000)	10,500
03-438-5262 Signs/Barracades	30,000	3,000		33,000
03-438-5471 Nextel Communications	34,000		(3,000)	31,000
		7,000	(7,000)	
<i>Transfer for supplies balance and needed sign expense</i>				

20928 APPROVE REFUND OF OVERPAYMENT ON TAXES

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve overpayment of taxes on Lot 5 Block B Original Town of Kyle in the amount of \$801.30 as submitted by the County Tax Assessor-Collector. All voting "Aye".

20929 APPROVE RENEWAL LEASE AGREEMENT BETWEEN THE SHERIFF'S OFFICE AND STEVE PARKER FOR THE SUBSTATION AT THE HAYS CITY STORE

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve renewal of lease agreement between the Sheriff's Office and Steve Parker for the substation at the Hays City Store. All voting "Aye".

20930 APPROVE RENEWAL OF THE "FUEL AND FLEET CARDS SYSTEM" CONTRACT FOR ONE (1) ADDITIONAL YEAR AS PROVIDED IN THE ORIGINAL CONTRACT WITH TRIPLE S PETROLEUM (FUEL) AND FUELMAN (FLEET CARD SYSTEM)

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve renewal of the "Fuel and Fleet Cards System" contract for one (1) additional year as provided in the original contract with Triple S Petroleum (fuel) and Fuelman (Fleet Card System). All voting "Aye".

**20931 APPROVE DUMPSTER CONTRACTS TO I.E.S.I AND BFI**

Bids were submitted by BFI Waste Services of Texas, IESI San Marcos, and Texas Disposal Systems, Inc. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve dumpster contracts with IESI and BFI. All voting "Aye".

20932 APPROVE BID SPECIFICATIONS FOR STREET AND DRAINAGE IMPROVEMENTS FOR SPORTSPLEX DRIVE, DRIPPING SPRINGS, TEXAS AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE [T1-1829]

Commissioner Carter asked for the total county obligation for this project. Commissioner Molenaar spoke of \$150,000 that was already approved by the Commissioners Court. He spoke of other entities that are providing funding for this project – cost sharing from Dripping Springs ISD, North Hays County Emergency Services Dist., North Hays County Rural Fire Prevention Dist., Dripping Springs Library, & the Dripping Springs Youth Sports Assoc. County Road Supt/Engineer Jerry Borchering advised that when the bids come in we will know what the cost will be and at that point we will see if the commitment from the court and other entities will be able to commit the needed funds. This is one of the few projects that we have an engineering firm working on. Commissioner Molenaar spoke of the total funding agreement which was that the county would fund \$150,000 and the remainder of funds would come from Precinct 4 (priority list) funding. He spoke of location of this road being near the Dripping Springs schools and improvements need to be made for safety reasons. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve bid specifications for street and drainage improvements for Sportsplex Drive in Dripping Springs and authorize Purchasing to solicit for bid and advertise. Commissioner Molenaar, Commissioner Burnett, Commissioner Ingalsbe, and Judge Powers voting "Aye". Commissioner Carter voting "No".

20933 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO CAPCO TO START A COMMUNITY EMERGENCY RESPONSE TEAM (CERT) FOR UP TO \$25,000 AND TO EXECUTE CONTRACT [T1-2042]

Grants Administrator Richard Salmon explained the grant. Four CERTS, to match county geographic and community resources, are planned. Each CERT will have a local management team similar in makeup to the County Council, but with first responder leaders acting as an advisory board for the citizen leadership. The objectives of the CERTS are to organize and provide trained volunteers to assist first responders: in helping their communities prepare for emergencies, providing assistance in emergencies, organizing spontaneous volunteers who have not had training, and to assist in the aftermath of emergencies. Training of volunteers is to be under the direction of first responder organizations. Hays County Fire Marshal Mark Chambers spoke of CERT being the response team that is a citizens corps that assist the First Responders – they will not provide emergency services – they are a support group only. We can mold it the way we want to in our community – they will receive training to put the program together. Grants Administrator Richard Salmon advised that the grant will pay primarily for equipment and some for training. Mark Chambers advised that we have certified instructors throughout the county to provide the training. The county has been split into four sections (evenly split) and the people in that area will assist when needed – a volunteer program (like the old civil defense program). This is part of the Homeland Defense. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to authorize the County Judge to submit a grant application to CAPCO to start a Community Emergency Response Team (CERT) for up to \$25,000 and to execute a contract. All voting "Aye".

20934 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO CAPCO TO START A COUNTYWIDE CITIZEN CORPS PROGRAM FOR UP TO \$25,000 AND TO EXECUTE CONTRACT

Grants Administrator Richard Salmon explained the grant: At the national level, Citizens Corps is a component of USA Freedom Corps, established in the aftermath of 9/11. Coordinated by FEMA, the purpose of the Citizens Corps is to create opportunities for individuals to volunteer to help their communities prepare for and respond to emergencies of all kinds by bringing together local leaders, citizen volunteers and the network of first responder organizations such as fire and police departments, Red Cross and emergency medical personnel. At the Hays County level, these same objectives are envisioned, with management provided by a council composed of first responder and citizen leaders. The main purpose of the council is to leverage mutually supportive endeavors among the represented groups and organizations and to direct their overall implementation in the county. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to authorize the County Judge to submit a grant application to CAPCO to start a countywide citizen corps program for up to \$25,000 and to execute a contract. All voting "Aye".



STAFF REPORT FROM THE HAYS COUNTY VETERANS SERVICE OFFICE [T1-2345]

Hays County Veterans Service Officer Tom Tvrdik gave a report of activities from 4/1/02 – 3/31/03:

- u I transported 669 veterans (1338 per TXDot count) during the past rating period with a total mileage of 38,737
- u I filed 362 claims and made 3691 telephone assists and contacts
- u VA benefit dollars to Hays County continue increase (\$10,608,000 for FY2002) [FOR REFERENCE: FY1984 - \$1,087,831; FY1988 - \$3,321,609; FY1990 - \$3,613,808; FY1997 - \$6,736,812; FY2000 - \$8,647,905]
- u I am presently Commander of American Legion Post 144
- u I continue certification/accreditation status as a County Veterans Service Officer through the Texas Veterans Commission, by annual tests and re-certification
- u Indigent health care (required by counties by Texas law) continues to be an area where this position really helps, as many veterans served are poor
- u I continue to assist Hays County Commissioners' Court in inter-county relationships through service for veterans of adjacent counties, including Blanco and Caldwell
- u Wheelchair-lift equipped veterans' transport bus operates well, with a number helped who couldn't be otherwise. The mini-van helps when I don't need the lift. The mini-van gets 20 mpg while the bus gets 12 mpg
- u Thanks to the Court there is uninterrupted service to veterans through back-up CDL licensed driver for when I must be away or have scheduled office time.
- u Outside county Seat office service is now provided to distant parts of the County approximately once a week (Dripping Springs)
- u Thanks to the Court a secretary shared with the County Fire Marshal greatly assists in paperwork and veteran scheduling.
- u I remain the official contract to our 14th District U.S. Congressman for the American Legion's National Legislative Council, working for veterans. I am on the National Americanism Council. I am the Chairman of the Americanism Commission for the Department of Texas, American Legion. I remain a member of the American Legion's National Economic Commission (working, among other things, on Veterans Preference), as one of about 20 members nationwide.
- u At Audie Murphy VA Medical Center, I serve on two committees as the County Veteran Service Officer representative, striving for better service for veterans.
- u In all listed appointments or positions, my work as the Hays County Veterans Service Officer is prominently noted.

Commissioner Carter asked for an interlocal agreement with other counties that are being served. Tom Tvrdik spoke of problems vets are having –mostly with the VA – there is a big backlog and it is difficult to get a Doctor's appointment.

20935 AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK AUTHORIZATION NO. 1 TO WORK AUTHORIZATION NO. 3 WITH TURNER, COLLIE & BRADEN, INC FOR THE HAYS COUNTY ROAD BOND PROGRAM (REDWOOD ROAD) [T1-2579]

Hays County Road Supt/Engineer Jerry Borcharding advised that unexpected things have come up that require additional engineering work (a new subdivision – El Camino Real). A turn lane is needed which requires updating the schematic. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize the County Judge to execute Supplemental Work Authorization No. 1 to Work Authorization No. 3 with Turner, Collie & Braden Inc. for the Hays County Road Bond Program (Redwood Road). All voting "Aye".

20936 AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK AUTHORIZATION NO. 1 TO WORK AUTHORIZATION NO. 12 WITH TURNER, COLLIE & BRADEN, INC FOR THE HAYS COUNTY ROAD BOND PROGRAM (GEOTECHNICAL W/FUGRO-BRE) [T1-2672]

The Engineer will provide the following engineering service: develop travel demand model and conduct geotechnical bridge investigation. They will obtain traffic counts - and determine class of vehicles on the road - to determine type of roadway needed – an accurate pavement design will save the county money in the long run – the work for the bridges will determine placement of bridge columns and foundation design. A motion was made by Commissioner Burnett, seconded by Judge Powers to authorize the County Judge to execute Supplemental Work Authorization No. 1 to Work Authorization No. 12 with Turner, Collie & Braden Inc. for the Hays County Road Bond Program (GeoTechnical w/Fugro-Bre). All voting "Aye".

20937 CREATION OF A JURY MANAGER POSITION IN THE DISTRICT CLERKS OFFICE

[T1-2749] District Clerk Cecelia Adair spoke of working with the same staffing level since 1991 – this new position would benefit the JP and County Clerk offices by taking over the paperwork required. \$12,413 is needed for this year (beginning June 1, 2003) – she will provide supplies & equipment. Commissioner Ingalsbe feels like she cannot support this position at this time – she is not supporting new positions this fiscal year. Commissioner Carter spoke in support of this request – this position was requested during the budget process last year and documentation was presented to support the request. Commissioner Burnett spoke in opposition to creating a new position in the middle of a budgeted year. A motion was made by Commissioner Carter, seconded by Commissioner Molenaar to authorize the creation of a Jury Manager [Clerk III] position in the District Clerk's office and amend the budget accordingly to be effective June 1, 2003 with funding to come out of contingency funds. Commissioner Carter and Commissioner Molenaar voting "Aye". Commissioner Ingalsbe, Commissioner Burnett and Judge Powers voting "No". MOTION FAILED



20938 ADOPT A RESOLUTION IN SUPPORT OF HOUSE BILL 2191, THAT WILL ALLOW THE COUNTY AND THE STATE TO COLLECT COST ASSESSED AGAINST PERSONS WHO ARE CONVICTED [T1-2939]

Cecelia Adair spoke of felons convicted in the District Courts that are sentenced to serve time in the Texas Department of Criminal Justice Institutional Division (TDCIJ). At the time of their conviction and sentence, court costs are assessed against them. While they are incarcerated, the county receives no money toward payment of those costs. When they are paroled or released, the felon remains obligated to pay those costs and we believe the felon should pay them. In many counties there are millions of dollars in unpaid criminal court costs and fees because there is no recourse for counties to pursue collection of those costs. House Bill 2191 provides counties with the necessary authority and sets up a process for collection of that money. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve a resolution in support of House Bill 2191 that will allow the county and the state to collect cost assessed against persons who are convicted. All voting "Aye".

RESOLUTION IN SUPPORT OF HOUSE BILL 2191

WHEREAS, operation and maintenance of the criminal justice system is one of the most expensive burdens born by the taxpayers of this county and of the State of Texas, and;

WHEREAS, the costs incurred by the County and by the State are assessed against a person who is convicted of a felony offense and subsequently incarcerated in the Texas Department of Criminal Justice Institutional Division (TDCJID), and;

WHEREAS, millions of dollars remain unpaid by felons released from TDCJID due to the lack of authority and methods available for counties to collect payment from the felons;

BE IT THEREFORE RESOLVED THAT, we the undersigned County Judge and County Commissioners in Hays County, Texas, on this the 8th day of April, 2003 do hereby pass this resolution in support of House Bill 2191 now being considered in the 78th Legislative session and do hereby encourage all members of the Texas House of Representatives and Senate to vote in favor of the bill.

20939 [PCT 2 #01-2-095] CORONADO HILLS SECTION 1 * RELEASE ROAD CONSTRUCTION FISCAL SECURITY AND ACCEPT MAINTENANCE FISCAL SECURITY [T1-3027]

Road Supt/Engineer Jerry Borcharding advised that street and drainage improvements have been inspected for compliance with the county road standards and have met the standard for release of construction fiscal security – a maintenance bond has been filed - he gave staff recommendation for release and acceptance. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve release of road construction fiscal security (IBC Letter of Credit #SB500423) and accept maintenance fiscal security (Evergreen National Indemnity Company Maintenance Bond #123615) for "Coronado Hills Section 1". All voting "Aye".

20940 [PCT 2 #03-2-031] RUBY RANCH SECTION 1 BLOCK A LOT 10 * RELEASE A PORTION OF DRAINAGE EASEMENT [T1-3053]

Environmental Health Director Allen Walther spoke of request from property owner to vacate the drainage easement on his property. A letter was submitted by K. C. Engineering Inc. stating that the partial vacation of the easement will have no impact on the 100 year Floodplain. Allen Walther gave staff recommendation for release as defined in surveyor field notes and drawing. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve release of a portion of drainage easement on Ruby Ranch Section 1 Block A Lot 10. All voting "Aye".

20941 [PCT 4 #99A-4-059] RUNNING ROPE SECTION 1* RELEASE OF MAINTENANCE SECURITY AND ACCEPT ROADS FOR COUNTY MAINTENANCE [T1-3091]

County Road Supt/Engineer Jerry Borcharding advised that the street and drainage improvements have been inspected for compliance with the county road standards and have completed the two year maintenance period required for public roads. He gave staff recommendation for release of maintenance security (*U.S. Fidelity and Guarantee Co. Maintenance Bond #SH7416 = \$9,608.00*) and acceptance of roads in "Running Rope Section 1" (*West Sierra Drive, Mesa Sierra Lane, Valley Sierra Lane, Grande Sierra Lane, & Vista Sierra Lane*) for county maintenance. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve release of maintenance security and accept roads in "Running Rope Section 1" for county maintenance. All voting "Aye".



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20942 [PCT 4 #00-4-062] **SIERRA WEST SECTION 1 * RELEASE MAINTENANCE SECURITY AND ACCEPT ROADS FOR COUNTY MAINTENANCE** [T1-3120]

Road Supt/Engineer Jerry Borcharding advised that the street and drainage improvements have been inspected for compliance with county road standards and have completed the two year maintenance period required for public roads. He gave staff recommendation for release and acceptance. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve release of maintenance security (*U.S. Fidelity & Guarantee Co. Maintenance Bond #SH7424 = \$25,321*) and accept roads in Sierra West Section 1 [*Moss Rose Lane & Honeycomb Circle*] for county maintenance. All voting "Aye".

20943 [PCT 4 #00-4-076] **SIERRA WEST SECTION 2 * RELEASE MAINTENANCE SECURITY AND ACCEPT ROADS FOR COUNTY MAINTENANCE** [T1-3144]

Road Supt/Engineer Jerry Borcharding advised that the street and drainage improvements have been inspected for compliance with county road standards and have completed the two year maintenance period required for public roads. He gave staff recommendation for release and acceptance. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to release maintenance security (*U.S. Fidelity & Guaranty Co. Maintenance Bond #SH7417 = \$24,409*) and accept all roads in Sierra West Section 2 [*Moss Rose Lane, Penta Court, Portulaca Court, & Marigold Court*] for county maintenance. All voting "Aye".

20944 [PCT 4 #03-4-029] **F&W SUBDIVISION (2 LOTS) * APPROVE PRELIMINARY PLAT**[T1-3165]

Environmental Health Director Allen Walther advised that this is a two lot subdivision, both lots are over 2 acres in size and they have direct access on a permitted street – he have staff recommendation for preliminary plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve preliminary plat of "F & W Subdivision". All voting "Aye".

20945 **AUTHORIZE EXPENDITURE OF FUNDS FOR PRELIMINARY SURVEY/RIGHT OF WAY LAYOUT FOR EAST GATLIN CREEK ROAD** [T1-3182]

East Gatlin Creek Road is a narrow, unpaved roadway (15-18'wide) with no shoulders. It is the intent of the Road Department to acquire additional right-of-way in order to widen this 1.12 mile of roadway. The initial cost of surveying the existing road and producing a schematic diagram will be \$15,000-20,000. When this work is completed, an estimate of r-o-w costs and construction costs can be more accurately estimated. Commissioner Molenaar spoke of need to widen this roadway – it is traveled by school buses. A survey is needed for a 50 ft. right-of-way and is not on the priority matrix at this time. There are 15 property owners on this roadway and the road is so narrow we cannot turn county equipment around on it–it is not a paved road. Road Supt/Engineer Jerry Borcharding advised that he will probably pay for this out of his materials line item. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to authorize expenditure of funds for preliminary survey/right of way layout for East Gatlin Creek Road. Commissioner Molenaar, Commissioner Burnett, Commissioner Ingalsbe, and Judge Powers voting "Aye". Commissioner Carter voting "No"

DISCUSSION REGARDING A RESOLUTION OPPOSING SENATE BILL 860 (AND COMPANION BILL, HOUSE BILL 1687) RELATING TO COUNTY MAINTENANCE OF DRAINAGE DITCHES [T1-3405]

Commissioner Carter spoke of calling all the players to this, which included Warren Chisolm, Senator Wentworth's staff, and TAC and Jim Allison have helped write the financial note – the cost to counties would be high. She spoke of cleaning out private drainage ditches – she feels like this bill would be catastrophic to counties as it would incur a huge liability and expense for counties that they do not have at this time. Judge Powers stated that he has a hard time voting against Senator Wentworth until he talks with him first. Commissioner Ingalsbe stated that she felt like we already have the authority to do this work if it is warranted. Commissioner Molenaar spoke of his agenda item (#23) which will address this problem – Senator Wentworth's office is waiting to see if we pass this resolution. Commissioner Burnett stated that he would like to hear Senator Wentworth's perspective. Commissioner Carter spoke of need to pass this resolution as quickly as possible. Commissioner Carter stated that Jim Allison (General Counsel for the Tx Assoc of Co) said the best way to kill this was to get a consistent message from Hays County that you are all against this bill. Jacqueline Cullom Murphy advised that she has spoken with Jim Allison and with Joe Morris in Senator Wentworth's office and she understood that they want a resolution to the Leisurewood problem - she has worked with the property owners in Leisurewood Subdivision to resolve their issue with an Order to follow this item. Commissioner Burnett requested postponement for one week. Commissioner Carter spoke of not being able to afford to do this for everyone in the county – we can only clean out drainage areas that affect the county road. Road Supt/Engineer Jerry Borcharding spoke of road dept. having situations where they get on private property and clean a blockage (usually close to county fo-w) – never reach over into peoples property without permission – some facts have been distorted in this situation – we had an agreement to fix a problem however, there was some disagreement about what condition it would be left in (mowable with carpet grass) – we have come up with an agreement that is reasonable that all parties should be satisfied with. We may get more requests for this from other property owners. [T2-298] Mr. Krejci (speaking on behalf of Mr. Franke & Mr. Escobar) stated that they have come to an agreement - he spoke of addressing these issues on a case by case basis. Postponed



20946 ACTION TO ENACT AN ORDER PURSUANT TO SECTION 254.008 OF THE TEXAS TRANSPORTATION CODE RELATING TO THE REGULATION OF PRIVATE DITCHES AND AUTHORIZE THE COUNTY ENGINEER TO PERFORM GENERAL GRADING OF A PRIVATE EASEMENT IN THE LEISUREWOODS SUBDIVISION PURSUANT TO THE ORDER AND WAIVING THE PROPERTY OWNER NOTICE REQUIREMENT [T2-360]

Commissioner Carter feels like this will set the wrong precedent for the county and she is not going to vote for it. A motion was made by Judge Powers, seconded by Commissioner Molenaar to enact an Order pursuant to Section 254.008 of the Texas Transportation Code relating to the regulation of private ditches and authorize the County Engineer to perform general grading of a private easement in the Leisurewoods Subdivision pursuant to the Order and waiving the property owner notice requirement. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

ORDER OF THE HAYS COUNTY COMMISSIONERS' COURT PURSUANT TO SECTION 254.008 OF THE TEXAS TRANSPORTATION CODE TO AUTHORIZE THE COUNTY ENGINEER TO PROVIDE GENERAL GRADING OF A PRIVATELY-OWNED DRAINAGE EASEMENT IN THE LEISUREWOODS SUBDIVISION

STATE OF TEXAS)
COUNTY OF HAYS)

Whereas, Section 254.008 of the Texas Transportation Code allows the County to remove blockage from a ditch on private property that is not owned by the County if the ditch connects with a drainage ditch constructed or maintained by the County;

Whereas, "blockage" means an accumulation of refuse, vegetation, or other matter in a ditch that substantially decreases or stops the flow of water through the ditch;

Whereas, a privately-owned drainage easement located between 100 and 102 Kildeer and 124 Phalarope in the Leisurewoods Subdivision, which connects with a drainage ditch maintained by the County, contains blockage that has caused flooding in neighborhood homes and needs grading so that it will drain water off the County's right-of-way;

Whereas, the Commissioners' Court of Hays County believes it is in the best interest of the public to go onto the personal property to provide general grading of the easement to drain water off of the County's right-of-way;

Whereas, the Commissioners' Court of Hays County further believes it is in the best interest of the public to open up the throat of the ditch at the back of 102 Kildeer to allow better flow during larger storm events thereby aiding in keeping water from backing up onto the County's right-of-way;

Whereas, attached to this Order and incorporated for all purposes as Exhibit "A" is a schematic drawing depicting the private drainage easement cleaning project to be undertaken by the County;

Whereas, the Commissioners' Court of Hays County has determined that the certified mail notice that is required by Section 254.008 of the Texas Transportation Code be waived since the affected property owners in this case have been requesting that the County come onto their property to clean the drainage easement for some time and the waiting of an additional twenty days might possibly affect the health and safety of Hays County residents should a heavy rain occur;

Whereas, the affected property owners are Mr. Wayne Franke of 102 Kildeer, Mr. Victor Krejci of 100 Kildeer and Mr. Luis Escobar of 124 Phalarope ("property owners") all who reside and own property in the Leisurewoods Subdivision located in Buda, Texas and whose representative for purposes of this Order is Mr. Victor Krejci.

Whereas, the property owners hereby authorize the County to come onto their property for purposes of clearing the private easement and further hereby release the County from any liability for property damage relating to the completion of this project;

Whereas, the Commissioners' Court of Hays County represents, and the affected property owners acknowledge, that the County does not warranty that the grading of the drainage easement will: 1) prevent all future flooding; 2) ensure that all water will drain from the ditch; 3) that mowing the slope of the easement will be easy or safe; 4) or that other structures on the property will be protected from water damage.

NOW, THEREFORE, BE IT RESOLVED THIS THE 8TH DAY OF APRIL, 2003 BY THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, THAT:

The Hays County Engineer is instructed to provide general grading of the easement immediately upon the execution of this Order by creating a gradual negative grade of the easement to follow the natural slope of the land through which the ditch runs. The Hays County Engineer is further instructed to contact the property owners' representative, Mr. Victor Krejci, before beginning the project to coordinate scheduling and review the plans. The work on the easement shall include the clearing of a four to five foot bottom with tapered sides through the curve at the back of 102 Kildeer. The County will remove all the waste material from the property.



DISCUSSION REGARDING FORMATION OF A HAYS COUNTY WATERWISE GROWTH STUDY COMMITTEE TO ASSIST IN THE REWRITING OF HAYS COUNTY SUBDIVISION AND DEVELOPMENT REGULATIONS AND RULES FOR ON SITE SEWAGE FACILITIES AS AUTHORIZED BY TEXAS STATUES [T2-428]

Commissioner Carter suggested forming a committee comprised of residents of Hays County, including those with expertise in engineering, hydrology, etc. – meetings will be open to the public. She suggested that each member of the court could appoint three members to the committee – the committee will not include members of the court – meetings are expected to be at night so that working people can participate. Commissioner Ingalsbe spoke of conversations she has had with Allen Walther and Jerry Borcherding – next week some changes will be presented from staff to the court. Commissioner Molenaar spoke of hiring an attorney to help with changes in our rules – we have provided for input from the public and we need to move forward with what our committee is currently doing. ACTION POSTPONED.

DISCUSSION REGARDING ENFORCEMENT OF HAYS COUNTY ENVIRONMENTAL HEALTH REGULATIONS, SUCH AS CODE ENFORCEMENT AND WASTEWATER

[T2-680] John Parks spoke of this being his second appearance before the Commissioners' Court regarding clean up issues in Green Pastures. He spoke of conversations he has had with the Environmental Health Dept. over the last year regarding dump sites and junk cars in his subdivision. He asked the court to compel the Environmental Health Department to be much more diligent in their efforts in enforcing Texas laws concerning environmental health – he appreciates the limited effort given thus far but much more will be needed to get these cleanup issues resolved. He showed several slides of problems that need to be addressed: garbage in a creek on Jennifer Drive, open septic system and junk vehicles at 300 Jennifer Drive, person living at 309 Jennifer has no septic system, washing machines stacked up on property line, and batteries and tires piled up. Environmental Health Director Allen Walther spoke of trying to get voluntary compliance before taking enforcement action. [T2-906] He felt like this discussion is not appropriate for Commissioners' Court – we have an agenda item that has no back in terms of what was going to be discussed today – he has tried to respond to Mr. Parks – we have never taken the position in court before where we are going to review individually nuisance complaints in Commissioners' Court – we probably have 40 or 50 cases at any given time that are ongoing – they have never been shown some of this – they have other complaints to address – he is not prepared to provide the court with what is being done at this time. If this is an issue of his departments competence or his personal performance as department head, that should be handled in terms of his performance evaluation in executive session – there is no way for him to respond in a way that would be of assistance that he has no knowledge of the circumstances – the District Attorney's office has been helpful, we have involved the regional solid waste enforcement. Allen Walther spoke of need to adopt an order before we can conduct remediation. Commissioner Burnett spoke of subdivision restriction violations that can be addressed in JP Court. Allen Walther spoke of already issuing one arrest warrant – this is not the only case being worked in the subdivision – he cannot respond effectively today. John Parks feels like nothing is happening because he is getting no communication from the Environmental Health office. Allen Walther spoke of steps that have to be taken in order to cite a property owner (sometimes a non-resident person) or those living on the property – we need to identify the responsible party – it requires a lot of work to build a case and it is more involved than leaving a citation on the door. John Parks stated that he will volunteer his time to get the process going.

DISCUSSION REGARDING IMPROVEMENTS TO HAYS COUNTY SUBDIVISION RULES, WASTEWATER RULES AND SUPPORTIVE DOCUMENTS [T2-1279]

Commissioner Carter presented a "Water Availability Certification Resolution" for consideration – she made reference to Comal County and Bandera County. Bandera County requires approval from a groundwater district first. Judge Powers spoke of not being sure about the science certifying water for 30 years and he is concerned about the liability. Environmental Health Director Allen Walther advised that an Engineer or Hydrogeologist currently has to sign off on plats. Commissioner Molenaar stated that he cannot support a 30 year requirement. NO ACTION TAKEN.

COURT WAS ADJOURNED.

MINUTES APPROVED IN OPEN COURT ON THE 15TH 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**



