



STATE OF TEXAS 0

COUNTY OF HAYS 0

ON THIS THE 15th 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

DEBBIE GONZALES INGALSBE

H. S. "SUSIE" CARTER

WILLIAM "BILL" BURNETT

RUSS G. MOLENAAR

LEE CARLISLE

COUNTY JUDGE

COMMISSIONER, PCT. 1

COMMISSIONER, PCT. 2

COMMISSIONER, PCT. 3

COMMISSIONER, PCT. 4

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.

PRESENTATION BY THE HAYS COUNTY EXTENSION OFFICE ON THE AREA OF FOOD SAFETY

County Extension Agent Susan Schramm spoke of the last Legislative Session changing Chapter 437 of the Health and Safety Code – it enabled the Texas Dept. of Health to require one certified Food Manager to be employed by each food establishment. Most of the local health departments in Texas have required food manager certification for many years and about 75% of the food establishments in the State already have certified food manager on site. If they did not have anybody on staff by March 1, 2003, they can be cited during inspection. In Hays County the areas of Umland and Bear Creek Oaks are under State jurisdiction (this was their option at the time of the legislation) - rather than Hays County jurisdiction, they must provide their own food handler certifications. She presented Easter baskets to members of the court and each item in the basket represents the Family Consumer Sights Programming Efforts in Hays County in the area of Food Protection Management: green grass represents the National Restaurant Association (their figures show that 1 outbreak of food borne illness can cost up to \$75,000), the bunnies in the basket represent the highly susceptible population for food borne illness (the people at risk are young children, pregnant women, older adults and those that are immune compromised), eggs in the basket represent potentially hazardous food (hazardous foods have to have high protein, bw acid, and high moisture content), and the whistle represent our program efforts during the year (we like to blow our own horns too – they have been offering 15 hour certification courses on a monthly basis with a 95% pass rate on their test and have trained 101 food handlers). Remember that the candy in the basket represents the fruits of our labor and that we are helping families have a healthy and safe food supply.

PRESENTATION ON GROUNDWATER CONSERVATION DISTRICTS IN TEXAS

Bruce Lesikar (Associate Professor and Extension Agricultural Engineering Specialist at College Station) spoke of groundwater management planning across the state – local planning has increased people's awareness of our groundwater resources. He spoke of priority ground water management areas (PIGMA)– currently only 3 portions of 3 counties have not proceeded with creation of groundwater conservations districts in the priority groundwater management areas – those counties being portions of Comal County, Hays County, and Travis County. Comal County has legislation that does not expire until Sept. 1, 2005 and Hays County legislation expires on Sept 1, 2003. If a groundwater conservation district is not created by the expiration date, the state could force initiation of a local groundwater conservation district (SB 2 provides guidance for state [TCEQ] to initiate). Commissioner Molenaar spoke of previous presentations – they did not take into consideration the surface water from LCRA and this may change the priority level in Hays County. Bruce Lesikar felt like the county would still remain a PIGMA because of water demand and the water resources. He spoke of questions answered in the booklet that he provided to members of the court. On pg 30 he went over the advantages and disadvantages of forming a GCD: **Advantages include** *u*Compared to the rule of capture, a GCD can protect your water availability. *u*The adoption, election of the board of directors and administration of the district are all locally controlled. *u*The local board is the closest to the issues of evaluation and monitoring water use. This level of scrutiny is unavailable elsewhere. *u* There is local management of administration tasks. *u*The GCD can offer local services unavailable elsewhere. *u*A GCD can regulate but not prohibit groundwater exportation. **Disadvantages include:** *u* Some people prefer the rule of capture *u*A GCD creates another layer of government *u*Taxes may be imposed *u*Water usage may be limited *u*Additional regulations may be adopted *u* A GCD cannot prevent water from being exported outside the boundaries of the district. [T1-480] Marshall Jennings spoke in favor of Priority Groundwater Management Area in Hays County. He spoke of this court having a reputation of being pro-development – this court is responsible for sustainable groundwater conservation and he asked the court to take a pro-active approach to support ground water conservation. He read a proposed resolution for the court to adopt: *Whereas, Hays County relies on groundwater from two major aquifers in Texas, the Edwards aquifer and the Central Texas Trinity aquifer, which are primarily water supply for about 100,000 Hays County citizens, and Whereas, the sustainability of these groundwater sources is crucial to the future of Hays County economic development and for use by a growing population, and Whereas, Hays County has four well-functioning groundwater conservation district – Edwards Aquifer Authority, Barton Springs Edwards Aquifer Conservation District, Hays Trinity Groundwater Conservation District, and Plum Creek Conservation District, all dedicated to local management and groundwater conservation as prescribed and reiterated numerous times since 1948 by the Texas Legislature, Be it Resolved that the Hays County Commissioners Court supports and applauds the work of groundwater conservation in Hays County and the work of said Authority and Districts, as vital to the future of Hays County and all of its citizens.* [T1-529] Charles O'Dell (Friendship Alliance) advised that they have watched the Hays Trinity Groundwater District and it meets their aims (open government and planning) and they encouraged the court to continue to support the groundwater conservation district and encourage voters to approve the district.



PRESENTATION ON WEST NILE VIRUS-PREVENTION METHODS [T1-563]

Dr. Buddy Faries (Professor and Extension Program Leader for Veterinary Medicine at College Station) spoke of being invited by Commissioner Carter to provide information to the court regarding the West Nile Encephalitis. He advised that the West Nile Virus is a bird disease (causes brain damage in birds) that began in Africa in 1937 and moved to many other countries and now to the United States – arrived in Texas in June 2002 – this disease is transmitted by mosquitoes – it is a viral disease. Only 1% of people that get bit by infected mosquitoes will actually become infected with the disease – of people that show symptoms, only about 6% have terminated with the disease. Horses can be vaccinated against this disease but there is no vaccine for people. The mosquitoes that transmit this disease prefer birds but will bite people and animals. He spoke of ways to prevent infection by wearing protective clothing and repellents and be aware that they primarily bite in late evening to early morning. He spoke of the life cycle of mosquitoes – the water they are attracted to is stagnate water where they will not be disturbed (in 10 days you have mosquitoes). Mosquito control measures around the home would be to eliminate breeding sites for larvae (i.e. artificial containers & tree holes) and reduce standing water. He spoke of artificial containers being things like old tires, garbage, birdbaths, dog bowls, etc. He spoke of streams, rivers, creeks, etc. not being breeding sites because the water is moving and fish eat the larvae. Dr. Faries spoke of using “mosquito dunk” to put in standing water (will last 30 days) and he spoke of using oil & petroleum products to float on surface of water to prevent larvae from breathing. He spoke of reducing adult mosquitoes (which will live 1-3 weeks) by spraying and fogging – this will only reduce the numbers and not eliminate them all. He spoke of some birds that were infected that survived and have now built up an immunity – this will reduce the epidemic of West Nile Virus. Dr. Faries spoke of need for community encouragement on a cleanup campaign and put the responsibility on the people concerned about mosquitoes to clean up their property.

PUBLIC COMMENTS REGARDING RECENT PAYROLL INCREASES

[T1-969] Sherri Bilson (San Marcos resident) asked Commissioner Burnett how he has figured out that the payroll that exists right now is equal to the San Marcos payroll when she has provided him information that proves that it is not equal to the San Marcos payroll. She was advised that Commissioner Burnett cannot respond to questions in public comment. She will speak again under agenda item #15 concerning payroll.

[T1-1021] Anita Fournier (Wimberley resident) spoke in opposition to high salary raises – she feels like they are way above the pay scale of San Marcos – she respects our law enforcement agencies but she thinks the Sheriff should sell his horses and eliminate the posses and then he would have enough money for other needs – in general, the Sheriff’s employees are already making more than DPS Troopers.

20947 APPROVE THE COMMISSIONERS’ COURT MINUTES OF APRIL 8, 2003

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve the Commissioners’ Court Minutes of April 8, 2003 as presented by the County Clerk. All voting “Aye”.

20948 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve payment of county invoices in the amount of \$ 353,712.92 as presented by the County Auditor. All voting “Aye”.

Public Safety Svcs	\$ 554.75	Fines	\$ 435.00	TDHCA Funds	\$ 2,480.99
Auditor’s Office	\$ 413.04	Treasurer’s Office	\$ 214.36	Extension office	\$ 444.37
Grants Admin Office	\$ 953.03	Juvenile Prob Office	\$ 1,382.43	Election Admin Ofc	\$ 258.66
Transfer Station	\$ 5,489.47	Building Mtc. Dept.	\$ 4,113.43	Environ Health Dept	\$ 2,696.24
Civic Center	\$ 253.10	Countywide Oper	\$ 132,159.12	Tax A/C Office	\$ 769.23
District Clerk’s Office	\$ 861.66	Sheriff’s Office	\$ 27,920.84	Jail Operations	\$ 30,317.38
County Judge’s Office	\$ 85.00	Human Resources	\$ 393.58	Co Court at Law 1	\$ 329.75
District Attorneys Office	\$ 894.55	J.P. 1-1	\$ 107.22	J.P. 1-2	\$ 214.36
J.P. 2	\$ 787.26	J.P. 3	\$ 34.24	J.P. 4	\$ 109.44
J.P. 5	\$ 366.53	DPS	\$ 116.63	Constable 1	\$ 526.67
Constable 2	\$ 138.35	Constable 3	\$ 174.93	Constable 4	\$ 286.82
District Court Operations	\$ 15,715.19	Co & JP Court Oper	\$ 5,383.32	Precinct 1	\$ 94.81
Precinct 2	\$ 11.55	Precinct 3	\$ 110.86	Precinct 4	\$ 313.28
Veterans Admin	\$ 449.81	Computer Services	\$ 4,430.70	TJPC Salaries Grant	\$ 2,495.00
DPS/License & Wgths	\$ 41.32	Fire Marshal/EMC	\$ 1,565.60	TABC Office	\$ 186.65
Dist Court Reporters	\$ 81.04	Assoc Judge/Family	\$ 57.07	Special Counsel Ofc	\$ 398.35
Comm Court Expenses	\$ 140.34	CJD/VOCA Grant	\$ 198.10	CJD/VAWA Grant	\$ 26.15
Auto Theft Task Force	\$ 207.36	CAPCO/911 Addrs	\$ 62.43	Title 4 Juv Prob Grnt	\$ 2,827.82
Juv Justice Alt Ed Grant	\$ 76.41	Gen Fund Credit	<\$2,489.57>	R&B Operations	\$ 68,884.48
Sheriff Abandoned Veh	\$ 21.69	Hays Co Parks Fund	\$ 1,759.69	Rec Mng/Co Clerk	\$ 9,337.24
Health Svcs Grants	\$ 557.42	Law Library Fund	\$ 22.15	Hays Co Juv Center	\$ 8,631.68
Sheriff Bail Bond Fund	\$ 31.84	Courthouse Security	\$ 96.37	Sheriff Drug Forf	\$ 424.75
Family Health Svcs	\$ 915.59	Road Bond '01 Cnstr	\$ 14,364.00		



20949 APPROVE REFUND OF DOUBLE PAYMENTS AND OVERPAYMENTS ON TAXES

The following applications were submitted for approval of refund:

Blanco Gardens Lot 8 Block 5	\$ 861.43	overpayment
Samuel Little Survey 511.477	\$ 4593.71	double payment
Mountain City Oaks Sec 4 Lot 17 Blk 11	\$ 846.41	overpayment

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve refund of double payments and overpayments on taxes as submitted by the County Tax Assessor-Collector. All voting "Aye".

20950 APPROVE UTILITY PERMIT #01640

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve Utility Permit #01640 on CR119/Old Goforth Road issued to Time Warner Cable. All voting "Aye".

20951 APPROVE SPECIFICATIONS FOR RFQ FOR PROFESSIONAL SURVEYING SERVICES ON AN AS-NEEDED BASIS AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve specifications for RFQ for professional surveying services on an as-needed basis and authorize purchasing to solicit for proposal and advertise. All voting "Aye".

20952 APPROVE SPECIFICATIONS FOR RFQ FOR PROFESSIONAL CIVIL ENGINEERING SERVICES ON AN AS-NEEDED BASIS AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve specification for RFQ for professional civil engineering services on as-needed basis and authorize purchasing to solicit for proposal and advertise. All voting "Aye".

20953 APPROVE BUDGET AMENDMENT 03-18

Commissioner Carter asked for clarification on budget amendment in the amount of \$6,856 for vehicles. County Auditor Bill Herzog advised that the cars purchased for the Sheriff's Office ran more than the original request and some of the vehicles for other departments were less. A motion was made by Judge Powers, seconded by Commissioner Molenaar to approve Budget Amendment No. 03-18 as proposed by the County Auditor. All voting "Aye".

				AMENDMENT NO. 2003-18 FY 2003 BUDGET 04-15-03
FUND NO. 01 FUND TITLE GENERAL FUND				
<u>LINE ITEM - EXPENDITURES</u>	APPROPRIATION BEFORE	<u>AMENDMENT</u>		APPROPRIATION AS
	<u>AMENDMENT</u>	<u>INCREASES</u>	<u>DECREASES</u>	<u>AMENDED</u>
<u>SHERIFF'S OFFICE (418):</u>				
01-418-5713 Vehicles	291,306	6,856		298,162
01-418-5717 Law Enf Equipment	55,094		(273)	54,821
<u>EXTENSION OFFICE (403):</u>				
01-403-5713 Vehicles	23,000		(611)	22,389
<u>BUILDING MAINTENANCE (410):</u>				
01-410-5713 Vehicles	22,000		(3,887)	18,113
<u>CONSTABLE, PCT. 5 (435):</u>				
01-435-5713 Vehicles	19,072		(2,085)	16,987
	<u>6,856</u>	<u>(6,856)</u>		
<i>To cover vehicle expense in Sheriff's Department</i>				
<u>FIRE MARSHAL (472):</u>				
01-472-5413 Vehicle Maintenance	1,200	1,700		2,900
01-472-5719 Misc Emergency Equipment	10,000		(1,700)	8,300
Transfer for replacement transmission for vehicle				



AMENDMENT
NO. 2003-18
FY 2003 BUDGET
04-15-03

FUND NO. 03
FUND TITLE ROAD & BRIDGE GENERAL FUND

<u>LINE ITEM - EXPENDITURES</u>	<u>AMENDMENT</u>		<u>APPROPRIATION AS AMENDED</u>
	<u>BEFORE</u>	<u>AMENDMENT</u>	
	<u>AMENDMENT</u>	<u>INCREASES</u> <u>DECREASES</u>	
COUNTY ENGINEER (468):			
03-468-5712 Data Proc Equipment	-0-	820	820
03-468-5711 Office Supply	1,000	(820)	180
<i>Transfer for replacement computer for Engineer</i>			

FUND NO. 49
FUND TITLE ROAD BOND '01 CONSTRUCTION

<u>LINE ITEM - EXPENDITURES</u>	<u>AMENDMENT</u>		<u>APPROPRIATION AS AMENDED</u>
	<u>BEFORE</u>	<u>AMENDMENT</u>	
	<u>AMENDMENT</u>	<u>INCREASES</u> <u>DECREASES</u>	
ROAD BOND '01 SERVICES (493):			
49-493-5386 ROW Acquisition Svcs	-0-	1,271,441	1,271,441
49-493-5399 Program Management	-0-	199,809	199,809
49-493-5447 Environmental Services	-0-	19,744	19,744
49-493-5619 Geotechnical Services	-0-	92,228	92,228
49-493-5611 Construction	7,644,922	(4,952,436)	2,692,486
FM 110-4.5MI (PCT.1) (661):			
49-661-5621 Engineering	-0-	150,000	150,000
REDWOOD ROAD #232-1.8MI (PCT.1) (662):			
49-662-5386 ROW	-0-	16,613	16,613
49-662-5611 Construction	362,742	(362,742)	-0-
49-662-5621 Engineering	26,011	162,541	188,552
HEIDENREICH LANE #152-1.82 MI (PCT.1) (663):			
49-663-5386 ROW	-0-	127,615	127,615
49-663-5611 Construction	314,519	241,981	556,500
49-663-5621 Engineering	48,187	95,163	143,350
POSEY ROAD #235-1.3MI (PCT.1) (665):			
49-665-5611 Construction	487,390	(487,390)	-0-
49-665-5621 Engineering	6,673	256,644	263,317
MCCARTY LANE #233-.61MI (PCT.1) (667):			
49-667-5386 ROW	-0-	7,563	7,563
49-667-5611 Construction	584,932	(584,932)	-0-
49-667-5621 Engineering	37,223	140,805	178,028
49-667-5623 UP Railroad	-0-	2,750	2,750
CENTERPOINT ROAD #234-.57MI (PCT.1) (668):			
49-668-5386 ROW	-0-	11,538	11,538
49-668-5611 Construction	472,425	(472,425)	-0-
49-668-5621 Engineering	43,218	138,995	182,213
49-668-5623 UP Railroad	-0-	2,750	2,750
HILLSIDE TERRACE #133-1.53MI (PCT.2) (672):			
49-672-5386 ROW	-0-	99,738	99,738
49-672-5611 Construction	329,107	709,693	1,038,800
49-672-5621 Engineering	6,016	234,065	240,081
KOHLER'S KROSSING #171-2.1MI (PCT.2) (675):			
49-675-5611 Construction	627,584	(627,584)	-0-
49-675-5621 Engineering	41,303	290,800	332,103
49-675-5623 UP Railroad	-0-	5,500	5,500
DRY HOLE ROAD #210-1.93 MI (PCT.2) (676):			
49-676-5611 Construction	318,124	(318,124)	-0-
49-676-5621 Engineering	6,595	65,469	72,064
FISCHER STORE ROAD #161-1.64 MI (PCT.3) (681):			
49-681-5611 Construction	492,193	(492,193)	-0-
49-681-5621 Engineering	5,537	257,638	263,175
MT. GAINOR #220-3.1MI (PCT.3) (682):			
49-682-5386 ROW	-0-	34,741	34,741
49-682-5611 Construction	280,190	1,277,827	1,558,017
49-682-5621 Engineering	5,537	366,529	372,066
WIMBERLEY BYPASS (PCT.3) (683):			
49-683-5621 Engineering	13,676	69,038	82,714
RANCH ROAD 12/NORTH-5.0MI (PCT.3) (685):			
49-685-5621 Engineering	-0-	576,923	576,923
SAWYER RANCH ROAD-3.18MI (PCT.4) (691):			
49-691-5611 Construction	1,089,735	(1,089,735)	-0-
49-691-5621 Engineering	5,806	352,715	358,521



AMENDMENT NO. 2003-18 FY 2003 BUDGET 04-15-03				
FUND NO. <u>49</u>				
FUND TITLE <u>ROAD BOND '01 CONSTRUCTION</u>				
<u>LINE ITEM - EXPENDITURES</u>	APPROPRIATION	AMENDMENT		APPROPRIATION
	BEFORE	INCREASES	DECREASES	AS
	AMENDMENT			AMENDED
<u>NUTTY BROWN ROAD #163-3.58MI (PCT.4) (692):</u>				
49-692-5611 Construction	1,289,563		(1,289,563)	-0-
49-692-5621 Engineering	40,016	417,584		457,600
<u>MT. GAINOR ROAD #220-2.7MI (PCT.4) (693):</u>				
49-693-5386 ROW	-0-	30,259		30,259
49-693-5611 Construction	504,341	852,642		1,356,983
49-693-5621 Engineering	99,352	224,706		324,058
<u>US HWY.290-7.1MI (PCT.4) (694):</u>				
49-694-5621 Engineering	-0-	250,000		250,000
<u>RANCH ROAD 12/NORTH-8.0MI (PCT.4) (695):</u>				
49-695-5621 Engineering	-0-	923,077		923,077
<u>FM 1826-6.7MI (PCT.4) (696):</u>				
49-696-5621 Engineering	-0-	700,000		700,000
		<u>10,677,124</u>	<u>(10,677,124)</u>	
<i>Transfer to revise FY03 to actual amounts for this year expense per Turner, Collie & Braden report</i>				

20954 [PCT 4 #03-4-029] **F&W SUBDIVISION - APPROVE FINAL PLAT** [T-1081]

Environmental Health Director Allen Walther advised that this is a 2 lot subdivision with access on a permitted street (CR101/Fitzhugh Road) and he gave staff recommendation for approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve final plat of "F & W Subdivision". All voting "Aye".

20955 **AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT TO LCRA COMMUNITY GRANT PROGRAM FOR UP TO \$25,000 AND TO EXECUTE CONTRACT** [T-1092]

Grants Administrator Richard Salmon advised that this grant is to purchase forensic video analysis equipment to enhance the county's efforts to support Texas Homeland Defense Strategy, solve local crime and assist other law enforcement agencies in the Central Texas area. Due to the event of 9/11 the FBI no longer assists local law enforcement agencies with the enhancement of video evidence. The Hays County Sheriff's Office has budgeted \$10,000 as match toward this grant request. He stated since the FBI is focused on terrorism and has not been doing some of this and it has fallen on the DPS and they are 9 months to a year behind and are getting further behind. It was explained that the video enhancement is done through a computer software program and equipment. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to authorize the County Judge to submit a Grant to LCRA Community Grant Program for up to \$25,000 and to execute the contract. All voting "Aye".

20956 **APPROVE A CHANGE TO SECTION 6.14 OF THE HAYS COUNTY EMPLOYEE PERSONNEL POLICY** [T-1143]

Human Resources Director Luis Gonzales spoke of an audit of the Hays County Family Medical Leave Act by the Department of Labor, Wage and Hour Division in which they recommended a change to paragraph 6.14 FAMILY LEAVE. The DOL recommended that the first complete sentence on page 44 be removed in its entirety. The sentence reads "An employee who fails to report or refuses a light duty position when ordered by a physician will be considered to have resigned from employment with Hays County and be terminated immediately". The FMLA states that "If the employer offers such a position, the employee is permitted but not required to accept the position". A motion was made by Judge Powers, seconded by Commissioner Ingalsbe to approve change to Section 6.14 of the Hays County Employee Personnel Policy by deleting the sentence that reads: "An employee who fails to report or refuses a light duty position when ordered by a physician will be considered to have resigned from employment with Hays County and be terminated immediately". All voting "Aye".



20957 ADOPT A NOTICE OF PRIVACY RIGHTS AS REQUIRED BY THE FEDERAL HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT ("HIPPA") [T-1175]

Human Resources Director Luis Gonzales spoke of this being a requirement of HIPPA – it explains employee's rights (examine records, request a copy, right to know if records have been shared, etc.) and provides the means for which they can submit a complaint. The Notice will be posted on county bulletin boards, on the Hays County Intranet, as well as distributed as a payroll "stuffer". Rules of procedures are needed. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to adopt a Notice of Privacy Rights as required by the Federal Health Insurance Portability and Accountability Act (HIPPA). All voting "Aye".

DISCUSSION REGARDING PROVIDING AVAILABLE DATES AND TIMES FOR COUNTY EMPLOYEES TO MEET WITH THE SALARY SURVEY COMMITTEE TO ASK QUESTIONS OR DISCUSS GRIEVANCES WITH THE NEW SALARIES and PROVIDE COPIES OF THE NEW SALARIES FOR ALL COUNTY EMPLOYEES, INCLUDING LAW ENFORCEMENT SALARIES, TO ALL DEPARTMENT HEADS AND ELECTED OFFICIALS

[T1-1251] Tommy Poer (Buda resident) read from a letter she sent to the local media in opposition to the county pay raise – she spoke of tax rollback at the city level and voting down of the school bond – she is on a fixed income and has no way to adjust that income. She spoke of people without jobs and the high number of foreclosures and people being evicted – she asked the court to postpone the salary increase until the economy is better. [T1-1310] Clint Frankmann (Wimberley resident) provided members of the court with copies of a pay raise comparison. He spoke in opposition to the pay raise – This is not the time to implement pay raises - the taxpayer is financially stressed now and Hays County is way above parity. He compared Hays County to Comal County in general populations (if you take out SWTSU students) and he spoke of what he thinks the calls are at the Sheriff's Dept. – in Wimberley he thinks he would find most of the calls being stray animals, suspicious cars and suspicious people - he does not feel the majority are life threatening calls. He compared salaries of Hays County Sheriff's Office and Comal County Sheriff's Office. [T1-1381] Sherri Bilson (San Marcos resident) asked how the employees will address their grievances? Human Resources Director Luis Gonzales advised that we have a Grievance procedure and he explained the appeal process. Commissioner Carter spoke of comparing salaries among employees – all the same grade and same step should make the same salary – some dept. heads have not seen the pay schedule - they have only seen salaries for their department - and she feels like all the dept. heads should see all the salaries – if we are doing the right thing, it should not create a problem. Luis Gonzales stated that he has provided the entire pay schedule to dept. heads that have requested it. He spoke of eleven that had concerns that were addressed by the committee. Commissioner Carter spoke of voting on the pay raises and she did not even have the schedule until just recently. She feels like everyone should be able to easily get a copy of the pay raises. Commissioner Ingalsbe asked Luis Gonzales to email dept. heads and let them know that the pay schedule is available upon request.

DISCUSSION AND ACTION TO APPROVE A RESOLUTION OPPOSING SENATE BILL 860 AND HOUSE BILL 1687 RELATING TO COUNTY MAINTENANCE OF DRAINAGE DITCHES [T-1580]

Commissioner Carter asked for input from the court regarding this Bill – this bill has been heard and is still pending in the legislature – it is not in the interest of Hays County. Judge Powers stated that he talked to Joe Morris in Senator Wentworth's office and they asked that we not oppose this bill – he was confident that this bill was going to die. Commissioner Burnett stated that he has made a call and has not received a return call. Commissioner Ingalsbe advised that we have the authority and we do not need this bill and she is going to support this resolution. Commissioner Carter stated that this is not a personal thing against Senator Wentworth, there are things he does that we appreciate – we need to make sure that something that is going to be costly to the county does not see the light of day. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve a resolution opposing Senate Bill 860 and House Bill 1687 relating to county maintenance of drainage ditches. Commissioner Ingalsbe and Commissioner Carter voting "Aye". Commissioner Burnett, Commissioner Molenaar and Judge Powers voting "No". MOTION FAILED.

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 STATUTES OTHER THAN SENATE BILL 873 (77TH LEGISLATIVE SESSION) [T-1673]

Commissioner Carter spoke of recognizing lots of ways to improve our subdivision rules – if we limit ourselves to Senate Bill 873 we are not addressing some issues that are addressed in the Texas Property Tax Code addressing rollback taxes, Health Code and Administrative Code addresses other issues. Charles O'Dell (The Friendship Alliance) stated that subdivision ordinances are not for the benefit of developers, it is for their guidance and are intended to protect the property owners rights. He spoke of using the public, who have numerous professional talents, in a citizens based committee to provide sound professional advice to the court.



Judge Powers advised that he is on the committee for Senate Bill 873 and he is going to resign from that committee – what has been done so far is productive but there are still questions regarding 873. Commissioner Ingalsbe stated that she welcomes public comments and recommendations – she spoke to Luanne Caraway and she is contacting other counties trying to get language regarding rollback taxes. Commissioner Carter spoke of number one concerns of citizens is water and we are not dealing with that under SB873. Commissioner Burnett felt like the committee is receiving information from citizens. Commissioner Carter stated that the 873 committee has not been meeting at night so how can you appoint people from the community if you don't meet during the night. Commissioner Molenaar advised that SB873 deals with subdivision regulations and urban growth management. He feels like this will take care of everything. We want to get everybody's input and when the legislature is through in August we will find out what we need to do under new legislation. He stated that not everyone has submitted their appointments to the committee (3 members each) – there will then be workshops held. Commissioner Burnett feels like there is a difference of opinion regarding the committee that has already been created. Commissioner Molenaar stated that we will meet at night when we get all the members in place just like we did the last time we reviewed the subdivision rules. Jacqueline Cullom Murphy advised that the appointment of the committee is a policy matter for the court - the only legal requirement for a rule change is public notice.

DISCUSSION REGARDING IMPROVEMENTS TO HAYS COUNTY SUBDIVISION RULES, WASTEWATER RULES AND SUPPORTIVE DOCUMENTS [T-2077]

Commissioner Carter spoke of Nueces County rules allowing the county to recoup money from utility companies for right-of-way damages (ie deep ruts) – fees are charged at submission of Notice of Utility Installation. Commissioner Molenaar stated that he and Jerry Borcharding (Rd. Supt/Eng) have been working on documents addressing anything going on in county right-of-way, such as shrubbery, mailboxes, etc. and fees for people working or placing things in the county right-of-way.

COURT WAS ADJOURNED.

MINUTES APPROVED IN OPEN COURT ON THE 22nd 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

