



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 18th DAY OF MAY A.D., 2004, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS
H. S. "SUSIE" CARTER
RUSS G. MOLENAAR
LINDA C. FRITSCHÉ

COUNTY JUDGE
COMMISSIONER, PCT. 2
COMMISSIONER, PCT. 4
DEPUTY COUNTY CLERK

WITH THE FOLLOWING MEMBERS ABSENT: INGALSBE & BURNETT; 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 ELECTED OFFICIALS OF CERTIFICATION OF THEIR CONTINUING EDUCATION CREDITS FOR 2003

County Treasurer Michele Tuttle spoke of continuing education required by elected officials each year – she presented her certification of hours for the record – she has 24 hours of County Investment Officer education issued by the Texas Assoc. of Counties and 37 hours of public funds investment education issued by the County Treasurer's Assoc. of Texas. She advised that County Tax Assessor-Collector Luanne Caraway will be sworn in as president of the County Tax Assessor-Collector's Association. Commissioner Molenaar advised that Luanne Caraway is also the first Certified Tax Assessor-Collector in the State of Texas. Commissioner Molenaar submitted his hours for the record – he submitted a Certificate of Completion issued by the County Judges & Commissioners Assoc. of Texas along with a list indicating a total of 21.25 hours. Commissioner Carter spoke of 16 hours of continuing education required for Commissioners. She submitted a Certificate of Completion issued by the County Judges & Commissioners Assoc. of Texas. Additional forms submitted for the records were as follows: J.P. 1-1 Macel Sullivan Certificate of completion of 20 hours of continuing education issued by the Texas State University – Texas Justice court Training Center. J.P. 2 Beth Smith Certificate of completion from the Texas Municipal Court Education Center showing 12 hours of judicial education and a Certificate of completion of 20 hours of continuing education issued by the Texas State University – Texas Justice court Training Center. J.P. 1-2 Margie Hernandez submitted a Certificate of completion of 20 hours of continuing education issued by the Texas State University – Texas Justice court Training Center for 2003-2004 and 80 hours for 2002-2003. Judge Powers presented a Judicial Education Record issued by the Texas Association of Counties indicating that he is exempt from education requirement.

21801 ADOPT PROCLAMATION SUPPORTING THE HAYS COUNTY YOUTH FISHING DERBY AT CAPE'S POND IN SAN MARCOS ON JUNE 5, 2004 [T1-70]

Commissioner Molenaar spoke of this being a family event – the J.M. Cape family has offered the site - he read the proclamation. **A motion was made by Commissioner Molenaar, seconded by Judge Powers to adopt Proclamation supporting the Hays County Youth Fishing Derby at Cape's Pond in San Marcos on June 5, 2004. All present voting "Aye".**

PUBLIC COMMENT [T1-120]

Jim Green spoke of Envision Central Texas presentation last week being misleading – he feels like the ECT consultants methods are neither respectable nor reliable. He spoke of it being a small group of land control activist at each meeting in the area – there are 1,300,000 people living in these five counties and only 12,500 (which represents a survey sample of only 9/10 of 1% of the people) responded to the (self selecting) survey, which he feels is of no value. He spoke of this plan preventing development and will steal governing authority from our democratically elected county commissioners and city councils in Central Texas. He urged the court to not give money to ECT and look more closely at the agenda of this particular organization.

DISCUSSION REGARDING APPOINTMENT OF C. HILL RYLANDER TO THE HAYS COUNTY HISTORICAL COMMISSION TO FILL VACANCY [T1-204]

Jerry Kolacny, former Chairman of the Hays County Historical Commission, spoke of having to resign in February for personal reasons and the new chairman appointment was made by the County Judge and was not made through the Commissioners' Court (the by-laws authorize the County Judge to appoint the Chair). The new chairman has requested resignation of one of the members and he feels like the Commissioners Court needs to consider that action. Mr. Kolacny spoke of there being no vacancies on the Commission at this time and those appointments are made by the Commissioners' Court according to the By-Laws of the Commission. Service on the Commission is voluntary and it needs people who are willing to participate and be active in it. [T1-259] Richard Gochot, HCHC Vice-Chair, stated that he has been asked to resign by the new Chairman Rodney Van Oudekerke and the new chair advised that he would like to have a clean slate of the commission so he can establish a new one. Special Counsel Jacqueline Cullom Murphy stated that she will research the By-Laws of the Commission. Judge Powers pulled the item to research further. Richard Gochot advised that he has no intention of resigning. Jim Green stated that he thinks Rodney Van Oudekerke will make a good chairman and he supports appointment of C. Hill Rylander.

**21802 APPROVE PAYMENT OF COUNTY INVOICES**

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve payment of county invoices in the amount of \$642,935.11 as presented by the Auditor. All present voting "Aye".

21803 APPROVE UTILITY PERMITS #01706 & 01707

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve Utility Permit #01706 on Reimer & FM2439 issued to Crystal Clear Water Supply and #01707 on Fieldstone Loop issued to PEC as submitted by the County Road Department. All present voting "Aye".

21804 WOODBROOK PHASE 2 [PCT. 2 #03-2-085, 28 LOTS] * APPROVE FINAL PLAT; ACCEPT COMPLETION OF CONSTRUCTION OF ROAD AND DRAINAGE IMPROVEMENTS; AND ACCEPT THE MAINTENANCE FISCAL SECURITY [T1-328]

Environmental Health Director Allen Walther gave staff recommendation for approval. A motion was made by Commissioner Carter, seconded by Commissioner Molenaar to approve final plat of "Woodbrook Phase 2"; accept completion of construction of road and drainage improvements; and accept the maintenance fiscal security [Letter of Credit #040904 = \$7,158.45 issued by Liberty Bank]. All present voting "Aye".

21805 WOODBROOK PHASE 1 [PCT. 2 #03-2-08] * RELEASE CONSTRUCTION FISCAL SECURITY; ACCEPT COMPLETION OF CONSTRUCTION OF ROAD AND DRAINAGE IMPROVEMENTS; AND ACCEPT MAINTENANCE FISCAL SECURITY [T1-339]

Road Supt/Engineer Jerry Borcharding gave staff recommendation for release of construction fiscal security. A motion was made by Commissioner Carter, seconded by Commissioner Molenaar to release construction fiscal security; accept completion of construction of road and drainage improvements; and accept maintenance fiscal security [Letter of Credit #140904 = \$12,556.10 issued by Liberty Bank] for "Woodbrook Phase 1". All present voting "Aye".

21806 HUBER ESTATES SECTION 3 [PCT. 2 #01-2-021] * RELEASE OF MAINTENANCE FISCAL SECURITY AND ACCEPT ROADS INTO THE COUNTY ROAD MAINTENANCE SYSTEM [T1-353]

Road Supt/Engineer Jerry Borcharding gave staff recommendation for release of maintenance fiscal security and acceptance of roads. The roads are "Huber Lane & Keller Court". A motion was made by Commissioner Carter, seconded by Commissioner Molenaar to release maintenance fiscal security and accept roads in "Huber Estates Section 3" into the county road maintenance system. All present voting "Aye".

21807 BLANCO VALLEY RANCHES [PCT. 3 #03-3-077] * RELEASE CONSTRUCTION FISCAL SECURITY [T1-367]

Road Supt/Engineer Jerry Borcharding stated that the roads in this subdivision are to be privately maintained and he recommends release of construction fiscal security. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to release construction fiscal security for "Blanco Valley Ranches". All present voting "Aye".

21808 CALL FOR A PUBLIC HEARING ON JUNE 1, 2004 TO ESTABLISH TRAFFIC REGULATIONS (STOP SIGNS) AT THE INTERSECTIONS OF LIVE OAK LOOP WITH OAK GROVE ROAD AND RED OAK ROAD WITH OAK GROVE ROAD [T1-378]

A motion was made by Commissioner Carter, seconded by Commissioner Molenaar to call for a public hearing on June 1, 2004 to establish traffic regulations (Stop signs) at the intersections of Live Oak Loop with Oak Grove Road and Red Oak Road with Oak Grove Road. All present voting "Aye".

21809 APPROVE AGREEMENT FOR ENGINEERING SERVICES WITH TURNER, COLLIE & BRADEN, INC. AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE WORK AUTHORIZATION NO. 2 TO WORK AUTHORIZATION NO. 6 (ENVIRONMENTAL SERVICES) [T1-390]

Bob Austin (TC&B) advised that Heidenrich Road, Centerpoint Road, McCarty Lane & Mt. Gainor Road are ready to go out for bid for construction. This supplemental work authorization covers environmental review and environmental compliance during construction with maximum amount payable for services without modification being \$93,587. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve agreement for engineering services with Turner, Collie & Braden Inc. and authorize the County Judge to execute Work Authorization No. 2 to Work Authorization No. 6 (Environmental Services). All present voting "Aye".



21810 APPROVE AGREEMENT FOR ENGINEERING SERVICES WITH TURNER, COLLIE & BRADEN, INC. AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE WORK AUTHORIZATION NO. 21 - UTILITY COORDINATION (HAYS CO/TC&B/SURVCON & COBB FINDLEY) [T1-453]

Bob Austin (TC&B) advised that this work authorization is for engineering services (utility coordination and utility survey). The maximum amount payable for services without modification is \$191,050. **A motion was made by Commissioner Carter, seconded by Commissioner Molenaar to approve agreement for engineering services with Turner, Collie & Braden Inc. and authorize the County Judge to execute Work Authorization No. 21 – Utility Coordination** (Hays County/TC&B/Survcon & Cobb Findley). **All present voting “Aye”.**

21811 ACCEPT THE INDEPENDENT FINANCIAL AUDIT OF THE COUNTY AS PERFORMED BY THE CERTIFIED PUBLIC ACCOUNTING FIRM OF HOLTMAN, WAGNER & COMPANY L.L.P. [T1-513]

Pat Wagner appeared before the court – a clean opinion was given by her firm. She spoke of GASB34 which gives the audit a different look. She spoke of it being a big undertaking for the road dept. and auditors office in identifying infrastructure assets and they did an excellent job. She spoke of page 47 showing a new schedule – revenues exceeded expenditures – the ending fund balance is \$7.5 million. She went over recommendations. The county must design an Anti-Fraud Program – it is required that you educate your employees. **A motion was made by Judge Powers, seconded by Commissioner Molenaar to accept the independent financial audit of the County as performed by the Certified Public Accounting Firm of Holtman, Wagner & Company L.L.P.** **All present voting “Aye”.**

Clerk’s Note: Agenda Item#14 RE: ACTION RELATING TO THE AGREEMENT REGARDING PROVISION OF WATER AND WASTEWATER SERVICE BETWEEN HAYS COUNTY AND THE LOWER COLORADO RIVER AUTHORITY **was PULLED.** **Public Comment was made regarding this item as follows:** [T1-841] Charles O’Dell spoke of agreement that was entered into several years ago and there seems to have been a misunderstanding regarding the agreement. He does not feel like the county has been conducting planning activities as set out in the agreement. He advised that there are 2 possible suits regarding the memorandum of understanding (MOU) and he recommended that the court appoint a committee to be responsible for reviewing potential use of the money and come back to court with recommendations.

21812 ADOPT RESOLUTION ACCEPTING HAVA VOTING FUNDS UNDER THE TITLE I PROGRAM [T1-980]

This resolution authorizes the county to accept \$111,727.70 in grant funds from the Texas Secretary of State to replace punch card/lever voting systems as per Title I Section 102 of the Help America Vote Act of 2002. Elections Administrator Joyce Cowan and County Purchasing Agent Cindy Maiorka appeared before the court. This starts the process for obtaining funds to help pay for new voting equipment. Joyce Cowan advised that they are looking for additional funding sources. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to adopt resolution accepting HAVA Voting Funds under the Title I Program.** **All present voting “Aye”.**

EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL TO DISCUSS AND DELIBERATE NORTH HAYS COUNTY MEDICAL SERVICES SYSTEMS, INC. V. NORTH HAYS COUNTY EMERGENCY SERVICES DISTRICT #1, CAUSE NO. 03-1318

Court convened into closed executive session at 10:20 a.m. to meet with legal counsel to discuss and deliberate North Hays County Medical Services Systems Inc. v. North Hays County Emergency Services District #1, Cause No. 03-1318 and reconvened into open meeting at 10:55 a.m. **NO ACTION WAS TAKEN**

DISCUSSION REGARDING CONTRACT TO PROVIDE COMMUNITY HEALTH SERVICES WITH COMMUNITY ACTION INC. [T1-1042]

Gay Helmly advised that this is a revenue generated contract – we see 15-20 Community Action screened clients @ \$20-30 each and we are reimbursed. Commissioner Carter wanted more information regarding qualification criteria for these indigents and the poverty level used to determine qualification through Community Action. No action was taken – figures used to determine poverty level will be provided to the court.

COURT WAS ADJOURNED.

I, LEE CARLISLE, COUNTY CLERK and EXOFFICIO CLERK OF THE COMMISSIONERS’ COURT, do hereby certify that the foregoing contains a true and accurate record of the proceedings had by the Hays County Commissioners’ Court on MAY 18, 2004.



**LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS’ COURT OF
HAYS COUNTY, TEXAS**