



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 31st DAY OF AUGUST A.D., 2004, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALEZ 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 Carter led the Court in the Pledge of Allegiance to the Flags.

PUBLIC COMMENTS

Warren Kettman, Director of the Buda Economic Development Council, thanked the court for all their work regarding the Cabella's project and helping Buda win the Texas Economic Development Council "Community Economic Award" and he invited the court to the conference in Dallas.

22011 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve payment of county invoices in the amount of \$233,320.95 as presented by the County Auditor. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar and Judge Burnett voting "Aye". Commissioner Carter voting "No".

22012 APPROVE BUDGET AMENDMENT #04-30

Budgets being amended are as follows: Constable 2 \$1,100 from various line items into vehicle mtc and telephone District Court \$3,645 transfer from travel and transcription/appeals into telephone & computer eqpt Building Maintenance transfer \$36,860 from countywide contingencies into various line items Road & Bridge Operations transfer \$2,000 from staff into misc supplies. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve Budget Amendment #04-30 as proposed by the County Auditor. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar and Judge Burnett voting "Aye". Commissioner Carter voting "No".

22013 APPROVE UTILITY PERMITS #01724 & #01725

A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve Utility Permits #01724 on CR244/Ledgerock Rd. issued to Verizon and #01725 on CR314/Spoke Hollow Drive issued to Verizon, as submitted by the Road Department. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar and Judge Burnett voting "Aye". Commissioner Carter voting "No".

22014 APPROVE PURCHASE OF MICROPHONE HEADSETS FOR SWAT FROM PREVIOUSLY BUDGETED FUNDS IN SHERIFF'S LAW ENFORCEMENT EQUIPMENT - COST NOT TO EXCEED \$8,005.00

Commissioner Carter spoke of Comptrollers review of counties – they recommend renting equipment instead of purchasing. Sheriff's Dept. Capt. Bo Kidd advised that these are not radio systems – they are headsets that can be utilized with a gas mask during SWAT operations. SWAT averages approximately 2 call-outs per month. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve purchase of microphone headsets for SWAT from previously budgeted funds in Sheriff's Law Enforcement Equipment, cost not to exceed \$8,005.00. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar and Judge Burnett voting "Aye". Commissioner Carter voting "No".

22015 RIVER OAKS OF WIMBERLEY REPLAT OF UNIT 1 SECTION 1 LOT 66 AND UNIT 1 SECTION 2 LOTS 67 & 68, AND UNIT 5 LOT 28, AND A PORTION OF VACATED R-O-W [PCT. 3 #04-3-031, 2 LOTS] * APPROVE FINAL PLAT AND WAIVE PRELIMINARY PLAN AND PUBLIC NOTIFICATION REQUIREMENTS [T1-134]

Environmental Health Director Allen Walther advised that these lots are being combined to make larger lots – he gave staff recommendation for final plat approval and waiver of preliminary plan since this is a consolidation of four lots into two new larger lots. This plat also incorporates vacated ROW that the court vacated in May and sold to Mr. Dehart. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve final plat and waive preliminary plan and public notification requirements for "River Oaks of Wimberley Replat of Unit 1 Section 1 Lot 66 and Unit 1 Section 2 Lot 67 & 68, and Unit 5 Lot 28, and a portion of vacated right-of-way. All voting "Aye".



22016 SKYLINE ACRES RESUBDIVISION OF LOT 10 [PCT. 3 #04-3-055, 2 LOTS] * APPROVE PRELIMINARY PLAN [T1-169]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve preliminary plan of "Skyline Acres Resubdivision of Lot 10". All voting "Aye".

22017 ELM CREEK RANCH [PCT. 2 #04-2-050, 19 LOTS] * APPROVE PRELIMINARY PLAN

[T1-203] Environmental Health Director Allen Walther advised that there are 4 proposed "shared access driveways" – the lots are large – if county roads are required the developer may have to create a greater number of smaller lots. Staff recommends approval of preliminary plan. Commissioner Burnett spoke in support of this subdivision. Commissioner Carter spoke in opposition to excessive shared access driveways. A motion was made by Judge Powers, seconded by Commissioner Burnett to approve preliminary plan of "Elm Creek Ranch". Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

22018 APPROVE AN INTERLOCAL AGREEMENT BETWEEN SAN MARCOS CISD AND THE HAYS COUNTY HEALTH DEPARTMENT FOR USE OF SCHOOL DISTRICT FACILITIES IN THE EVENT OF A PUBLIC HEALTH EMERGENCY FOR A MASS IMMUNIZATION OR PROPHYLAXIS CLINIC [T1-302]

Gay Helmly, Health Dept. Director, spoke of this being like the other interlocal agreements throughout the county. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve an interlocal agreement between San Marcos CISD and the Hays County Health Department for use of school district facilities in the event of a public health emergency for a mass immunization or prophylaxis clinic. All voting "Aye".

22019 APPROVE CONTRACT WITH VISTA HEALTH PLAN, INC. TO BE A PROVIDER FOR MEDICAID [T1-321]

Gay Helmly, Director of Health Dept., spoke of need to have this on board when we put the Nurse Practitioner on board. VISTA Health Plan Inc. is like an HMO and they will bill for Medicaid. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to approve contract with Vista Health Plan, Inc. to be a provider for Medicaid. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter abstained.

22020 APPROVE HEAD START PROGRAM CONTRACT WITH COMMUNITY ACTION, INC. OF HAYS, CALDWELL AND BLANCO COUNTIES [T1-373]

This is a health services agreement that provides physical examinations, immunizations and lab work on enrolled Head Start/Early Head Start children in Hays County. There is a \$12 per child fee if the child is not eligible for Title V reimbursement. A motion was made by Judge Powers, seconded by Commissioner Molenaar to approve Head Start Program with Community Action Inc. of Hays, Caldwell and Blanco Counties. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

22021 APPROVE A MEMORANDUM OF AGREEMENT BETWEEN THE TEXAS DEPARTMENT OF HEALTH, PUBLIC HEALTH REGION 7, AND HAYS COUNTY HEALTH DEPARTMENT FOR TRANSFER OF MEDICAL MATERIAL FROM THE SNS TO THE HAYS COUNTY HEALTH DEPARTMENT [T1-388]

Health Dept. Director Gay Helmly, explained the agreement which allows the State Dept. of Health to transfer medical material from the Strategic National Stockpile (SNS) to the Hays County Health Dept. so that we can effectively respond to acts of chemical, biological, radiological or nuclear terrorism or to naturally occurring public health emergencies. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve a Memorandum of Agreement between the Texas Department of Health, Public Health Region 7, and Hays County Health Department for transfer of medical material from the SNS to the Hays County Health Department. All voting "Aye".

22022 DISCUSSION AND ACTION REGARDING RETURN TO THE PROCESS OF AUDIO TAPING THE HAYS COUNTY COMMISSIONERS COURT EXECUTIVE SESSION RATHER THAN SIMPLY CREATING A “CERTIFIED AGENDA” [T1-421]

Commissioner Carter spoke of AG’s opinion regarding executive sessions – she feels like tape recordings would provide an effective tool to facilitate trust, accountability, and open government. Special Counsel Jacqueline Cullom Murphy spoke of it being a crime to release the tapes without a court order – the court can set rules for members of the court to access the tapes. She explained what is contained in a certified agenda (prepared by special counsel and signed by the County Judge). Commissioner Burnett felt like this would be bad policy and he spoke of liability for the Clerk’s office related to tapes. County Clerk Lee Carlisle spoke in support of staying with certified agenda rather than taping executive sessions – he does not want to be accused of leaking information. Commissioner Carter felt like there is no crime if you talk about discussions in executive session – only if you use it for financial gain or to hurt someone. Jacqueline Cullom Murphy spoke of penal code provision Section 39.06 titled “misuse of official information” which constitutes a felony – she cautioned the court that there is a criminal provision that might govern what you say outside executive session and she spoke of attorney client privilege. Commissioner Ingalsbe stated that it is her understanding that we are not to release any information that goes on in executive session and she agreed that we need to follow through with an investigation if that is happening. County Clerk Lee Carlisle spoke of a 7 county survey done by his office – 3 use tapes, 2 use certified agendas, and 2 used neither – Comal County uses certified agendas. **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to return to the process of audio taping the Hays County Commissioners’ Court Executive Session rather than simply creating a “certified agenda”. Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting “No”. Commissioner Ingalsbe and Commissioner Carter voting “Aye”. MOTION FAILED.** Commissioner Molenaar spoke of need to ask the Sheriff’s Dept. or Texas Rangers to investigate release of information from executive sessions. There are things being compromised because of leaks from executive session. He will prepare an agenda item for next week.

EXECUTIVE SESSION PURSUANT TO 551.071, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL TO DISCUSS AND DELIBERATE ONGOING NEGOTIATIONS BETWEEN HAYS COUNTY AND STATE STREET GLOBAL MARKETS, LLC REGARDING THE HAYS COUNTY JUVENILE DETENTION FACILITY. ACTION MAY FOLLOW IN OPEN COURT [T1-695]

Court convened into closed session at 9:45 a.m. and reconvened into open meeting at 11:00 a.m. Judge Powers advised that no action will be taken.

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 AUGUST 31, 2004.



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

