



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 9th DAY OF JULY A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	COUNTY CLERK

AND THE FOLLOWING MEMBER WAS ABSENT: COMMISSONER PCT. 3 WILL CONLEY.
 THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Sumter called the meeting to order. Public comment was made by Charles O'Dell, President of Hays CAN.

24429 EXECUTIVE SESSION PURUSANT TO 551.075 OF THE TEXAS GOVERNMENT CODE REGARDING OSSF PERMIT NUMBER 2005-416 (OWNER: NICK RAMUS) AND CAUSE NO. 07-0123 IN THE 22ND JUDICIAL DISTRICT COURT STYLED THK PROPERTIES LLC VS. HAYS COUNTY, TEXAS AND ACTION

[T1-1715] A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to adopt Order regarding OSS Permit #2005-416. All present voting "Aye". MOTION PASSED.

**IN THE COMMISSIONERS COURT
 OF HAYS COUNTY, TEXAS
 REGARDING OSSF PERMIT #: 2005-416**

The Commissioners Court of Hays County, Texas, meeting after due notice as required by law, did on this 9th Day of July, 2007, take up for re-consideration the prior actions of the Commissioners Court of Hays County, Texas of April 17, 2007 regarding a Notice of Approval for On-Site Sewage Facility under OSSF Permit No. 2005-416, issued to Nick Ramus on or about September 11, 2006.

Without making any admission that the prior posting as required by §551.071, Texas Government Code, regarding this matter was legally insufficient or inadequate, or that any action taken by the Commissioners Court relative to the posting prior to the meeting of the Commissioners Court on April 17, 2007 was improper or unlawful, it is the considered opinion of legal counsel for Hays County that the prior Order of April 17, 2007, as reflected in a letter to Mr. Ramus by Judge Sumter dated April 19, 2007, should be vacated and held for naught. This action to vacate and rescind the prior Action of this Commissioners Court is made to insure that all procedural steps related to OSSF Permit No. 2005-416 are correct and that no suggestion of impropriety can be reasonably lodged against Hays County.

It is further Ordered that, pursuant to the provisions of the Hays County On-Site Sewage Facility Rules and Regulations, as adopted by the Commissioners Court of Hays County, Texas on August 29, 1997, that OSSF Permit No. 2005-416 is hereby temporarily reinstated, with the following limitations:

1. That Nick Ramus, the owner of Permit No. 2005-416, shall within thirty days, submit such additional documentation as he may deem necessary to demonstrate compliance with the requirements of the Hays County On-Site Sewage Facility Regulations. In this regard, reference is specifically made to the following conditions expressly stated in the Notice of Approval issued to Nick Ramus on or about September 11, 2006:

"Note: This approval remains in effect until such time as there is evidence that this facility is not operating properly and may constitute a threat to the health of the people of Hays County, Texas."
2. That on August 14, 2007, at 2 o'clock p.m, the Commissioners Court of Hays County will convene as an Administrative Body, acting on behalf of the State of Texas and in the interest of the Public Health and Safety of the people of Hays County, Texas, pursuant to the authority vested by Chapter 366 of the Texas Health and Safety Code, and in conformity with the Rules and Regulations adopted by Hays County, to reconsider OSSF Permit No. 2005-416.
3. Reconsideration of OSSF Permit No. 2005-416 is based upon §10.1(a)(3)(A) and (B), §10.5, §10.6, and §10.11 of the Hays County OSSF Regulations, Table X of the Texas Administrative Code, Chapter 285, and upon a determination that the procedural history of this case suggests that the prior actions of the Hays County EHD were not in conformity with the stated requirements of the Hays County OSSF Regulations, and/or that the On-Site Sewage Facility proposed under Permit No. 2005-416 may in fact pose a health hazard."

Court was adjourned.

I, LINDA C. FRITSCHÉ, 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 JULY 9, 2007.



**LINDA C. FRITSCHÉ, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS**

