

HAYS COUNTY COMMISSIONERS' COURT MINUTES



SEPTEMBER 12, 2023

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 12th DAY OF SEPTEMBER A.D., 2023, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

RUBEN BECERRA	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
MICHELLE COHEN	COMMISSIONER, PCT. 2
LON A. SHELL	COMMISSIONER, PCT. 3
WALT SMITH	COMMISSIONER, PCT. 4
ELAINE H. CÁRDENAS	COUNTY CLERK

Clerk's Note: For complete transcript go to Hays County Website
<https://hayscountytexas.com/commissioners-court/court-video/>
Transcript can be translated into any language through Google.com.

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor Darius Todd, Hays County Chaplain, gave the invocation. Judge Becerra led the court in the Pledge of Allegiance to the United States and Texas flags. Judge Becerra called the meeting to order.

PUBLIC COMMENTS

Matthew Gonzales, Hays County Local Health Department Manager, made a public comment concerning employee pay and the cost of employee replacement. Dan Lyon made a public comment concerning county debt and spending.

39412 Adopt a Proclamation recognizing the week of September 17-23, 2023 as Constitution Week.

Jeannine Inbody, Vice Regent of the Jacob's Well Chapter of the Daughters of the American Revolution (DAR), thanked the Court for the proclamation and spoke about the history and importance of Constitution Week.

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to adopt a Proclamation recognizing the week of September 17-23, 2023 as Constitution Week.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

39413 Adopt a Proclamation recognizing September 16, 2023 as the 2nd Annual Hispanic Heritage Exhibition Walk Day.

The Court thanked those involved with organizing the event and spoke about the importance of recognizing and celebrating Hispanic history. Lucy Gonzales invited the public to the 2nd Annual Hispanic Heritage Exhibition Walk Day and spoke about Hispanic history in Texas.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Smith to adopt a Proclamation recognizing September 16, 2023 as the 2nd Annual Hispanic Heritage Exhibition Walk Day.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

39414 Approve payments of County invoices.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to approve payments of County invoices.



AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

39415 Approve the payment of Juror checks.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to approve the payment of Juror checks.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

39416 Approve the payment of United Healthcare claims.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to approve the payment of United Healthcare claims.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

39417 Approve Commissioners Court Minutes of September 5, 2023.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to approve Commissioners Court Minutes of September 5, 2023.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

39418 Approve the payment of the September 15, 2023 payroll disbursements in an amount not to exceed \$3,800,000 effective September 15, 2023 and post totals for wages, withholdings, deductions and benefits on the Hays County website once finalized.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to approve the payment of the September 15, 2023 payroll disbursements in an amount not to exceed \$3,800,000 effective September 15, 2023 and post totals for wages, withholdings, deductions and benefits on the Hays County website once finalized.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

39419 Authorize the Commissioner Precinct 1 Office to support Bowie Elementary in the San Marcos Consolidated Independent School District (SMCISD) with activities for SMCISD students, families and staff.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to authorize the Commissioner Precinct 1 Office to support Bowie Elementary in the San Marcos Consolidated Independent School District (SMCISD) with activities for SMCISD students, families and staff.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

39420 Authorize the Commissioner Precinct 1 Office to support De Zavala Elementary in the San Marcos Consolidated Independent School District (SMCISD) with activities for SMCISD students, families and staff.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to authorize the Commissioner Precinct 1 Office to support De Zavala Elementary in the San Marcos Consolidated Independent School District (SMCISD) with activities for SMCISD students, families and staff.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously



39421 Accept additional funding from the Texas Juvenile Justice Department for Salary Adjustments for Juvenile Probation and Supervisory Officers and amend the budget accordingly.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to accept additional funding from the Texas Juvenile Justice Department for Salary Adjustments for Juvenile Probation and Supervisory Officers and amend the budget accordingly.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

39422 Approve the transfer of Commissioners Court authorizations, previously granted to the Office of General Counsel, to the Civil Division of the Hays County Criminal District Attorney's Office.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to approve the transfer of Commissioners Court authorizations, previously granted to the Office of General Counsel, to the Civil Division of the Hays County Criminal District Attorney's Office.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

39423 Authorize the purchase of one APC Smart-UPS for the Combined Emergency Communication Center and amend the budget accordingly.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to authorize the purchase of one APC Smart-UPS for the Combined Emergency Communication Center and amend the budget accordingly.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

39424 Approve Utility Permit.

Commissioner Smith explained the West Travis County Public Utility Agency is planning to provide additional water service to northern Hays County.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to approve Utility Permit.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

39425 Accept the delivery of the Quarterly Auditor Reports for the Sheriff Off-Duty Vehicle Fees and Sheriff Fees of Office for the audit period October 2022 through December 2022.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to accept the delivery of the Quarterly Auditor Reports for the Sheriff Off-Duty Vehicle Fees and Sheriff Fees of Office for the audit period October 2022 through December 2022.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

39426 Accept delivery of the Internal Examination report for the Constable Precinct 1 Office.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to accept delivery of the Internal Examination report for the Constable Precinct 1 Office.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

39427 Approve an increase of \$200.00 in the Tax Office change fund as recommended by the County Auditor pursuant to Texas Local Government Code Chapter 130.902 (d).



A motion was made by Commissioner Shell, seconded by Commissioner Smith to approve an increase of \$200.00 in the Tax Office change fund as recommended by the County Auditor pursuant to Texas Local Government Code Chapter 130.902 (d).

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

39428 Authorize the Commissioner Pct. 1 Office to support Owen Goodnight Middle School in the San Marcos Consolidated Independent School District (SMCISD) with activities for SMCISD students, families and staff.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to authorize the Commissioner Pct. 1 Office to support Owen Goodnight Middle School in the San Marcos Consolidated Independent School District (SMCISD) with activities for SMCISD students, families and staff.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

39429 Approve the Property Use Policy incorporating slight property location oversights and the changes requested by the Commissioners Court on September 5, 2023.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to approve the Property Use Policy incorporating slight property location oversights and the changes requested by the Commissioners Court on September 5, 2023.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

39430 Approve specifications for RFP 2023-P11 Property & Liability Insurance and authorize Purchasing to solicit for proposals and advertise.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to approve specifications for RFP 2023-P11 Property & Liability Insurance and authorize Purchasing to solicit for proposals and advertise.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

39431 Discussion and possible action to consider the acceptance of road construction and surface drainage improvements, acceptance of the maintenance bond #2322927 in the amount of \$207,976.09, and acceptance of the revegetation bond #2322927 in the amount of \$11,784.00 for Prairie Lakes Phase 1, Section 1.

A motion was made by Commissioner Cohen, seconded by Commissioner Ingalsbe to accept road construction and surface drainage improvements, accept the maintenance bond #2322927 in the amount of \$207,976.09, and accept the revegetation bond #2322927 in the amount of \$11,784.00 for Prairie Lakes Phase 1, Section 1.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

39432 Discussion and possible action to consider the acceptance of road construction and surface drainage improvements, acceptance of the maintenance bond #602-201414-7 in the amount of \$231,368.76, Headwaters at Barton Creek, Phase 3.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to accept road construction and surface drainage improvements, accept the maintenance bond #602-201414-7 in the amount of \$231,368.76, Headwaters at Barton Creek, Phase 3.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

39433 PLN-1956-PC; Discussion and possible action regarding the 3-G Ranch Addition, Section 3, Lot 5, Replat.



Colby Machacek, Hays County Development Services Planning Department, provided background on the property and stated the Court denied the plat on May 23, 2023, and since then the deficiencies have been cleared and staff recommends approval.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to approve the 3-G Ranch Addition, Section 3, Lot 5, Replat (PLN-1956-PC).

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

39434 Discussion and possible action to approve Joint Election Agreements for the November 7, 2023 for local political subdivisions that will run jointly with the Constitutional Amendment Election Pursuant to Texas Election Code Sec. 271.002.

Jennifer Doinoff, Hays County Elections Administrator, stated several entities have canceled their election since this item was posted to the agenda. The remaining entities holding elections are the City of San Marcos, City of Kyle, City of Mountain City, City of Woodcreek, and Wayside Municipal Utility District.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to approve Joint Election Agreements for the November 7, 2023 for local political subdivisions that will run jointly with the Constitutional Amendment Election Pursuant to Texas Election Code Sec. 271.002.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

39435 Discussion and possible action to appoint personnel for the November 7, 2023, Constitutional Amendment Election.

Jennifer Doinoff, Hays County Elections Administrator, explained this is a supplemental list to fill positions that are empty, and a formula is used to determine which party will hold the judge position for each voting precinct.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to appoint personnel for the November 7, 2023, Constitutional Amendment Election.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

39436 Discussion and possible action to authorize the execution of an agreement between Hays County and Milliman, Inc. for actuarial services related to retiree drug subsidy.

Shari Miller, Hays County Human Resources Director, explained this study allows the county to apply for subsidies from Medicare's retiree drug subsidy program.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to authorize the execution of an agreement between Hays County and Milliman, Inc. for actuarial services related to retiree drug subsidy.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

39437 Discussion and possible action to reinstate dates of employment during period of unemployment for Amanda Cowan.

Elaine Cardenas, Hays County Clerk, read an emailed public comment from Maribel Holtz against the item. Commissioner Cohen explained this 5-year employee was terminated for 14 days before being rehired by Hays County and requested that the Court reinstate her time of service, vacation, sick, and comp time balances, vacation accrual amount, and reactivate insurance coverage. Commissioner Ingalsbe stated this should be reviewed with the rest of the county's personnel policy. Shari Miller, Hays County Human Resources Director, stated the current policy does not allow for gaps in service. Commissioner Shell stated he is not supportive of this action and the policy should be amended to address gaps in service.



Commissioner Smith spoke about other employees with gaps in service, amending the personnel policy, and insurance liability, and stated he is not supportive of this today. Marisol Villarreal-Alonzo, Hays County Auditor, spoke about liability increases for providing insurance during gaps in service. Vickie Dorsett, Hays County Budget Officer, reviewed the costs to both the county and the employee in this situation. Judge Becerra spoke about the need to address this issue in the personnel policy. Commissioner Ingalsbe asked for this item to be brought back at a later date to allow time for the policy to be reviewed. The Court discussed with Miller possible changes to the policy. Amanda Cowan stated she is only requesting to have her gap in service closed and leave accrual amounts reinstated. Judge Becerra tabled the item for further discussion.

Clerk's Note: Agenda Item K-4 was reopened at 10:31 a.m.

Commissioner Shell expressed concern over setting a precedent for similar situations. Judge Becerra stated he believes this will be addressed in the personnel policy soon. Commissioner Smith asked the Court to maintain uniformity for all employees with reinstated sick leave in the future.

A motion was made by Commissioner Cohen, seconded by Commissioner Ingalsbe to gap employment dates for Amanda Cowan to reinstate sick leave balance of 154.5 hours and vacation accruals at 8 hours per month effective January 26, 2023.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Judge Becerra

NAY: Commissioner Shell, Commissioner Smith

3 - 2 Passed

39438 Discussion and possible action to accept the resignation of Commissioner Debbie Ingalsbe from the Board of Directors of the Greater San Marcos Partnership (GSMP) and approve the appointment of Judge Ruben Becerra to the Board of Directors of Greater San Marcos Partnership to replace her after her term ends on October 19, 2023.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to accept the resignation of Commissioner Debbie Ingalsbe from the Board of Directors of the Greater San Marcos Partnership (GSMP) and approve the appointment of Judge Ruben Becerra to the Board of Directors of Greater San Marcos Partnership to replace her after her term ends on October 19, 2023.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

Clerk's Note Agenda Item #L-1 RE: *Executive Session pursuant to Sections 551.071 and 551.072 of the Texas Government Code: consultation with counsel and deliberation regarding the purchase, exchange, lease and/or value of real property associated with Parks and Open Space Projects being considered by Hays County. Possible discussion and/or action may follow in open court. - WAS PULLED.*

Clerk's Note Agenda Item #M-1 RE: *Discussion and possible action related to the burn ban. - WAS PULLED.*

Discussion related to the Hays County inmate population, to include current population counts and costs.

Judge Becerra read the Sheriff's update of the inmate population. Current maximum jail capacity is 410 inmates. Jail Standards recommends holding 10% open, lowering current capacity to 368 inmates. The jail's daily average was 552 for the week of September 3, 2023, with a peak of 564 inmates on September 8, 2023. The estimated cost for outsourcing inmates this week was \$168,740. The average number of outsourced males is 255 and females is 4. This week's inmates were housed in the following counties: Comal, Haskell, and Maverick. The number of "paper-ready" inmates who are now wardens of the state is 44.

Clerk's Note Agenda Item #M-3 RE: *Discussion of issues related to the Hays County Jail, and the planning of projects pertaining to the public safety facilities needs within the County. Possible action may follow. - WAS PULLED.*



Clerk's Note Agenda Item #M-4 RE: *Discussion and possible action regarding Hays County's use of federal or other grant funding related to COVID-19 response including but not limited to the American Rescue Plan Act (ARPA) and the Emergency Rental Assistance Program (ERAP).* - WAS PULLED.

Clerk's Note Agenda Item #M-5 RE: *Updates of community health assessment by local health department.* - WAS PULLED.

Clerk's Note Agenda Item #M-6 RE: *Discussion and possible action related to proposed bills in the 87th Regular Session of the Texas Legislature and to consider adoption of resolution(s) regarding proposed bills. The Court may opt to withdraw to Executive Session during this item to consult with legal counsel pursuant to Texas Government Code 551.071.* - WAS PULLED.

Clerk's Note Agenda Item #M-7 RE: *Updates on measurable advancement of Pretrial Services to include the areas of staffing, equipment, training, operations and policy, by Director of Pre-Trial Services Randy Focken.* - WAS PULLED.

ADJOURNMENT

A motion was made by Commissioner Shell, seconded by Judge Becerra to adjourn court at 10:34 a.m.

I, ELAINE H. CÁRDENAS, 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 SEPTEMBER 12, 2023.



ELAINE H. CÁRDENAS, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS

