

**Commissioners Court - July 19, 2011  
NOTICE OF A MEETING OF THE  
COMMISSIONERS COURT OF HAYS COUNTY, TEXAS**



This Notice is posted pursuant to the Texas Open Meetings Act. (VERNON'S TEXAS CODES ANN. GOV. CODE CH.551). The Hays County Commissioners Court will hold a meeting at **9:00 A.M.** on the **19<sup>th</sup> day of July, 2011**, in the Hays County Courthouse, Room 301, San Marcos, Texas. An Open Meeting will be held concerning the following subjects:

**CALL TO ORDER**

**INVOCATION**

**PLEDGE OF ALLEGIANCE** - Pledge of Allegiance to the American Flag & Pledge of Allegiance to the Texas Flag  
**ROLL CALL**

**PRESENTATIONS & PROCLAMATIONS**

1	3-4	Adopt a Proclamation recognizing July 17-23 as Probation, Parole, and Community Supervision Week in Hays County. <b>COBB</b>
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**PUBLIC COMMENTS**

At this time **3-MINUTE** comments will be taken from the audience on Non-Agenda related topics. To address the Court, please submit a Public Participation/ Witness Form to the County Clerk. Please Complete the Public Participation/ Witness Form in its Entirety.  
**NO ACTION MAY BE TAKEN BY THE COURT DURING PUBLIC COMMENTS.**

**CONSENT ITEMS**

The following may be acted upon in one motion.  
A Commissioner, the County Judge, or a Citizen may request items be pulled for separate discussion and/or action.

2	5	Approve payments of county invoices. <b>HERZOG</b>
3	6-12	Approve Commissioners Court Minutes of July 12, 2011. <b>COBB/GONZALEZ</b>
4	13-16	Accept contributions for the Historical Commission-documentaries and amend the budget for use of those funds for direct expenses related to the project and amend budget accordingly. <b>COBB/JOHNSON</b>
5	17-19	Amend the LCRA Fund to cover reimbursement for two public notice ads for the public meeting related to the creation of the Public Utility Agency. <b>WHISENANT</b>
6	20-21	Increase revenue and expenditures for Juvenile Detention Operating & Grant School Lunch program and amend the budget accordingly. <b>COBB</b>
7	22-23	Recognize Texas Dept. of Transportation's award of the RM 12 at Sports Park Drive to the low bidder, Asphalt Paving Company of Austin. <b>WHISENANT</b>

**ACTION ITEMS**

**SUBDIVISIONS**

8	24-25	11-3-13 Resubdivision of Lot 6, Thompson Ranch Estates (2 lots). Hold public hearing; discussion and possible action to approve final plat. <b>CONLEY/BOTKIN</b>
9	26-27	11-1-19 Amending Plat of Lots 22 and 23 Southridge Estates Subdivision (2 lots). Discussion and possible action to consider approve preliminary plan; call for public hearing on August 16, 2011. <b>INGALSBE/GARZA</b>

**MISCELLANEOUS**

10	28-29	Discussion and Possible action to authorize the purchase of security equipment for the Hays County Government Center. <b>INGALSBE</b>
11	30-33	Discussion and possible action to authorize the purchase of three (3) cell phones and service for the Security Personnel at the Hays County Government Center and amend the budget accordingly. <b>INGALSBE</b>
12	34	Discussion and possible action to re-assign the responsibilities of compliance and collections for Hays County Courts-at-Law #1 and #2 from the Compliance and Collections department to the County Courts-at-Law. <b>COBB</b>

13	35-38	Discussion and possible action to approve a resolution accepting a supplemental contractual agreement between Hays County and TxDOT for right of way procurement by a local government and authorize the Judge to execute said agreement. <b>CONLEY</b>
14	39-60	Discussion and possible action to approve the Personal Health Department (PHD) applying to the National Health Service Corps (NHSC) for the San Marcos and Kyle clinics to be designated as NHSC clinical sites. <b>COBB/HARGRAVES</b>
15	61-102	Hold public hearing to finalize changes to the Hays County Development Regulations. <b>COBB/GARZA</b>
16	103-118	Discussion and possible action to approve Scope and Fee for producing a Transportation Plan for Hays County. <b>CONLEY/BORCHERDING</b>
17	119-123	Discussion and possible action to renew the solid waste hauling contract with TDS and approve the quote for a 10 year lease on a stationary compactor. <b>CONLEY</b>
18	124-125	Discussion and possible action to adopt a Resolution regarding County policy in the acquisition of parks and open space properties. <b>CONLEY</b>
19	126-136	Discussion and possible action to authorize the County Judge to approve the proposed application for Public Health Emergency Preparedness funding for FY 2012 in the amount of \$122,428.00. <b>INGALSBE/HARGRAVES</b>
20	137	Discussion and possible action to approve a contract with CBRE for Professional Real Estate Services. <b>COBB/CONLEY/KENNEDY</b>
21	138-142	Discussion and possible action to instruct staff to develop a list of projects to submit to the Capital Area Metropolitan Planning Organization (CAMPO), Hays County will have input on how the District (TxDOT) spends separate Proposition 12 funding through Capital Area Regional Transportation Planning (CARTPO). <b>CONLEY</b>

#### STANDING AGENDA ITEMS

The Commissioners Court utilizes Standing Agenda Items to address issues that are frequently or periodically discussed in court. This section allows the Court to open the item when a need for discussion arises.

22	Discussion and possible action related to the burn ban and/or disaster declaration. <b>COBB/CHAMBERS</b>
23	Discussion of issues related to proposed capital construction projects in Hays County, including but not limited to the government center; precinct offices; Resources Protection Transportation and Planning Department; and space needs projections for the Hays County Jail and related criminal justice analysis. Possible action may follow. <b>INGALSBE</b>
24	Discussion of issues related to the road bond projects, including updates from Mike Weaver, Prime Strategies and Jeff Curren, HDR. Possible action may follow. <b>COBB</b>
25	Discussion and possible action to approve hiring, transfer and/or promotion of vacant position(s). The intent of the standing agenda item is to recognize deadline restraints and remove barriers or bottlenecks for hiring managers when presenting to Commissioners Court key positions they feel are needed to be filled. <b>COBB/BAEN</b>
26	Discussion of material relating to the Hays County Water and Sewer Authority and/or the LCRA divestiture. <b>WHISENANT</b>

#### ADJOURNMENT

Posted by 5:00 o'clock P.M. on the 15<sup>th</sup> day of July, 2011

**COMMISSIONERS COURT, HAYS COUNTY, TEXAS**

**CLERK OF THE COURT**

Hays County encourages compliance with the Americans with Disabilities Act (ADA) in the conduct of all public meetings. To that end, persons with disabilities who plan to attend this meeting and who may need auxiliary aids such as an interpreter for a person who is hearing impaired are requested to contact the Hays County Judge's Office at (512) 393-2205 as soon as the meeting is posted (72 hours before the meeting) or as soon as practical so that appropriate arrangements can be made. While it would be helpful to receive as much advance notice as possible, Hays County will make every reasonable effort to accommodate any valid request regardless of when it is received. Braille is not available.

## *Agenda Item Request Form*

### **Hays County Commissioners' Court**

9:00 a.m. Every Tuesday

**Request forms are due in the County Judge's Office**

no later than **2:00 p.m.** on **WEDNESDAY.**

Phone (512) 393-2205

**AGENDA ITEM:** Adopt a Proclamation recognizing July 17-23 as Probation, Parole, and Community Supervision Week in Hays County.

<b>CHECK ONE:</b>	<b>CONSENT</b>	<b>ACTION</b>	<b>EXECUTIVE SESSION</b>
	<b>WORKSHOP</b>	<b>X PROCLAMATION</b>	<b>PRESENTATION</b>

**PREFERRED MEETING DATE REQUESTED:** July 19 2011

**AMOUNT REQUIRED:**

**LINE ITEM NUMBER OF FUNDS REQUIRED:**

**REQUESTED BY:**

**SPONSORED BY: COBB**

## PROCLAMATION

**WHEREAS**, community corrections is an essential part of the justice system; and

**WHEREAS**, community corrections professionals uphold the law with dignity, while recognizing the right of the public to be safe-guarded from criminal activity; and

**WHEREAS**, community corrections professionals are responsible for supervising adult and juvenile offenders in the community; and

**WHEREAS**, community corrections professionals are trained professionals who provide services and referrals for offenders; and

**WHEREAS**, community corrections professionals work in partnership with community agencies and groups; and

**WHEREAS**, community corrections professionals promote prevention, intervention and advocacy; and

**WHEREAS**, community corrections professionals provide services, support, and protection for victims; and

**WHEREAS**, community corrections professionals advocate community and restorative justice; and

**WHEREAS**, community corrections professionals are a true Force for Positive Change in their communities, and;

Now, Therefore, Be it resolved that the Commissioners Court of Hays County, Texas, duly convened and acting in its capacity as the governing body of Hays County, does hereby recognize July 17-23, 2011 as:

Probation, Parole and  
Community Supervision Week in Hays County

And encourage all citizens to honor these community corrections professionals and to recognize their achievements.

## *Agenda Item Request Form*

### **Hays County Commissioners' Court**

9:00 a.m. Every Tuesday

**Request forms are due in the County Judge's Office**

no later than 2:00 p.m. on WEDNESDAY.

Phone (512) 393-2205

**AGENDA ITEM: Approve payment of County invoices.**

**CHECK ONE:**      ☒ **CONSENT**      ☐ **ACTION**      ☐ **EXECUTIVE SESSION**  
                         ☐ **WORKSHOP**      ☐ **PROCLAMATION**      ☐ **PRESENTATION**

**PREFERRED MEETING DATE REQUESTED: 7/19/11**

**AMOUNT REQUIRED:**

**LINE ITEM NUMBER OF FUNDS REQUIRED:**

**REQUESTED BY: Auditor's Office**

**SPONSORED BY: Bill Herzog**

## *Agenda Item Request Form*

### **Hays County Commissioners' Court**

9:00 a.m. Every Tuesday

**Request forms are due in the County Judge's Office**

no later than **2:00 p.m.** on **WEDNESDAY.**

Phone (512) 393-2205 Fax (512) 393-2282

**AGENDA ITEM: APPROVE COMMISSIONER COURT MINUTES OF JULY 12, 2011.**

**CHECK ONE:**     **X CONSENT**     ☐ **ACTION**     ☐ **EXECUTIVE SESSION**  
☐ **WORKSHOP**     ☐ **PROCLAMATION**     ☐ **PRESENTATION**

**PREFERRED MEETING DATE REQUESTED: July 19, 2011**

**AMOUNT REQUIRED:**

**LINE ITEM NUMBER OF FUNDS REQUIRED:**

**REQUESTED BY: GONZALEZ**

**SPONSORED BY: COBB**

**SUMMARY:**



JULY 12, 2011

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STATE OF TEXAS \*  
COUNTY OF HAYS \*

ON THIS THE 12<sup>TH</sup> DAY OF JULY A.D., 2011, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ALBERT H. COBB JR	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
MARK JONES	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RAY O. WHISENANT JR	COMMISSIONER, PCT. 4
LIZ Q. GONZALEZ	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Chaplin Hargis from the Hays County Jail gave the invocation and Judge Cobb led the court in the Pledge of Allegiance to the flags. Judge Cobb called the meeting to order.

#### PUBLIC COMMENTS

Dee Dee Baen Human Resources Director introduced the new hires to Hays County. Alan Cameron Wimberley resident, Lucy Johnson Mayor of Kyle, Sam Brannon San Marcos resident of San Marcos, Lila Knight resident of Kyle, Ruben Garza resident of Kyle made public comments.

#### PRESENTATION TO RECOGNIZE HAYS COUNTY 4-H MEMBERS WHO PARTICIPATED IN TEXAS 4-H ROUNDUP EVENTS HELD JUNE 13-16 AT TEXAS A&M UNIVERSITY IN COLLEGE STATION

County Agent Richard Parish spoke of the Hays County 4-H Members on their accomplishments. Laura Petty County Extension Agent, Family and Consumer Sciences introduced and recognized Hays County 4-H Members Will Herron, Brittany Krennek, Abby Linam, Rachel McDaniel, Rebekah McDaniel, Raquel Nino, Jonathan Roppolo who participated in the Texas 4-H Roundup at the Texas A&M University in College Station.

#### 28196 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve payments of county invoices in the amount of \$3,007,170.01 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

#### 28197 APPROVE COMMISSIONERS COURT MINUTES OF JUNE 28, 2011

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve Commissioner Court Minutes of June 28, 2011 as presented by the County Clerk. All voting "Aye". MOTION PASSED

#### 28198 AMEND JUSTICE OF THE PEACE 3 BUDGET FOR TRAVEL EXPENSES

The Justice of the Peace in Pct 3 office has occasion to travel within the County on official County business. A travel line item is needed to reimburse mileage costs associated with this travel. Amount required \$100.00 (001-628-00.5501). A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to amend Justice of the Peace 3 budget for travel expenses. All voting "Aye". MOTION PASSED

#### 28199 AMEND THE BUDGET IN GENERAL FUND FOR DEVELOPMENTAL SERVICES POSTAGE

The Department of Development Services needs replacement of regulation/development required mailing costs amount required \$3,000 to 001-657-00.5212 Development Services postage from 001-645.00.5399 Contingencies. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to amend the Budget in General Fund for Developmental Services postage. All voting "Aye". MOTION PASSED



**28200 AMEND THE BUDGET OF THE TREASURER IN GENERAL FUND FOR CONTINUING EDUCATION**

Additional funds are needed in Continuing Ed. for training/conferences costs from Travel savings. Amount required is \$650.00 to 001-620-00.5551 Continuing Ed. from 001-620-00.5501 Travel. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to amend the Budget of the Treasurer in General Fund for Continuing Education. All voting "Aye". MOTION PASSED

**28201 ACCEPT FUNDS FROM THE CITY OF WOODCREEK ASSOCIATED WITH THE LOWER COLORADO RIVER AUTHORITY GRANT FOR THE JACOB'S WELL PROJECT IN THE AMOUNT OF \$53,223.00 AND AMEND THE BUDGET ACCORDINGLY**

On May 24, 2011 Commissioners Court approved an Interlocal Cooperation contract between the City of Woodcreek, the Lower Colorado River Authority (LCRA), and the County to accept responsibilities for, and the remainder of, LCRA grant funds awarded for development of the Jacob's Well project. The amount of these remaining funds was \$ 53,223.00 as stated in the agreement, to be transferred from Woodcreek to the County. The purpose of this item is to accept the check from Woodcreek in the above-stated amount and amend the budget to accept for these funds. No matching funds required to 001-899-99-407.4304 A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to accept funds from the City of Woodcreek associated with the Lower Colorado River Authority grant for the Jacob's Well project in the amount of \$53,223.00 and amend the budget accordingly. All voting "Aye". MOTION PASSED

**28202 AMEND THE BUDGET IN GENERAL FUND OF THE TAX OFFICE TO PURCHASE TRUTH IN TAXATION SOFTWARE**

The Tax Office needs to order in taxation software update. Amount required is \$748.00 to 001-619-00.5718 Software from 001-619-00.5212 Postage. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to amend the Budget in General Fund of the Tax Office to purchase Truth in Taxation software. All voting "Aye". MOTION PASSED

**28203 APPROVE SPECIFICATIONS FOR RFP #2011-P16 "AUDIT FOR HAYS COUNTY" AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSALS AND ADVERTISE**

County Government requires the expertise of outside service organizations for technical and /or management assistance. Texas law requires County Commissioners Court to engage an outside accounting firm to audit the County's financial statements and internal controls. The purpose of the external audit is to examine and report on the various funds and account groups and account groups of Hays County, as required by Section 115.031 of the Texas Local Government Code. The ultimate objective of the audit will be to render opinions of Hays County financial statements based on the facts and circumstances at the date of the audit. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve specifications for RFP #2011-P16 "Audit for Hays County" and authorize Purchasing to solicit for proposals and advertise. All voting "Aye". MOTION PASSED

**28204 APPROVE UTILITY PERMITS**

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve utility permit #831 on Dacy Lane, permit #832 on Mathis Lane issued to Goforth Special Utility District, utility permit #833 on Martin Road, utility permit # 834 on Dacy Lane issued to Pedernales Electric, and utility permit # 835 on Beauchamp Road to Verizon as submitted by the County Road Department. All voting "Aye". MOTION PASSED

**28205 APPROVE ASSET TRANSFER REQUESTS FOR (2) VEHICLES FROM THE SHERIFF'S OFFICE TO THE INVESTIGATOR'S OFFICE OF THE CRIMINAL DISTRICT ATTORNEY**

The following vehicles have been requested for transfer from the Sherriff's Office to the Investigator's Office of the Criminal District Attorney a 2002 Crown Victoria serial #2FAFP71W52X138225 and a 2002 Crown Victoria serial #2FAFP71W72X138226 these two vehicles will replace a 1995 Crown Victoria serial #2FLAP71W95X185583 and a 1998 Malibu serial #1GND52M9W4164972 that will be auctioned. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve asset transfer requests for (2) vehicles from the Sheriff's Office to the Investigator's Office of the Criminal District Attorney. All voting "Aye". MOTION PASSED



JULY 12, 2011

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**28206 APPROVE THE APRIL 2011 AND MAY 2011 TREASURER'S REPORTS AND INVESTMENT REPORT**

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve the April 2011 and May 2011 Treasurer's Reports and Investment Reports. All voting "Aye". MOTION PASSED

**28207 ACCEPT CONTRIBUTIONS FOR THE HISTORICAL COMMISSION-DOCUMENTARIES AND AMEND THE BUDGET FOR USE OF THOSE FUNDS FOR DIRECT EXPENSES RELATED TO THE PROJECT AND AMEND BUDGET ACCORDINGLY**

The Historical Commission has received donations for the Parks Johnson documentary. These funds will be used for the production and distribution of the Parks Johnson DVD's. No matching county funds needed. Amount required \$15,000.00 to 001-676-00-055.4610 contributions. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to accept contributions for the Historical Commission Documentaries and amend the budget for use of those funds for direct expenses related to the project and amend budget accordingly. All voting "Aye". MOTION PASSED

**28208 HOLD A PUBLIC HEARING AND ESTABLISH TRAFFIC REGULATIONS (SPEED LIMIT) ON POSEY ROAD BETWEEN RAILROAD TRACKS AND HUNTER ROAD IN PCT. 1**

Judge Cobb opened the public hearing. No public input was received. Public hearing was closed. Transportation Director Jerry Borcharding gave staff recommendation. This is for a 25 MPH speed limit on Posey Road from railroad tracks, west to Hunter Road. There is a daycare facility on this portion of the roadway which justifies the lower speed limit. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to establish the traffic regulations (25 mph speed limit) on Posey Road between railroad tracks and Hunter Road in Pct 1. All voting "Aye". MOTION PASSED

**28209 RESUBDIVISION OF LOT 5B, GREEN ACRES SUBDIVISION [11-3-3--2 LOTS] HOLD PUBLIC HEARING AND APPROVE FINAL PLAT**

Judge Cobb opened the public hearing. No public input was received. Public hearing was closed. Clint Garza Development Services Director gave staff recommendation. Lot 5B is 6.50 acres as platted but the proposed configuration will divide the property into two 3.25 acre lots. Both lots will be served by Wimberley Water Supply Corporation and individual on-site sewage facilities. A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve plat of resubdivision of Lot 5B, Green Acres Subdivision. All voting "Aye". MOTION PASSED

**28210 RESUBDIVISION OF LOTS 103 AND 104, ROLLING OAKS SUBDIVISION, SECTION 4 [10-4-14--2 LOTS] HOLD PUBLIC HEARING AND APPROVE FINAL PLAT**

Judge Cobb opened the public hearing. No public input was received. Public hearing was closed. Clint Garza Development Services Director gave staff recommendation. The Rolling Oaks Subdivision is a recorded subdivision located off of FM 3237 in Pct 4. The property owner wishes to move the lot line dividing lot 103 (4.19 acres) and lot 104 (5.06 acres) in order to reconfigure the acreage as follows: lot 103-A, 7.26 acres; lot 104-A, 2.00 acres. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve Lots 103 and 104 in the Rolling Oaks Subdivision, Section 4. All voting "Aye". MOTION PASSED

**28211 INCREASING THE NOT-TO-EXCEED FEE AND COMPENSATION CAP ON THE LOOMIS PARTNERS PROFESSIONAL SERVICE AGREEMENT FOR NECESSARY ADDITIONAL SERVICES ON THE RM 2325 PROJECT IN PRECINCT 3**

Alan Crozier of HDR spoke of the RM 2325 project from Carney Lane to Fischer Store Rd, was identified as key project in Precinct 3 as part of the 2008 Priority Road Bond Program. The project design is complete and is currently under construction. With construction advancing, it has become necessary to supplement Loomis work authorization to provide construction phase services. These services were not included in the initial work authorization to permit development of an appropriate scope and fee for these services once it was determined who would be providing construction management/engineering services and a more accurate construction schedule was available. Construction phase services included: (1) attend construction progress meetings (2) respond to contractor requests for information (3) review contractor change order requests (4) verify/re-establish project control for initiation for construction. Funds are available within the project's bond program budget. A motion was made by Commissioner Conley, seconded by Commissioner Jones to amend the Loomis contract for \$26,500.00 in relation to RM 2325 construction phase services in Wimberley Texas. All voting "Aye". MOTION PASSED



**28212 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE PROFESSIONAL SERVICES AGREEMENT FOR THE FM 1626 NORTH PROJECT WITH REYNOLDS, SMITH AND HILLS CS, INCORPORATED (RS&H)**

Jeff Watson of HNTB spoke of Reynolds, Smith and Hills CS, Inc. is the agency to proposed to provide Construction Inspection and Materials Testing for the FM 1626 North project; The Professional Service Agreement will allow for the completion of Constructability reviews of the construction plans, documents control/records management, RFI processes, change order processes, construction oversight, material testing and survey. The not-to-be-exceeded fee for the performance of the Scope of Services described in the Agreement shall be the sum of \$1,893,982. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to table until later on in the meeting. All voting "Aye". MOTION PASSED  
A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to execute the Professional Services Agreement for the FM 1626 North Project with Reynolds, Smith and Hills CS, Incorporated (RS&H). All voting "Aye". MOTION PASSED

**28213 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH HALFF ASSOCIATES, INC. FOR LIMITED FLOOD PROTECTION PLANNING STUDIES ASSOCIATED WITH DRAINAGES IN THE LOWER COLORADO RIVER BASIN**

Jeff Hauff Grants Director spoke. On November 3, 2009 the Commissioners Court approved a grant contract with the Texas Water Development Board (TWDB) to initiate a flood protection planning study on waterways in northern Hays County that is part of the Lower Colorado River Drainage Basin. On May 4, 2010 the Commissioners Court approved agreements with the Lower Colorado River Authority and the U.S Army Corps (USACE) of Engineers to partner in funding and conducting the study, with cost sharing of 50% by the USACE. On August 10, 2010 the Commissioners Court accepted a grant award amendment increasing funding from the Texas Water Development Board necessary to complete investigations of the drainage basin. There is a small portion of the study that the USACE cannot participate in funding due to internal agency requirements, although this area was accounted for in the TWDB grant. The purpose of this agreement with Halff Associates Inc. is to complete studies of drainage segments as required under the TWDB grant scope. The total cost of the addition investigation is \$38,200.00. Halff Associates Inc. is a subcontractor to the USACE for the larger project, and it is a benefit to the County to maintain consistency with the overall study and report content to retain this firm for the associated work. The contract will be paid with funds from the grant 50% and with the County matching funds already dedicated to this project. It is anticipated that additional matching funds will be provided by those jurisdictions requesting detailed studies of local drainage areas. Amount required is \$19,100.00 matching funds allocated to TWDB grant. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the County Judge to execute a Professional Services Agreement with Halff Associates, Inc. for limited flood protection planning studies associated with drainages in the Lower Colorado River Basin. All voting "Aye". MOTION PASSED

**County Clerks Note Item # 20:** *AUTHORIZE THE COUNTY JUDGE TO APPROVE PROPOSED APPLICATION FOR PUBLIC HEALTH EMERGENCY PREPAREDNESS FUNDING FOR FY 2012 IN THE AMOUNT OF \$122,428.00- was pulled*

**28214 APPROVE THE PERSONAL HEALTH DEPARTMENT (PHD) HIRING ONE ADDITIONAL TEMPORARY STAFF FOR A SIX TO EIGHT WEEK DURATION DURING THE "BACK-TO-SCHOOL" IMMUNIZATION TIME**

Priscilla Hargraves Personal Health Director spoke of hiring a staff person who is able to administer childhood vaccines to assist existing staff during the period between July 18, 2011 through August 31, 2011. The funding for salary and benefits will be provided through the Immunization Grant program. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve the Personal Health Department hiring one additional temporary staff for the period of July 18, 2011 through August 31, 2011 during the "Back-to-School" immunization time. All voting "Aye". MOTION PASSED

**28215 PROVIDE FINANCIAL ASSISTANCE TO THE COALITION OF CENTRAL TEXAS UTILITIES DEVELOPMENT CORPORATION FOR PHASE 2 DUE DILIGENCE ON THE FINAL BID FOR THE LCRA WATER AND WASTEWATER ASSET**

Commissioner Whisenant spoke of the financial assistance to the Coalition of Central Texas. Sam Brannon made a public comment. A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to provide financial assistance to the Coalition of Central Texas Utilities Development Corporation for Phase 2 Due Diligence on the final bid for the LCRA Water and Wastewater Asset and to use funds from LCRA in the amount of \$ 46,700.00. Commissioner Jones voting "No". Commissioner Ingalsbe, Commissioner Conley, Commissioner Whisenant and Judge Cobb voting "Aye". MOTION PASSED



JULY 12, 2011

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**County Clerks Note Item # 23:** *AUTHORIZE THE COUNTY JUDGE TO EXECUTE CHANGE ORDER #1 TO THE SOLIDARITY CONTRACTING, LLC CONTRACT FOR CONSTRUCTION SERVICES RELATED TO THE LBJ MUSEUM RENOVATIONS- was pulled*

**28216 ACTION RELATED TO THE REDISTRICTING OF HAYS COUNTY COMMISSIONER PRECINCTS, INCLUDING IDENTIFYING A PROCESS FOR PUBLIC INPUT AND DEVELOPING A TIME LINE FOR PUBLIC HEARINGS**

Commissioner Conley of Precinct 3 spoke of the redistricting. Sam Brannon resident of Precinct 1 spoke. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to hold three public hearings; one on Monday July 25, 2011 at 6:00 p.m. and Tuesday August 9, 2011 at 1:30 pm and Tuesday August 16, 2011 at 1:30 pm all in the Commissioners Court Room. All voting "Aye". MOTION PASSED

**28217 APPROVE A WORK AUTHORIZATION FOR HALFF ASSOCIATES, INC. TO PROVIDE UTILITY COORDINATION AND SUBSURFACE UTILITY ENGINEERING SERVICES ON THE RM 967 AT RUBY RANCH ROAD PRIORITY ROAD BOND PROJECT LOCATED IN PRECINCT 2**

Alan Crozier of HDR spoke. The intersection of RM 967 and Ruby Ranch Road was identified as an intersection which warranted safety improvements as part of the 2008 road bond programs. However, this project was identified as one that would be authorized as funding became available. Currently design has progressed far enough to begin coordination activities with utility companies which may be impacted by the proposed project. Therefore, it is requested that the Court approve authorization of the attached Work Authorization for Halff Associates, Inc. to provide utility coordination and subsurface utility engineering on this project is attached for the Courts approval. Amount required is \$13,797.50 funds are available within the projects bond program budget. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve a Work Authorization for Halff Associates, Inc. to provide utility coordination and subsurface utility engineering services on the FM 967 at Ruby Ranch Road property using the road bond project located in Precinct 2. All voting "Aye". MOTION PASSED

**WORKSHOP DISCUSSING THE NEW TEXAS SENATE BILL 18 AND HOW IT WILL AFFECT THE ACQUISITION OF PROPERTY FOR PUBLIC PROJECTS**

Terry Morgan and Buck Ritz with HDR spoke of this new Texas Senate Bill 18 which takes in effect September 1, 2011 was passed by the Texas legislature and signed by the Governor on May 19, 2011, amends various statutes related to the scope and process of private property condemnation under the power of eminent domain. The bill also amends Vernon's Texas Civil Status regarding the power of eminent domain authority of certain charitable corporations in obtaining a residential property. Based on an analysis by state agencies, it is anticipated the bill will would result in increased costs for the acquisition of property through condemnations proceedings, especially those related to highway right-of-way projects and actions by institutions of higher education.

**28218 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: DISCUSSION OF ISSUES RELATED TO A RIGHT OF WAY ACQUISITION ON FM 1626**

Court convened into closed executive session at 12:10 p.m. and reconvened into open meeting at 12:12 p.m. In attendance were Special Counsel Mark Kennedy, Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb and Lori Bible. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Purchase Agreement as presented in the Executive Session between Hays County and Greg Land Cattle Company Ltd related to Right of Way acquisition along FM 1626. All voting "Aye". MOTION PASSED



**EXECUTIVE SESSION PURSUANT TO \$551,071 OF THE TEXAS GOVERNMENT CODE, REGARDING CIVIL ACTION NO. 1:11-CV-00145 (STYLED "ROBERT THREADGILL VS. DAVID CLAY BAIN, ET. AL.") IN THE WESTERN FEDERAL DISTRICT COURT, CIVIL ACTION NO. 1:11-CV-233-SS (STYLED "WILLIAM G., ET. AL. VS. WIMBERLEY I.S.D., ET. AL.") IN THE WESTERN FEDERAL DISTRICT COURT, AND CIVIL ACTION NO. A-11-CA-343 LY (STYLED "MARK DAVID SIMMONS V. HAYS COUNTY SHERIFF'S DEPARTMENT, ET. AL.") IN THE WESTERN FEDERAL DISTRICT COURT; AND PENDING LITIGATION RELATED THERETO**

Court convened into closed executive session at 12:30 p.m. and reconvened into open meeting at 1:30 p.m. In attendance were Special Counsel Mark Kennedy, Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Sheriff Cutler, Chief Jamie Page, Mike Shaunessy, and Brian Caddy.-No Action Taken.

#### **ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION**

At this time the Court decided to leave the burn ban in effect. Judge Cobb mention the Fireworks Ban has lapsed.

**County Clerks Note Item # 30:** DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; PRECINCT OFFICES; RESOURCES PROTECTION TRANSPORTATION AND PLANNING DEPARTMENT; AND SPACE NEEDS PROJECTIONS FOR THE HAYS COUNTY JAIL AND RELATED CRIMINAL JUSTICE ANALYSIS-**was pulled**

#### **DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR**

Jeff Watson of HNTB gave an overview of the project.

#### **28219 APPROVE HIRING, TRANSFER AND/OR PROMOTION OF VACANT POSITION(S)**

Captain Mark Cumberland of the Sheriff's Office spoke of having an opening for a Lead Dispatcher and would like to promote a current Dispatcher to a Lead Dispatcher and hire a replacement for a Dispatcher position. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to fill the Lead Dispatcher and Dispatcher openings in the Sheriff's Office. All voting "Aye". **MOTION PASSED**

Jerry Pinnix Parks Administrator would like to hire a full time Parks Attendant. This position is due to parks and soccer fields still open and other recycling projects. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to hire a vacant full time Parks Attendant. All voting "Aye". **MOTION PASSED**

**County Clerks Note Item # 33:** DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND WASTEWATER AUTHORITY AND/OR THE LCRA DIVESTITURE-**was pulled**

#### **ADJOURNMENT**

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to adjourn court.

**I, LIZ Q. GONZALEZ, 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 12, 2011.**



**LIZ Q GONZALEZ, COUNTY CLERK AND EXOFFICIO  
CLERK OF THE COMMISSIONERS' COURT OF  
HAYS COUNTY, TEXAS**

## *Agenda Item Request Form*

### **Hays County Commissioners' Court**

9:00 a.m. Every Tuesday

**Request forms are due in the County Judge's Office**

no later than **2:00 p.m.** on **WEDNESDAY.**

Phone (512) 393-2205 Fax (512) 393-2282

**AGENDA ITEM: Accept contributions for the Historical Commission-documentaries and amend the budget for use of those funds for direct expenses related to the project and amend budget accordingly.**

**CHECK ONE:**     ☒ **CONSENT**     ☐ **ACTION**     ☐ **EXECUTIVE SESSION**  
  
                    ☐ **WORKSHOP**     ☐ **PROCLAMATION**     ☐ **PRESENTATION**

**PREFERRED MEETING DATE REQUESTED: July 19, 2011**

**AMOUNT REQUIRED: \$15,000.00**

**LINE ITEM NUMBER OF FUNDS REQUIRED: 001-676-00-055.4610**

**REQUESTED BY: Kate Johnson**

**SPONSORED BY: Judge Bert Cobb, M.D.**

**The Historical Commission has received donations for the Parks Johnson documentary. These funds will be used for the production and distribution of the Parks Johnson DVD's. No matching county funds needed.**

**Budget Amendment:**

<b>Increase Revenue:</b>	<b>001-676-00-055.4610 – contributions:</b>	<b>(15,000.00)</b>
<b>Budget Expense:</b>	<b>001-676-00-055.5201 – general supplies:</b>	<b>3,000.00</b>
<b>Budget Expense:</b>	<b>001-676-00-055.5448 – contact services:</b>	<b>3,000.00</b>
<b>Budget Expense:</b>	<b>001-676-00-055.5501 – travel:</b>	<b>9,000.00</b>

**AMENDMENT  
NO.2011-034 CC  
FY2011 Budget  
7/19/2011**

**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>
<b><u>Historical Commission/Documentaries (676-00-055):</u></b>				
001-676-00.055.5201 General Supplies	2,600	3,000		5,600
001-676-00-055.5448 Contract Svcs.	16,770	3,000		19,770
001-676-00-055.5501 Travel	11,390	9,000		20,390
<b><u>Revenues</u></b>				
001-676-00-055.4610 Contributions	31,450	<u>Decreases</u>	<u>Increases</u>	
			15,000	46,450

Accept & budget donations for Parks Johnson documentary received

**Government Center Security (613):**

001-613-00.5489 Telephone	0	435		435
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**Sheriff Office (618):**

001-618-00.5206 Law Enf Supplies	87,000		(435)	86,565
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Transfer to purchase (3) cell phones from Sheriff savings

**FUND NO. 171  
FUND TITLE: LCRA SERVICE FEE FUND**

**LCRA Service Fee (691):**

171-691-00.5462 Public Notices	0	1,278		1,278
171-691-00.5301 Operating	71,273		(1,278)	69,995

Transfer for public notices ads relating to utility agency creation

ORDER AMENDING THE COUNTY OF HAYS BUDGET  
FOR FY ENDING SEPTEMBER 30, 2011

THE STATE OF TEXAS  
COUNTY OF HAYS

WHEREAS, on the 19th day of July, A.D., 2011, the Commissioners' Court of Hays County, Texas,

has determined that a need exists for the reallocation of certain appropriations included in the FY 2011 Budget in accordance with the attached list which is hereby made a part hereof. It was also determined and agreed that the need was of such a nature as to justify and require amendment of the Budget, as provided in Section 111.010(D), Local Government Code.

NOW, THEREFORE, the COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, pursuant to the authority granted to it under Section 111.010(D), Local Government Code, ORDERS that the pertinent parts of the County of Hays Budget for the Fiscal Year ending September 30, 2011 be and they are hereby amended as indicated on the attached list.

It is the further order of the COMMISSIONERS' COURT that a copy of the amendment provided herein be filed with the Clerk of the County Court of Hays County, with instructions that it be attached to the Budget originally adopted and now on file in the office of the County Clerk.

Passed by the COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, this 19th day of July, 2011

FOR ( ) \_\_\_\_\_  
AGAINST ( ) DR. BERT COBB  
ABSTAIN ( ) COUNTY JUDGE, HAYS COUNTY, TEXAS

FOR ( ) \_\_\_\_\_  
AGAINST ( ) DEBBIE GONZALES - INGALSBE  
ABSTAIN ( ) COMMISSIONER, PRECINCT 1

FOR ( ) \_\_\_\_\_  
AGAINST ( ) MARK JONES  
ABSTAIN ( ) COMMISSIONER, PRECINCT 2

FOR ( ) \_\_\_\_\_  
AGAINST ( ) WILL CONLEY  
ABSTAIN ( ) COMMISSIONER, PRECINCT 3

FOR ( ) \_\_\_\_\_  
AGAINST ( ) RAY WHISENANT  
ABSTAIN ( ) COMMISSIONER, PRECINCT 4

ATTEST: \_\_\_\_\_  
LIZ Q. GONZALEZ  
COUNTY CLERK, HAYS COUNTY, TEXAS

**DESCRIPTION OF Item:** Accept contributions for the Historical Commission-documentaries and amend the budget for use of those funds for direct expenses related to the project and amend budget accordingly.

**PREFERRED MEETING DATE REQUESTED:** July 19, 2011

**COUNTY AUDITOR**

**AMOUNT:** \$15,000.00

**LINE ITEM NUMBER:** 001-676-00-055.4610

**COUNTY PURCHASING GUIDELINES FOLLOWED:** N/A

**PAYMENT TERMS ACCEPTABLE:** N/A

**COMMENTS:** See budget amendment.

**Bill Herzog**

**SPECIAL COUNSEL**

**CONTRACT TERMS ACCEPTABLE:** \_\_\_\_\_

**COMMENTS:**

**COUNTY JUDGE**

*Signature Required if Approved*

**DATE CONTRACT SIGNED:** \_\_\_\_\_

## *Agenda Item Request Form*

### **Hays County Commissioners' Court**

9:00 a.m. Every Tuesday

**Request forms are due in the County Judge's Office**

no later than **2:00 p.m.** on **WEDNESDAY.**

Phone (512) 393-2205 Fax (512) 393-2282

**AGENDA ITEM: Amend LCRA fund for public notice related to the Public Utility Agency project.**

**TYPE OF ITEM: CONSENT**

**PREFERRED MEETING DATE REQUESTED: July 19, 2011**

**AMOUNT REQUIRED: \$1,278**

**LINE ITEM NUMBER OF FUNDS REQUIRED: 171-691-00.5462**

**REQUESTED BY: Whisenant**

**SPONSORED BY: Whisenant**

**SUMMARY:**

**Amend the LCRA Fund to cover reimbursement for two public notice ads to run in the San Marcos Daily Record submitted by Commissioner Whisenant for the public meeting related to the creation of the Public Utility Agency.**

**Budget Amendment:**

**Reduce Operating Expense: 171-691-00.5301 - (1,278)**

**Increase Public Notice: 171-691-00.5462 - 1,278**

**DESCRIPTION OF Item:** Amend LCRA fund for public notice related to the Public Utility Agency project.

**PREFERRED MEETING DATE REQUESTED:** July 19, 2011

**COUNTY AUDITOR**

**AMOUNT:** \$1,278

**LINE ITEM NUMBER:** 171-691-00.5462

**COUNTY PURCHASING GUIDELINES FOLLOWED:** N/A

**PAYMENT TERMS ACCEPTABLE:** N/A

**COMMENTS:**

**Bill Herzog**

**SPECIAL COUNSEL**

**CONTRACT TERMS ACCEPTABLE:** \_\_\_\_\_

**COMMENTS:**

**COUNTY JUDGE**

*Signature Required if Approved*

**DATE CONTRACT SIGNED:** \_\_\_\_\_

**AMENDMENT  
NO.2011-034 CC  
FY2011 Budget  
7/19/2011**

**FUND NO. 01  
FUND TITLE: GENERAL FUND**

<u>Line Item - Expenditures</u>	<u>Appropriation before Amendment</u>	<u>Amendment</u>		<u>Appropriation as Amended</u>
		<u>Increases</u>	<u>Decreases</u>	
<b><u>Historical Commission/Documentaries (676-00-055):</u></b>				
001-676-00.055.5201 General Supplies	2,600	3,000		5,600
001-676-00-055.5448 Contract Svcs.	16,770	3,000		19,770
001-676-00-055.5501 Travel	11,390	9,000		20,930
<b><u>Revenues</u></b>				
001-676-00-055.4610 Contributions	31,450	<b><u>Decreases</u></b>	<b><u>Increases</u></b>	
			15,000	46,450

Accept & budget donations for Parks Johnson documentary received

**Government Center Security (613):**

001-613-00.5489 Telephone	0	435		435
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**Sheriff Office (618):**

001-618-00.5206 Law Enf Supplies	87,000		(435)	86,565
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Transfer to purchase (3) cell phones from Sheriff savings

**FUND NO. 171  
FUND TITLE: LCRA SERVICE FEE FUND**

**LCRA Service Fee (691):**

171-691-00.5462 Public Notices	0	1,278		1,278
171-691-00.5301 Operating	71,273		(1,278)	69,995

Transfer for public notices ads relating to utility agency creation

## *Agenda Item Request Form*

### **Hays County Commissioners' Court**

9:00 a.m. Every Tuesday

**Request forms are due in the County Judge's Office**

no later than **2:00 p.m.** on **WEDNESDAY.**

Phone (512) 393-2205 Fax (512) 393-2282

**AGENDA ITEM: Increase revenue and expenditures for Juvenile Detention Operating & Grant School Lunch program and amend the budget accordingly.**

**CHECK ONE:**      ☒ **CONSENT**      ☐ **ACTION**      ☐ **EXECUTIVE SESSION**  
☐ **WORKSHOP**      ☐ **PROCLAMATION**      ☐ **PRESENTATION**

**PREFERRED MEETING DATE REQUESTED:** July 19, 2011

**AMOUNT REQUIRED:** N/A

**LINE ITEM NUMBER OF FUNDS REQUIRED:** various line items

**REQUESTED BY:** Brett Littlejohn

**SPONSORED BY:** Judge Bert Cobb, M.D.

**The FY2011 budget for the Juvenile Detention Center was budgeted using an average of 84 kids in the program. These numbers have increased to a monthly average of 96. Operating expenses have increased due to housing more juveniles. Increases in revenue will cover this amendment.**

**Detailed budget amendment attached.**

**FUND NO. 070**  
**FUND TITLE: JUVENILE CENTER**

<u>Line Item - Expenditures</u>	<u>Appropriation before Amendment</u>	<u>Amendment</u>		<u>Appropriation as Amended</u>
		<u>Increases</u>	<u>Decreases</u>	
<b><u>Juvenile Center (685):</u></b>				
070-685-00.5011 Dept Head	64,671	485		65
070-685-00.5021 Staff	1,836,720	340,000		2,176,720
070-685-00.5101_100 Fica	117,856	23,000		140,856
070-685-00.5101_200 Medicare	27,577	5,500		33,077
070-685-00.5101_300 Retirement	196,939	41,000		231,939
070-685-00.5448 Contract Svcs.	245,000	8,000		253,000
070-685-00.5452 Trash Hauling	5,000	1,000		6,000
070-685-00.5473 Eqpt Lease	6,500	1,700		8,200
070-685-00.5551 Continuing Ed.	4,000	950		4,950
070-685-00.5091 Sal Adj	41,896		(41,896)	0
070-685-00.5431 Medical Svcs.	7,000		(5,000)	2,000
070-685-00.5489 Telephone	25,000		(5,000)	20,000
<b><u>Revenue</u></b>		<b><u>Decreases</u></b>	<b><u>Increases</u></b>	
070-658-00.4301 Intergovernmental	3,438,300		369,739	3,808,039
		<b><u>421,635</u></b>	<b><u>421,635</u></b>	
<b><u>Juvenile Center/School Lunch Program (685-99-017):</u></b>				
070-685-99-017.5208 Janitorial Supplies	6,000	5,000		11,000
070-685-99-017.5232 Meal Supplies	155,931	40,000		195,931
<b><u>Revenue</u></b>		<b><u>Decreases</u></b>	<b><u>Increases</u></b>	
070-685-99-017.4301 Intergovernmental	120,000		45,000	165,000

Transfer for needed items from budgeted revenues

## *Agenda Item Request Form*

### **Hays County Commissioners' Court**

9:00 a.m. Every Tuesday

**Request forms are due in the County Judge's Office**

no later than **2:00 p.m.** on **WEDNESDAY.**

Phone (512) 393-2205 Fax (512) 393-2282

**AGENDA ITEM:** Approval to allow the Texas Dept. of Transportation to award the RM 12 at Sports Park Drive to the low bidder, Asphalt Paving Company of Austin.

**TYPE OF ITEM:** Consent

**PREFERRED MEETING DATE REQUESTED:** July 19, 2011

**AMOUNT REQUIRED:** \$400,000

**LINE ITEM NUMBER OF FUNDS REQUIRED:** 2008 Road Bond Program

**REQUESTED BY:** Pct. 4 Commissioner Ray Whisenant

**SPONSORED BY:** Pct 4 Commissioner Ray Whisenant

#### **SUMMARY:**

The RM 12 at Sports Park Drive project was identified by the voters as a priority safety improvement project in Precinct 4 as part of the 2008 Priority Road Bond Program. The project design is complete and is currently awaiting award to the low bidder pending approval by the Commissioner's Court.

As per the Advanced Funding Agreement between the Texas Department of Transportation (TxDOT) and the County, TxDOT is required to obtain approval from the County prior to awarding a contract to the low bidder if the bid is more than 20% above the latest design Engineer's estimate.

Current Engineer's estimate is \$317,107.12. Low bidder was Asphalt Paving Company of Austin at \$400,000. Approximately 26% over the Engineer's estimate.

Five other bids were received and ranged from \$405,162 to \$507,979.

It should be noted that although the low bidder was above the Engineer's estimate, it is still well below the construction amount identified in the Advanced Funding Agreement (\$585,000) as well as the amount programmed for construction of the project in the road bond program.

After further review of the bids, TxDOT and the GEC do not expect a significant change in bids should this project be re-let and recommend approval by the Court.

**DESCRIPTION OF Item:** Approval to allow the Texas Dept. of Transportation to award the RM 12 at Sports Park Drive to the low bidder, Asphalt Paving Company of Austin.

**PREFERRED MEETING DATE REQUESTED:** July 19, 2011

**COUNTY AUDITOR**

**AMOUNT:** \$400,000

**LINE ITEM NUMBER:** 2008 Road Bond Program

**COUNTY PURCHASING GUIDELINES FOLLOWED:** Yes

**PAYMENT TERMS ACCEPTABLE:** Yes

**COMMENTS:**

**Bill Herzog**

**SPECIAL COUNSEL**

**CONTRACT TERMS ACCEPTABLE:** \_\_\_\_\_

**COMMENTS:**

**COUNTY JUDGE**

*Signature Required if Approved*

**DATE CONTRACT SIGNED:** \_\_\_\_\_

## *Agenda Item Request Form*

### **Hays County Commissioners' Court**

9:00 a.m. Every Tuesday

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no later than 2:00 p.m. on WEDNESDAY.

Phone (512) 393-2205 Fax (512) 393-2282

#### **AGENDA ITEM:**

**11-3-13 Resubdivision of Lot 6, Thompson Ranch Estates (2 lots). Hold public hearing; discussion and possible action to approve final plat.**

**TYPE OF ITEM: ACTION**

**PREFERRED MEETING DATE REQUESTED: July 19, 2011**

**AMOUNT REQUIRED: N/A**

**LINE ITEM NUMBER OF FUNDS REQUIRED: N/A**

**REQUESTED BY: Roxie Botkin**

**SPONSORED BY: Precinct 3 Commissioner Will Conley**

#### **SUMMARY:**

Thompson Ranch Estates is a 16 lot subdivision located off of Wayside Drive in Precinct 3. The owner of lot 6 wishes to divide the 9.98 acre lot into two new parcels. The new configuration will consist of the following: Lot 6-A 3.98 ac; Lot 6-B 6 ac.

Lot 6-A is currently served by a private well and an on-site sewage facility. Lot 6-B will utilize a private well and OSSF at the time of development.

A SUBMISSION IN HAYS COUNTY, TEXAS  
VOLUME 1, PAGE 351, HAYS COUNTY PLAT RECORDS

## Driftwood Surveying

2005-05-10

**THE UNIVERSITY OF CHICAGO**

**VICINITY MAP**

## *Agenda Item Request Form*

### **Hays County Commissioners' Court**

9:00 a.m. Every Tuesday

**Request forms are due in the County Judge's Office**

no later than **2:00 p.m.** on **WEDNESDAY.**

Phone (512) 393-2205 Fax (512) 393-2282

#### **AGENDA ITEM:**

**11-1-19 Amending Plat of Lots 22 and 23 Southridge Estates Subdivision (2 lots). Discussion and possible action to consider approve preliminary plan; call for public hearing on August 16, 2011.**

**TYPE OF ITEM: ACTION**

**PREFERRED MEETING DATE REQUESTED: July 19, 2011**

**AMOUNT REQUIRED: N/A**

**LINE ITEM NUMBER OF FUNDS REQUIRED: N/A**

**REQUESTED BY: Clint Garza**

**SPONSORED BY: Precinct 1 Commissioner Debbie Ingalsbe**

#### **SUMMARY:**

Southridge Estates is an 88 lot subdivision located off of Centerpoint Road in Precinct 1. Although the subdivision was platted in 1976, numerous changes have taken place and there are only 45 total owners within the entire division. The owner of lot 23 wishes to divide the lot into 2 new lots resulting in a 1.036 Ac Lot ( 23A) and a .50 Ac. Lot (23B). In addition to the subdivision, the owner of lot 23 owns a portion of lot 22. At the time Lot 22 was divided by metes and bounds, the resulting tract (.39Ac.) was too small for an on-site sewage facility. Although the current owner of Lot 23 did not divide the original portion she has agreed to convey .11 acres to the neighboring lot owner to not only correct the platting errors but also ensure the lot had sufficient acreage to be granted a permit in the future.

Lot 22 and 23A will be served by existing permitted OSSF's and public surface water supply. Lot 23B will be served by an advanced OSSF and public water supply once its developed.



## *Agenda Item Request Form*

### **Hays County Commissioners' Court**

9:00 a.m. Every Tuesday

**Request forms are due in the County Judge's Office**

no later than 2:00 p.m. on WEDNESDAY.

Phone (512) 393-2205 Fax (512) 393-2282

**AGENDA ITEM: Discussion and Possible action to authorize the purchase of security equipment for the Hays County Government Center.**

**CHECK ONE:**    ☐ **CONSENT**    ☒ **ACTION**    ☐ **EXECUTIVE SESSION**  
                    ☐ **WORKSHOP**    ☐ **PROCLAMATION**    ☐ **PRESENTATION**

**PREFERRED MEETING DATE REQUESTED: July 19, 2011**

**AMOUNT REQUIRED: \$79,148.00 (Budgeted within total Project Cost)**

**LINE ITEM NUMBER OF FUNDS REQUIRED: See budget below**

**REQUESTED BY: Ingalsbe**

**SPONSORED BY: Ingalsbe**

#### **SUMMARY:**

**This is the equipment that has been identified that will stay at the Government Center and not rotate around the county.**

**Less Lethal Shotgun – 005-850-94-489.5717**

**Key Warden - 005-850-94-489.5719**

**PD140 Hand Held Metal Detector - 005-850-94-489.5717**

**HIPE-Multi-zone with Zone Detection - 005-850-94-489.5719**

**Optional Traffic Counter with Analysis Software - 005-850-94-489.5719**

**Hi-Scan 6040ds High Performance X-Ray - 005-850-94-489.5719**

**Training and Testing Software (OTS Xtrain) - 005-850-94-489.5718**

**1 Meter Entry/Exit Table - 005-850-94-489.5711**

**2 Meter Entry/Exit Table - 005-850-94-489.5711**

**Secureit Model 84 Tactical Weapons Rack - 005-850-94-489.5717**

**EV48L4S All Terrain Vehicle - 005-850-94-489.5713**

## Security Equipment Estimates

Less Lethal Shotgun	2	\$	605.00	\$	1,210.00
Key Warden	1	\$	6,679.00	\$	6,679.00
PD140 Hand Held Metal Detector	6	\$	158.00	\$	948.00
HIPE-Multizone with Zone Detection	2	\$	4,032.00	\$	8,064.00
Optional Traffic Counter with Analysis Software	2	\$	388.00	\$	776.00
Hi-Scan 6040ds High Performance X-Ray	2	\$	21,604.00	\$	43,208.00
Training and Testing Software (OTS Xtrain)	1	\$	1,800.00	\$	1,800.00
1 Meter Entry/Exit Table	2	\$	950.00	\$	1,900.00
2 Meter Entry/Exit Table	2	\$	1,400.00	\$	2,800.00
Secureit Model 84 Tactical Weapons Rack	1	\$	2,339.00	\$	2,339.00
EV48L4S All Terrain vehicle	1	\$	9,424.00	\$	9,424.00
<b>Total Funded from Gov. Center Project Budget</b>					<b>\$ 79,148.00</b>

## *Agenda Item Request Form*

### **Hays County Commissioners' Court**

9:00 a.m. Every Tuesday

**Request forms are due in the County Judge's Office**

no later than **2:00 p.m.** on **WEDNESDAY.**

Phone (512) 393-2205 Fax (512) 393-2282

**AGENDA ITEM: Discussion and possible action to authorize the purchase of 3 cell phones and service for the Security Personnel at the Hays County Government Center.**

**CHECK ONE:**      ☐ **CONSENT**      ☒ **ACTION**      ☐ **EXECUTIVE SESSION**  
☐ **WORKSHOP**      ☐ **PROCLAMATION**      ☐ **PRESENTATION**

**PREFERRED MEETING DATE REQUESTED: July 19, 2011**

**AMOUNT REQUIRED: \$435.00**

**LINE ITEM NUMBER OF FUNDS REQUIRED: 001-613-00.5489**

**REQUESTED BY: Ronnie Strain**

**SPONSORED BY: Debbie Ingalsbe**

**SUMMARY: Please refer to detailed summary.**

**This is to purchase 3 cell phones for officers at the Hays County Government Center. Funds have been identified in the Sheriff's Office Operating, law enforcement supplies to cover this.**

**Budget Amendment:**

**Decrease – Sheriff's Operating    001-618-00.5206 - (\$435.00)**

**Increase – Government Security    001-613-00.5489 - \$435.00**

**DESCRIPTION OF Item:** Discussion and possible action to authorize the purchase of 3 cell phones and service for the Security Personnel at the Hays County Government Center.

**PREFERRED MEETING DATE REQUESTED:** July 19, 2011

**COUNTY AUDITOR**

**AMOUNT:** \$435.00

**LINE ITEM NUMBER:** 001-613-00.5489

**COUNTY PURCHASING GUIDELINES FOLLOWED:** N/A

**PAYMENT TERMS ACCEPTABLE:** N/A

**COMMENTS:** See budget amendment.

**Bill Herzog**

**SPECIAL COUNSEL**

**CONTRACT TERMS ACCEPTABLE:** \_\_\_\_\_

**COMMENTS:**

**COUNTY JUDGE**

*Signature Required if Approved*

**DATE CONTRACT SIGNED:** \_\_\_\_\_

**FUND NO. 01  
FUND TITLE: GENERAL FUND**

<u>Line Item - Expenditures</u>	<u>Appropriation before Amendment</u>	<u>Amendment</u>  <u>Increases</u>	<u>Decreases</u>	<u>Appropriation as Amended</u>
<b><u>Historical Commission/Documentaries (676-00-055):</u></b>				
001-676-00.055.5201 General Supplies	2,600	3,000		5,600
001-676-00-055.5448 Contract Svcs.	16,770	3,000		19,770
001-676-00-055.5501 Travel	11,390	9,000		20,930
<b><u>Revenues</u></b>		<b><u>Decreases</u></b>	<b><u>Increases</u></b>	
001-676-00-055.4610 Contributions	31,450		15,000	46,450

Accept & budget donations for Parks Johnson documentary received

**Government Center Security (613):**

001-613-00.5489 Telephone	0	435	435
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**Sheriff Office (618):**

001-618-00.5206 Law Enf Supplies	87,000	(435)	86,565
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Transfer to purchase (3) cell phones from Sheriff savings

**FUND NO. 171  
FUND TITLE: LCRA SERVICE FEE FUND**

**LCRA Service Fee (691):**

171-691-00.5462 Public Notices	0	1,278	1,278
171-691-00.5301 Operating	71,273	(1,278)	69,995

Transfer for public notices ads relating to utility agency creation

Commissioner

I am looking at adding cell phones for the supervisors at the Government Center. Total cost is \$1740 per year or \$145 month. I would like to budget this amount for next year, and ask for \$435 now to cover July, August, and September. I would like to see if this can be placed on an agenda item for Commissioners Court.

Cell phones have become common place and are often necessary for supervisors to carry out the responsibilities of their positions in an effective manner. On call after hours; supervisors on call will need to be contacted quickly. For urgent situations that may arise, time is critical and a cell phone will help you contact that supervisor quickly. The lack of ready access to a standard phone when a supervisor is away from the office can create problems when an officer needs an answer in a timely manner. A Cell phone during critical incidents involving building evacuations etc is very important to communicate with responding agencies and department heads. Supervisors work a significant amount of time away from an office environment. Travel between the Government Center and the Sheriff's Office. All these things require for use of a cell phone.

The cost for the service is outlined below.

The monthly service for your phone's data service is \$45 and \$34 voice (you are on a 200min tier) + \$10 unl txt brings the total to \$89 however we receive a government contract discount, brings the monthly service for your iphone to around \$75/mo.

Sgt Hall's and Sgt Smith this is based on a 100 minute tier @ \$30/mo (we get a monthly discount) so the actual price is \$22.20 for voice + \$10 unlimited texting = \$32.20.

Total is \$1740 per year or \$145 month. I would like to budget this amount for next year, and ask for \$435 now to cover July, August, and September.

Please let me know if this can be placed on the agenda and I will get a agenda request to you.

## *Agenda Item Request Form*

### **Hays County Commissioners' Court**

9:00 a.m. Every Tuesday

**Request forms are due in the County Judge's Office**

no later than **2:00 p.m.** on **WEDNESDAY.**

Phone (512) 393-2205

**AGENDA ITEM:** Discussion and possible action to re-assign the responsibilities of compliance and collections for Hays County Courts-at-Law #1 and #2 from the Compliance and Collections department to the County Courts-at-Law.

<b>CHECK ONE:</b>	<b>CONSENT</b>	<input checked="" type="checkbox"/> <b>ACTION</b>	<b>EXECUTIVE SESSION</b>
	<b>WORKSHOP</b>	<b>PROCLAMATION</b>	<b>PRESENTATION</b>

**PREFERRED MEETING DATE REQUESTED:** July 19, 2011

**AMOUNT REQUIRED:**

**LINE ITEM NUMBER OF FUNDS REQUIRED:**

**REQUESTED BY:**

**SPONSORED BY:** Cobb

Options will be presented for Compliance and Collections alternatives for Hays County Courts-at Law #1 and #2.

## *Agenda Item Request Form*

### **Hays County Commissioners' Court**

9:00 a.m. Every Tuesday

**Request forms are due in the County Judge's Office**

no later than 2:00 p.m. on WEDNESDAY.

Phone (512) 393-2205 Fax (512) 393-2282

**AGENDA ITEM:** Discussion and possible action to approve a resolution accepting the supplemental contractual agreement for right of way procurement by a local government and authorize the County Judge to execute said agreement.

**TYPE OF ITEM:** Discussion / Approval

**PREFERRED MEETING DATE REQUESTED:** July 19, 2011

**AMOUNT REQUIRED:** N/A

**LINE ITEM NUMBER OF FUNDS REQUIRED:** N/A

**REQUESTED BY:** Pct. 3 Commissioner Will Conley

**SPONSORED BY:** Pct 3 Commissioner Will Conley

**SUMMARY:**

On August 19, 2009 the County entered into an agreement with the State for the reimbursement of right of way acquisition costs associated with the RM 12 road bond project from FM 3407 (Wonder World Drive) to RM 32. This agreement, which terminated on August 31, 2009, reimbursed the County for 90% of the ROW acquisition costs incurred up to the termination date. Total reimbursement to the County under the initial agreement was \$670,174.20.

Recently the State has determined that there will be funds available for additional reimbursements to the County for right of way acquired by the County on RM 12 and has agreed to supplement the original agreement to extend the termination date to August 31, 2001 and increase the State maximum participation amount to \$1,500,000.

Current additional right of way acquisitions eligible for reimbursement under the supplemental agreement total approximately \$284,000.

Attached is the Supplemental Contractual Agreement For Right Of Way Procurement – Local Government for the Court's review and approval.



# Texas Department of Transportation

P.O. DRAWER 15426 • AUSTIN, TEXAS 78761-5426 • (512) 832-7000

July 1, 2011

Hand Delivered

Austin District  
RM 12 – Hays County  
RCSJ: 0285-03-049  
CCSJ: 0285-03-032  
Limits: From: FM 32  
To: Proposed FM 3407

The Honorable Bert Cobb, M.D.  
Hays County Judge  
111 E. San Antonio, Ste 300  
San Marcos 78666

Dear Honorable Judge Cobb:

This letter concerns the acquisition of additional land needed to improve highway RM 12 from FM 32 to proposed FM 3407, in Hays County. Blank contracts are attached. Please review and consider the information, and contact us when a decision is reached. We will need the following to continue the right of way acquisition process:

1. Four (4) executed originals of "Supplemental Contractual Agreement for Right of Way Procurement – Local Government"
2. Ordinance or Resolution of the City Council (County Commissioners)
3. Grant of signature authority to the person(s) signing the Agreement so stated in the Resolution or Ordinance

We appreciate your cooperation and look forward to working with you. Please contact Laura Nelson at (512) 832-7024 if you have any questions, or require additional information.

Sincerely,



Nelda R. Eureste  
Right of Way Manager  
South Region

Enclosures: "Agreement to Contribute Funds – Local Government"

cc: Carlos Lopez, P.E. – Austin District Engineer  
Pat Crews-Weight

THE TEXAS PLAN  
REDUCE CONGESTION • ENHANCE SAFETY • EXPAND ECONOMIC OPPORTUNITY • IMPROVE AIR QUALITY  
INCREASE THE VALUE OF OUR TRANSPORTATION ASSETS

*An Equal Opportunity Employer*

**SUPPLEMENTAL CONTRACTUAL AGREEMENT  
 FOR RIGHT OF WAY PROCUREMENT – LOCAL GOVERNMENT**

<b>THE STATE OF TEXAS</b>   <b>COUNTY OF TRAVIS</b>	§ § §	County: <u>Hays</u> Construction CSJ: <u>0285-03-032</u> ROW CSJ No.: <u>0285-03-049</u> ROW Account No.: _____ Highway: <u>RM 12</u>
--	-------------	---

This supplemental agreement by and between the State of Texas, acting by and through the Texas Department of Transportation, hereinafter called the **State**, and Hays County, Texas, acting by and through its duly authorized official pursuant to an Ordinance or Order dated the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, hereinafter called the **Local Government**, shall be effective on the date of approval and execution by and on behalf of the **State**.

**WHEREAS**, the **State** and the **Local Government** have previously entered into a Contractual Agreement for Right of Way Procurement (hereafter referred to as "Original Agreement") effective August 19, 2009 with regard to acquisition of right of way on the following indicated highway project limits:

From: F.M. 32  
 To: Proposed F.M. 3407; and

**WHEREAS**, it is mutually desired by the **Local Government** and the **State** to modify said Original Agreement in order to implement certain changes;

**NOW, THEREFORE**, in consideration of the foregoing premises and the mutual benefits to be derived therefrom, the Original Agreement is hereby modified as follows:

As of the effective date of this supplemental agreement,  
 TxDOT will not participate financially or otherwise in any eligible costs incurred by Hays County not properly invoiced by the close of business August 31, 2011, including but not limited to, appraisal, acquisition, relocation, reimbursable utilities, and related Right of Way costs. State's participation shall not exceed \$1,500,000.

Except as specifically modified hereby, the provisions of the Original Agreement shall continue in full force and effect.

**LOCAL GOVERNMENT**

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**EXECUTION RECOMMENDED:**

By: \_\_\_\_\_  
District Engineer

**THE STATE OF TEXAS**

Executed and approved for the Texas  
Transportation Commission for the purpose  
and effect of activating and/or carrying out  
the orders, established policies or work  
programs heretofore approved and  
authorized by the Texas Transportation  
Commission.

By: \_\_\_\_\_  
John P. Campbell, P.E.  
Director, Right of Way Division

Date: \_\_\_\_\_

## *Agenda Item Request Form*

### **Hays County Commissioners' Court**

9:00 a.m. Every Tuesday

**Request forms are due in the County Judge's Office**

no later than **2:00 p.m.** on **WEDNESDAY.**

Phone (512) 393-2205 Fax (512) 393-2282

**AGENDA ITEM:**

Discussion and possible action to approve the Personal Health Department (PHD) applying to the National Health Service Corps (NHSC) for the San Marcos and Kyle clinics to be designated as NHSC clinical sites.

**CHECK ONE:**      **CONSENT**      ☒ **X ACTION**      ☐ **EXECUTIVE SESSION**

☐ **WORKSHOP**      ☐ **PROCLAMATION**      ☐ **PRESENTATION**

**PREFERRED MEETING DATE REQUESTED:** July 19, 2011

**AMOUNT REQUIRED:** N/A

**LINE ITEM NUMBER OF FUNDS REQUIRED:**

**REQUESTED BY:** Priscilla Hargraves

**SPONSORED BY:** Bert Cobb

**SUMMARY:** Membership in the NHSC provides the following benefits: the PHD would be better able to recruit and retain providers by offering an opportunity for them to participate in loan repayment; access to free and unlimited postings of open job opportunities; availability of linkages to academic institutions and other organizations to support recruitment efforts; and access to networking opportunities with other NHSC sites and clinicians.

The PHD also requests approval of the attached sliding scale fee schedule. This does not represent a change for the Family Clinic, but is a change for the Women's Health and Well Child Departments, which currently charge flat fees for services. A sliding scale fee schedule throughout the clinic is a requirement to apply for NHSC clinic status.

## NATIONAL HEALTH SERVICE CORPS NEW SITE APPLICATION

Please read "NHSC Site Application Instructions" carefully before completing this application.



NHSC USE ONLY

UDS # \_\_\_\_\_

HPSA TYPE: Primary Care

HPSA ID #/SCORE: \_\_\_\_\_

HPSA TYPE: Dental Care

HPSA ID #/SCORE: \_\_\_\_\_

HPSA TYPE: Mental Health

HPSA ID #/SCORE: \_\_\_\_\_

- I. CLINICAL SERVICE SITE INFORMATION.** *This information pertains to only the clinical service site where a National Health Service Corps (NHSC) provider(s) will serve. Organizations with more than one site (i.e. satellites) must submit a separate application for each clinical service site where the NHSC-obligated provider will practice.*

**A. Clinical Service Site Name and Location:**

Site Name: Hays County Personal Health Department

Street Address: 401 A Broadway

City: San Marcos State: TX Zip Code: 78666

County: Hays

Congressional District: \_\_\_\_\_

Telephone #: 512-393-5520 Fax #: 512-393-5530

E-mail Address: \_\_\_\_\_

Web Address: www.co.hays.tx.us

**Mailing Address (Provide only if different from above)**

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

**B. Points of Contact:**

NHSC Clinical Service Site Contact: *This is the person who has the authority and is responsible for signing the NHSC Site Agreement and can ensure compliance and oversight.*

**1. Primary Contact (i.e., Ms. Jane Doe, Human Resources Director):**

Name: Judge Bert Cobb, M.D.

Title: County Judge

Street Address: 111 East San Antonio Street, Suite 300

City: San Marcos State: TX Zip Code: 78666

Direct Telephone Number: 512-393-2205 Fax #: 512-393-2248

E-Mail Address: bert.cobb@co.hays.tx.us

**2. Alternate Contact (i.e., Ms. Jane Doe, Human Resources Director):**

Name: Ms. Priscilla Hargraves

Title: Director - Hays County Personal Health Department

Street Address: 401 A Broadway

City: San Marcos State: TX Zip Code: 78666  
Direct Telephone Number: 512-393-5550 Fax #: 512-393-5530  
E-Mail Address: priscilla\_hargraves@co.hays.tx.us

**C. Service Site Question**

Is the site a main/administrative site or a satellite site?

Main/Administrative ☒ Satellite ☐

**II. MAIN/ADMINISTRATIVE OFFICE INFORMATION:** (Complete if applicable. Main/administrative site may be the same as the Clinical Service Site in Section I)

**A. Main/Administrative Site Name and Location:**

Site Name: Hays County Personal Health Department  
Street Address: 401 A Broadway  
City: San Marcos State: TX Zip Code: 78666  
Web Address: www.co.hays.tx.us

**Mailing Address** (Provide *only if different* from above).

Street Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

**B. Main/Administrative Site Identification Number:** (If a current NHSC member site, this is formerly known as the Uniformed Data System (UDS) Number: N/A)

**C. Point of Contact:** (i.e., Ms. Jane Doe, Human Resources Director):

Name/Title: Ms. Priscilla Hargraves  
Street Address: 401 A Broadway  
City: San Marcos State: TX Zip Code: 78666  
Main Telephone #: 512-393-5520 Fax #: 512-393-5530  
E-Mail Address: priscilla\_hargraves@co.hays.tx.us

**Mailing Address** (Provide *only if different* from above).

Street Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

**III. GENERAL QUESTIONS: CLINICAL SERVICE SITE**

**A. Is this the first time applying to become a NHSC member-site?**

Yes ☒ No ☐

**B. How long has the clinical service site been operational?** 40+ years

C. Does the site serve as a teaching facility (a teaching facility is a site that provides a formal clinical experience to a student as indicated by an agreement between the site and the student's school)? Yes ☒ No ☐

D. Please provide Group/Individual National Provider Identifier Number/s:

Medicare: 00368Y

Medicaid: 1384059-03; 04; 05; 06; 11; 10

State Children's Health Insurance: N/A

E. Does the service site provide culturally appropriate care? Yes ☒ No ☐

If yes, please provide examples:

~~Provide interpretation for Spanish & Chinese speaking clients, as well as, hearing impaired clients.~~

**F. FOR PRIVATE PRACTICE (SOLO/GROUP) ONLY:**

1. Who owns the applicant practice site? \_\_\_\_\_

2. Does the provider(s) who are seeking loan repayment have a DEA number? Yes ☐ No ☐

If yes, has/have the provider(s) ever been denied a DEA number? Yes ☐ No ☐

4. How long has the practice site been in operation at the physical location identified in Section I? \_\_\_\_\_

5. What are the practice days and hours of operations?

Mon \_\_\_\_\_ Tues \_\_\_\_\_ Wed \_\_\_\_\_ Thurs \_\_\_\_\_ Fri \_\_\_\_\_ Sat \_\_\_\_\_ Sun \_\_\_\_\_

**IV. GEOGRAPHIC LOCATION OF SITE:** (See Site Instructions for definitions.)

Urban ☒ Rural ☐ Frontier ☐

**V. CLASSIFICATION OF SERVICE SITE:**

Private Non-Profit ☐

Private For-Profit ☐

Public: Fed ☐ State ☐ City ☐ Local ☐ County ☒

**VI. SITE TYPE** (Place an "X" on the clinical service site's type. See instructions for descriptions of type of practices.)

\_\_\_\_\_ **Federally Qualified Health Center**  
(FQHC)

\_\_\_\_\_ **Federally Qualified Health Center Look-  
Alike**

\_\_\_\_\_ **Community Health Center**  
(CHC)

\_\_\_\_\_ **Rural Health Clinic (RHC)**

\_\_\_\_\_ **Migrant Health Center**

\_\_\_\_\_ **Private Practice (Solo/Group)**

\_\_\_\_\_ **Homeless Program**

\_\_\_\_\_ **Public Housing Program**

\_\_\_\_\_ **School-Based Program**

**Correctional Facility**

☐ Federal Bureau of Prisons (BOP)  
☐ State Correctional Facility

**Other Health Facility**

☐ Community Outpatient Facility  
☐ Community Mental Health Facility  
☒ State and County Health Dept. of Health Clinic  
☐ Immigration and Customs Enforcement (ICE) Health Services Corps (IHSC)  
☐ Free Clinic  
☐ Mobile Unit

**Hospital Affiliated Primary Care Outpatient Clinic**

☐ Critical Access Hospital (CAH) (affiliated with a qualified outpatient clinic)

**Indian Health Service, Tribal Clinic, and Urban Indian Health Clinic (ITCU)**

☐ Federal Indian Health Service  
☐ Tribal Health Clinic  
☐ Urban Indian Health Program  
☐ Dual Funded (Tribal Health Clinic and FQHC 330 Funded)

**VII. ADDITIONAL CONTACTS:**

**A. Human Resources/Recruitment Contact:** *The person who will receive resumes and important NHSC correspondences. This information must be accurate and will be posted on the NHSC Job Opportunities List as the person to call regarding site information and job opportunities at the site.*

*If same as the clinical service site contact in Section IB, check here ☐ and skip to section B.*

**1. Primary (i.e., Ms. Jane Doe, Human Resources Director):**

Name: Ms. Dee Dee Baen

Title: Human Resources Director

Street Address: 111 East San Antonio Street, Suite 201

City: San Marcos

State: TX

Zip Code: 78666

Main Telephone #: 512-393-2215

Fax #: 512-393-2227

E-Mail Address: deedee.baen@co.hays.tx.us

**2. Alternate (i.e., Ms. Jane Doe, Human Resources Director):**

Name: Ms. Susan Davis

Title: Human Resources Generalist

Street Address: 111 East San Antonio Street, Suite 201

City: San Marcos

State: TX

Zip Code: 78666

Main Telephone #: 512-393-2232

Fax #: 512-393-2227

E-Mail Address: susan.davis@co.hays.tx.us

**B. NHSC Site Survey Contact:** *The person responsible for the completion and submission of the NHSC Site Survey, formerly known as the UDS Report. The NHSC Site Survey collects data such as patient demographics, services provided, staffing, payor mix, etc. Communication will be sent directly to the NHSC Site Survey Contact when it becomes available.*

Name: Ms. Glenda Walton

Title: Administrative Assistant II

Street Address: 401 A Broadway

City: San Marcos

State: TX

Zip Code: 78666

Main Telephone #: 512-393-5520

Fax #: 512-393-5530

E-Mail Address: glenda\_walton@co.hays.tx.us

## **VIII. SUPPORTING DOCUMENTS**

### **Required documentation for all Site Applicants:**

- Sliding Fee Schedule.
- Proof of Practice (commercial lease agreement, state facilities license, accreditation certificate from the Joint Commission or accreditation by the Association of Ambulatory Health Care, articles of incorporation, or business license).
- Recruitment and retention plan (if available).
- Proof of appropriate referral for ancillary, specialty, and inpatient care (MOU, letter from specialty care facility/provider, proof of hospital admitting privileges, etc.).

**In addition to the documents listed above, Private Practice Applicants are also required to provide as follows:**

- Patient billing history for past 4 months from Medicare, Medicaid, and SCHIP.
- Curriculum Vitae (submit for each member of the solo or group practice).
- Current license to practice.

**IX. STAFFING LEVELS:** (please see Site Application Instructions, page 8 for detailed instructions)

Approved Primary Care Disciplines and Specialties	Number of Filled Positions or Staff (Indicate if each position is a FTE or what percentage (%) at the site)	Number of Open Vacancies (number of open positions at the site)	Number of Open Vacancies to be Posted on the NHSC Job Opportunities List (JOL) (number of open positions you request to be posted on the JOL Web site)
<b>PRIMARY CARE PHYSICIANS</b>			
Family Practice			
Family Practice w/OB Requirement			
Internal Medicine/Geriatrics			
Pediatricians			
Obstetrician/Gynecologists			
<b>PRIMARY CARE NURSING/PHYSICIAN ASSISTANTS</b>			
Family Nurse Practitioners	2 FTE	0	0
Adult Nurse Practitioners			
Geriatric Nurse Practitioners			
Pediatric Nurse Practitioners			
Women's Health Nurse Practitioners			
Certified-Nurse Midwives			
Physician Assistants			
<b>ORAL HEALTH</b>			
General Dentists			
Pediatric Dentists			
Dental Hygienists			
<b>MENTAL &amp; BEHAVIORAL HEALTH</b>			
Psychiatrist			
Clinical Psychologist			
Physician Assistants			
Nurse Practitioner – PSY Specialty			
Psychiatric Nurse Specialists			
Licensed Clinical Social Worker	1 FTE	0	0
Licensed Professional Counselors			
Marriage & Family Therapists			

**X. NHSC SITE AGREEMENT:**

This Agreement certifies that Hays County Personal Health Department (site name indicated in Section IA of the application) meets all NHSC requirements as outlined below, and I, Judge Bert Cobb, M.D. am authorized to provide such certification for the above named site.

I certify that the site Hays County Personal Health Department (site name indicated in Section 1A of the application):

1. Is located in and treats patients from the federally-designated Health Professional Shortage Area (HPSA).
2. Does not discriminate in the provision of services to an individual (i) because the individual is unable to pay; (ii) because payment for those services would be made under Medicare, Medicaid or the Children's Health Insurance Program (CHIP); or (ii) based upon the individual's race, color, sex, national origin, disability, religion, or sexual orientation. (May or may not be applicable to Tribally Run (638) Indian Health Service sites).
  - a. Uses a schedule of fees or payments for services consistent with locally prevailing rates or charges and designed to cover the site's reasonable costs of operation. (May or may not be applicable to Tribally Run (638) Indian Health Service sites).
  - b. Uses a discounted/sliding fee schedule to ensure that no one who is unable to pay will be denied access to services. This system must provide a full discount to individuals and families with annual incomes at or below 100% of the federal poverty guidelines (only nominal fees may be charged). Therefore those with incomes between 100% and 200% of the federal poverty guideline, fees must be charged in accordance with a sliding discount policy based on family size and income. (May or may not be applicable to Tribally Run (638) Indian Health Service sites).
  - c. Makes every reasonable effort to secure payment in accordance with the schedule of fees or schedule of discounts from the patient and/or any other third party. (May or may not be applicable to Tribally Run (638) Indian Health Service sites).
  - d. Accepts assignment for Medicare beneficiaries and has entered into an appropriate agreement with the applicable State agency for Medicaid and CHIP beneficiaries. (May or may not be applicable to Tribally Run (638) Indian Health Service sites).
  - e. Prominently displays a statement in common areas (and on site's Web site if applicable) that explicitly states that (i) no one will be denied access to services due to inability to pay; and (ii) there is a discounted/sliding fee schedule available. When applicable, this statement should be translated into the appropriate language/dialect. Ensures the site will treat patients who come from or reside in a HPSA where the practice is located.
3. Provides culturally competent, comprehensive ambulatory (outpatient) primary care, dental, and mental and behavioral health care services.
4. Uses a credentialing process which, at a minimum, includes reference review, licensure verification, and a query of the National Practitioner Data Bank (NPDB) of those clinicians for whom the NPDB maintains data.
5. Functions as part of a system of care which either offers or assures access to ancillary, inpatient, and specialty referrals.
6. Adheres to sound fiscal management policies and adopts clinician recruitment and retention policies to help the patient population, the site, and the community obtain maximum benefits. Additionally, the site will maintain a copy of the current Board of Directors or Board of Owners recruitment and retention plan on site for review.
7. Maintains a clinician recruitment and retention plan (if available), keeps a current copy of the plan onsite for review, and adopts recruitment policies to maintain clinical staffing levels needed to appropriately serve the community.
8. Will not reduce the salary of NHSC clinicians because they receive or have received benefits under the NHSC Loan Repayment or Scholarship programs.
9. Requires NHSC clinicians to maintain a primary care clinical practice (full-time or half-time) as indicated in their contract with NHSC and described in part below. **The site administrator should review and know the clinician's specific service requirements.**

Time spent on call will not count toward a clinician's NHSC work hours. Participants do not receive service credit hours worked over the required hours per week, and excess hours cannot be applied to any other work week. Clinicians must apply for a suspension if their absences per year are greater than those allowed by NHSC. If a suspension is requested and approved, the participant's service obligation end date will be extended accordingly.

**Full-time** clinical practice is defined as a minimum of 40 hours per week, for a minimum of 45 weeks each service year. The 40 hours per week may be compressed into no less than 4 days per week, with no more than 12 hours of work to be performed in any 24-hour period. NHSC full-time clinicians can spend no more than 7 weeks (35 workdays) per year away from the practice for vacation, holidays, continuing professional education, illness, or any other reason. Services must be conducted during normally scheduled clinic hours in the ambulatory (outpatient) care setting for which the vacancy is approved.

**Please note that the half-time service option is available only for Corps members and not for individuals exercising the Private Practice Option** (see the NHSC Loan Repayment Application Guidance located on the NHSC Web site for more information).

**Half-Time** clinical practice is defined as a minimum of 20 hours per week (not to exceed 39 hours per week), for a minimum of 45 weeks per service year. The minimum 20 hours per week may be compressed into no less than 2 work days per week, with no more than 12 hours of work to be performed in any 24-hour period. Services must be conducted during normally scheduled clinic hours in the ambulatory (outpatient) care setting for which the vacancy is approved. Time spent on call will not count toward the minimum 20 hours per week.

For half-time clinicians with absences of greater than 142 work hours in a service year, the participant must request a suspension of the NHSC service obligation. HRSA cannot guarantee that a request for a suspension will be approved. If a suspension is requested and approved, the participant's service obligation end date will be extended accordingly.

10. Will communicate to the NHSC any change in site or clinician employment status for full-time and half-time, including moving a NHSC clinician to a satellite site for any or all of their hour work week, termination, etc.
11. Supports clinicians with funding and arrangements, including clinical coverage, for their time away from the site to attend NHSC Orientation Conference, NHSC-sponsored meetings and other continuing education programs.
12. Will maintain and make available for review by NHSC representatives all personnel and practice records associated with an NHSC clinician including documentation which contains such information that the Department may need to determine if the individual and/or site has complied with NHSC requirements.
13. Will complete and submit a NHSC Site Survey report to NHSC annually.
14. Will comply with requests for a site visit from NHSC or the State Primary Care Office with adherence to all NHSC requirements.

**Sites must meet all requirements at the time of application and must continue to meet requirements in order to maintain status as an approved NHSC clinical service site.**

*If you have questions regarding any of the requirements listed above, and/or you are a Tribally Run (638) Indian Health Service Site interested in becoming a NHSC site, please see the application instructions or call RTSC at 1 -877-313-1823 for clarification.*

The signature of the Site Official below 1) certifies that the information provided in sections I-X of this application are true and accurate, and 2) signifies that the site named in section I agrees to comply with the requirements set forth in Section X, the NHSC Site Agreement, of this application. *(Any false statement herein may be punishable as a felony under U.S. Code, Title 18, Section 1001 and subject to civil penalties under the Program Fraud Civil Remedies Act of 1986 (§45 CFR 79).*

Site Name: Hays County Personal Health Department  
Site Address: 401 A Broadway San Marcos, TX 78666  
Name of Approving Site Official: Bert Cobb, M.D.  
Title: County Judge  
Signature of Approving Site Official: \_\_\_\_\_  
Name of Organization Official: \_\_\_\_\_  
Signature of Parent Organization Official: \_\_\_\_\_  
Date: \_\_\_\_\_

## National Health Service Corps (NHSC) Site Application State Recommendation Form

9

<b>9.</b>	As a representative of the State of _____, I confirm that I have reviewed the NHSC Site Application submitted by the above referenced site and verified the following:	
	<input type="checkbox"/> Recommend approval: <ul style="list-style-type: none"> <li><input type="checkbox"/> Site has appropriate sliding fee schedule.</li> <li><input type="checkbox"/> Site has appropriate signage/posted notices.</li> <li><input type="checkbox"/> Site has verified Medicare, Medicaid, SCHIP enrollment.</li> <li><input type="checkbox"/> Site provided proof of practice.</li> <li><input type="checkbox"/> Site has referral arrangements for ancillary, specialty care and inpatient care (MOUs).</li> <li><input type="checkbox"/> Site provided recruitment and retention plan (if available).</li> </ul>	
	<input type="checkbox"/> Do not recommend approval: <ul style="list-style-type: none"> <li><input type="checkbox"/> Site is not located in a federally-designated HPSA.</li> <li><input type="checkbox"/> Site does not have a facility designation.</li> <li><input type="checkbox"/> Site is not in compliance with all NHSC site application requirements.</li> <li><input type="checkbox"/> Site did not provide PCO with documentation needed to determine eligibility/compliance.</li> <li><input type="checkbox"/> Other: _____</li> </ul>	
	<input type="checkbox"/> Referred to NHSC DRO staff for further evaluation (include brief summary in "comments" box below). <input type="checkbox"/> Recommend Site Visit	
<b>10.</b>	<b>Comments/edits to application:</b>  	
<b>11.</b>	<b>Name of PCO Director/Designee:</b> _____ <b>Phone:</b> _____	
	<b>Title of Director/Designee:</b> _____	<b>Email:</b> _____
	<b>V-Code (PIN):</b> _____	<b>Date:</b> _____
<b>12.</b>	<b>Date Received from State PCO:</b> _____	<b>Concur with Approval:</b> <input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Pending Site Visit  <b>Projected Date of Site Visit:</b> _____
	<b>Name of Reviewing DRO Analyst:</b> _____	<b>Comments:</b>  
	<b>Reviewing DRO Analyst Signature:</b> _____	<b>Date:</b> _____
	<b>Regional Supervisor Name:</b> _____	<b>Date:</b> _____
	<b>Regional Supervisor Signature:</b> _____	<b>Date:</b> _____

## NATIONAL HEALTH SERVICE CORPS NEW SITE APPLICATION

Please read "NHSC Site Application Instructions" carefully before completing this application.



NHSC USE ONLY

UDS # \_\_\_\_\_

HPSA TYPE: Primary Care

HPSA ID #/SCORE: \_\_\_\_\_

HPSA TYPE: Dental Care

HPSA ID #/SCORE: \_\_\_\_\_

HPSA TYPE: Mental Health

HPSA ID #/SCORE: \_\_\_\_\_

- I. CLINICAL SERVICE SITE INFORMATION.** *This information pertains to only the clinical service site where a National Health Service Corps (NHSC) provider(s) will serve. Organizations with more than one site (i.e. satellites) must submit a separate application for each clinical service site where the NHSC-obligated provider will practice.*

**A. Clinical Service Site Name and Location:**

Site Name: Hays County Personal Health Department

Street Address: 150 Lockhart Street

City: Kyle State: TX Zip Code: 78640

County: Hays

Congressional District: \_\_\_\_\_

Telephone #: 512-393-5520 Fax #: 512-393-5530

E-mail Address: \_\_\_\_\_

Web Address: www.co.hays.tx.us

**Mailing Address (Provide only if different from above)**

Address: 401 A Broadway

City: San Marcos State: TX Zip Code: 78666

**B. Points of Contact:**

NHSC Clinical Service Site Contact: *This is the person who has the authority and is responsible for signing the NHSC Site Agreement and can ensure compliance and oversight.*

**1. Primary Contact (i.e., Ms. Jane Doe, Human Resources Director):**

Name: Judge Bert Cobb, M.D.

Title: County Judge

Street Address: 111 East San Antonio Street, Suite 300

City: San Marcos State: TX Zip Code: 78666

Direct Telephone Number: 512-393-2205 Fax #: 512-393-2248

E-Mail Address: bert.cobb@co.hays.tx.us

**2. Alternate Contact (i.e., Ms. Jane Doe, Human Resources Director):**

Name: Ms. Priscilla Hargraves

Title: Director - Hays County Personal Health Department

Street Address: 401 A Broadway

City: San Marcos State: TX Zip Code: 78666  
Direct Telephone Number: 512-393-5550 Fax #: 512-393-5530  
E-Mail Address: priscilla\_hargraves@co.hays.tx.us

**C. Service Site Question**

Is the site a main/administrative site or a satellite site?

Main/Administrative ☐ Satellite ☒

**II. MAIN/ADMINISTRATIVE OFFICE INFORMATION:** (Complete if applicable. Main/administrative site may be the same as the Clinical Service Site in Section I)

**A. Main/Administrative Site Name and Location:**

Site Name: Hays County Personal Health Department  
Street Address: 401 A Broadway  
City: San Marcos State: TX Zip Code: 78666  
Web Address: www.co.hays.tx.us

**Mailing Address** (Provide *only if different* from above).

Street Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

**B. Main/Administrative Site Identification Number:** (If a current NHSC member site, this is formerly known as the Uniformed Data System (UDS) Number: N/A)

**C. Point of Contact:** (i.e., Ms. Jane Doe, Human Resources Director):

Name/Title: Ms. Priscilla Hargraves  
Street Address: 401 A Broadway  
City: San Marcos State: TX Zip Code: 78666  
Main Telephone #: 512-393-5520 Fax #: 512-393-5530  
E-Mail Address: priscilla\_hargraves@co.hays.tx.us

**Mailing Address** (Provide *only if different* from above).

Street Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

**III. GENERAL QUESTIONS: CLINICAL SERVICE SITE**

**A. Is this the first time applying to become a NHSC member-site?**

Yes ☒ No ☐

**B. How long has the clinical service site been operational?** 16 years

C. Does the site serve as a teaching facility (a teaching facility is a site that provides a formal clinical experience to a student as indicated by an agreement between the site and the student's school)? Yes ☒ No ☐

D. Please provide Group/Individual National Provider Identifier Number/s:

Medicare: 00368Y

Medicaid: 1384059-03; 04; 05; 06; 11; 10

State Children's Health Insurance: N/A

E. Does the service site provide culturally appropriate care? Yes ☒ No ☐

If yes, please provide examples:

~~Provide interpretation for Spanish & Chinese speaking clients, as well as, hearing-impaired clients.~~

**F. FOR PRIVATE PRACTICE (SOLO/GROUP) ONLY:**

1. Who owns the applicant practice site? \_\_\_\_\_

2. Does the provider(s) who are seeking loan repayment have a DEA number? Yes ☐ No ☐

If yes, has/have the provider(s) ever been denied a DEA number? Yes ☐ No ☐

4. How long has the practice site been in operation at the physical location identified in Section I? \_\_\_\_\_

5. What are the practice days and hours of operations?

Mon \_\_\_\_\_ Tues \_\_\_\_\_ Wed \_\_\_\_\_ Thurs \_\_\_\_\_ Fri \_\_\_\_\_ Sat \_\_\_\_\_ Sun \_\_\_\_\_

**IV. GEOGRAPHIC LOCATION OF SITE:** (See Site Instructions for definitions.)

Urban ☒ Rural ☐ Frontier ☐

**V. CLASSIFICATION OF SERVICE SITE:**

Private Non-Profit ☐

Private For-Profit ☐

Public: Fed ☐ State ☐ City ☐ Local ☐ County ☒

**VI. SITE TYPE** (Place an "X" on the clinical service site's type. See instructions for descriptions of type of practices.)

\_\_\_\_\_ **Federally Qualified Health Center**  
(FQHC)

\_\_\_\_\_ **Federally Qualified Health Center Look-Alike**

\_\_\_\_\_ **Community Health Center**  
(CHC)

\_\_\_\_\_ **Rural Health Clinic (RHC)**

\_\_\_\_\_ **Migrant Health Center**

\_\_\_\_\_ **Private Practice (Solo/Group)**

\_\_\_\_\_ **Homeless Program**

\_\_\_\_\_ **Public Housing Program**

\_\_\_\_\_ **School-Based Program**

**Correctional Facility**

☐ Federal Bureau of Prisons (BOP)  
☐ State Correctional Facility

**Hospital Affiliated Primary Care Outpatient Clinic**

☐ Critical Access Hospital (CAH)  
(affiliated with a qualified outpatient clinic)

**Other Health Facility**

☐ Community Outpatient Facility  
☐ Community Mental Health Facility  
☒ State and County Health Dept. of Health Clinic  
☐ Immigration and Customs Enforcement (ICE) Health Services Corps (IHSC)  
☐ Free Clinic  
☐ Mobile Unit

**Indian Health Service, Tribal Clinic, and Urban Indian Health Clinic (ITCU)**

☐ Federal Indian Health Service  
☐ Tribal Health Clinic  
☐ Urban Indian Health Program  
☐ Dual Funded (Tribal Health Clinic and FQHC 330 Funded)

**VII. ADDITIONAL CONTACTS:**

**A. Human Resources/Recruitment Contact:** The person who will receive resumes and important NHSC correspondences. This information **must** be accurate and will be posted on the NHSC Job Opportunities List as the person to call regarding site information and job opportunities at the site.

If same as the clinical service site contact in Section IB, check here ☐ and skip to section B.

**1. Primary (i.e., Ms. Jane Doe, Human Resources Director):**

Name: Ms. Dee Dee Baen

Title: Human Resources Director

Street Address: 111 East San Antonio Street, Suite 201

City: San Marcos

State: TX Zip Code: 78666

Main Telephone #: 512-393-2215

Fax #: 512-393-2227

E-Mail Address: deedee.baen@co.hays.tx.us

**2. Alternate (i.e., Ms. Jane Doe, Human Resources Director):**

Name: Ms. Susan Davis

Title: Human Resources Generalist

Street Address: 111 East San Antonio Street, Suite 201

City: San Marcos

State: TX Zip Code: 78666

Main Telephone #: 512-393-2232

Fax #: 512-393-2227

E-Mail Address: susan.davis@co.hays.tx.us

**B. NHSC Site Survey Contact:** The person responsible for the completion and submission of the NHSC Site Survey, formerly known as the UDS Report. The NHSC Site Survey collects data such as patient demographics, services provided, staffing, payor mix, etc. Communication will be sent directly to the NHSC Site Survey Contact when it becomes available.

Name: Ms. Glenda Walton

Title: Administrative Assistant II

Street Address: 401 A Broadway

City: San Marcos

State: TX Zip Code: 78666

Main Telephone #: 512-393-5520

Fax #: 512-393-5530

E-Mail Address: glenda\_walton@co.hays.tx.us

## **VIII. SUPPORTING DOCUMENTS**

### **Required documentation for all Site Applicants:**

- Sliding Fee Schedule.
- Proof of Practice (commercial lease agreement, state facilities license, accreditation certificate from the Joint Commission or accreditation by the Association of Ambulatory Health Care, articles of incorporation, or business license).
- Recruitment and retention plan (if available).
- Proof of appropriate referral for ancillary, specialty, and inpatient care (MOU, letter from specialty care facility/provider, proof of hospital admitting privileges, etc.).

**In addition to the documents listed above, Private Practice Applicants are also required to provide as follows:**

- Patient billing history for past 4 months from Medicare, Medicaid, and SCHIP.
- Curriculum Vitae (submit for each member of the solo or group practice).
- Current license to practice.

**IX. STAFFING LEVELS:** (please see Site Application Instructions, page 8 for detailed instructions)

Approved Primary Care Disciplines and Specialties	Number of Filled Positions or Staff (Indicate if each position is a FTE or what percentage (%) of the site)	Number of Open Vacancies (number of open positions at the site)	Number of Open Vacancies to be Posted on the NHSC Job Opportunities List (JOL) (number of open positions you request to be posted on the JOL Web site)
<b>PRIMARY CARE PHYSICIANS</b>			
Family Practice			
Family Practice w/OB Requirement			
Internal Medicine/Geriatrics			
Pediatricians			
Obstetrician/Gynecologists			
<b>PRIMARY CARE NURSING/PHYSICIAN ASSISTANTS</b>			
Family Nurse Practitioners	1 FTE	0	0
Adult Nurse Practitioners			
Geriatric Nurse Practitioners			
Pediatric Nurse Practitioners			
Women's Health Nurse Practitioners			
Certified-Nurse Midwives			
Physician Assistants			
<b>ORAL HEALTH</b>			
General Dentists			
Pediatric Dentists			
Dental Hygienists			
<b>MENTAL &amp; BEHAVIORAL HEALTH</b>			
Psychiatrist			
Clinical Psychologist			
Physician Assistants			
Nurse Practitioner – PSY Specialty			
Psychiatric Nurse Specialists			
Licensed Clinical Social Worker	1 FTE	0	0
Licensed Professional Counselors			
Marriage & Family Therapists			

**X. NHSC SITE AGREEMENT:**

This Agreement certifies that Hays County Personal Health Department (site name indicated in Section 1A of the application) meets all NHSC requirements as outlined below, and I, Judge Bert Cobb, M.D. am authorized to provide such certification for the above named site.

I certify that the site Hays County Personal Health Department (site name indicated in Section IA of the application):

1. Is located in and treats patients from the federally-designated Health Professional Shortage Area (HPSA).
2. Does not discriminate in the provision of services to an individual (i) because the individual is unable to pay; (ii) because payment for those services would be made under Medicare, Medicaid or the Children's Health Insurance Program (CHIP); or (ii) based upon the individual's race, color, sex, national origin, disability, religion, or sexual orientation. (May or may not be applicable to Tribally Run (638) Indian Health Service sites).
  - a. Uses a schedule of fees or payments for services consistent with locally prevailing rates or charges and designed to cover the site's reasonable costs of operation. (May or may not be applicable to Tribally Run (638) Indian Health Service sites).
  - b. Uses a discounted/sliding fee schedule to ensure that no one who is unable to pay will be denied access to services. This system must provide a full discount to individuals and families with annual incomes at or below 100% of the federal poverty guidelines (only nominal fees may be charged). Therefore those with incomes between 100% and 200% of the federal poverty guideline, fees must be charged in accordance with a sliding discount policy based on family size and income. (May or may not be applicable to Tribally Run (638) Indian Health Service sites).
  - c. Makes every reasonable effort to secure payment in accordance with the schedule of fees or schedule of discounts from the patient and/or any other third party. (May or may not be applicable to Tribally Run (638) Indian Health Service sites).
  - d. Accepts assignment for Medicare beneficiaries and has entered into an appropriate agreement with the applicable State agency for Medicaid and CHIP beneficiaries. (May or may not be applicable to Tribally Run (638) Indian Health Service sites).
  - e. Prominently displays a statement in common areas (and on site's Web site if applicable) that explicitly states that (i) no one will be denied access to services due to inability to pay; and (ii) there is a discounted/sliding fee schedule available. When applicable, this statement should be translated into the appropriate language/dialect. Ensures the site will treat patients who come from or reside in a HPSA where the practice is located.
3. Provides culturally competent, comprehensive ambulatory (outpatient) primary care, dental, and mental and behavioral health care services.
4. Uses a credentialing process which, at a minimum, includes reference review, licensure verification, and a query of the National Practitioner Data Bank (NPDB) of those clinicians for whom the NPDB maintains data.
5. Functions as part of a system of care which either offers or assures access to ancillary, inpatient, and specialty referrals.
6. Adheres to sound fiscal management policies and adopts clinician recruitment and retention policies to help the patient population, the site, and the community obtain maximum benefits. Additionally, the site will maintain a copy of the current Board of Directors or Board of Owners recruitment and retention plan on site for review.
7. Maintains a clinician recruitment and retention plan (if available), keeps a current copy of the plan onsite for review, and adopts recruitment policies to maintain clinical staffing levels needed to appropriately serve the community.
8. Will not reduce the salary of NHSC clinicians because they receive or have received benefits under the NHSC Loan Repayment or Scholarship programs.
9. Requires NHSC clinicians to maintain a primary care clinical practice (full-time or half-time) as indicated in their contract with NHSC and described in part below. **The site administrator should review and know the clinician's specific service requirements.**

Time spent on call will not count toward a clinician's NHSC work hours. Participants do not receive service credit hours worked over the required hours per week, and excess hours cannot be applied to any other work week. Clinicians must apply for a suspension if their absences per year are greater than those allowed by NHSC. If a suspension is requested and approved, the participant's service obligation end date will be extended accordingly.

**Full-time** clinical practice is defined as a minimum of 40 hours per week, for a minimum of 45 weeks each service year. The 40 hours per week may be compressed into no less than 4 days per week, with no more than 12 hours of work to be performed in any 24-hour period. NHSC full-time clinicians can spend no more than 7 weeks (35 workdays) per year away from the practice for vacation, holidays, continuing professional education, illness, or any other reason. Services must be conducted during normally scheduled clinic hours in the ambulatory (outpatient) care setting for which the vacancy is approved.

**Please note that the half-time service option is available only for Corps members and not for individuals exercising the Private Practice Option** (see the NHSC Loan Repayment Application Guidance located on the NHSC Web site for more information).

**Half-Time** clinical practice is defined as a minimum of 20 hours per week (not to exceed 39 hours per week), for a minimum of 45 weeks per service year. The minimum 20 hours per week may be compressed into no less than 2 work days per week, with no more than 12 hours of work to be performed in any 24-hour period. Services must be conducted during normally scheduled clinic hours in the ambulatory (outpatient) care setting for which the vacancy is approved. Time spent on call will not count toward the minimum 20 hours per week.

For half-time clinicians with absences of greater than 142 work hours in a service year, the participant must request a suspension of the NHSC service obligation. HRSA cannot guarantee that a request for a suspension will be approved. If a suspension is requested and approved, the participant's service obligation end date will be extended accordingly.

10. Will communicate to the NHSC any change in site or clinician employment status for full-time and half-time, including moving a NHSC clinician to a satellite site for any or all of their hour work week, termination, etc.
11. Supports clinicians with funding and arrangements, including clinical coverage, for their time away from the site to attend NHSC Orientation Conference, NHSC-sponsored meetings and other continuing education programs.
12. Will maintain and make available for review by NHSC representatives all personnel and practice records associated with an NHSC clinician including documentation which contains such information that the Department may need to determine if the individual and/or site has complied with NHSC requirements.
13. Will complete and submit a NHSC Site Survey report to NHSC annually.
14. Will comply with requests for a site visit from NHSC or the State Primary Care Office with adherence to all NHSC requirements.

**Sites must meet all requirements at the time of application and must continue to meet requirements in order to maintain status as an approved NHSC clinical service site.**

*If you have questions regarding any of the requirements listed above, and/or you are a Tribally Run (638) Indian Health Service Site interested in becoming a NHSC site, please see the application instructions or call RTSC at 1 -877-313-1823 for clarification.*

The signature of the Site Official below 1) certifies that the information provided in sections I-X of this application are true and accurate, and 2) signifies that the site named in section I agrees to comply with the requirements set forth in Section X, the NHSC Site Agreement, of this application. *(Any false statement herein may be punishable as a felony under U.S. Code, Title 18, Section 1001 and subject to civil penalties under the Program Fraud Civil Remedies Act of 1986 (§45 CFR 79).*

Site Name: Hays County Personal Health Department

Site Address: 150 Lockhart Street Kyle, TX 78640

Name of Approving Site Official: Bert Cobb, M.D.

Title: County Judge

Signature of Approving Site Official: \_\_\_\_\_

Name of Organization Official: \_\_\_\_\_

Signature of Parent Organization Official: \_\_\_\_\_

Date: \_\_\_\_\_

# National Health Service Corps (NHSC) Site Application State Recommendation Form

9

<b>9.</b>	As a representative of the State of _____, I confirm that I have reviewed the NHSC Site Application submitted by the above referenced site and verified the following:	
	<input type="checkbox"/> Recommend approval: <ul style="list-style-type: none"> <li><input type="checkbox"/> Site has appropriate sliding fee schedule.</li> <li><input type="checkbox"/> Site has appropriate signage/posted notices.</li> <li><input type="checkbox"/> Site has verified Medicare, Medicaid, SCHIP enrollment.</li> <li><input type="checkbox"/> Site provided proof of practice.</li> <li><input type="checkbox"/> Site has referral arrangements for ancillary, specialty care and inpatient care (MOUs).</li> <li><input type="checkbox"/> Site provided recruitment and retention plan (if available).</li> </ul>	
	<input type="checkbox"/> Do not recommend approval: <ul style="list-style-type: none"> <li><input type="checkbox"/> Site is not located in a federally-designated HPSA.</li> <li><input type="checkbox"/> Site does not have a facility designation.</li> <li><input type="checkbox"/> Site is not in compliance with all NHSC site application requirements.</li> <li><input type="checkbox"/> Site did not provide PCO with documentation needed to determine eligibility/compliance.</li> <li><input type="checkbox"/> Other: _____</li> </ul>	
	<input type="checkbox"/> Referred to NHSC DRO staff for further evaluation (include brief summary in "comments" box below). <input type="checkbox"/> Recommend Site Visit	
<b>10.</b>	<b>Comments/edits to application:</b>   	
<b>11.</b>	<b>Name of PCO Director/Designee:</b> _____ <b>Phone:</b> _____	
	<b>Title of Director/Designee:</b> _____	<b>Email:</b> _____
	<b>V-Code (PIN):</b> _____	<b>Date:</b> _____
<b>12.</b>	<b>Date Received from State PCO:</b> _____	<b>Concur with Approval:</b> <input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Pending Site Visit  <b>Projected Date of Site Visit:</b> _____
	<b>Name of Reviewing DRO Analyst:</b> _____	<b>Comments:</b>   
	<b>Reviewing DRO Analyst Signature:</b> _____	<b>Date:</b> _____
	<b>Regional Supervisor Name:</b> _____	<b>Date:</b> _____
	<b>Regional Supervisor Signature:</b> _____	<b>Date:</b> _____

## Sliding Scale Patient Fee

### Family Practice Clinic

	Level 1 (0-100%)	Level 2 (101-150%)	Level 3 (150-200%)	Level 4 (200-300%)
99201	\$30	\$35	\$40	\$45
99202	\$35	\$40	\$45	\$55
99203	\$45	\$50	\$60	\$67
99204	\$67	\$75	\$83	\$101
99205	\$85	\$95	\$100	\$130
99211	\$25	\$28	\$30	\$35
99212	\$30	\$37	\$43	\$47
99213	\$45	\$50	\$55	\$65
99214	\$50	\$60	\$70	\$75
99215	\$64	\$75	\$90	\$105

### Women's Health Clinic

	Level 1 (0-100%)	Level 2 (101-150%)	Level 3 (150-200%)	Level 4 (200-300%)
99204	\$45	\$50	\$55	\$60
99211	\$20	\$28	\$30	\$35
99212	\$30	\$35	\$40	\$45
99213	\$35	\$40	\$45	\$50
99214	\$40	\$45	\$50	\$55
99215	\$45	\$50	\$55	\$60

### Well-Child Clinic

	Level 1 (0-100%)	Level 2 (101-150%)	Level 3 (150-200%)	Level 4 (200-300%)
Well-Child Exam	\$40	\$45	\$50	\$55

## *Agenda Item Request Form*

### **Hays County Commissioners' Court**

9:00 a.m. Every Tuesday

**Request forms are due in the County Judge's Office**

no later than 2:00 p.m. on WEDNESDAY.

Phone (512) 393-2205 Fax (512) 393-2282

**AGENDA ITEM:**

**Hold public hearing to finalize changes to the Hays County Development Regulations.**

**TYPE OF ITEM: ACTION**

**PREFERRED MEETING DATE REQUESTED: July 19, 2011**

**AMOUNT REQUIRED: N/A**

**LINE ITEM NUMBER OF FUNDS REQUIRED: N/A**

**REQUESTED BY: Garza**

**SPONSORED BY: Conley**

**SUMMARY:**

**The Hays County Development Regulations were adopted in 2009; at that time the court and staff agreed that the regulations were an evolving document which would change to better serve the citizens of Hays County. At the time of adoption all parties involved agreed that in time revisions would need to be made before final completion of the development regulations. Since adoption, there has been one revision to the regulations and at that time (April 5, 2011) the Commissioners Court instructed staff to bring recommendations back before the court for further review.**

Conservation District, the Edwards Aquifer Authority and the Hays Trinity Groundwater Conservation District.

- (V) Local Groundwater – Water obtained by pumping or extracting water from below the surface of the ground from an Aquifer native to Hays County such as the Trinity or Edwards Aquifers.

~~(W)~~ ~~Local Groundwater Supply System – A water system (either public or non-public) that obtains more than one third of its total supply from Local Groundwater.~~

Comment [JG1]: Changed to match definitions found in Hays County OSSF rules.

~~(X)(W)~~ Lot - Any tract to be created by the division of the Original Tract pursuant to a proposed Subdivision Application or a Manufactured Home Rental unit or space including the remainder of the Original Tract, as well as existing platted and un-platted tracts, and exempt subdivisions.

~~(Y)(X)~~ Manufactured Home Rental Community - a plot or tract of land that is separated into two or more spaces or lots that are rented, leased, or offered for rent or lease, for a term of less than sixty (60) months without a purchase option, for the installation of manufactured homes for use and occupancy as residences.

~~(Z)(Y)~~ Official County Records – the official County map records, deed records, and such other official County records as the County Clerk may be required or in fact does maintain.

(AA) On-Site Sewage Facility Rules – The Order Adopting Rules of Hays County, Texas, for On-Site Sewage Facilities, as shown in Appendix A and as may be amended from time to time. Original Tract - The original tract of land owned by an Owner prior to the proposed Subdivision.

~~(AA)~~ ~~Other Water Supply System – A supply system in which greater than two thirds of the total water obtained is from a “surface” source, rainwater collection, or groundwater that is not Local Groundwater. In the event any water supply system relies on Local Groundwater for greater than one third, but not more than one half, of its total water supply, the Commissioners Court may, on a case by case basis, approve an application to consider such water supply system to be considered an “Other Water Supply System” for the purposes of these Regulations.~~

Comment [JG2]: Definition changed to match the Hays County OSSF Regulations.

~~(BB)~~ ~~(Z)~~ Owner(s) - The holder(s) of a legal or equitable interest in real property as shown by the deed records of the county in which the property is located, and which has been included in an Application or Development Authorization under these Regulations.

~~(CC)~~ ~~(AA)~~ Permittee – A person, including legal successors or assigns, to whom the County actually issues a Development Authorization and who is responsible for complying with the terms of said Development Authorization, including any representations, covenants and agreements included in the Application and any special provisions incorporated by the County into the Development Authorization. A person indicated on an Application as a Permittee shall be considered a prospective Permittee until such time as a Development Authorization is issued to such Permittee.

~~(DD)~~ ~~(BB)~~ Permitted Sewer System - Any public or private sewerage system for the collection of sewage that flows into a treatment and disposal system that is regulated pursuant to the rules of the Texas Commission on Environmental Quality (TCEQ) and Chapter 26 of the Texas Water Code for which the TCEQ is the permitting authority.

## **CHAPTER 705 - SUBDIVISION AND PLATTING OF PROPERTY**

### ***Sub-Chapter 1 - Applicability***

#### **§1.01. General Requirements**

This Chapter shall govern activities associated with the subdivision of property within the County, including construction of infrastructure and utilities, the construction, dedication of features to the County for maintenance and operation, and documenting and recording the requirements for these activities based on the approval of the County.

#### **§1.02. Legal Authority**

Legal Authority for adopting and enforcing the regulations in this Chapter is granted to the County under Texas Local Government Code (TLGC) in Chapters 232, 233, 234, 242 and 352 and under the Texas Water Code in Chapters 26 and 35.

Comment [JG3]: Space missing.

#### **§1.03. Approval Required Prior to Construction**

Approval of the Commissioners Court is required prior to the construction and development of a subdivision, unless excluded or exempted under State law or as exempted below.

#### **§1.04. Approval Required Prior to Furnishing Utility Service**

A utility may not provide utility services, including water, sewer, gas, and electric services to a subdivision development until the Final Plat has been granted by the Commissioners Court. Prior to furnishing utility service, the prospective utility provider shall apply for a certification from the Department stating that the Final Plat has been reviewed and approved by the Commissioners Court.

### ***Sub-Chapter 2 - General Subdivision Requirements***

#### **§2.01. General Requirements**

Any person who subdivides a tract of land shall:

- (A) Comply in all respects with these Regulations; and,
- (B) Prepare and submit to the Commissioners Court an Application for approval or registration of the proposed Subdivision in accordance with the terms and procedures set forth in this Chapter.

#### **§2.02. Subdivision Approval Process**

No Subdivision shall be approved until the Applicant has satisfied each of the following steps in the order indicated:

- (A) Approval of Preliminary Plan by the Commissioners Court.
- (B) Approval of Final Plat by the Commissioners Court.
- (C) Filing of Record Plat with the County Clerk, to be recorded with the County Clerk in the Official County Records.

geoscientists, professional land surveyors, registered sanitarians, attorneys, accountants, etc.)

#### **§4.04. Communication with Precinct Commissioner**

The Applicant or the Applicant's authorized agent is required to contact the Commissioner(s) in whose precinct(s) the proposed Subdivision is located prior to the submission of the Application.

#### **§4.05. Supplemental Information**

In addition to the items required to be submitted with the Application in accordance with Chapter 701 and Section §705.4.03, each Application for a Preliminary Plan or a Final Plat shall include the following:

- (A) Property location map(s), which utilizes at least one of the following base maps:
  - (1) A topographic map as published by the U.S. Geological Survey (USGS), or an equivalent map from another source, indicating the location of the Subject Property;
  - (2) A County Roadway map as published by the Texas Department of Transportation indicating the location of the Subject Property; and/or,
  - (3) A County Roadway map from another source that accurately depicts the location of the Subject Property.
- (B) A copy of the deed or deeds documenting current ownership of the Subject Property.
- (C) Engineering, Surveying and other drawings and documents containing the specific information required for either a Preliminary Plan or a Final Plat.
- (D) All other documents or reports required pursuant to these Regulations and any associated bonds or letters of credit.
- (E) Any subdivision proposal that is not exempt according to Chapter 705, Subchapter 3 shall be required to submit digital files for all drawings and graphics of the subdivision, as required under Chapter 701, Subchapter 7.

#### **§4.06. Application Review Periods**

The Department review period for an application for a Preliminary Plan or Final Plat shall begin on the first working day after a completed Application is submitted and shall end on the first Wednesday following the expiration of fifteen (15) working days thereafter.

- (A) An application for a Preliminary Plan or Final Plat shall be deemed to be administratively complete for purposes of this Chapter when all of the materials required by these Regulations are delivered to the Department together with:
  - (1) for Preliminary Plans, those items required in Subchapter 5, 6 and 7 of this Chapter, and;
  - (2) for Final Plats, those items required in Subchapters 5 and 8 of this Chapter.
- (B) Final action, including resolution of all appeals, of either a Preliminary Plan or Final Plat shall be no later than sixty (60) calendar days from the date of the administratively complete application submittal, subject to extensions as allowed by TLGC §232.0025(f).

**Comment [JG4]:** This was a reference to the "Texas" Local Government Code.

- (A) Name of the proposed Subdivision, which shall not be the same or deceptively similar to any other subdivision within the County unless the subdivision is an extension of a pre-existing, contiguous subdivision. Applications for subdivisions which are an extension of a pre-existing, contiguous subdivision shall include a designation of the sequence order for each separate application (e.g. Phase II, Section 3, etc.)
- (B) The boundary lines and total acreage of the Original Tract, the Subject Property and the proposed Subdivision.
- (C) A note stating the total number of Lots within the proposed subdivision and the average size of Lots, and the total number of Lots within the following size categories: 10 acres or larger, larger than 5.0 acres and smaller than 10 acres, 2.00 acres or larger up to 5.00 acres, larger than 1.00 acre and smaller than 2.0 acres and smaller than 1.00 acre.
- (D) Approximate acreage and dimensions of each Lot, roadway and parkland/open space tract.
- (E) The location of any proposed parkland, squares, greenbelts, school tracts, open space or other public use facilities, the calculation of the required quantity of parkland/open space, and a notation as to whether this requirement is being satisfied through dedication, fee-in-lieu, or a combination of both.
- (F) Names of adjoining subdivisions or owners of property contiguous to the proposed Subdivision.
- (G) Geographic Coordinates shall be reflected on the drawings for the main entrance point to the proposed subdivision from an existing public roadway and for the most extreme property boundary corners of the parent tract(s) constituting the boundaries of the Subject Property in each compass direction (e.g. northernmost, southernmost, etc.). Geographic coordinates for Preliminary Plans may be reported using navigational grade precision (using navigational grade Global Positioning System [GPS] equipment). Geographic coordinates obtained using more precise methods are also acceptable for Preliminary Plans.
- (H) Name and address of the Texas licensed professional land surveyor and/or Texas licensed professional engineer preparing the Application materials.
- (I) Name and address of the Owner(s) of the Subject Property, and Applicant if not the Owner.
- (J) Area map, with a scale not to exceed 1" = 600', showing general location of Subdivision in relation to major roads, towns, cities or topographic features.
- (K) North arrow, scale and date. The scale shall not exceed 1" = 200'.
- (L) Boundary lines of any incorporated municipality and the limit of the extraterritorial jurisdiction of any municipality.
- (M) The location of Political Subdivision (e.g. school districts, municipal utility districts, groundwater conservation districts, emergency services districts, etc.) boundaries and/or a statement clearly indicating in which Political Subdivision(s) the Subdivision is located. In the event any Lot lies within more than one Political Subdivision then the plat shall

**Comment [JG5]:** This map was intended to be a locator map to get an idea of the general vicinity of where a parcel of land was located. There are cases when the 1 to 600 scale is not appropriate especially in cases where large acreage is split. Any variance from the requirement would require formal court action. Staff feels the new language accomplishes the same thing and allows flexibility for a case by case determination of scale.

clearly state the number of acres within the Lot that lies within each Political Subdivision.

#### **§5.02. Water, Wastewater and Utilities Information**

A proposed subdivision shall satisfy the requirements of Chapter 715 of these Regulations and shall make provision for serving the subdivision with other utilities:

- (A) Designation of the entity supplying electric, telephone and natural gas utilities to the development, or a statement that such utility is not available.
- (B) The location of all proposed utility easements and/or infrastructure, including water well sanitary easements, if applicable.
- (C) A Water and Wastewater Service Plan, if required by Chapter 715.
- (D) Certification that all Lots have been designed in compliance with the Hays County On-Site Sewage Facilities rules, together with all planning and evaluation materials required to determine Lot sizing under the Hays County On-Site Sewage Facilities rules and any request for a variance under the Hays County On-Site Sewage Facilities rules.
- (E) Any applicable separation distances from identified streams or other applicable off-site receptors in accordance with the Hays County On-Site Sewage Facilities rules.
- (F) ~~For developments where the Subject Property is fifty (50) acres or greater, or which may result in fifty (50) or more dwelling units, the Applicant shall indicate on the plat an easement to the public to allow the County, the State of Texas, or a Groundwater Conservation District with jurisdiction over the subject property to install and maintain groundwater monitoring wells. Such easement shall be at least fifty (50) feet by fifty (50) feet, shall have public access from a Regulated Roadway, shall not be encumbered by other uses, such as drainage features or utilities, and shall be located in parkland, open space, or other undeveloped common spaces otherwise dedicated to the public. All costs for the installation, operation and maintenance of the groundwater monitoring wells and access controls (e.g. roadways, fences, etc.) shall be borne by the entity installing the wells.~~

**Comment [JG6]:** Staff has received feedback regarding this rule and the 2500 square feet minimum property loss for each large development. Additionally the requirement would include a single lot development over 50 acres in size.

#### **§5.03. Roadway and Right-of-Way Information**

A proposed subdivision shall satisfy the requirements of Chapter 721 relating to design of roadways and shall contain a written certification from a Texas licensed Professional Engineer that the location and dimensions of roadways as set forth are in accordance with these Regulations. This information is not the sealed Construction of Roadways and Storm Water Management plans that are required after approval of preliminary plan. The information included with the Application shall illustrate:

- (A) Location, length and right-of-way widths of all proposed roadways and a depiction of how all proposed roadways shall connect with previously dedicated, platted or planned roadways within the vicinity of the Subdivision.
- (B) Proposed names or designations for all roadways, public access easements, and shared access driveways, and a statement indicating that the Applicant has coordinated all such names or designations with the County "911" coordinator.

- (F) The location and size of all proposed storm water management structures and easements, including on-site retention or detention ponds and easements and the impact of lot and roadway layouts on drainage.
- (G) All storm water management structures to be submitted for consideration of acceptance of maintenance by the County.
- (H) General depiction of the boundary lines of the Edwards Aquifer Recharge Zone, or the Contributing Zone of the Edwards Aquifer, if affecting the property, and a statement certified by the Texas licensed professional surveyor or Texas licensed professional engineer under his or her professional seal that, to the best of his or her knowledge, the plat accurately reflects the general location (or absence) of the Edwards Aquifer Recharge Zone or the Contributing Zone of the Edwards Aquifer.
- (I) Depiction of all streams, rivers, ponds, lakes, water courses and other surface water features or any Sensitive Features (as defined by the Texas Commission on Environmental Quality in 30 Texas Administrative Code §213.3) and a statement certified by the surveyor or engineer under his or her professional seal that, to the best of his or her knowledge, the plat accurately reflects the general location (or absence) of all such features in accordance with the terms of these Regulations.
- (J) A statement as to whether or not development of the proposed subdivision is subject to the TCEQ Edwards Aquifer Regulations in 30 TAC §213.

#### §5.05. Lot Size Requirements

Except where a larger minimum lot size is required elsewhere within these Regulations, a subdivision approved by the County shall be subject to the following minimum lot size requirements:

**Table 705.05.01 – Minimum Lot Sizes (in Acres)**

Water Supply Systems	Wastewater Service	Within EARZ	Within EACZ	All Other Areas
<del>Other Water Supply System</del> Surface or Rainwater Collection System	TCEQ Permitted Public System	None	None	None
Surface or Rainwater Collection System <del>Other Water Supply System</del>	TCEQ Permitted Private System	1.00	0.75	None
Public Local Groundwater System	TCEQ Permitted Public System	0.75	0.50	None
Public Local Groundwater System	TCEQ Permitted Private System	1.50	1.00	None
Non-Public Local Groundwater System	TCEQ Permitted Public System	1.00	0.75 6.00[1]	0.50 6.00[1]
Non-Public Local Groundwater System	TCEQ Permitted Private System	2.00	1.50 6.00[1]	1.00 6.00[1]
Private Well <del>Any</del>	OSSF	Refer to Table 10-1 in the Hays County Rules for On-Site		

**Comment [367]:** Numerous references were made to Hays County OSSF regulations and these rules. As a condition of approval, the TCEQ required we use more uniform terminology in water source classification.

- (3) No portion of the land subdivided under a plat approved under this Chapter is sold or transferred before January 1 of the 51st year after the year in which the plat was approved.
- (B) The intent of establishing an expiration period for a final plat under this Section is to allow the County to enforce future minimum size, configuration and arrangement standards on lots within the expired subdivision and is not intended to deprive the public of any use of dedicated public features within the expired subdivision. Publicly dedicated features included in any final plat that expires under this Section shall remain subject to control by the County, including the ability to require a configuration on any subsequent plat for the affected property that accommodates at least the footprint of the public features included in the expired plat.

### ***Sub-Chapter 10 - Record Plat***

#### **§10.01. Submission of Record Plat to the Department**

Following approval of the Final Plat, the Applicant shall present a Record Plat to the Department for final approval and delivery to the County Judge for execution, in accordance with Chapter 701, Subchapter 12. The Record Plat shall contain, or be submitted with, the following:

- ~~(A) Any Water Pollution Abatement Plan or Contributing Zone Plan approved by the Texas Commission on Environmental Quality required under the Edwards Aquifer Rules, or evidence that no such plan is required as of the date of the Record Plat (the Department may require a letter from the TCEQ evidencing that no such plan has been issued or is yet required for the subdivision);~~
- ~~(B)(A)~~ All items required in Subchapters 5 and 8 above, including filing fees and tax certificates; and,
- ~~(C)(B)~~ Original signatures and original seals and signatures for licensed or registered professionals.

**Comment [J68]:** The WPAP and CZP should not be recorded with final platting documents.

#### **§10.02. Filing with the County Clerk**

Final Plats that have been executed by the County Judge or the County Judge's designated representative may be presented to the County Clerk for filing in the County plat records, in accordance with Chapter 701, Subchapter 12.

#### **§10.03. Record Plat**

One (1) eighteen inch by twenty four inch (18" x 24") photographic mylar shall be presented to the County Clerk for recording as the Record Plat. All writing and drawings on the Record Plat must be large enough to be easily legible following recording.

### ***Sub-Chapter 11 - Revision and Cancellation***

#### **§11.01. Cancellation**

Any Application to cancel an existing plat shall be submitted and considered in accordance with Texas Local Government Code Section §232.008, which establishes, among other things:

Memorandum of Understanding (MOU) with any GCD, the Department shall follow the procedures outlined in the MOU.

**§3.05. Water Availability Demonstrations Using Individual Private Water Wells Producing Local Groundwater**

In addition to the requirements outlined in §715.3.02, Applicants requesting approval to utilize one or more individual private water wells using Local Groundwater to serve the proposed development shall construct at least two wells (one test well and one monitor well). Use of existing wells will be permitted if the wells fully meet these regulations. Well analyses shall be performed by a Texas licensed professional engineer or Texas licensed professional geoscientist, qualified to perform the hydrogeological testing, geophysical well logging and aquifer pump testing. The following information shall be provided to Commissioners Court for each well tested.

Comment [jg9]: Fixed spacing

- (A) Identify the hydrogeologic formation by well driller's log and approved geophysical logging methods. Provide a map and list of all known wells within 1,000 feet of the proposed subdivision boundaries (or a distance where measurable drawdown effects from the proposed subdivision well are expected). Each well is to be located by latitude and longitude.
- (B) The Certification of Groundwater Availability For Platting Form as required by the TCEQ rules on Groundwater Availability Certification for Platting at 30 Tex. Admin. Code Section 230.3. The Department shall require an applicant to submit any engineering calculations, studies or other data supporting the statements contained in the Certification of Groundwater Availability For Platting Form.

Individuals marketing the development shall provide each purchaser or renter with a statement describing the extent to which water and wastewater service will be made available, and how and when such service will be made available.

**§3.06. Additional Requirements for Subdivisions Served by Individual Water Wells Producing Local Groundwater in Priority Groundwater Management Areas**

Applicants requesting approval to utilize individual private water wells producing Local Groundwater to serve proposed new development in a Priority Groundwater Management Area, as that term is defined by the Texas Commission on Environmental Quality, shall be subject to the following additional requirements:

- (A) The person preparing the groundwater availability certification shall document that they obtained available information on historical water levels and known water wells from the applicable Groundwater Conservation District.
- (B) The person preparing the groundwater availability certification shall perform a walking receptor survey around the perimeter of the Subject Property to identify the visual location of apparent undocumented water wells and to visually confirm the presence of documented water wells within five hundred (500) feet of the boundaries of the subject property.
- (C) The person preparing the groundwater availability certification shall estimate the average annual recharge (per acre) in the vicinity of the Subject Property using a Groundwater

**Table 721.02 – Design Requirements Based on Roadway Classification**

Functional Classification	Country Lane	Local Roadway	Urbanized Local Roadway	Minor Collector	Major Collector	Minor Arterial	Major Arterial
AASHTO Classification	Special Purpose	Local Rural	Special Purpose	Rural Collector	Rural Collector	Rural Arterial	Rural/Urban Arterial
Average Daily Traffic (ADT - one way trips*)	Not more than 100	101-1000	Not more than 1000	1001-2500	2501-5000	5001-15000	More than 15,000
Design Speed (mph)	25 mph	25 mph	25 mph	35 mph	45 mph	55mph	**
No. of Travel Lanes	2	2	2	2	2	4	**
Turn Lanes	No	No	No	No	**	**	**
Min. ROW Width (ft)	50	60	40	60	80	100	**
Building Setback (ft)	25+0	25	25+0	25	50	50	50
Width of Travelway (ft)	18	20	18	22	24	48	**
Width of Shoulders (ft)	2	4	2	5	6	8	**
Minimum Centerline Radius (ft)	200	300	200	375	675	975	**
Min. Tangent Length between Reverse or Compound Curves (ft)	50	100	50	150	300	500	**
Min. Radius for Edge of Pavement at Intersections (ft)	25	25	25	25	25	25	**
Intersection Street Angle Range (degrees)	80-100	80-100	80-100	80-100	80-100	80-100	**
Max. Grade (%):	11	11	10	10	9	8	**
Min. Street Centerline offset at Adjacent Intersections (ft)	110	125	110	125	125	125	**
Min. Stopping Sight Distance (ft)	175	175	175	250	350	550	**
Min. Intersection Sight Distance (ft)	250	250	250	350	450	550	**
Ditch Foreslope Grade	4:01	4:01	4:01	5:01	5:01	6:01	**
Ditch Backslope Grade	3:01	3:01	3:01	4:01	4:01	4:01	**
Min. Cul-de-sac ROW/ Pavement Radius (ft)	70/45	70/45	70/45	70/45	N/A	N/A	N/A
Min. "T" End ROW/ Pavement Length (ft)	80/65	80/65	80/65	N/A	N/A	N/A	N/A
Min. "T" End ROW/ Pavement Width & Radius (ft)***	40/20	40/20	40/20	N/A	N/A	N/A	N/A
Min. Lot Frontage (ft)	30	50	30	100	150	150	150
Min. Drive Spacing (ft)	50	50	50	75	120	120	120
<b>Notes:</b> * ADT shall be based on an average of 10 one-way trips per dwelling unit per day for residential lots. ADT calculations for commercial or other lots shall approved by the Department on a case-by-case basis. ** Noted elements shall be approved by the County Engineer on a case-by-case basis. *** "T" End Designs must conform to minimum AASHTO Standards AASHTO – American Association of State Highway and Transportation Officials Building Setback – Minimum building setback, in feet, applicable to each side of the roadway							

**Comment [rb10]:** Building setback requirement changed to match the standards set forth in Table 755.09

## CHAPTER 725 - STORM WATER MANAGEMENT STANDARDS

### *Sub-Chapter 1 - Applicability*

#### **§1.01. Applicability**

This Chapter shall govern the design, construction and public dedication and use of all drainage, flood control and storm water management facilities and features (hereafter “storm water management facilities”) for Subdivisions and Manufactured Home Rental Communities within the County but outside the incorporated limits of any municipality in the County.

#### **§1.02. Legal Authority**

Legal Authority for adopting and enforcing the regulations in this Chapter is granted to the County under TLGC in Chapters 232 and ~~562~~411.

**Comment [JG11]:** Chapter 411 has been removed from the TLGC. That section has been amended and replaced by Chapter 562.

#### **§1.03. Approval Required**

Approval of the Commissioners Court is required prior to acceptance by the County of drainage, flood control or storm water features. Separate approval is required under Chapter 751 for any use of County facilities, including roadway rights of way.

### *Sub-Chapter 2 - Public Facilities*

#### **§2.01. Dedication to Public**

Any dedication of storm water management facilities to the public shall be accomplished using one of the methods identified in Chapter 701, Subchapter 11. Storm water management facilities to be constructed within dedicated public roadways shall not require separate dedication. In no event shall any private lot extend into a dedicated public storm water management feature.

- (A) All public storm water management facilities and other areas of concentrated storm water flow shall be contained within a dedicated public easement or right-of-way.
- (B) All areas within a floodplain, as identified in Subchapter 3 of this Chapter, shall be contained within a dedicated public easement or right-of-way.

#### **§2.02. Publicly Maintained and Dedicated Facilities**

Storm water management facilities dedicated to the public (hereafter “Public storm water management facilities”) shall be required to provide proper drainage of Regulated Roadways in all developments approved under these Regulations. Constructed public storm water management facilities shall be designed and constructed in accordance with Subchapter 3 of this Chapter. Areas occupied by existing watercourses may also be dedicated to the public as a part of a Development Authorization issued under these Regulations. In the initial submittal to the County (e.g. the preliminary plan or the Infrastructure Development Plan), the Applicant shall identify all storm water management facilities for which County acceptance of maintenance will be requested. Applicants proposing County acceptance of maintenance for storm water management facilities controlling runoff rate or storm water quality from within the development shall be required to enter into a Development Agreement with the County prior to acceptance of maintenance.

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### **§2.03. Construction of Public Storm Water Management Facilities**

Public storm water management facilities shall be considered public infrastructure, subject to the requirements of Chapter 731. Unless interim authorization for construction is obtained under Chapter 731, construction of public storm water management facilities shall not commence until such time as a Development Authorization has been issued by the County on an Application filed under these Regulations.

### ***Sub-Chapter 3 - Design Criteria***

#### **§3.01. Design of Storm Water Management Facilities**

All storm water management facilities and related improvements shall be designed and installed so as to provide, to the maximum extent feasible, a logical system of storm water management and to permit continuity of storm water management facilities to adjacent properties. All storm water management facilities shall be designed and/or evaluated by a Texas licensed professional engineer. Documentation evidencing compliance with these Regulations shall be submitted to the Department with the Application. Drainage, flood control and storm water management design methodologies shall be based upon the methods used by the Texas Department of Transportation or other commonly accepted engineering practices used within the area. All design and/or evaluation computations for flood plains and storm water management facilities shall be based on fully developed upstream conditions. For upstream areas that extend off the Subject Property, the Applicant may estimate the fully developed conditions based on information available from the Department based on regional planning efforts or other criteria adopted by the County.

#### **§3.02. Control of Runoff Rate and Volume**

Storm water runoff from any proposed development that is discharged from the Subject Property onto adjacent property owners into any other county storm water management facility or any such storm water management facility associated with an existing roadway, whether public or private, must be released at a controlled rate. ~~The volume, rate, and timing of runoff after development should closely approximate the conditions before development. For rainfall events up to and including the five (5) year event, storm water may be discharged under the post-development conditions at no more than one-half (1/2) of the maximum discharge rate under pre-development conditions. For all storm events including the two (2), five (5), ten (10), twenty-five (25), and one hundred (100) year frequency exceeding the five (5) year event, storm water runoff may be discharged under the post-development conditions at a rate no greater than the pre-development when the property was in its undeveloped condition.~~ Post-development storm water management calculations shall be based on fully developed conditions. The Department shall require the submission of materials documenting that the proposed development will be in compliance with this Section.

**Comment [Jg12]:** This was added to include only a specific number of storms and prevent review staff from asking for obscure stormwater runoff calculations.

**Comment [JG13]:** The Commissioners Court originally discussed this rule in 2008 and officially adopted it in 2009. It has proved to be burdensome for everyone involved in new development and is the most restrictive requirement of its type in areas located within our region. When the commissioners discussed this rule, flexibility was the focus, however the subsequent draft offered no flexibility and many times added another level of design, on top of other jurisdictions regulations.

#### **§3.03. Sizing of Storm Water Management Facilities**

All storm water management facilities, including ditches, drainage pipes, roadway curbs, gutter inlets, driveway or roadway culverts, and storm sewers shall be designed to intercept and transport storm water runoff to a public storm water management facility or a defined watercourse.

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single family residence per Lot and prohibiting TCEQ Regulated Development and the design of such drainage structures is approved by the Department. All drainage construction will, however, be subject to the remainder of this Chapter.

- (B) Notwithstanding the preceding requirements, all Country Lanes, Local Roadways, Urbanized Local Roadways or Minor Collectors, and culverts underneath such roadways, may be designed based on a ten-year storm frequency if all Lots in the development are restricted to one single family residence per Lot and prohibiting TCEQ Regulated Development and the design of such drainage structures is approved by the Department. All drainage construction will, however, be subject to the remainder of this Chapter and Chapter 731. This incentive shall not apply to bridges.

***Sub-Chapter 6 – Incentives for Water Quality Protection Features***

***§6.01. Water Quality Protection Features Encouraged***

All Applicants are encouraged to incorporate water quality protection features into the design of proposed developments in the County. Water quality features designed and constructed in accordance with this Subchapter shall qualify for economic incentives in accordance with Chapter 761.

***§6.02. Water Quality Protection Design Requirements***

The following design requirements shall apply to Applications seeking the economic incentives authorized in Chapter 761 for water quality protection features:

- (A) Applications seeking the full value of the economic incentives shall incorporate sufficient non-structural and structural best management practices to achieve no net increase in both dissolved and suspended pollutant loadings as a result of the requested development activities.
- (B) The Commissioners Court may authorize partial economic incentives for water quality protection measures which include a lower design threshold. The Applicant shall describe in the supplemental information the proposed design standard in sufficient detail to allow the Department to determine the relative level of water quality protection when compared to the “no net increase” design standard.
- (C) All water quality protection measures shall be designed in accordance with the procedures outlined in one or more of the following:
- (1) The Lower Colorado River Authority “Water Quality Management Technical Criteria”;
  - (1) The Texas Commission on Environmental Quality “Edwards Aquifer Technical Guidance Manual”;
  - (2) The City of Austin “Drainage Criteria Manual” and “Environmental Criteria Manual”; or,
  - (3) A water quality design procedure or criteria developed by a municipality within whose extra-territorial jurisdiction the project is located.
- (D) The Application shall be supplemented with information detailing the design of the water quality protection measures and shall include pollutant loading calculations for the pre-development and post-development conditions. The site design shall include the necessary combinations of water quality protection measures to achieve the design

**Comment [J614]:** This entire subchapter has been moved to Chapter 761. The first paragraph specifically states an encouragement to incorporate the protection features, however this is not to be confused with an outright requirement to comply with this particular subchapter. The design requirements, if met, can qualify applicants for the economic incentives from Chapter 761. Staff feels the subchapter is more appropriately located in the chapter it references.

## **CHAPTER 731 - CONSTRUCTION AND ACCEPTANCE OF MAINTENANCE FOR PUBLIC INFRASTRUCTURE**

### ***Sub-Chapter 1 - Applicability***

#### **§1.01. General Requirements**

This Chapter shall govern the construction process for public infrastructure and the procedures and conditions for the County to accept maintenance responsibility for any public infrastructure. Public infrastructure shall include:

- (A) Public roadways;
- (B) Public storm water management facilities and features;
- (C) Public utilities, including water and wastewater utilities; and,
- (D) Public safety and emergency access features.

#### **§1.02. Legal Authority**

Legal Authority for adopting and enforcing the regulations in this Chapter is granted to the County under TLGC in Chapters 232 and ~~411~~<sup>562</sup>.

**Comment [JG16]:** Chapter 411 no longer exists in the TLGC.

#### **§1.03. Approval Required**

Unless interim authorization for construction is obtained under this Chapter, construction of public infrastructure shall not commence until such time as a Development Authorization has been issued by the County on an Application filed under these Regulations. Approval of the Commissioners Court is required prior to the County's acceptance of maintenance responsibility for public infrastructure.

#### **§1.04. Submittal Requirements for Public Infrastructure**

Concurrently with the filing of an Application for a Development Authorization under these Regulations, an Applicant seeking approval to construct public infrastructure and related improvements that will be operated and maintained by the County, shall submit the following:

- (A) Construction Plans for the improvements, including a certification by a Texas licensed Professional Engineer that the Construction Plans and design of the improvements are in compliance with these Regulations; and,
- (B) The anticipated unit cost of each type of improvement and the total estimated construction cost of all improvements proposed to be constructed in conjunction with the development, prepared by a Texas licensed Professional Engineer.

### ***Sub-Chapter 2 - Construction***

#### **§2.01. Approval Required Prior to Construction**

- (A) Unless interim authorization for construction is obtained under this Subchapter, construction of public infrastructure shall not commence until such time as a Development Authorization has been issued by the County on an Application filed under these Regulations.

## CHAPTER 735 - FLOOD DAMAGE PREVENTION

### *Sub-Chapter 1 - Applicability*

#### **§1.01. General Requirements**

This Chapter shall govern activities associated with development in Hays County, Texas.

#### **§1.02. Legal Authority**

The Legislature of the State of Texas has, in TEXAS WATER CODE ANNOTATED, Sections 16.313, 16.315, and 16.318, delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses. Legal Authority for adopting and enforcing the regulations in this Chapter is granted to the County under Texas Local Government Code (TLGC) in Chapter 232 and under the Texas Water Code in Chapters 26 and 35. Therefore, the Commissioners Court of Hays County, Texas, does hereby adopt the following flood management regulations.

Comment [jg17]: NFIP Recommendation.

#### **§1.03. Findings of Fact**

- (A) The flood hazard areas of Hays County are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety, and general welfare.
- (B) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood-proofed, or otherwise protected from flood damage.

Comment [jg18]: FEMA Model Order.

#### **§1.04. Statement of Purpose**

It is the purpose of this Chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (A) Protect human life, and health, safety, and welfare;
- (B) Minimize expenditure of public money for costly flood control projects;
- (C) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (D) Minimize prolonged business interruptions;
- (E) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges and culverts located in floodplains;
- (F) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and,
- (G) Ensure that potential buyers are notified that property is in a flood hazard area.
- (H) Protect the beneficial functions of floodplains.

Comment [jg19]: NFIP Recommendation.

Comment [jg20]: NFIP Recommendation.

Comment [jg21]: NFIP Recommendation.

#### **§1.05. Approval Required Prior to Development**

Approval of the County is required prior to conducting development activities in Flood Hazard Areas, unless excluded or exempted under State law or as exempted below.

#### **§1.06. Methods of Reducing Flood Losses**

In order to accomplish its purposes, this Chapter authorizes the use of the following methods:

- (A) Restrict or prohibit uses that are dangerous to health, safety or property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (B) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage throughout their intended lifespan;
- (C) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation or channeling of flood waters;
- (D) Control filling, grading, dredging and other development which may increase flood damage; and,
- (E) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

Comment [jg 22]: NFIP Recommendation.

Comment [jg 23]: NFIP Recommendation.

Comment [jg 24]: NFIP Recommendation.

#### **Sub-Chapter 2 - Definitions Specific to This Chapter**

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted to give them the meaning they have in common usage and to give this Chapter its most reasonable application.

- (1) Alluvial Fan Flooding - means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.
- (2) Apex - means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.
- (3) Appeal Board - means the Hays County Commissioners Court.
- (4) Appurtenant Structure - means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.
- (5) Area of Future Conditions Flood Hazard - means the land area that would be inundated by the 1-percent-annual chance (100 year) flood based on future conditions hydrology.
- (6) Area of Shallow Flooding - means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
- (7) Area of Special Flood Hazard - means the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be

designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE, or V. The term “special flood hazard area,” for purposes of these regulations, is synonymous with the phrase “area of special flood hazard.”

Comment [jg25]: NFIP Recommendation.

- (8) Base Flood - means the flood having a 1 percent chance of being equaled or exceeded in any given year (also called the “regulatory flood”).

Comment [jg26]: NFIP Recommendation.

- (9) Base Flood Elevation (BFE) - means the elevation shown on the Flood Insurance Rate Map (FIRM) and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1% chance of equaling or exceeding that level in any given year - also called the Base Flood.

Comment [jg27]: FEMA model Order

- (10) Basement - means any area of the building having its floor subgrade (below ground level) on all sides.

- (11) Breakaway Wall - means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

- (12) Building - see “Structure.”

- (13) Certification - means a certification by a Texas registered professional engineer or other party that does not constitute a warranty or guarantee of performance, expressed or implied. Certification of data is a statement that the data is accurate to the best of the certifier's knowledge. Certification of analyses is a statement that the analyses have been performed correctly and in accordance with sound engineering practices. Certification of structural works is a statement that the works are designed in accordance with sound engineering practices to provide protection from the base flood. Certification of “as built” conditions is a statement that the structure(s) has been built according to the plans being certified, is in place, and is fully functioning.

Comment [jg28]: NFIP Recommendation.

- (14) Critical Facility - mean a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire, and emergency response installations, and installations which produce, use, or store hazardous materials or hazardous waste.

Comment [jg29]: NFIP Recommendation.

- (15) Critical Feature - means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

- (16) Development - means any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials.

- (17) Elevated Building - means, for insurance purposes, a non-basement building, which has its lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

- (18) Existing Construction - means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."
- (19) Existing Manufactured Home Park or Subdivision - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
- (20) Expansion to an Existing Manufactured Home Park or Subdivision - means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- (21) Fill, also known as Earthen fill – means fill that is sometimes placed in a Special Flood Hazard Area (SFHA) to reduce flood risk to the filled area. The placement of fill is considered development and will require a permit under applicable Federal, state and local laws, ordinances, and regulations. Fill is prohibited within the floodway unless it has been demonstrated that it will not result in any increase in flood levels. Some communities limit the use of fill in the flood fringe to protect storage capacity or require compensatory storage. The use of fill is prohibited for structural support of buildings in V Zones.
- (22) Flood or Flooding - means a general and temporary condition of partial or complete inundation of normally dry land areas from:
  - (1) the overflow of inland or tidal waters.
  - (2) the unusual and rapid accumulation or runoff of surface waters from any source.
- (23) Flood Boundary and Floodway Map (FBFM) – means the official map of a community on which FEMA has delineated the areas of flood hazards and regulatory floodway.
- (24) Flood Elevation Study – means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.
- (25) Flood Hazard Boundary Map (FHBM) – means an official map of a community, issued by FEMA, where the boundaries of the special flood hazard areas have been identified in Zone A.
- (26) Flood Insurance Rate Map (FIRM) - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.
- (27) Flood Insurance Study (FIS) – see "Flood Elevation Study."
- (28) Floodplain or Flood-Prone Area - means any land area susceptible to being inundated by water from any source (see definition of flooding).

Comment [jg30]: Definition Clarification.

Comment [jg31]: NFIP Recommendation.

Comment [jg32]: NFIP Recommendation.

- (29) Floodplain Management - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.
- (30) Floodplain Management Regulations - means this Chapter, along with such other subdivision and development regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.
- (31) Flood Proofing - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- (32) Flood Protection System - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees, or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.
- (33) Floodway – see "Regulatory Floodway."
- (34) Freeboard – means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effects of urbanization of the watershed.
- (35) Functionally Dependent Use - means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.
- (36) Habitable Structure – means a structure suitable for human habitation including, but not limited to, single or multi-family residences, hotels, condominium buildings, and buildings for commercial purpose. Each building of a condominium regime is considered a separate habitable structure, but if a building is divided into apartment, then the entire building, not the individual apartment, is considered a single habitable structure. Additionally, a habitable structure includes porches, gazebos, and other attached improvements.
- (37) Highest Adjacent Grade - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- (38) Historic Structure - means any structure that is:

Comment [Jg33]: NFIP Recommendation.

Comment [TP34]: Definition required so that we could divide permits between habitable and non-habitable structures..ie House vs Bridge

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior;  
or,
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (a) By an approved state program as determined by the Secretary of the Interior; or,
  - (b) Directly by the Secretary of the Interior in states without approved programs.
- (39) Increased Cost of Compliance (ICC) – means the coverage by a standard flood insurance policy under the NFIP that provides for the payment of a claim for the cost to comply with the State of Texas and Hays County floodplain management laws or ordinances after a direct physical loss by flood, when Hays County declares the structure to be “substantially” or “repetitively” flood-damaged. ICC coverage is provided for in every standard NFIP flood insurance policy and will help pay for the cost to floodproof, relocate, elevate, or demolish the structure.
- (40) Levee - means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.
- (41) Levee System - means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.
- (42) Lowest Floor - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; **provided** that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.
- (43) Manufactured Home - means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."
- (44) Manufactured Home Rental Community or Subdivision - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**Comment [jg35]:** NFIP Recommendation.

**Comment [jg36]:** Change to match Hays County Development Regulations

- (45) Map – means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by FEMA. Comment [Jg37]: NFIP Recommendation.
- (46) Mean Sea Level - means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.
- (47) New Construction - means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.
- (48) New Manufactured Home ~~Park~~ Rental Community or Subdivision - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community. Comment [TP38]: Name consistency with the rest of Hays County Development Regs
- (49) Non-habitable Structure - means a structure that is not suitable or intended for human habitation.
- (50) Participating Community – means a community in which FEMA has authorized the sale of flood insurance. Also known as an eligible community.
- (51) Principally Above Ground – mean that at least 51 percent of the actual cash value of the structure is above ground. Comment [TP39]: Definition required so that we could divide permits between habitable and non-habitable structures..ie House vs Bridge
- (52) Recreational Vehicle - means a vehicle which is:  
(1) built on a single chassis;  
(2) 400 square feet or less when measured at the largest horizontal projections;  
(3) designed to be self-propelled or permanently towable by a light duty truck; and,  
(4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- (53) Reasonably safe from flooding – means base flood waters will not inundate the land or damage structures to be removed from the SFHA and that any subsurface waters related to the base flood will not damage existing or proposed buildings.
- (54) Repetitive Loss – means flood-related damages sustained by a structure on two separate occasions during a 10-year period ending on the date of the event for which the second claim is made, for which the cost of repairs at the time of each such flood event, on the average, equaled or exceeded 25% of the market value of the structure before the damages occurred. Comment [Jg40]: NFIP Recommendation.
- Comment [Jg41]: NFIP Recommendation.

- (55) Regulatory Floodway - means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
- (56) Riverine – means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
- (57) Special Flood Hazard Area – see “Area of Special Flood Hazard” – means an area having special flood hazard and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, AH, A99, or AR.
- (58) Start of Construction - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- (59) Structure – means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.
- (60) Substantial Damage - means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- (61) Substantial Improvement - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This term includes structures which have incurred "repetitive loss" or "substantial damage," regardless of the actual repair work performed. The term does not, however, include either: (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."
- (62) Variance – means a grant of relief by a community from the terms of a floodplain management regulation. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

Comment [jg42]: NFIP Recommendation.

Comment [jg43]: NFIP Recommendation.

(63) Violation - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

(64) Water Surface Elevation - means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

### **Sub-Chapter 3 - General Provisions**

#### **§3.01. Lands to Which This Chapter Applies**

This Chapter shall apply to all areas of special flood hazard within the jurisdiction of Hays County, Texas.

#### **§3.02. Basis for Establishing the Areas of Special Flood Hazard**

The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "The Flood Insurance Study for Hays County, Texas," dated February 18, 1998, with accompanying effective Flood Insurance Rate Maps and/or Flood Boundary- Floodway Maps (FIRM and/or FBFM) dated September 2, 2005, and any revisions thereto, are hereby adopted by reference and declared to be part of this Chapter.

**Comment [Jg44]:** Fema Model Order Requirements

#### **§3.03. Establishment of Development Permit System**

A Flood Hazard Area Permit System is hereby established to ensure compliance with the provisions of this Chapter. This system shall require an Application for a Development Authorization by the Applicant or the Permittee seeking the Development Authorization.

A county-wide application system is a necessary and reasonable action to insure that all permits for development in flood hazard areas have been obtained. The Commissioners Court through the Floodplain Administrator will develop and promulgate any and all forms as may be necessary for the implementation of this court order.

**Comment [TP45]:** Requiring a permit for all development helps assure that no development inadvertently is constructed in the floodplain without meeting these rules

Additional floodplain data may be generated which will improve the accuracy of floodplain boundary identification. Since the County will constantly be aware of map changes and additional data, the responsibility for determining whether a property or development is within a flood hazard area must rest with the Hays County Floodplain Administrator. Flood Hazard Boundary Maps published by the Federal Insurance Administration delineate only the major flood prone areas within the County. With a County-wide review procedure, the Floodplain Administrator will be able to make recommendations for construction standards which will minimize or eliminate the possibility of damage from localized drainage problems.

**Comment [TP46]:** So that the most up to date and accurate data can be used, in cases where the FEMA map is not detailed enough for a particular development

#### **§3.04. Compliance**

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this Chapter and other applicable regulations.

#### **§3.05. Abrogation and Greater Restrictions**

**Comment [Jg47]:** Moved entire section above.

- (D) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor of all new construction and substantial improvements, in accordance with Sec. 735.04.04(A)(2).
- (E) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved non-residential structures in A-Zones have been floodproofed, in accordance with Sec. 735.04.04(A)(2). [
- (F) Review permits for proposed development within a special flood hazard area to assure that all necessary permits have been obtained from those Federal, State, or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) or by area-wide agencies from which prior approval is required prior to issuing a development permit. Such documentation is to be maintained on file with the development permit. [
- (E) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
- (F) Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the Texas Water Development Board (TWDB), prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency. [
- (G) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- (H) When base flood elevation data has not been provided in accordance with Section §735.3.02, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Subchapter 5 of this Chapter.
- (I) When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than 1 foot, provided that the community first completes all of the provisions required by Section 65.12.
- (J) Participate actively in evaluating the variance requests and provide input and recommendations in variance hearings/proceedings.
- (K) Coordinate all change requests to the FJS and FIRM or FHBM, or both, with the requester, State, and FEMA. [

Comment [jg48]: NFIP Recommendation.

Comment [jg49]: NFIP Recommendation.

Comment [jg50]: Fema Model Order

Comment [jg51]: NFIP Recommendation.

#### **§4.03. Classification of Flood Hazard Area Permits**

Development Authorizations issued as Flood Hazard Area Permits (FHAP) shall be classified as follows:

- (A) Development located on real property for which there is no Flood Hazard area delineated shall qualify for a Class A (Exemption Certificate) FHAP. The FHAP shall state that the proposed development is located on real property that does not lie within an identified Flood Hazard Area and that the construction standards contained in this Chapter are not applicable to the proposed development. Class A FHAPs (Exemption Certificates) shall be issued by the Floodplain Administrator.
- (B) Habitable structures located on real property in flood hazard areas shall require a Class B FHAP. Class B FHAPs that comply with the terms of this Chapter may be issued by the Floodplain Administrator. Variances requested in conjunction with a Class B FHAP shall require approval of the Commissioners Court.
- (C) Non-habitable structures or development located on real property in flood hazard areas shall require a Class C FHAP.

**Comment [jg52]:** Current non-habitable structures require a Class C.

The Floodplain Administrator shall issue FHAPs that comply with the terms of this Chapter, including specifically authorized variances.

#### **§4.04. Permit Procedures**

- (A) Applications for an FHAP will be processed in accordance with Chapter 701 of the Chapter 701 of the Hays County Development Regulations.
- (B) Application for a Flood Hazard Area Permit shall be presented, prior to undertaking any development activities, to the Floodplain Administrator on forms furnished by him/her and may must include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area under consideration for development, proposed landscape alterations, existing and proposed structures and other features, including the placement of manufactured homes, earthen fill, storage of materials or equipment, drainage facilities, perimeter setbacks, environmental features such as base floodplain areas, wetlands, and other protected areas, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information, certified by a Texas professional who is authorized to certify such information, is required:

**Comment [jg53]:** NFIP Recommendation.

(1) Application Stage:

- (a) Elevation (in relation to mean sea level) of the area of development for both existing and proposed development.
- (b) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;

**Comment [jg54]:** NFIP Recommendation.

**Comment [jg55]:** NFIP Recommendation.

(c) Elevation (in relation to mean sea level) to which any nonresidential structure shall be floodproofed;

(d) A certificate from a Texas licensed registered professional engineer or Texas licensed architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Subchapter 5 of this Chapter;

(J) Prerequisites for granting variances:

(1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(2) Variances shall only be issued upon: (i) showing a good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(3) Any application applicant to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation, and that such construction below the base flood level increases risks to life and property.

Comment [jg59]: Wrong terminology

Comment [jg60]: NFIP Recommendation.

(K) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria outlined in Section §735.04.04(B) are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(L) A request for variance is not an after-the-fact request and should be made prior to the commencement of any development activities sought under an FHAP.

Comment [jg61]: NFIP Recommendation.

**Sub-Chapter 5 - Provisions for Flood Hazard Reduction**

**§5.01. General Standards**

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

(A) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(B) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(C) All new construction or substantial improvements shall be constructed with materials and utility elements resistant to flood damage;

Comment [jg62]: NFIP Recommendation.

(D) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(E) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

- (F) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,
- (G) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (H) When located in multiple flood zones with varying base flood elevations or in the same flood zone with multiple base flood elevations, the requirements for the flood zone with the most stringent requirements and the highest base flood elevation shall apply.

Comment [jg63]: NFIP Recommendation.

- (I) Base flood elevation data shall be generated by a detailed engineering study for all Zone A areas, and within 100 feet of the contour lines of Zone A areas, as indicated on the community's FIRM. Base flood elevation data and floodway boundaries shall be generated by a detailed engineering study for development purposes in Zone A and within 100 feet of the contour lines of Zone A, as indicated on the community's FIRM, if the Floodplain Administrator requires this based on proximity to channel, or obvious inaccuracy of the FIRM in area of the proposed development, or historical records of flooding. The Applicant shall bear the cost of the engineering studies.

Comment [TP64]: Zone A floodplain boundaries are based on less precise engineering and topographic information generated in the mid 1970's this requirement is in place to assure that development is safe from flooding

#### **§5.02. Specific Standards**

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Subchapter 3, (ii) Subchapter 4, or (iii) Subchapter 5, the following provisions are required:

- (A) Residential Construction - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to at least one (1) foot above the base flood elevation. A Texas registered professional engineer, Texas licensed architect, or Texas licensed land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Section §735.04.03 is satisfied.
- (B) Nonresidential Construction - new construction and substantial improvements of any commercial, industrial, or other nonresidential structure shall either have the lowest floor (including basement) elevated to at least one (1) foot above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A Texas registered professional engineer or Texas licensed architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.

(C) Enclosures - new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a Texas registered professional engineer or Texas licensed architect or meet or exceed the following minimum criteria:

(1) A minimum of two openings on separate walls having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.

(2) The bottom of all openings shall be no higher than 1 foot above the floor or bottom of the interior of the enclosed structure

(3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

**Comment [TP65]:** To prevent flotation or collapsing of walls of enclosed structures

(D) Manufactured Homes -

(1) Require that all manufactured homes to be placed within Zone A on a community's FHB or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

(2) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to at least one (1) foot above the base flood elevation, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, on all sites:

(a) outside of a manufactured home park or subdivision;

(b) in a new manufactured home park or subdivision;

(c) in an expansion to an existing manufactured home park or subdivision; or,

(d) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood.

(3) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH, and AE on the community's FIRM that are not subject to the provisions of Section §735.5.02(D)(2) be elevated so that either:

(a) the lowest floor of the manufactured home is at or above the base flood elevation; or,

(b) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(E) Recreational Vehicles - Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either (i) be on the site for fewer than 180 consecutive days, or (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements of Section §735.4.03, and the elevation and anchoring requirements for "manufactured homes" in Section §735.5.02(D)(2). A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(F) Fences in Special Flood Hazard Area

(1) Exempted Fencing -- No Flood Hazard Area Permit is required for open pipe, rail, or wire fencing that is 90% "open" and that have posts less than 14" diameter placed no closer than 8-feet apart.

(2) Non Exempt Fencing-- any proposed fence in a 100-year floodplain that is not an exempt fence is considered to be development and requires issuance of a Flood Hazard Area Permit.

(3) Any fencing that crosses a stream channel must be designed and constructed so that it will break away or collapse to allow discharge of flood waters.

(4) On a navigable stream or river a property owner must comply with the Texas Parks and Wildlife Code so that public recreational use is not limited, obstructed, restricted, or interfered with.

#### **§5.03. Standards for Subdivision Proposals**

(A) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with this Chapter and shall be approved by the County Floodplain Administrator prior to issuance of the Development Authorization by the County. Plat specifications and details for submission will be governed by Chapter 705 and other applicable provisions of these Regulations.

(B) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet the requirements this Chapter.

(C) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which ~~is~~ are greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to this Chapter.

(D) All subdivision plats shall have the Floodplain and Floodway clearly delineated on the plat and, where appropriate, shall have the lowest floor elevations for all lots located within Flood Hazard Areas. Finish floor elevations and floodway will not be required if Floodplain is contained within a drainage easement prohibiting development.

**Comment [TP66]:** This section is so that decorative fencing, such as solid rock walls or other fences that could obstruct or impact floodplain will need to be permitted.

**Comment [TP67]:** This saves a developer from doing engineering work that is needless

- (E) All subdivision Applications including the placement of manufactured home parks and subdivisions shall include provisions for adequate drainage as required under Chapter 725, to reduce exposure to flood hazards.
- (F) All subdivision Applications including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
- (G) All subdivision Applications which include land which is encroached by areas of special flood hazard, must include the placement of a permanent benchmark indicating the elevation relative to mean sea level. The benchmark must be located within the platted property, and must be indicated on the subdivision plat. If all floodplain is contained within a drainage easement, a benchmark is not required.

Comment [TP68]: Since nothing will be built in the floodplain elevations will not be needed

#### **§5.04. Standards for Areas of Shallow Flooding (AO/AH Zones)**

Located within the areas of special flood hazard as defined above are areas designated as shallow flooding. These areas have special flood hazards associated with flood depths of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

- (A) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to at least one (1) foot above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified).
- (B) All new construction and substantial improvements of non-residential structures:
  - (1) have the lowest floor (including basement) elevated to at least one (1) foot above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified); or,
  - (2) together with attendant utility and sanitary facilities be designed so that below the base specified flood depth in an AO Zone, or below the Base Flood Elevation in an AH Zone, level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
- (C) A Texas registered professional engineer, ~~or~~ Texas licensed architect, or, for purposes of satisfying the requirements of 5.04(B)(1) above, a Texas registered professional land surveyor shall submit a certification to the Floodplain Administrator that the standards of this Section are satisfied.
- (D) Require within Zones AH or AO adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

Comment [Jg69]: Staff feels a RPLS is a sufficient for this requirement.

#### **§5.05. Floodways**

Located within areas of special flood hazard are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions shall apply:

- (A) Encroachments are prohibited, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- (B) If Section §735.5.05(A) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of the remainder of this Chapter.
- (C) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first completes all of the provisions required by Section 65.12.

#### **§5.06. Critical Facilities**

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA, preferably outside the 0.2% annual chance floodplain. Construction of new critical facilities may be permissible within the SFHA if feasible alternative sites are unavailable. Critical facilities constructed within the SFHA shall have the lowest floor elevated at least one (1) foot above the base flood elevation at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the maximum extent possible.

Comment [jg70]: NFIP Recommendation.

#### **§5.06. Severability**

If any section, clause, sentence, or phrase of this Chapter is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Chapter.

#### **§5.07. Penalties for Non-Compliance**

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Chapter and other applicable regulations. Violation of the provisions of this Chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this Chapter or fails to comply with any of its requirements is subject to the following penalties:

- (A) CIVIL PENALTY: A person who violates this Chapter is subject to a civil penalty of not more than \$100 for each act of violation and for each day of violation.
- (B) CRIMINAL PENALTY:
  - (1) A person commits an offense if the person violates this Chapter.

(2) An offense under this Chapter is a Class C misdemeanor.

Each violation of this Chapter and each day of continuing violation is a separate offense. Any person shall, upon conviction, pay the related fine as specified above for each violation, along with all costs and expenses involved in the case.

Comment [jg71]: FEMA Model Order.

**§5.08. ENFORCEMENT BY POLITICAL SUBDIVISION:**

(A) If it appears that a person has violated, is violating, or is threatening to violate this Chapter or a rule adopted by order issued under this Chapter, a political subdivision may institute a civil suit in the appropriate court for:

(1) injunctive relief to restrain the person from continuing the violation or threat of violation, including an order directing the person to remove illegal improvements and restore preexisting conditions;

(2) the assessment and recovery of the civil penalty; or

(3) both the injunctive relief and the civil penalty.

(B) On application for injunctive relief and a finding that a person has violated, is violating, or is threatening to violate this Chapter or rule adopted, or order issued under this Chapter, the court shall grant the injunctive relief that the facts warrant.

Nothing herein contained shall prevent Hays County from taking such other lawful action as is necessary to prevent or remedy any violation.

Comment [jg72]: FEMA Model Order.

Regulated Land Use (as defined in §755.3.02) or to expand or change locations shall be made in writing to the Department on a form prescribed by the Department and shall, along with such other information the Department may require, contain the names and mailing address of all schools, churches and any interested parties known to the applicant to want notice of the hearing on the application for the Permit.

(C) Supporting Documents Required for Permit.

If the applicant is not the owner in fee simple of the proposed facility, a properly executed power of attorney or other written evidence of the agency agreement between the applicant and the owner.

(D) Acknowledgement Required for Permit

The application shall contain the following statements: "Applicant agrees to provide public notices pursuant to Chapter 755 of the Hays County Development Regulations. All of the information contained in this application is true and correct to the best of the applicant's knowledge and belief. Applicant acknowledges that the permit applied for shall be subject to all provisions of the codes and ordinances of Hays County relating to Regulated Land Uses and shall be subject to all provisions of the codes and statutes of the State of Texas."

**§5.04. Notice Procedures**

- (A) In any notice of a hearing pursuant to Subchapter 9 of this Chapter, the Department shall state the nature of the approval sought, the location for which approval is sought, the date, time, and place of the hearing, any additional information the Department may consider necessary, and the right of interested parties to be heard on the questions of approval and conditions to be imposed.
- (B) At least ten days prior to the date set for any hearing pursuant to Subchapter 9 of this Chapter, the Applicant shall provide Written Notice, in accordance with §701.9.08 to the owners of the proposed facility considered a Regulated Land Use and to the schools, churches, and interested parties included in the lists of these groups attached to the application for the permit pursuant to Subchapter 7 of these rules.
- (C) The Department shall require the Applicant to display a copy of a notice of hearing pursuant to Subchapter 9 of Chapter 701 of these Regulations in compliance with the Texas Open Meetings Act, on the site of the proposed facility or expansion or change of location of a permitted facility in a place that is visible from the adjacent roadways or highways. This notice of hearing must be displayed at least ten (10) days before the date set for the hearing.
- (D) The Applicant shall be required to notify the public upon submission of an Application under this Chapter, in accordance with the requirements for Posted Notice in §701.9.04. The signs shall contain the following header text:

NOTICE OF APPLICATION FOR {name of regulated land use from §755.3.02}  
PERMIT

The signs shall contain the following notice text:

An application has been filed with HAYS COUNTY for an {name of regulated land use from §755.3.02} permit for this property. Information regarding the application may be obtained from:

This text shall be followed with the name and contact information of the Department and the tracking number assigned by the Department to the Application.

#### **§5.05. Applications and Fees**

The Department shall accept all applications and collect all fees necessary to meet the requirements of this Chapter. All fees collected shall be deposited in the general fund of the county.

#### **§5.06. Renewal Application Procedures**

(A) Applications for renewal permits shall be made in writing to the Department on a form prescribed by the Department and shall generally contain the same information as required for an initial permit.

(B) Acknowledgement Required for Renewal Permit

The application shall contain the following statements:

- (1) The location in the renewal application is the same land area and geographic location as that approved by the Commissioners Court in the initial application.
- (2) The permit has never been revoked and is not suspended or expired on the date of application.
- (3) The facility considered to be a Regulated Land Use is in operation on the date of application for renewal.
- (4) All of the information contained in this application is true and correct to the best of the applicant's knowledge and belief.
- (5) Applicant acknowledges that the permit applied for shall be subject to all provisions of the codes and ordinances of Hays County relating to Regulated Land Uses and shall be subject to all provisions of the codes and statutes of the State of Texas.

#### **§5.07. Issuance of Permit**

(A) Initial Permits

Initial permits may be issued by County upon receipt of the prescribed fee and a completed application only if the Commissioners Court has approved the location of the facility considered to be a Regulated Land Use.

(B) Permits for Increase in Land Area or Change of Location

Permits for an increase in land area of the location or for changes in location may be issued by the County upon receipt of the prescribed fee and a completed application only if the Commissioners Court has approved the location of the additional area to be used for the increase in land area or the new location of the facility considered to be a Regulated Land Use.

(C) Issuance of Permits

Under the conditions established in these rules, the Department shall issue permits to all applicants whose applications have been approved by the Commissioners Court in compliance with Subchapter 9 of this Chapter. All permits shall include the certification of the Hays County Clerk, or his authorized agent, that the permit has been approved by the Commissioners Court and the date of approval. All permits shall be originally signed by the Director of the Department or his authorized agent.

(D) Annual Renewal of Initial Permits

After the initial permit has been issued by the County, the Department shall renew the permit within thirty (30) days after receipt of the prescribed fee and a completed renewal application, provided that the location in the renewal application is the same land area and geographic location as that approved by the Commissioners Court in the initial application; the permit has never been revoked and is not suspended or expired on the date of application; and the junkyard or automotive wrecking and salvage yard is in operation on the date of application for renewal.

(E) Annual Renewal of Permits for Increase in Land Area or Change of Location

After the permit for increase in land area or change of location has been issued by the County, the County shall renew the permit within thirty (30) days after receipt of the prescribed fee and a completed renewal application, provided that the location in the renewal application is the same land area and geographic location as that approved by the Commissioners Court in the application for increase in land area or a change of location; the permit has never been revoked and is not suspended or expired on the date of application; and the facility considered to be a Regulated Land Use is in operation on the date of application for renewal.

**§5.08. Procedure for Commissioners Court Approval**

(A) Public Hearing

Prior to approval of any application for a permit pursuant to these rules, the Commissioners Court shall hold a public hearing on the question of approval of the application and conditions to be imposed on the location. At this public hearing, interested parties shall have the right to be heard on the question of approval and conditions to be imposed. The public hearing shall be held within forty-five (45) days of receipt of an application in compliance with §755.5.06.

(B) Notice of Hearing

The County shall give notice of the hearing on the application as prescribed in Section §755.5.04.

(C) Criteria for Approval

The Commissioners Court may deny approval of any application for any permit sought pursuant to these rules for the following reasons:

- (1) The location of the proposed facility would be detrimental to the public health, safety, or welfare;
- (2) The location of the proposed facility would create a hazard to the environment;
- (3) The location of the nearest boundary of the proposed facility would be within one thousand (1,000) feet of the nearest property line of property on which there is a church, a school, a park, a hospital, a nursing home, or a residence (single family home, duplex,

**CHAPTER 759 - RESERVED**

**CHAPTER 760 - RESERVED**

## **CHAPTER 761 - ECONOMIC INCENTIVES FOR DEVELOPMENT ACTIVITIES**

### ***Sub-Chapter 1 - Applicability***

#### **§1.01. General Requirements**

This Chapter shall govern economic incentives given by the County for qualifying activities conducted under or in conjunction with a Development Authorization issued by the County.

#### **§1.02. Legal Authority**

Legal Authority for adopting and enforcing the regulations in this Chapter is granted to the County under TLGC in Chapter 232.001.

#### **§1.03. Types of Economic Incentives**

Subject to approval of the Commissioners Court, the following types of economic incentives are authorized:

- (A) Rebates on Application fees;
- (B) Rebates on Usage fees;
- (C) Ad valorem tax exemptions; and,
- (D) Fee-in-lieu contributions.

#### **§1.04. Qualifying Activities**

Subject to acceptance by the Commissioners Court, the following types of activities qualify for economic incentives in conjunction with Development Authorizations issued by the Commissioners Court:

- (A) Water conservation features;
- (B) Open space preservation/allocation;
- (C) Low intensity developments;
- (D) Affordable housing;
- (E) Construction of storm water quality management features;
- (F) Rainwater harvesting facilities;
- (G) Construction of groundwater recharge enhancement structures;
- (H) Cedar/ash juniper managed removal plan;
- (I) Boundary street improvements; and,
- (J) Wastewater reuse plumbing to individual lots.

#### **§1.05. Combined Activities**

Multiple qualifying activities of the same or varying types may be incorporated into one project or one Development Authorization.

## Changes to Development Regulations

### DEPARTMENT CHANGES

New Page #	Old Page #	Affected Section	Notes
7	7	701.3.02(W)	Deleted Old Definition
7	7	701.3.02(AA)	Deleted Old Definition
38	38	705.1.02	Added Space
41	41	705.4.06(B)	added "I" to LGC.
43	43	705.5.01(J)	Removed scale from vicinity map.
44	44	701.05.02(F)	Removed Paragraph Regarding 50 X 50 well easement.
46	46	705.05.01 Table	Changed Definitions to match TCEQ OSSF Rules.
53	53	705.10.01(A)	Removed Paragraph Regarding State Stormwater Quality Plans
75	75	715.3.05	Removed space
95	95	Table 721.02	Changed setback to match standards in table 755.09
99	99	725.1.01	Changed 411 to 562 to reflect actual chapter number
100	100	725.3.02	Added actual storm frequencies to paragraph.
100	100	725.3.02	Changed paragraph language regarding runoff rate for storm events.
104	104	725.6.01	Moved entire incentive section to Chapter 761.
112	112	731.1.01	Changed 411 to 562 to reflect actual chapter number
123	123	735.1.02	National Flood Insurance Program Recommendation
123	123	735.1.03	added the word damage from FEMA MODEL ORDER
123	123	735.1.04	added terms health, safety, and welfare to
124	124	735.1.06	National Flood Insurance Program Recommendation
125	125	Definition 7	National Flood Insurance Program Recommendation
125	125	Definition 8	National Flood Insurance Program Recommendation
125	125	Definition 9	FEMA model order
125	125	Definition 13	National Flood Insurance Program Recommendation
125	125	Definition 14	National Flood Insurance Program Recommendation
126	126	Definition 21	Clarification of original definition of "fill"
126	126	Definition 23	National Flood Insurance Program Recommendation
126	126	Definition 25	National Flood Insurance Program Recommendation
127	127	Definition 34	National Flood Insurance Program Recommendation
127	127	Definition 36	National Flood Insurance Program Recommendation
127	127	Definition 39	Definition clarifying habite structions vs non-habitable
128	128	Definition 44	National Flood Insurance Program Recommendation
128	128	Definition 44	Changed to match rest of development regulations
129	129	Definition 45	National Flood Insurance Program Recommendation
129	129	Definition 48	Changed to match rest of development regulations

129	129	Definition 49	Definition clarifying habitable structures vs non-habitable
129	129	Definition 50	National Flood Insurance Program Recommendation
129	129	Definition 51	National Flood Insurance Program Recommendation
129	129	Definition 54	National Flood Insurance Program Recommendation
130	130	Definition 57	National Flood Insurance Program Recommendation
130	130	Definition 61	National Flood Insurance Program Recommendation
131	131	735.3.02	FEMA model order
131	131	735.3.03	Permit requirements to ensure development is in compliance with these rules.
131	131	735.3.03	Added to give the ability for applicants to use more up to date data than FEMA maps.
131	131	735.3.05	Moved section up.
133	133	735.4.02 (D,E,F)	National Flood Insurance Program Recommendation
133	133	735.4.02 (J and K)	National Flood Insurance Program Recommendation
134	134	735.4.03 (C)	Non-habitable structures require a "class C"
134	134	735.4.04	National Flood Insurance Program Recommendation
137	137	735.4.06 (J)	Wrong Terminology
137	137	735.4.06 (J - L)	National Flood Insurance Program Recommendation
137	137	735.5.01 (C)	National Flood Insurance Program Recommendation
138	138	735.5.01 (H)	National Flood Insurance Program Recommendation
138	138	735.5.01 (I)	Requirement for more detailed information.
139	139	735.5.02 (C2)	Prevent collapsing of walls of enclosed structures.
140	140	735.5.02 (F)	Requirement to permit decorative fencing within flood areas
140	140	735.5.03 (D, G)	changed to save time if floodplain is already contained in an easement.
141	141	735.5.04 (C)	Staff feels like an RPLS is sufficient to establish elevation.
142	142	735.5.06	National Flood Insurance Program Recommendation
143	143	735.5.07 (B)	FEMA model order
175	175	755.6.01	removed broken hyperlink
176	176	755.6.05(B)	Changed reference to reflect actual section being referred to.
176	176	755.6.02(B)	removed broken hyperlink
177	177	755.6.02(D1-D2)	removed multiple broken hyperlinks.
185-187	n/a	761.5.01	inserted section from Chapter 725.

***Subdivision/Road/Staff Review Agenda Item Request Form***

**Hays County Commissioners' Court**

9:00 a.m. Every Tuesday

**Request forms are due in the County Judge's Office**

no later than **2:00 p.m.** on **WEDNESDAY.**

Phone (512) 393-2205 Fax (512) 393-2282

**AGENDA ITEM: Discussion and possible action to approve Scope and Fee for producing a Transportation Plan for Hays County.**

<b>TYPE OF AGENDA ITEM</b>	<b>Subdivision</b>	<b>Road</b>	<b>Staff Recommendation</b>
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**PREFERRED MEETING DATE REQUESTED: July 19, 2011**

**AMOUNT REQUIRED: not to exceed \$325,000**

**LINE ITEM NUMBER OF FUNDS REQUIRED: excess in Transportaion Budget + 70K in FY2012**

**REQUESTED BY: Borcharding**

**SPONSORED BY: Commissioner Conley**

**SUMMARY: Parsons-Brinkerhoff Inc. has prepared the attached scope and fee. The project is expected to take 12 to 15 months to complete.**

**STAFF REVIEW/COMMENTS**

**ENVIRONMENTAL HEALTH DIRECTOR:**

**ROAD DIRECTOR: Recommends**

**STAFF RECOMMENDATIONS:**

**DESCRIPTION OF Item:** Discussion and possible action to approve Scope and Fee for producing a Transportation Plan for Hays County.

**PREFERRED MEETING DATE REQUESTED:** July 19, 2011

**COUNTY AUDITOR**

**AMOUNT:** not to exceed \$325,000

**LINE ITEM NUMBER:** excess in Transportaion Budget + 70K in FY2012

**COUNTY PURCHASING GUIDELINES FOLLOWED:**

**PAYMENT TERMS ACCEPTABLE:**

**COMMENTS:** We only have \$50,000 budgeted in General Fund for a transportation plan. The Court will need to identify additional funding & amend the budget accordingly.

**Bill Herzog**

**SPECIAL COUNSEL**

**CONTRACT TERMS ACCEPTABLE:** \_\_\_\_\_

**COMMENTS:**

**COUNTY JUDGE**

*Signature Required if Approved*

**DATE CONTRACT SIGNED:** \_\_\_\_\_

**Hays County Transportation Plan  
Scope of Work Option A  
July 5, 2011**

This scope of work for the Hays County Transportation Plan (HCTP) was developed to address the interests of Hays County in developing the Hays County Transportation Plan (HCTP). Specifically, it was developed to address the following:

- Develop a transportation plan that is based on sound technical analysis;
- Accommodate growth while maintaining and improving access to destinations for the traveling public (e.g., work, school, shopping, residential).
- Maintenance and improvement of the transportation system and the mobility of its users;
- Provide Hays County with the information and tools needed to preserve the right-of-way needed for future transportation improvements;
- Development of a transportation plan through an open and transparent process that provides numerous and various ways for the public to stay involved and provide input into the process; and,
- Creation and adoption of a transportation plan that not only addresses specific project needs but one that also sets an overall direction for the transportation future of Hays County.

**Task 1: Project Administration**

The PB Team will produce a Detailed Work Plan that will be used to guide the overall administration of the project. The PB Team will develop and review with Hays County staff a Detailed Work plan that:

- An overview of and the rationale for the project;
- The final plan details, including individual tasks and their levels of effort and deliverables;
- The final project schedule
- The methods of quality assurance and quality control;
- The means and methods of communication between the PB Team and Hays County staff;
- The roles and responsibilities of the PB Team and the County staff; and,
- How project information will be shared between the PB Team, County staff and the public. The effort will include a provision for utilizing PB's web-based ProjectSolve © (PS2) tool to house and track work products, meeting minutes, reports, and other information gathered and produced for this project.

This task also includes the time necessary for the Project Manager and Project Administrator to:

- Prepare and submit monthly progress reports, invoicing and sub-consultant monitoring; and,
- Project file documentation.

Task 1 deliverables will be:

- The Hays County Transportation Plan Project Management Plan; and,
- Month invoices and progress reports.

## **Task 2: Review Existing Plans and Reports to Define the Planning Framework**

The PB Team will review the following existing plans and reports to define the historical context and planning context for the HCTP:

- The 2020 Hays County Transportation Plan;
- The Hays County Capital Improvement Program;
- The Hays County Water Supply Plan;
- The Hays County Strategic Plan;
- The Hays County 1445 Agreements with cities in Hays County;
- The Capital Area Metropolitan Planning Organization (CAMPO) 2030 Long Range Transportation Plan;
- The CAMPO 2035 Long Range Transportation Plan;
- The CAMPO Congestion Management Process;
- The CAMPO Transportation Improvement Program; and,
- The Texas Department of Transportation 2030 Committee Report.

The review and summary of each of these reports will focus on the information, analysis and findings they contain that will affect and define how transportation facilities and services in Hays County will be further developed. The key findings of each report will be summarized as Technical Memorandum #1.

## **Task 3: Develop and Implement a Public Involvement Plan**

To focus and guide public involvement for the HCTP, the PB Team will form and utilize both a Citizens Advisory Group (CAG) and Technical Advisory Group (TAG). The purpose of both the CAG and TAG is to provide Hays County staff and the PB Team with early and regular feedback on the HCTP process and its products, and to help shape and define the general public outreach opportunities. The CAG will be comprised of 13-17 citizen members while the TAG will be comprised of 11-15 members selected from County staff and representatives from other interested agencies and organizations, including the cities in Hays County. Both CAG and TAG members will be selected by the Hays County Commissioners Court and Hays County staff.

Interaction with the CAG and TAG will contribute to a successful and transparent public involvement process. Equally important is the need to build this plan on a foundation that emphasizes and addresses the need and desire for increased and ongoing outreach to the public. Therefore a prerequisite to developing the public involvement plan is to identify the various stakeholder groups that represent every sector of the affected public. The public involvement plan will meet the intent of the County to involve every sector of the community in the development of the HCTP by providing for:

- Three public workshops. The first will be held as the entire data gathering and analysis process is being completed prior to the assessment of future transportation need; the second will be held after the future need has been defined; and the third will be held when the draft HCTP plan is completed and ready for review. These public workshops will provide the public with the opportunity to review and discuss information with the project team and provide their input. The PB Team will rely heavily on visually based presentation materials and visualization techniques, where appropriate, to present and explain data and information. In addition, reaching out to stakeholder groups such as neighborhood associations, chambers of commerce, rotary clubs, Kiwanis clubs, etc. as well as relevant community events will be an effective way to share and collect information on the HCTP. When possible the public involvement team will attend stakeholder group meetings or community events to distribute project information.

- Media relations that will include public service announcements, news articles, and other activities designed to keep the planning process in the public eye. The cost estimate includes defining the nature and timing of the media contacts, but does not include procuring ad space or placing ads, which will be done by Hays County staff; and,
- Website postings that give information in addition to providing the opportunity to comment and provide input. The PB Team will also provide web updates for posting by the County.

The cost estimate includes a provision for 7 monthly meetings with both the CAG and TAG and assumes that both will meet on the same day and that Hays County will be able to provide a meeting location. The cost estimate also includes provision for the public workshops noted above and supporting media relations material and web content needed to advertise each. A detailed database with a communication log will also be kept and delivered to the County. The Task 3 deliverable will be Technical Memorandum #2 describing the public involvement process used to develop the HCTP and that summarizes comments received in the Plan preparation process and how they were addressed.

#### **Task 4a: Develop an Existing System Assessment**

To further define the context of the Hays County Transportation Plan, the PB Team will compile and analyze existing data that might, depending on availability, include:

- Roadways data, including lane-miles by functional class and condition rating;
- Right-of-way data from the Hays County right-of-way inventory;
- Bridge data, including the number and condition;
- Pedestrian and bicycle facilities, including information on operations and maintenance;
- Rail facilities, including the class of track, level of usage, and defined improvement need;
- Environmental constraints;
- Transit facilities and services, including, routes, ridership, amenities and maintenance facilities.
- Existing and forecasted traffic conditions;
- Incident / crash locations;
- Transit routing and travel time; and,
- Land use.

System assessment data will be assembled from a variety of existing sources, including:

- The current Hays County Transportation Plan;
- Texas Department of Transportation
- Capital Area Metropolitan Planning Organization
- The Capital Area Rural Transportation System (CARTS)
- The Capital Area Council of Government (CAPCOG); and,
- Geographic Information System data; and,

#### **Task 4b: Develop a Demographic and Socioeconomic Analysis**

The objective of this task is to develop an understanding of the demographic and socioeconomic changes expected to occur into the future as well as an understanding of how these changes will affect the demand for transportation facilities and services in and around Hays County. To prepare the demographic and socioeconomic analysis, the PB Team will gather and evaluate data on existing and forecasted population, employment, land use, and economics. We will compile this data from sources that include, but are not necessarily limited to:

- CAMPO;
- The Texas State Data Center;
- The United States 2010 Census;
- Hays County population, employment and land use projections;
- Regional economic data; and,
- Geographic Information System data.

The PB team will review the population and employment forecasts for Hays County prepared for the CAMPO 2030 and 2035 Plans. Forecasts will be compared at the traffic serial zone level for all forecasts years to determine likely growth amounts and geographic distribution. Based on Texas State Data Center information a range of future years will be identified with a low and high County growth rate to illustrate when a particular forecasted population might be achieved, e.g. 2025-2050.

The deliverables for tasks 4a and 4b will be combined into Technical Memorandum #3 documenting system assessment data and the socioeconomic and demographic analysis that will serve as the basis for the goals and objectives, analyzing need, and identifying needed transportation improvements. Maps, tables, and other graphics needed to support the text and the analysis will be included.

#### **Task 5: Develop Goals and Objectives**

Based on the review of existing plans and reports, and early input from the CAG, TAG and the Commissioner Court, the PB Team will identify the current challenges and opportunities facing the County and develop a set of goals and objectives that guide the development of the HCTP as a tool that:

- Establishes the guiding principles for the plan, including specific issues related to safety, access and mobility, resource conservation, economic diversification, and future public involvement and communication.
- Better integrates implementation of the HCTP with the subdivision review and approval process;
- Better integrates implementation of the HCTP with the elements of Context Sensitive Planning and Design (CSPD);
- Defines right-of-way preservation and dedication requirements for future needs; and,
- Determines a unified direction for the County, cities and the other agencies and organizations involved in the planning, programming, construction, maintenance, and operation of transportation facilities and services.

The Task 5 deliverable will be Technical Memorandum #4 describing the goals and objectives of the HCTP. With the initiation of this task, the PB Team proposes holding Public Workshop #1. The results of this workshop will be included in Technical Memorandum #2 noted under Task 2.

**Task 6: Analyze the Need for Transportation Facilities and Services**

The PB Team will review the travel demand forecasts from the Capital Area Metropolitan Planning Organization (CAMPO) 2030 and 2035 long range plans to identify and map forecast increases in travel demand. Corresponding transportation facility needs and services will be identified for based on these future forecasts. Particular attention will be focused on the need for new and expanded roadway capacity. The PB Team will evaluate the existing CAMPO 2035 travel demand model and review it in light of new population and employment data as identified in Task 4b and reassess travel demand as appropriate. All assessments of facility deficiencies will be based upon analysis of the roadway classifications, number of lanes, length and connectivity contained in the CAMPO model used for the 2035 Plan. Verification of exact configurations will require additional effort and modifications to the CAMPO model will increase the effort required for this assignment.

The Task 6 deliverable will be Technical Memorandum #5 describing each of the travel demand forecast scenarios and how they compare to the goals and objectives.

At this point in the process, the PB Team will hold Public Workshop #2 which will build upon the work done to date. The purpose of this workshop will be to present to the public the results of the analysis described above and solicit the input on the needs identified. The results of this workshop will be included in Technical Report #2 noted under Task 2.

New travel demand modeling or forecasting by the PB Team is not included in this scope.

**Task 7: Identify Recommended Transportation Improvement Projects and Programs**

Starting with the current project list from the current Hays County 2020 long range plan, and all city transportation plans, and based on information in Task 3 (System Assessment) and Task 6 (Analyze the Need for Transportation Facilities and Services), the PB Team will work with the County Commissioners Court, County staff, and the CAG and TAG to develop a list of projects that includes improvements for motor vehicles, public transit, freight, bicycles, and pedestrians.

Working with the analysis completed in Task 6, the PB Team will address current and future transportation system deficiencies by reviewing all current and newly proposed projects and finalizing and mapping the recommended list of transportation improvements that will support economic growth and development in the County and region. This study relies on population and employment forecasts prepared by CAMPO. PB will review and recommend changes to Hays County as deemed necessary.

More specifically, the PB Team will:

- Identify existing roadways currently or projected to be over capacity;
- Identify the level of improvement needed to meet the need for additional capacity through the identification of a typical section;
- Identify potential right-of-way needs;
- Provide a planning level assessment of project feasibility based engineering, environmental, economic and social factors; and,
- Develop planning level cost estimates based on the typical section and typical cost per mile.

The PB Team will also assist the County in identifying potential cost-effective transit, bicycle and pedestrian facilities to complement the existing or planned roadway network and existing or planned transit facilities and services.

Based on the projects identified, the PB Team will review the “1455” agreement between the County and its cities and outline the issues regarding the review and approval of plats and subdivisions relative to transportation requirements and propose a path forward for the County to undertake toward coordinating the proposed transportation improvement with the approval of land development plats and subdivisions.

The Task 7 deliverable will be Technical Memorandum #6 comprising a list of proposed projects by year based on current cost histories. This will include a table of projects that summarizes existing and proposed facilities, existing and forecasted levels of service based on existing data, proposed improvements, potential right-of-way needs, and planning level costs estimates as well as supporting graphics. Recommended projects will be presented by the four County Precincts, so that they can be used for future funding decisions.

#### **Task 8: Financing the Transportation System**

The PB Team will provide a menu of available federal, state, and local funding sources to demonstrate how the HCTP can be implemented assuming reasonable levels of public and private funding sources. Funding sources to be reviewed will include, but not be limited to:

- Federal highway safety funding
- Federal Surface Transportation Program funds;
- Federal Safe Routes to School funds;
- Federal congestion mitigation/air quality funds;
- Federal transportation enhancement funds;
- Federal transportation and community and system preservation funds;
- Local government funding program;
- Public-private partnership opportunities; and,
- Other creative funding mechanisms.

The Task 8 deliverable will be Technical Memorandum #7: Financial report describing the financial resources available to support the recommended project list.

#### **Task 9: Production of the Hays County Transportation Plan Document**

The purpose of this task is to compile the results and findings presented in the previous work and documented in the technical memoranda.

Public Workshop #3: At this point in the process, the PB Team recommends holding the third and final public workshop for the Hays County Transportation Plan. The purpose of this workshop will be to present the Plan as one complete document for review and comment.

Based on comments received from Public Workshop # 3 and comments received from the CAG, TAG, Commissioners Court and County staff, the PB Team will produce the draft final HCTP document, which will incorporate technical reports produced under the project, including:

- Stand-alone executive summary.
- Tables, maps, and graphs that support the narrative’s analyses and conclusions.
- Appendices conveying data collected, including public comments, and responses.

This scope includes one round of review by the County Commissioners Court and County staff. The report will be bound and formatted for 8 ½-by-11-inch paper, and we will work with the TAG and County staff on the report's overall format and design. For the purposes of the cost proposal we will assume:

- Ten copies of the report;
- Twenty-five copies of the Executive Summary;
- Web-ready copies of the full plan and Executive Summary for posting to the County website; and,
- Electronic copies of all documents furnished to the Hays County for their further use.

**Task 10: Support adoption consideration of the HCTP by the Commissioners Court**

In this task the PB team will make presentations to the Court to provide information and answer questions necessary for the Court to consider adoption of the HCTP. The cost estimate includes provision for four meetings with the Court.

**Hays County Transportation Plan  
Scope of Work Option A  
July 5, 2011**

This scope of work for the Hays County Transportation Plan (HCTP) was developed to address the interests of Hays County in developing the Hays County Transportation Plan (HCTP). Specifically, it was developed to address the following:

- Develop a transportation plan that is based on sound technical analysis;
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Task 1 deliverables will be:

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- Three public workshops. The first will be held as the entire data gathering and analysis process is being completed prior to the assessment of future transportation need; the second will be held after the future need has been defined; and the third will be held when the draft HCTP plan is completed and ready for review. These public workshops will provide the public with the opportunity to review and discuss information with the project team and provide their input. The PB Team will rely heavily on visually based presentation materials and visualization techniques, where appropriate, to present and explain data and information. In addition, reaching out to stakeholder groups such as neighborhood associations, chambers of commerce, rotary clubs, Kiwanis clubs, etc. as well as relevant community events will be an effective way to share and collect information on the HCTP. When possible the public involvement team will attend stakeholder group meetings or community events to distribute project information.

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To further define the context of the Hays County Transportation Plan, the PB Team will compile and analyze existing data that might, depending on availability, include:

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- Land use.

System assessment data will be assembled from a variety of existing sources, including:

- The current Hays County Transportation Plan;
- Texas Department of Transportation
- Capital Area Metropolitan Planning Organization
- The Capital Area Rural Transportation System (CARTS)
- The Capital Area Council of Government (CAPCOG); and,
- Geographic Information System data; and,

#### **Task 4b: Develop a Demographic and Socioeconomic Analysis**

The objective of this task is to develop an understanding of the demographic and socioeconomic changes expected to occur into the future as well as an understanding of how these changes will affect the demand for transportation facilities and services in and around Hays County. To prepare the demographic and socioeconomic analysis, the PB Team will gather and evaluate data on existing and forecasted population, employment, land use, and economics. We will compile this data from sources that include, but are not necessarily limited to:

- CAMPO;
- The Texas State Data Center;
- The United States 2010 Census;
- Hays County population, employment and land use projections;
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- Geographic Information System data.

The PB team will review the population and employment forecasts for Hays County prepared for the CAMPO 2030 and 2035 Plans. Forecasts will be compared at the traffic serial zone level for all forecasts years to determine likely growth amounts and geographic distribution. Based on Texas State Data Center information a range of future years will be identified with a low and high County growth rate to illustrate when a particular forecasted population might be achieved, e.g. 2025-2050.

The deliverables for tasks 4a and 4b will be combined into Technical Memorandum #3 documenting system assessment data and the socioeconomic and demographic analysis that will serve as the basis for the goals and objectives, analyzing need, and identifying needed transportation improvements. Maps, tables, and other graphics needed to support the text and the analysis will be included.

#### **Task 5: Develop Goals and Objectives**

Based on the review of existing plans and reports, and early input from the CAG, TAG and the Commissioner Court, the PB Team will identify the current challenges and opportunities facing the County and develop a set of goals and objectives that guide the development of the HCTP as a tool that:

- Establishes the guiding principles for the plan, including specific issues related to safety, access and mobility, resource conservation, economic diversification, and future public involvement and communication.
- Better integrates implementation of the HCTP with the subdivision review and approval process;
- Better integrates implementation of the HCTP with the elements of Context Sensitive Planning and Design (CSPD);
- Defines right-of-way preservation and dedication requirements for future needs; and,
- Determines a unified direction for the County, cities and the other agencies and organizations involved in the planning, programming, construction, maintenance, and operation of transportation facilities and services.

The Task 5 deliverable will be Technical Memorandum #4 describing the goals and objectives of the HCTP. With the initiation of this task, the PB Team proposes holding Public Workshop #1. The results of this workshop will be included in Technical Memorandum #2 noted under Task 2.

**Task 6: Analyze the Need for Transportation Facilities and Services**

The PB Team will review the travel demand forecasts from the Capital Area Metropolitan Planning Organization (CAMPO) 2030 and 2035 long range plans to identify and map forecast increases in travel demand. Corresponding transportation facility needs and services will be identified for based on these future forecasts. Particular attention will be focused on the need for new and expanded roadway capacity. The PB Team will evaluate the existing CAMPO 2035 travel demand model and review it in light of new population and employment data as identified in Task 4b and reassess travel demand as appropriate. All assessments of facility deficiencies will be based upon analysis of the roadway classifications, number of lanes, length and connectivity contained in the CAMPO model used for the 2035 Plan. Verification of exact configurations will require additional effort and modifications to the CAMPO model will increase the effort required for this assignment.

As part of this task the PB Team will use the current CAMPO model to run analyses for up to three alternative plan scenarios that will be used to test alternative plan highway scenarios to measure and compare the impacts of different transportation approaches or land use scenarios.

The Task 6 deliverable will be Technical Memorandum #5 describing each of the travel demand forecast scenarios and how they compare to the goals and objectives.

At this point in the process, the PB Team will hold Public Workshop #2 which will build upon the work done to date. The purpose of this workshop will be to present to the public the results of the analysis described above and solicit the input on the needs identified. The results of this workshop will be included in Technical Report #2 noted under Task 2.

**Task 7: Identify Recommended Transportation Improvement Projects and Programs**

Starting with the current project list from the current Hays County 2020 long range plan, and all city transportation plans, and based on information in Task 3 (System Assessment) and Task 6 (Analyze the Need for Transportation Facilities and Services), the PB Team will work with the County Commissioners Court, County staff, and the CAG and TAG to develop a list of projects that includes improvements for motor vehicles, public transit, freight, bicycles, and pedestrians.

Working with the analysis completed in Task 6, the PB Team will address current and future transportation system deficiencies by reviewing all current and newly proposed projects and finalizing and mapping the recommended list of transportation improvements that will support economic growth and development in the County and region. This study relies on population and employment forecasts prepared by CAMPO. PB will review and recommend changes to Hays County as deemed necessary.

More specifically, the PB Team will:

- Identify existing roadways currently or projected to be over capacity;
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- Identify potential right-of-way needs;
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The PB Team will also assist the County in identifying potential cost-effective transit, bicycle and pedestrian facilities to complement the existing or planned roadway network and existing or planned transit facilities and services.

Based on the projects identified, the PB Team will review the “1455” agreement between the County and its cities and outline the issues regarding the review and approval of plats and subdivisions relative to transportation requirements and propose a path forward for the County to undertake toward coordinating the proposed transportation improvement with the approval of land development plats and subdivisions.

The Task 7 deliverable will be Technical Memorandum #6 comprising a list of proposed projects by year based on current cost histories. This will include a table of projects that summarizes existing and proposed facilities, existing and forecasted levels of service based on existing data, proposed improvements, potential right-of-way needs, and planning level costs estimates as well as supporting graphics. Recommended projects will be presented by the four County Precincts, so that they can be used for future funding decisions.

#### **Task 8: Financing the Transportation System**

The PB Team will provide a menu of available federal, state, and local funding sources to demonstrate how the HCTP can be implemented assuming reasonable levels of public and private funding sources. Funding sources to be reviewed will include, but not be limited to:

- Federal highway safety funding
- Federal Surface Transportation Program funds;
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- Local government funding program;
- Public-private partnership opportunities; and,
- Other creative funding mechanisms.

The Task 8 deliverable will be Technical Memorandum #7: Financial report describing the financial resources available to support the recommended project list.

#### **Task 9: Production of the Hays County Transportation Plan Document**

The purpose of this task is to compile the results and findings presented in the previous work and documented in the technical memoranda.

Public Workshop #3: At this point in the process, the PB Team recommends holding the third and final public workshop for the Hays County Transportation Plan. The purpose of this workshop will be to present the Plan as one complete document for review and comment.

Based on comments received from Public Workshop # 3 and comments received from the CAG, TAG, Commissioners Court and County staff, the PB Team will produce the draft final HCTP document, which will incorporate technical reports produced under the project, including:

- Stand-alone executive summary.
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This scope includes one round of review by the County Commissioners Court and County staff. The report will be bound and formatted for 8 ½-by-11-inch paper, and we will work with the TAG and County staff on the report's overall format and design. For the purposes of the cost proposal we will assume:

- Ten copies of the report;
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- Electronic copies of all documents furnished to the Hays County for their further use.

**Task 10: Support adoption consideration of the HCTP by the Commissioners Court**

In this task the PB team will make presentations to the Court to provide information and answer questions necessary for the Court to consider adoption of the HCTP. The cost estimate includes provision for four meetings with the Court.

## *Agenda Item Request Form*

### **Hays County Commissioners' Court**

9:00 a.m. Every Tuesday

**Request forms are due in the County Judge's Office**

no later than **2:00 p.m.** on **WEDNESDAY.**

Phone (512) 393-2205 Fax (512) 393-2282

**AGENDA ITEM: Discussion and possible action renew the solid waste hauling contract with TDS and approve the quote for a 10 year lease on a stationary compactor.**

**CHECK ONE:**            **CONSENT**    **X ACTION**            ☐ **EXECUTIVE SESSION**  
☐ **WORKSHOP**            ☐ **PROCLAMATION**            ☐ **PRESENTATION**

**PREFERRED MEETING DATE REQUESTED:** July 19, 2011

**AMOUNT REQUIRED:**

**LINE ITEM NUMBER OF FUNDS REQUIRED:**

**REQUESTED BY:** Jerry Pinnix

**SPONSORED BY:** Commissioner Will Conley

**SUMMARY:**

**The quote for the lease of the compactor includes all maintenance, labor and repairs.**

**The hauling rate will remain the same for now, with a 3.5 % per year increase starting in September 2012.**

Texas Disposal

HAULING OF SOLID WASTE  
BID #2008-B16R

HAYS COUNTY, TEXAS

BID SHEET

Due: Thursday, August 14, 2008 no later than 2:00 p.m.

Location: Wimberley Transfer Station  
1691 Carney Lane  
Wimberley, Texas 78676

Hauling and disposal of 42 cubic yard compactor/receiver container \$ 533

Hauling and disposing of 40 cubic yard open top container \$ 499

Location: Driftwood Citizens Collection Station  
20290 FM 150 West  
Driftwood, Texas

Hauling and disposal of 42 cubic yard compactor/receiver container \$ 456

Hauling and disposal of 30 cubic yard open top container \$ 397

Please include any and all deviations from contract and any extra charges such as  
fuel surcharge, environmental fee, etc. (if any)

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The undersigned affirms that they are duly authorized to execute this contract, that this bid has not been prepared in collusion with any other bidder, and that the contents of this bid have not been communicated to any other bidder prior to the official opening of this bid.

\_\_\_\_\_  
Company Name TEXAS DISPOSAL SYSTEMS

\_\_\_\_\_  
Representative's name Ryan Beard

\_\_\_\_\_  
Address PO Box 17126 Austin, TX 78610

\_\_\_\_\_  
Phone 512/421-1316 Fax 512/421-1325

\_\_\_\_\_  
Signature [Signature]

rbeard@texasdisposal.com

*Texas Disposal Systems  
Custom Service Proposal  
For*

*Hays County Auditor*

6 – cubic yard stationary compactor  
to replace existing compactor

*Monthly Rental*

3 year contract \$565

5 year contract \$ 498

10 year contract \$375

Rental includes installation, delivery, installation, and all maintenance  
and parts for the life of the contract

*Purchase Price*

\$25,495 plus taxes, delivery and installation

Repair of existing County owned compactor  
It would take at least \$10,000 to repair the existing compactor.

## **Benefits of Partnering with Texas Disposal Systems**

*One Company, One Invoice, One Contact  
for all your waste disposal and recycling service*

- Individualized First Class Personal Service – a dedicated rep who knows you and your company – direct contact to save you time and money
- Multiple options to contact us – you use the communication method that is the most convenient for you

Phone – 512 421-1324

Rick Fraumann - Director of Sales

- Peace of mind in knowing that your waste and recycling materials are disposed of or processed at the facility with the best environmental record in the state of Texas. Over 1500 exotic animals call our landfill and exotic game ranch home. We are proud to show that properly run disposal and recycling facilities can live in harmony with nature.
- Partnering with a company that prides itself on “giving back” to the community. At our pavilion and wild game ranch TDS has hosted over 1,500 events. These events raised in excess of 17 million dollars for non profit organizations in Central Texas. You can feel a sense of pride knowing that your partnership helps the community.
- Security of working with a company that delivers First Class Service. TDS uses all the latest technology, including GPS, to insure that all routes are run properly and all customers are serviced promptly

## *Agenda Item Request Form*

### **Hays County Commissioners' Court**

9:00 a.m. Every Tuesday

**Request forms are due in the County Judge's Office**

no later than **2:00 p.m.** on **WEDNESDAY.**

Phone (512) 393-2205 Fax (512) 393-2282

**AGENDA ITEM:** Discussion and possible action to adopt a Resolution regarding County policy in the acquisition of parks and open space properties.

**CHECK ONE:**    ☐ CONSENT    ☒ ACTION    ☐ EXECUTIVE SESSION  
                    ☐ WORKSHOP    ☐ PROCLAMATION    ☐ PRESENTATION

**PREFERRED MEETING DATE REQUESTED:** July 19, 2011

**AMOUNT REQUIRED:** N/A

**LINE ITEM NUMBER OF FUNDS REQUIRED:** N/A

**REQUESTED BY:** Conley

**SPONSORED BY:** Conley

**SUMMARY:**

The attached Resolution provides a statement of policy in regards to the future acquisition of Parks and Open Space properties by Hays County.



**RESOLUTION OF THE HAYS COUNTY COMMISSIONERS COURT**

**STATE OF TEXAS   §**  
**COUNTY OF HAYS   §**

**WHEREAS**, Hays County is developing a county wide parks plan for recreational and conservation benefit to Hays County citizens

**WHEREAS**, Hays County believes this plan will be used as a guide on where and how we invest tax dollars in the future in regards to parks

**WHEREAS**, Hays County believes this an important plan and that Hays County should be involved in parks planning

**WHEREAS**, Hays County believes private property rights are fundamental to freedom and are protected by federal and state constitutions for every American.

**WHEREAS**, Hays County would like to further express our belief and policies in protecting private property rights for Hays County citizens in order to further protect citizens private property rights

**NOW, THEREFORE, BE IT RESOLVED** that:

- Hays County will put a statement in the county parks plan that clearly communicates a strong belief in protecting private property rights;
- Hays County will never use a parks plan or any other authority regarding parks and conservation to forcefully take a land owners property for these uses; and
- Hays County will only acquire properties for parks and conservation use with the full consent of the land owner and the county.

**RESOLVED** by the Commissioners Court of Hays County, Texas this the 19<sup>th</sup> day of July, 2011.

---

JUDGE BERT COBB M.D.  
HAYS COUNTY JUDGE

**ATTEST:**

---

LIZ. Q. GONZALEZ  
COUNTY CLERK

## *Agenda Item Request Form*

### **Hays County Commissioners' Court**

9:00 a.m. Every Tuesday

**Request forms are due in the County Judge's Office**

no later than 2:00 p.m. on WEDNESDAY.

Phone (512) 393-2205 Fax (512) 393-2282

#### **AGENDA ITEM:**

Discussion and possible action to authorize the County Judge to approve proposed application for Public Health Emergency Preparedness funding for FY 2012 in the amount of \$122,428.00.

#### **CHECK ONE:**

CONSENT

☒ ACTION

☐ EXECUTIVE SESSION

☐ WORKSHOP

☐ PROCLAMATION

☐ PRESENTATION

**PREFERRED MEETING DATE REQUESTED:** July 19, 2011

**AMOUNT REQUIRED:** \$12,243.00 budgeted

**LINE ITEM NUMBER OF FUNDS REQUIRED:** 120-675-00.5230 and 120-675-00.5431

**REQUESTED BY:** Priscilla Hargraves

**SPONSORED BY:** Debbie Ingalsbe

#### **SUMMARY:**

This is an application between the Hays County Personal Health Department and the Texas Department of State Health Services for Public Health Emergency Preparedness funds for FY 2012. The award is for \$122,428.00. There is a 10% match required for FY2012 of \$12,243.00.

The funding is for August 1, 2011 through July 31, 2012.

For FY 2011 the county was required by the state to have a 10% match, which we did by in-kind. For FY 2012, our funding was cut by 16% so our in-kind match will be actual funding from the PHD Operating Budget.

**DESCRIPTION OF Item:** Discussion and possible action to authorize the County Judge to approve proposed application for Public Health Emergency Preparedness funding for FY 2012 in the amount of \$122,428.00.

**PREFERRED MEETING DATE REQUESTED:** July 19, 2011

**COUNTY AUDITOR**

**AMOUNT:** \$12,243.00 budgeted

**LINE ITEM NUMBER:** 120-675-00.5230 and 120-675-00.5431

**COUNTY PURCHASING GUIDELINES FOLLOWED:** N/A

**PAYMENT TERMS ACCEPTABLE:** N/A

**COMMENTS:**

**Bill Herzog**

**SPECIAL COUNSEL**

**CONTRACT TERMS ACCEPTABLE:** \_\_\_\_\_

**COMMENTS:**

**COUNTY JUDGE**

*Signature Required if Approved*

**DATE CONTRACT SIGNED:** \_\_\_\_\_



**FY2012**  
**PPCPS/HAZARDS**

**Applicant Information**

**Legal Name of Applicant Agency:**  
**Mailing Address:**

Hays County Personal Health Department

Street / PO Box: 401-A Broadway  
City: San Marcos, TX  
Zip: 78666

**Payee Name:**

Hays County Treasurer

**Payee Mailing Address:**

Street / PO Box: 111 E. San Antonio St  
City: San Marcos, TX  
Zip: 78666-5557

**State of Texas Comptroller Vendor ID No (14 digit):**

17460022415002

**Type of Entity (Choose one)**

City ☐ Click on appropriate box  
County ☒  
Other Political Subdivision ☐

**Project Period**

Start: 8/1/2011  
End: 7/31/2012

**Counties Served**

County 1: Hays  
County 2:  
County 3:  
County 4:  
County 5:  
County 6:  
County 7:

**Amount of Funding Requested:**

**\$122,428.00**

**ASSURANCES**

The facts affirmed by me in this application are truthful. I understand that the truthfulness of the facts affirmed herein and the continuing compliance with these requirements is a condition precedent to the award of a contract. This document has been duly authorized by the governing body of the applicant and I (the person signing below) am authorized to represent the applicant.

**Signature of Authorized Representative**  
**Typed Name of Authorized Representative**  
**Title of Authorized Representative**  
**Date of Submission**  
**Authorized Representative Telephone Number**  
**Authorized Representative E-mail Address**

Bert Cobb, MD  
County Judge  
512-393-2202  
bert.cobb@co.hays.tx.us

## CONTACT PERSON INFORMATION

Legal Business Name: Hays County Personal Health Department

*This form provides information about the appropriate contacts in the contractor's organization in addition to those on the FACE PAGE. If any of the following information changes during the term of the contract, please send written notification to the Contract Management Unit.*

Executive Director/CEO: Priscilla Hargraves, RN  
Phone: 512-393-5550 Ext:   
Fax: 512-393-5530  
E-mail: priscilla.hargraves@co.hays.tx.us

Chief Financial Officer: Bill Herzog, Auditor  
Phone: 512-393-2251 Ext:   
Fax: 512-393-2248  
E-mail:

Accountant: Jessica Carey, Accountant  
Phone: 512-393-2261 Ext:   
Fax: 512-393-2248  
E-mail:

Lead Program/Project Leader: Charles Chapman, RN  
Phone: 512-393-5538 Ext:   
Fax: 512-393-5530  
E-mail: chuck.chapman@co.hays.tx.us

SNS Coordinator: Kharley Smith  
Phone: 512-393-5536 Ext:   
Fax: 512-393-5530  
E-mail: kharley.smith@co.hays.tx.us

Mailing Address (street, city, county, state, & zip):

401-A Broadway, San Marcos, TX, 78666

Mailing Address (street, city, county, state, & zip):

111 E. San Antonio St., San Marcos, TX 78666

Mailing Address (street, city, county, state, & zip):

111 E. San Antonio St., San Marcos, TX 78666

Mailing Address (street, city, county, state, & zip):

401-A Broadway, San Marcos, TX, 78666

Mailing Address (street, city, county, state, & zip):

401-A Broadway, San Marcos, TX, 78666

## FORM I: BUDGET SUMMARY INSTRUCTIONS

### DSHS Costs Only Budgeted on Detail Category Pages

An accurate budget plan is essential to achieve the performance measures and work plan set out in the narrative portion of the RFP. Be sure to refer to the appropriate sections in the RFP for program-specific allowable and unallowable costs. **On each detail category budget form, budget only those costs that you plan to bill to DSHS. The total amounts budgeted on each detail budget category form will be automatically posted to the respective budget category on "Form I - Budget Summary" under column # 2 "DSHS Funds Requested".** See individual "Detailed Budget Category Forms" for definitions of the cost that are to be budgeted in each category. Enter amount as whole dollars; round up.

**Column 1:** The total amount of funds budgeted from all funding sources for the DSHS project. The total of all funding sources (Columns 2 - 6) for each budget category will be automatically totaled. **Do not enter amounts in Column (1) except for the amount of Program Income.**

**Columns 2 - 6:** Enter the amount of funding to be provided by each funding source for each "Cost Category" in columns 3 - 6.

**Column 2:** DSHS funds requested. (automatically posted from each detail budget category form)

**Column 3:** Federal funds awarded directly to respondent to be used on the DSHS project.

**Column 4:** Funds awarded to respondent from other state agencies to be used on the DSHS project.

**Column 5:** Funds provided by local governments (city, county, hospital districts, etc)

**Column 6:** Funds from other sources. (respondents unrestricted funds including private foundations, donations, fundraising, etc)

**Program Income - Projected Earnings (line K):** Enter in Column 1 the total estimated the amount of program income that is expected to be generated during the budget period. The amount budgeted in column 1 should be the total program income that the project will generate. The proportionate share of program income will automatically allocate to each funding source based on the percentage of funding.

**DEFINITION:** Program income is defined as gross income directly generated through a contract supported activity or earned as a direct result of the contract agreement during the Program Attachment period. Refer to the instructions section below for examples of program income. In summary, program income is revenue generated by virtue of the existence of the program (activities funded under the DSHS Program Attachment).

Contractor must disburse (apply towards gross Program Attachment expenses) the DSHS share of program income before requesting reimbursement.

For more information about program income, refer to the General Provisions and the DSHS's Contractor's Financial Procedures Manual available on the Internet at: <http://www.dshs.state.tx.us/contracts/cfpm.shtm>

#### Examples Of Program Income

- Fees for services performed in connection with and during the period of contract support;
- Tuition and fees when the course of instruction is developed, sponsored, and supported by DSHS contract;
- Sale of items fabricated or developed under the contract supported activity;
- Payments for contract supported services received from patients or third parties, such as Medicaid, Title XX, insurance companies;
- Lease or rental of items fabricated or developed under the contract supported activity; and
- Rights or royalty payments resulting from patents or copyrights developed or acquired by the contractor.

**Check Totals:** Refer to the table below the budget template table to verify that the amounts distributed ("Distribution Total") in each budget category equals the "Budget Total" for each respective category. Next, verify that the overall total of all distributions (Distribution Totals) equals the Budget Total.

# **FORM I: BUDGET SUMMARY (REQUIRED)**

Legal Name of Respondent:

Hayes County Personal Health Department

Budget Categories	Total Budget (1)	DSHS Funds Requested (2)	Direct Federal Funds (3)	Other State Agency Funds* (4)	Local Funding Sources (5)	Other Funds (6)
A. Personnel	\$86,189	\$86,189			\$0	
B. Fringe Benefits	\$36,239	\$36,239			\$0	
C. Travel	\$4,200	\$0			\$4,200	
D. Equipment	\$0	\$0			\$0	
E. Supplies	\$1,603	\$0			\$1,603	
F. Contractual	\$0	\$0			\$0	
G. Other	\$6,440	\$0			\$6,440	
H. Total Direct Costs	\$134,671	\$122,428	\$0	\$0	\$12,243	\$0
I. Indirect Costs	\$0	\$0				
J. Total (Sum of H and I)	\$134,671	\$122,428	\$0	\$0	\$12,243	\$0
K. Program Income - Projected Earnings	\$0	\$0	\$0	\$0	\$0	\$0

**NOTE:** The "Total Budget" amount for each Budget Category will have to be populated among the funding sources. Enter amounts in whole dollars for (3), (4), & (6), if applicable. After amounts have been entered for each funding source, verify that the "Distribution Total" below equals the respective amount under the "Total Budget" from column (1).

	Budget Category	Distribution Total	Budget Total	Budget Category	Distribution Total	Budget Total
Check Totals For:	Personnel	\$86,189	\$86,189	Fringe Benefits	\$36,239	\$36,239
	Travel	\$4,200	\$4,200	Equipment	\$0	\$0
	Supplies	\$1,603	\$1,603	Contractual	\$0	\$0
	Other	\$6,440	\$6,440	Indirect Costs	\$0	\$0

<b>TOTAL FOR:</b>	<b>Distribution Totals</b>	<b>\$134,671</b>	<b>Budget Total</b>	<b>\$134,671</b>
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\*Letter(s) of good standing that validate the respondent's programmatic, administrative, and financial capability must be placed after this form if respondent receives any funding from state agencies other than DSHS related to this project. If the respondent is a state agency or institution of higher education, letter(s) of good standing are not required. DO NOT include funding from other state agencies in column 4 or Federal sources in column 3 that is not related to activities being funded by this DSHS project.

## Legal Name of Respondent:

**Hays County Personal Health Department**

PERSONNEL		Vacant Y/N	Justification	FTE's	Certification or License (Enter NA if not required)	Total Average Monthly Salary/Wage	Number of Months	Salary/Wages Requested for Project
Functional Title + Code E = Existing or P = Proposed								
EP Coordinator (E)	N		Emergency Preparedness Program Administration	1	RN	\$3,736.20	12	\$44,834
SNS Specialist (E)	N		SNS Program Administration	1	NA	\$3,446.26	12	\$41,355
								\$0
								\$0
								\$0
								\$0
								\$0
								\$0
								\$0
								\$0
								\$0
								\$0
								\$0
								\$0
								\$0
TOTAL FROM PERSONNEL SUPPLEMENTAL BUDGET SHEETS								\$0
						Salary/Wage Total		\$86,189

## FRINGE BENEFITS

**Itemize the elements of fringe benefits in the space below:**

**FICA (\$86,189 x 6.2%) = \$5,343.72**

**MEDICARE (\$86,189 X 1.45%) = \$1 249.74**

**RETIREMENT (\$86,189 X 10.78%) = \$9,291.18**

**MEDICAL INSURANCE = \$10,176.93 x 2 = \$20,353.86**

	Fringe Benefit Rate %	42.05%
	Fringe Benefits Total	\$36,239

# **FORM I-2: TRAVEL Budget Category Detail Form (Match)**

Legal Name of Respondent:

Hays County Personal Health Department

Conference / Workshop Travel Costs					
Description of Conference/Workshop	Justification	Location (City, State)	Number of: Days/Employees	Travel Costs	
NACCHO Public Health Preparedness Summit (Annual) February 21 - 24, 2012	8th annual PHP Summit, provides training and networking for national public health readiness and professional development.	Anaheim, CA	4/2	Mileage	
				Airfare	\$700
				Meals	\$130
				Lodging	\$1,300
				Other Costs	
				<b>Total</b>	<b>\$2,130</b>
Annual Texas Homeland Security Emergency Management Conference (April 2012)	Annual homeland security awareness, education, and contact conference for EP staff. Other costs reflects parking	San Antonio, TX	4/2	Mileage	\$60
				Airfare	
				Meals	\$360
				Lodging	\$1,100
				Other Costs	
				<b>Total</b>	<b>\$1,520</b>
Regularly scheduled regional meetings	Program required regional meetings, training, exercise planning, networking	Austin, TX	24 - 48 trips annually	Mileage	\$550
				Airfare	
				Meals	
				Lodging	
				Other Costs	
				<b>Total</b>	<b>\$550</b>
				Mileage	
				Airfare	
				Meals	
				Lodging	
				Other Costs	
				<b>Total</b>	<b>\$0</b>
				Mileage	
				Airfare	
				Meals	
				Lodging	
				Other Costs	
				<b>Total</b>	<b>\$0</b>

Total for Conference / Workshop Travel

\$4,200

Revised: 7/6/2009

**Other / Local Travel Costs**

Justification	Number of Miles	Mileage Reimbursement Rate	Mileage Cost (a)	Other Costs (b)	Total (a) + (b)
			\$0		\$0
			\$0		\$0
			\$0		\$0
			\$0		\$0
			\$0		\$0
			\$0		\$0
			\$0		\$0
			\$0		\$0
			\$0		\$0
			\$0		\$0

Total for Other / Local Travel

Other / Local Travel Costs:

Conference / Workshop Travel Costs:

Total Travel Costs:

## Legal Name of Respondent:

**Hays County Personal Health Department**

Itemize and describe each supply item and provide an estimated quantity and cost (i.e. # of boxes & cost/box) if applicable. Provide a justification for each supply item. Costs may be categorized by each general type (i.e., office, computer, medical, client incentives, educational, etc.)

[illegible]

**Total Amount Requested for Supplies:**

**\$1,603**

## Legal Name of Respondent:

**Hays County Personal Health Department**

[illegible]

**Total Amount Requested for Other:**

Revised: 7/6/2009

## *Agenda Item Request Form*

### **Hays County Commissioners' Court**

9:00 a.m. Every Tuesday

**Request forms are due in the County Judge's Office**

no later than **2:00 p.m.** on **WEDNESDAY.**

Phone (512) 393-2205

**AGENDA ITEM:** Discussion and possible action to approve a contract with CBRE for Professional Real Estate Services.

**CHECK ONE:**      **CONSENT**    **X ACTION**      **EXECUTIVE SESSION**  
                         **WORKSHOP**      **PROCLAMATION**      **PRESENTATION**

**PREFERRED MEETING DATE REQUESTED:** July 19, 2011

**AMOUNT REQUIRED:**

**LINE ITEM NUMBER OF FUNDS REQUIRED:**

**REQUESTED BY:** Kennedy

**SPONSORED BY:** Cobb/Conley

Counsel has reviewed the contract with CBRE for Real Estate Services and will present a draft of the contract in court for review.

## *Agenda Item Request Form*

### **Hays County Commissioners' Court**

9:00 a.m. Every Tuesday

**Request forms are due in the County Judge's Office**

no later than **2:00 p.m.** on **WEDNESDAY.**

Phone (512) 393-2205

**AGENDA ITEM:** Discussion and possible action to instruct staff to develop a list of projects to submit to the Capital Area Metropolitan Planning Organization (CAMPO), Hays County will have input on how the District (TXDOT) spends separate Proposition 12 funding through Capital Area Regional Transportation Planning (CARTPO).

<b>CHECK ONE:</b>	<b>CONSENT</b>	<b>X ACTION</b>	<b>EXECUTIVE SESSION</b>
	<b>WORKSHOP</b>	<b>PROCLAMATION</b>	<b>PRESENTATION</b>

**PREFERRED MEETING DATE REQUESTED:** July 19, 2011

**AMOUNT REQUIRED:**

**LINE ITEM NUMBER OF FUNDS REQUIRED:**

**REQUESTED BY:**

**SPONSORED BY:** Conley

New state dollars have come available to address transportation issues and improvements for our area. Commissioner Conley would like the Court's input on how to proceed forward in regards to our role in this process.



## CAMPO and Proposition 12

July 14, 2011

In mid-June, TxDOT informed the 25 Texas Metropolitan Planning Organizations of the likelihood of \$3 billion in Proposition 12 funds becoming available. The passage of the state's budget has made that reality. Riders 42 and 43 of the TxDOT portion of the appropriations bill set forth the legislative intent for these funds (see attached). Basically, there are five funding categories for the funds:

1. \$500 million for work to replace or rehabilitate a specific list of bridges (none of these are in the CAMPO region).
2. \$600 million for projects to be selected by the 25 MPOs (about \$48 million for the CAMPO region; see attached breakdown by MPO). These funds may be used for on or off-system work, but only be for roadway projects. TxDOT encourages that any off-system projects funded with these funds be for safety projects or for projects that provide a significant benefit to the state highway system. Projects will be selected by the MPO policy boards in consultation with local TxDOT staff.
3. \$1.4 billion to be distributed to the TxDOT districts (about \$91 million coming to the Austin District). The funds may be used for eligible rehabilitation and safety projects, which may include added capacity projects.
4. \$200 million to be used on projects addressing statewide connectivity needs (none of these are in the CAMPO area).
5. \$300 million to be sub-allocated to the four largest MPOs in the state (about \$31 million coming to the CAMPO region); to be used to develop projects that will have the greatest impact on reducing congestion in these metropolitan areas. The funds may not be used until TTI has prepared and presented a report to the Commission identifying projects in each of these four regions; the report is due to the Commission no later than September 2012. Once the Commission accepts this report these funds may then be used to advance the preliminary engineering, environmental assessment, design and right of way acquisition on these projects. These funds may not be used to pay for construction of any project.

Rider 43 was clear that the intent was to use these additional funds during the upcoming biennium.

Last weekend, staff received a second email with a bit more information. According to the July 10<sup>th</sup> email, when selecting projects for funding in the Unified Transportation Program, Chapter 43 of the Texas Administrative Code [43 TAC 16.105(d)(1)(A)] requires the commission to consider the following: (A) the potential of the project to:

- (i) increase the safety of the transportation system for all transportation users;
- (ii) maintain and preserve the existing transportation system;
- (iii) provide congestion relief;

- (iv) increase the accessibility and mobility of the transportation system for all transportation users;
- (v) support the economic vitality of the area, especially by enabling global competitiveness, productivity, and efficiency; and
- (vi) promote efficient system management and operation.

Based upon these rules, TxDOT suggests these six factors be the primary considerations for project selection and prioritization. However, the email states, different regions of the state may want to consider secondary considerations or factors, as well. Examples might include hurricane evacuation routes, freight corridors, pavement conditions, bridge conditions, closing corridor gaps, fund leveraging opportunities, and previous legislative and local input. Many of these secondary considerations may support the primary ones.

The email also stated that consideration should be given to the timing of bringing projects forward to construction. Issues such as environmental clearance, inclusion in financially constrained portions of MTPs, design, and right of way should be considered in project selection. **The majority of projects funded from this allocation of \$3 billion of Proposition 12 funds should be under construction by the end of FY 2013 [emphasis added].**

Implementation of the projects was the final topic addressed in the July 10<sup>th</sup> email. TxDOT proposed that the following proposed time lines be used to deliver a list of selected projects to TxDOT:

- \$1400 million Rehabilitation and Safety - September 7
- \$600 million Metro and Urban Mobility - October 5
- \$200 million Statewide Connectivity - September 7
- \$300 million PE and ROW - following the release of TTI's report

At the July 11<sup>th</sup> meeting, the Transportation Policy Board approved the following timeline to consider Proposition 12 funds in the CAMPO region:

Phase 2 Applications due	Aug 5
Presentation of scored applications	Sept 1
Transmittal of input for TxDOT's Prop 12 list	Sept 12
Public outreach	August - September
Public hearing	<b>Sept 26</b>
Approval consideration and transmittal	Oct 10

**42. Appropriations from Proposition 12 General Obligation Bond Proceeds for Bridge, Safety, Connectivity, and Congestion Relief Projects.** Out of funds appropriated above, \$3 billion of Bond Proceeds - GO Bonds (Proposition 12, 2007) shall be used to fund projects that will relieve congestion, enhance bridge and roadway safety, and connect the state's population centers.

- a. The Department of Transportation shall use \$300 million [*about \$31 million coming to the CAMPO region after TTI study*] of this amount to acquire right of way, conduct feasibility studies and project planning, and outsource engineering work for the most congested roadway segments in each of the four most congested regions of the state that are included in the 50 most congested roads in the state as listed on the State's Top 100 Most Congested Roadways list as of January 1, 2011. These funds shall be allocated by the Texas Transportation Commission to those regions using the formula used to allocate funds among the Transportation Management Areas in Category 2, Metropolitan and Urban Area Corridor Projects, in the department's Unified Transportation Program. The Department of Transportation shall provide \$3 million out of State Highway Funds appropriated above to the Texas Transportation Institute for the purposes of:
  - i. serving as a facilitator and project coordinator of studies to be conducted by the four most congested regions to:
    - 1. determine which projects would have the greatest impacts considering such factors as congestion, economic benefits, user costs, safety, and pavement quality;
    - 2. identify funding options to support completion of the projects and suggest the best use of future revenues for the projects;
    - 3. include implementation of best traffic and demand management practices;
    - 4. ensure open and transparent public participation;
    - 5. make recommendations to the Department of Transportation at each major decision point for the projects; and
  - ii. reporting the preliminary findings and results to the Eighty-third Legislature and the Transportation Commission no later than September 1, 2012.

The department shall use \$3 million out of appropriations from Bond Proceeds - GO Bonds (Proposition 12, 2007) for the purpose of reimbursing State Highway Fund No. 006 for funds provided to the Texas Transportation Institute in subsection (a) of this rider.

- b. The department shall use \$500 million [*none in the CAMPO region*] of this amount to fund the bridge projects listed below. These General Obligation Bond Proceeds may only be used to develop and construct the necessary bridge elements as determined by the Texas Transportation Commission. If the amount of General Obligation Bond Proceeds expended for the bridges listed below is less than \$500 million, the Texas Transportation Commission may allocate the remaining General Obligation Bond Proceeds to other eligible bridge projects.
  - **District County Feature Crossed Facility Carried**
  - Dallas, Dallas Trinity River IH 30
  - Dallas, Dallas Trinity River and Brazos St IH 35E SB & NB

- Beaumont, Orange Neches River IH 10
- Houston, Harris IH 10 Elysian Street
- Paris, Hunt Lake Tawakoni SH 276
- Dallas, Dallas IH 30, US 75 & DART IH 345 SB & NB
- San Angelo, Tom Green US 277 US 67 SB & NB
- Childress, Knox Brazos River SH 6
- Childress, Collingsworth Red River SH 203

d. The commission shall allocate \$600 million [*about \$48 million in the CAMPO region*] of this amount statewide to fund metropolitan and urban mobility projects, using the formula used to allocate funds in Category 2, Metropolitan and Urban Area Corridor Projects, in the department's Unified Transportation Program.

e. The department shall use \$200 million [*none in the CAMPO region*] of this amount to fund statewide connectivity projects selected by the commission.

f. The commission shall allocate \$1.4 billion [*about \$91 million to the Austin District of TxDOT*] of this amount statewide to fund rehabilitation and safety projects using the formula used to allocate funds in Category 1, Preventive Maintenance and Rehabilitation, in the department's Unified Transportation Program.

**43. New Letting for the 2012-13 Biennium.** It is the intent of the Legislature that the Department of Transportation use funds appropriated above to award at least \$8,560.8 million in new multi-year highway construction improvement, rehabilitation, and preservation contracts during the 2012-13 biennium.