

**Commissioners Court -November 1, 2011  
NOTICE OF A MEETING OF THE  
COMMISSIONERS COURT OF HAYS COUNTY, TEXAS**



This Notice is posted pursuant to the Texas Open Meetings Act. (VERNONS TEXAS CODES ANN. GOV. CODE CH.551). The Hays County Commissioners Court will hold a meeting at **9:00 A.M.** on the **1<sup>st</sup> day of November, 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 declaring the month of November as "Pancreatic Cancer Awareness Month" in Hays County. <b>WHISENANT</b> |
|---|-----|--|

**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  | 6-11  | Approve Commissioners Court Minutes of October 25, 2011. <b>COBB/GONZALEZ</b>  |
| 4  | 12-39 | Approve specification for IFB #2012-B01 Leisurewoods Channel B Drainage Improvements and authorize Purchasing to solicit for bid and advertise. <b>COBB/BORCHERDING/HERZOG</b> |
| 5  | 40-48 | Authorize Information Technology to dispose of Computer Equipment and send to Goodwill for recycling. <b>COBB/MCGILL/HERZOG</b>  |
| 6  | 49-55 | Accept the delivery of the Internal Examination Report for the Hays County Civic Center. <b>COBB/HERZOG</b>  |
| 7  | 56-59 | Accept a donation of \$100.00 to the Sheriff's Office Community Outreach Program and amend the budget accordingly. <b>COBB/CUTLER</b>  |
| 8  | 60-62 | Amend the FY2012 Budget of the Transfer Station for equipment. <b>COBB/PINNIX</b>  |
| 9  | 63-66 | Amend the FY2012 Budget of the Historical Commission for contract services to add Downtown Dripping Springs to the national register of historic places. <b>COBB/JOHNSON</b>   |
| 10 | 67-70 | Approve the re-appointment of Marilyn G. Miller to serve as commissioner on the board of Emergency Services District #6. <b>WHISENANT</b>                                      |
| 11 | 71-72 | Amend the Budget of Constable Pct. 1 for equipment cost from supplies. <b>COBB/PETERSON</b>  |
| 12 | 73-75 | Amend the Budget of Jail Operations for replacement equipment. <b>COBB/CUTLER</b>  |
| 13 | 76-77 | Amend the Budget of the District Attorney Drug Forfeiture Fund for clerical personnel. <b>COBB/TIBBE/KENNEDY</b>   |

**ACTION ITEMS**

**ROADS**

|    |    |  |
|----|----|--|
| 14 | 78 | Hold a Public Hearing to consider 1) the proposed improvements to Mystic Creek Drive and Mystic Overlook in Hays County to cause the roadway to comply with Hays County road standards, and 2) the assessment of all or part of the costs of the improvement, <i>pro rata</i> , against the record owners of the real property on Mystic Creek Drive and Mystic Overlook. Possible action to follow the Public Hearing. <b>WHISENANT</b> |
|----|----|--|

**SUBDIVISIONS**

|    |       |  |
|----|-------|--|
| 15 | 79-81 | 11-2-5 Sunrise Acres Replat of Lots 20 & 21 (3 lots). Hold public hearing; discussion and possible action to approve final plat. <b>JONES/BOTKIN</b> |
|----|-------|--|

## MISCELLANEOUS

|    |         |  |
|----|---------|--|
| 16 | 82-86   | Discussion and possible action to adopt a resolution to cast Hays County's 1586 votes for Luanne Caraway, candidate for the Central Appraisal District Board of Directors. <b>COBB</b>   |
| 17 | 87-91   | Discussion and possible action to accept donation of a 0.839 acre tract of land adjacent to the Jacob's Well Natural Area project. <b>CONLEY/KENNEDY</b>   |
| 18 | 92      | Discussion and possible action to waive the fees associated with the rental of the Hays County Civic Center for the San Marcos Rotary Clubs event named the Early Act First Knight Tournament. <b>CONLEY/NELSON</b>              |
| 19 | 93      | Discussion and possible action regarding projects submitted to the Capital Area Metropolitan Planning Organization (CAMPO) for Surface Transportation Program Metropolitan Mobility (STP MM) funds. <b>CONLEY</b>                |
| 20 | 94-95   | Discussion and possible action to authorize the County Judge to execute an amendment to the TB contract between Texas Department of State Health Services (DSHS) and the Personal Health Department (PHD). <b>COBB/HARGRAVES</b> |
| 21 | 96-104  | Discussion and possible action to set a public hearing date to consider changes to the Hays County Food Sanitation Regulations. <b>JONES/GARZA</b>   |
| 22 | 105-119 | Discussion and possible action to adopt policies regarding the use and/or issuance of air cards, cable TV, fax machines, landline and cell phones, social media, and email. <b>COBB/CONLEY</b>                                   |

## EXECUTIVE SESSIONS

The Commissioners Court will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda. The Commissioners Court may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda.

## 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.

|    |  |
|----|--|
| 23 | Discussion and possible action related to the burn ban and/or disaster declaration. <b>COBB/CHAMBERS</b>   |
| 24 | Discussion of issues related to proposed capital construction projects in Hays County, including but not limited to the Government Center; the proposed Precinct 2 office; and the Law Enforcement Center Immediate Needs Project. Possible action may follow. <b>INGALSBE</b> |
| 25 | 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>   |
| 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 28<sup>th</sup> day of October, 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 Fax (512) 393-2282

**AGENDA ITEM: Adopt a Proclamation declaring the month of November as "Pancreatic Cancer Awareness Month" in Hays County.**

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

**PREFERRED MEETING DATE REQUESTED:** November 1, 2011

**AMOUNT REQUIRED:**

**LINE ITEM NUMBER OF FUNDS REQUIRED:**

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

**SPONSORED BY:** Commissioner Whisenant, Pct. 4

**SUMMARY:** Proclamation attached.



**PROCLAMATION DECLARING NOVEMBER 2011  
AS "PANCREATIC CANCER AWARENESS MONTH" IN HAYS COUNTY**

**WHEREAS**, in 2011, an estimated 44,030 people will be diagnosed with pancreatic cancer in the United States and 37,660 will die from the disease;

**WHEREAS**, pancreatic cancer is one of the deadliest cancers and is the fourth leading cause of cancer death in the United States;

**WHEREAS**, when symptoms of pancreatic cancer present themselves, it is usually too late for an optimistic prognosis, and 74 percent of pancreatic cancer patients die within the first year of their diagnosis while 94 percent of pancreatic cancer patients die within the first five years;

**WHEREAS**, there is no cure for pancreatic cancer and there have been no significant improvements in survival rates in the last 40 years;

**WHEREAS**, the Federal Government invests significantly less money in pancreatic cancer research than it does in any of the other leading cancer killers; and pancreatic cancer research constitutes only 2 percent of the National Cancer Institute's federal research funding, a figure far too low given the severity of the disease, its mortality rate, and how little is known about how to arrest it; and

**WHEREAS** the Pancreatic Cancer Action Network is the first and only national patient advocacy organization that serves the pancreatic cancer community in Saginaw and nationwide by focusing its efforts on public policy, research funding, patient services, and public awareness and education related to developing effective treatments and a cure for pancreatic cancer;

**WHEREAS**, the Pancreatic Cancer Action Network and its affiliates in Saginaw support those patients currently battling pancreatic cancer, as well as to those who have lost their lives to the disease, and are committed to nothing less than a cure;

**WHEREAS**, the good health and well-being of the residents of Hays County are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments;

**NOW, THEREFORE WE**, the Hays County Commissioners' Court do hereby proclaim the month of November to be "Pancreatic Cancer Awareness Month" in Hays County, Texas.

**ADOPTED THIS THE \_\_ DAY OF \_\_\_, 2011**

\_\_\_\_\_  
**Bert Cobb, M.D.**  
**Hays County Judge**

\_\_\_\_\_  
**Debbie Gonzales Ingalsbe**  
**Commissioner, Pct. 1**

\_\_\_\_\_  
**Mark Jones**  
**Commissioner, Pct. 2**

\_\_\_\_\_  
**Will Conley**  
**Commissioner, Pct. 3**

\_\_\_\_\_  
**Ray Whisenant**  
**Commissioner, Pct. 4**

**ATTEST:**

\_\_\_\_\_  
**Liz Q. Gonzalez**  
**Hays 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

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

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

**PREFERRED MEETING DATE REQUESTED: 11/1/11**

**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 OCTOBER 25, 2011.**

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

**PREFERRED MEETING DATE REQUESTED:** November 1, 2011

**AMOUNT REQUIRED:**

**LINE ITEM NUMBER OF FUNDS REQUIRED:**

**REQUESTED BY:** GONZALEZ

**SPONSORED BY:** COBB

**SUMMARY:**



STATE OF TEXAS \*  
COUNTY OF HAYS \*

ON THIS THE 25<sup>TH</sup> DAY OF OCTOBER 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  
DEBBIE GONZALES INGALSBE  
MARK JONES  
WILL CONLEY  
LIZ Q. GONZALEZ

COUNTY JUDGE  
COMMISSIONER, PCT. 1  
COMMISSIONER, PCT. 2  
COMMISSIONER, PCT. 3  
COUNTY CLERK

WITH RAY O. WHISENANT, JR., COMMISSIONER PCT. 4 ABSENT AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor James Jacobs of New Life Church in Kyle 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

Constable Pct. 2 James Kohler made public comment.

#### PRESENTATION OF RETIREMENT AND SERVICE AWARD GIFTS

Justice of the Peace Pct. 4 Terry Kyle gave a brief history of Ora Richardson's work and dedication to Hays County. JP 4 Justice Clerk, Ora Richardson has served 15 years, 4 months of service with Hays County.

#### 28523 ADOPT A PROCLAMATION DECLARING THE WEEK OF OCTOBER 24<sup>TH</sup> TO THE 28<sup>TH</sup> JUVENILE DIABETES AWARENESS WEEK IN HAYS COUNTY

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to adopt a Proclamation declaring the week of October 24<sup>th</sup> to the 28<sup>th</sup> Juvenile Diabetes Awareness Week in Hays County. All present voting "Aye". MOTION PASSED

#### 28524 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve payments of county invoices in the amount of \$1,334,842.43 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

#### 28525 APPROVE COMMISSIONERS COURT MINUTES OF OCTOBER 18, 2011

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve Commissioners Court Minutes of October 18, 2011 as presented by the County Clerk. All present voting "Aye". MOTION PASSED

#### 28526 ACCEPT A CASH DONATION OF \$37.52 TO THE SHERIFF'S OFFICE COMMUNITY OUTREACH PROGRAM AND AMEND THE BUDGET ACCORDINGLY

The Sheriff's Office received a cash donation in the amount of \$37.52 and request to deposit into line item 052-618-00.5222. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to accept a cash donation of \$37.52 to the Sheriff's Office Community Outreach Program and amend the budget accordingly. All present voting "Aye". MOTION PASSED

#### 28527 ACCEPT A GRANT AWARD FROM THE BUREAU OF JUSTICE ASSISTANCE (BJA) FOR THE BULLETPROOF VEST PARTNERSHIP (BVP) IN THE AMOUNT OF \$12,600.00

On June 28, 2011 the Commissioners Court authorized submission of a grant application to the Bureau of Justice Assistance in the amount of \$25,200 for 28 bulletproof vests. The Bulletproof Vest partnership program reimburses one-half (50%) of the cost of the vests. Notice of award was received via e-mail, and acceptance is done electronically. County's portion - \$12,600 FY2012 & FY2013 Budget 001-6158-99-4301. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to accept a grant award from the Bureau of Justice Assistance (BJA) for the Bulletproof Vest Partnership (BVP) in the amount of \$12,600.00. All present voting "Aye". MOTION PASSED



OCTOBER 25, 2011

\*\*\*\*\*

VOLUME U PG 713

**28528      AUTHORIZE COUNTY JUDGE TO RENEW AGREEMENT BETWEEN CENTRAL TEXAS MEDICAL CENTER (CTMC) AND THE PERSONAL HEALTH DEPARTMENT (PHD) FOR CTMC TO PERFORM CHEST X-RAYS REFERRED BY THE PHD TUBERCULOSIS (TB) CONTROL DEPARTMENT**

This is a two year renewal of the agreement between CTMC and the PHD so that CTMC will perform chest x-rays for the TB Department at the rate of \$30.00 for a one-view and \$35.00 for a two-view x-ray. The agreement is effective October 1, 2011 through September 30, 2013, unless terminated by either party. (120.675.99.022-5448). A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize County Judge to renew agreement between Central Texas Medical Center (CTMC) and the Personal Health Department (PHD) for CTMC to perform chest x-rays referred by the PHD Tuberculosis (TB) Control Department. All present voting "Aye". MOTION PASSED

**28529      AUTHORIZE COUNTY JUDGE TO APPROVE AMENDMENT TO CURRENT CONTRACT BETWEEN AMEP AND THE PERSONAL HEALTH DEPARTMENT (PHD)**

The current contract between the PHD and the Kyle OB/GYN group for physician services is with AMEP. The OB/GYN group is currently being contracted under Tri-County Clinical doing business as Kyle Parkway OB/GYN Associates. This amendment changes the assignment from AMEP to Tri-County Clinical effective September 1, 2011. This is just an amendment to the current contract. There is no change in our reimbursement rate or the doctors. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize County Judge to approve amendment to current contract between AMEP and the Personal Health Department (PHD). All present voting "Aye". MOTION PASSED

**28530      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. Increase Revenue: 001-676-00-055.4610 (\$12,020.00) Budget Expense 001-676-00-055.5201-general supplies \$2,020.000, Budget Expense: 001-676-00-055.5448 \$10,000.00. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones 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 present voting "Aye". MOTION PASSED

**28531      ALLOW OUT OF STATE TRAVEL FOR JEFF TURNER, EMERGENCY MANAGEMENT COORDINATOR AND LAUREEN CHERNOW, HAYS COUNTY COMMUNICATION SPECIALIST, TO ATTEND DEPARTMENT OF HOMELAND SECURITY-UNITED STATES FIRE ADMINISTRATION'S NATIONAL EMERGENCY TRAINING CENTER (NETC) NATIONAL FIRE ACADEMY AND EMERGENCY MANAGEMENT INSTITUTE COURSES E388: ADVANCE PUBLIC INFORMATION OFFICER COURSE, DECEMBER 5, 2011 TO DECEMBER 8, 2011**

Jeff Turner and Laureen Chernow have been accepted into a training program at the Department of Homeland Security-United States Fire Administration's National Emergency Training Center (NETC) National Fire Academy and Emergency Management Institute in Emmittsburg Maryland. The course will cover topics in Homeland Security Preparedness, Response, Recovery and Mitigation to Emergencies which are necessary for continued education requirements. This program has a zero cost to travel and board with only cost for meals. Travel costs will be paid up front with travel reimbursed once the course is completed; zero room costs. Amount required is \$234.28 each 001-656-00.5551 (Turner) 001-677-00.5551 (Chernow). A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to allow out of state travel for Jeff Turner, Emergency Management Coordinator and Laureen Chernow, Hays County Communication Specialist, to attend Department of Homeland Security-United States Fire Administration's National Emergency Training Center (NETC) National Fire Academy and Emergency Management Institute courses E388: Advance Public Information Officer Course, December 5, 2011 to December 8, 2011. All present voting "Aye". MOTION PASSED

**28532      ACCEPT THE BOND FOR FISCAL SURETY FOR THE REVEGETATION OF THE STREET AND DRAINAGE IMPROVEMENTS IN HIGHPOINTE SUBDIVISION, PHASE 3, SECTION 2-B, PHASE B**

Clint Garza Development Services Director gave staff recommendation. HighPointe Subdivision has issued a revegetation bond for \$9,023.67. The Transportation Department has inspected and recommends acceptance. A motion was made by Commissioner Jones, seconded by Commissioner Conley to accept the bond for fiscal surety for the revegetation of the street and drainage improvements in HighPointe subdivision, Phase 3, Section 2-B, Phase B. All present voting "Aye". MOTION PASSED





**28533      CONSIDER THE ACCEPTANCE OF ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS, AND RELEASE OF THE CONSTRUCTION BOND FOR HIGHPOINTE SUBDIVISION, PHASE 3, SECTION 2-B, PHASE B**

Clint Garza Development Services Director gave staff recommendation for the acceptance of the construction of roads and drainage improvements within Phase 3, Section 2-B, Phase B. The Transportation Department has inspected and approved the improvements. These private roads shall not be maintained by Hays County. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to consider the acceptance of road construction and drainage improvements, and release of the construction bond for HighPointe subdivision, Phase 3, Section 2-B, Phase B. All present voting "Aye". MOTION PASSED

**28534      RESUBDIVISION OF A PORTION OF LOT D-15, DOUGLAS ESTATES [11-4-36 - 1 LOT] AND APPROVE PRELIMINARY PLAN; CALL FOR PUBLIC HEARING NOVEMBER 22, 2011**

Clint Garza Development Services Director gave staff recommendation. Douglas Estates is a, 40 lot, recorded subdivision located off of Bell Springs Road in Precinct 4. One of the original lots, Lot D-15, was divided by metes and bounds rather than the requisite plat revision in 1996 and is thus considered a non-compliant parcel. The owner of a portion of the lot has listed his property for sale and has begun the process of replatting the parcel to ensure future owners do not have difficulty obtaining permits from the Development Services Department. The resubdivision of a portion of Lot D-15 will create lot D-15 (6.01 acres) and will allow that portion of the lot to be developed. The owner of the remaining portion (4.050 acres) of the lot has been notified and declined to be involved in the replat. Judge Cobb wanted voiced concern about the remaining portion of the lot and wanted to be certain that the owner of that portion of Lot D-15 follow the platting process as the owner platting his portion currently. Clint Garza assured the court, no development authorizations will be issued on the remaining portion unless all platting requirements have been met. A motion was made by Commissioner Conley, seconded by Commissioner Jones to approve preliminary plat of Resubdivision of a portion of Lot D-15, Douglas Estates 1 Lot and call for public hearing November 22, 2011. All present voting "Aye". MOTION PASSED

**28535      AUTHORIZE PAYMENT OF \$398.00 TO AVATT SERVICES, INC. FOR SERVICES PERFORMED AT THE HAYS COUNTY ANNEX AND REQUESTED BY THE BUILDING MAINTENANCE DEPARTMENT**

Ron Knott Building Maintenance spoke. A purchase order must be issued for invoices totaling \$300 or more. Therefore, the invoice cannot be paid until approved by Commissioners Court. This invoice was submitted to the Auditor's office for payment without the issuance of a purchase order. Once approval is granted by the Court this invoice will be resubmitted for payment. Amount required \$398.00 (001-695-00.5411). A motion was made by Commissioner Conley, seconded by Commissioner Jones to authorize payment of \$398.00 to Avatt Services, Inc. for services performed at the Hays County Annex and requested by the Building Maintenance Department. All present voting "Aye". MOTION PASSED

**28536      AUTHORIZE THE DEPARTMENT OF HUMAN RESOURCES TO MODIFY THE JOB DESCRIPTION AND TITLE OF THE CURRENT DISTRICT ATTORNEY'S OFFICE "ADMINISTRATIVE ASSISTANT III - LEGAL OFFICE ADMINISTRATOR" POSITION, MAKING IT AN "ADMINISTRATIVE ASSISTANT IV - EXECUTIVE ADMINISTRATOR" AND PLACING IT AT A GRADE 112**

Sherri Tibbe Hays County District Attorney gave an overview of the duties that will be preformed. The job description for the position in question has not been updated since 2009. In 2009, the District Attorney Office's instituted a Divisional structure and named "Division Leads" who were graded as "Admin III" positions. The grade for this position is a 110. Administration from the D.A.'s Office feels that the Administrator that manages those Grade 110 positions and the positions under the Division Leads should be at a higher grade than 110. There are not currently and "Admin IV" position, but conversations with HR staff have lead counsel to conclude that the present case in perhaps a good basis for creating and "Admin IV" position. Amount required none due to Salary Savings. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the Department of Human Resources to modify the job description and title of the current District Attorney's Office "Administrative Assistant III - Legal Office Administrator" position, making it an "Administrative Assistant IV - Executive Administrator" and placing it at a Grade 112. All present voting "Aye". MOTION PASSED. An amended motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to clarify this position will be exempt and declaring an effective date of November 16, 2011. All present voting "Aye". MOTION PASSED

**28537      APPROVE APPOINTMENT OF PAMELA MCAFEE TO THE JACOBS WELL NATURAL AREA STAKEHOLDERS GROUP**

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve appointment of Pamela McAfee to the Jacobs Well Natural Area Stakeholders Group. All present voting "Aye". MOTION PASSED



OCTOBER 25, 2011

\*\*\*\*\*

VOLUME U PG 715

- 28538      DESIGNATE THE SOUTH DOOR OF THE HAYS COUNTY GOVERNMENT CENTER AT 712 SOUTH STAGECOACH TRAIL, AS THE LOCATION FOR POSTING PUBLIC NOTICES AND HOLDING PUBLIC SALES OF REAL PROPERTY; EFFECTIVE DATE JANUARY 3, 2012**

This is Pursuant to Texas Property Code 51.002(a), the court needs to take action to move postings of public notices and sales. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to designate the south door of the Hays County Government Center at 712 South Stagecoach Trail, as the location for posting public notices and holding public sales of real property; effective date January 3, 2012. All present voting "Aye". MOTION PASSED

- 28539      ACTION TO HAVE COUNSEL EXECUTE A LETTER OF TERMINATION TO LYNX PROPERTY SERVICES FOR THE LEASE OF PROPERTY LOCATED AT 700 N. LBJ, SAN MARCOS, TX 78666 (ADULT PROBATION)**

Adult Probation is moving to the new Government Center in December and will no longer require the lease space. The current lease required expired on April 1, 2011 and Hays County utilized its option to go month to month. The agreement requires a 60 day notice of termination. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe action to have counsel execute a letter of termination to Lynx Property Services for the lease of property located at 700 N. LBJ, San Marcos, TX 78666 (Adult probation). All present voting "Aye". MOTION PASSED

- 28540      AUTHORIZE THE COUNTY JUDGE SIGN THE AGREEMENTS FOR THE LAW ENFORCEMENT CENTER FIRE ALARM SYSTEM AND THE SECURITY SYSTEM**

The new CCTV Security System and Fire Alarm System (both installed by separate divisions of MCS) at the LEC will be complete by the end of October. Both systems will be under warranty for the 1<sup>st</sup> year after completion; however a service/maintenance agreement for both would be advantageous to the County and take burden off the maintenance department for the future. In addition, City Fire Marshal, Kenneth Bell recommended a service agreement for the fire alarm system be put in place. Fire Alarm System: Total cost of \$22,900 (\$5,725.00 annually after year 1) over the course of the first years which include testing/inspection and service maintenance. Service Agreement: 1<sup>st</sup> year: 100% warranty; included with installation; 2<sup>nd</sup>-5<sup>th</sup> years (\$5,725 annually). A motion was made by Commissioner Conley, seconded by Commissioner Jones to authorize the County Judge sign the agreements for the Law Enforcement Center Fire Alarm System and the Security System. All present voting "Aye". MOTION PASSED

- 28541      AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT WITH THE CITY OF BUDA REGARDING SUBDIVISION AND DEVELOPMENT REGULATION IN THE EXTRATERRITORIAL JURISDICTION OF BUDA, PURSUANT TO HB1445 (2001)**

To date, the City of Buda and Hays County do not have an executed 1445/interlocal agreement for plat approvals in the ETJ. The City has approved the agreement which will get both entities in compliance with state law. This interlocal agreement will streamline the platting process by utilizing the City of Umland as the "one-stop" shop for plat review and approvals. Development Services staff will still coordinate with the City and require compliance with regulations identified by the City at the time of review. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute an agreement with the City of Buda regarding subdivision and development regulation in the extraterritorial jurisdiction of Buda, pursuant to HB1445 (2001). All present voting "Aye". MOTION PASSED

- 28542      AMEND THE LCRA SERVICE FEE FUND FOR COSTS ASSOCIATED WITH THE HAYS COUNTY WATER QUALITY MONITORING PROGRAM**

Development Services Director Clint Garza gave a brief explanation on testing being conducted. County Judge requested that all surrounding Water Districts and Bioterrorism staff be given these test results in addition to the entities that we currently send them to. On October 26, 2010, the Commissioners Court approved the Hays County Water Quality Monitoring Program to join TCEQ's Texas Clean Rivers Program. Hays County was written into both LCRA and GBRA's Quality Assurance Protection to monitor a total of 10 sites located in various watersheds throughout Hays County. Development Services staff is ready to begin the official monitoring for FY 2012. During annual budget processing funds were not requested from the LCRA service fee fund for FY2012 lab fees and supplies which will be necessary to continue moving forward with county-wide program. Amount \$5438.00 171-691-00-5391 (\$5,438), 171-691-00-5391 \$5,438. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to amend the LCRA Service Fee Fund for costs associated with the Hays County Water Quality Monitoring Program. All present voting "Aye". MOTION PASSED



**10:00 AM WORKSHOP REGARDING MARKETING, SELLING, AND/OR LEASING HAYS COUNTY PROPERTIES INCLUDING A PRESENTATION FROM CBRE REPRESENTATIVES**

CBRE Representatives Scott Senese, Walter Saad, and Cathy Nabours gave a powerpoint presentation. Currently, Hays County has 4 locations they are considering for sale. 1) Hays County Annex – 102 N. LBJ Dr.; 2) Hays County Records Bldg. – 137 N. Guadalupe St.; 3) Hays County Justice Center – 110 W. MLK Dr.; 4) Max C. Smith Bldg. – 302 W. San Antonio St. all located in San Marcos. CBRE was selected as a provider of real estate services for Hays County during the June 19<sup>th</sup> Commissioners Court.

**EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE PURCHASE, EXCHANGE, OR VALUE OF REAL PROPERTY RELATED TO HAYS COUNTY PRECINCT 2 BUILDING**

Court convened into closed executive session at 10:52 am and reconvened into open meeting at 11:30 am. In attendance in Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb and Special Counsel Mark Kennedy, County Auditor Bill Herzog, and consultants from CBRE. No action taken.

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

At this time the Burn Ban will remain in effect. There is a possible chance for rain this week according to local forecasts. Where in the County would consider a temporary lift of the ban at that time. Notice will be posted if/when this occurs.

**Clerk's Note Agenda Item #25 RE:** DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; THE PROPOSED PRECINCT 2 OFFICE; AND THE LAW ENFORCEMENT CENTER IMMEDIATE NEEDS PROJECT – **was pulled**

**Clerk's Note Agenda Item #26 RE:** DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR – **was pulled**

**Clerk's Note Agenda Item #27 RE:** DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE – **was pulled**

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe 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 October 25, 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: Approve specification for IFB #2012-B01 Leisurewoods Channel B Drainage Improvements and authorize Purchasing to solicit for bid and advertise.**

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

**PREFERRED MEETING DATE REQUESTED: November 1, 2011**

**AMOUNT REQUIRED:**

**LINE ITEM NUMBER OF FUNDS REQUIRED:**

**REQUESTED BY: Herzog/Borcherding**

**SPONSORED BY:**

**SUMMARY: See attached specifications.**

**CONTRACT DOCUMENTS  
FOR  
LEISUREWOODS CHANNEL B  
DRAINAGE IMPROVEMENTS**

**IFB: 2012-B01**



**Contact:  
Ms. Cindy Maiorka  
(512) 393-2273  
cindym@co.hays.tx.us**

**Prepared by:  
  
Klotz Associates, Inc.  
901 S. MoPac Expressway  
Building 5, Suite 220  
Austin, Texas 78746  
Texas P.E. Firm Registration No. F-929**

**Klotz Associates Project No. 0571.004.001  
October 2011**

**CONTRACT DOCUMENTS**  
**FOR**  
**LIESUREWOODS CHANNEL B**  
**DRAINAGE IMPROVEMENTS**  
**IFB: 2012-B01**

**FOR REVIEW ONLY**

Do not use for bidding or construction.

Engineer: James Schwerdtfeger, P.E.

P.E. No.: 97266

**Prepared by:**

**Klotz Associates, Inc.**  
**901 S. MoPac Expressway**  
**Building 5, Suite 220**  
**Austin, Texas 78746**  
**Texas P.E. Firm Registration No. F-929**

**Klotz Associates Project No. 0571.004.001**  
**October 2011**

**CONTRACT DOCUMENTS**  
**FOR**  
**LEISUREWOODS CHANNEL B**  
**DRAINAGE IMPROVEMENTS**

**TABLE OF CONTENTS**

|              |   |
|--------------|---|
| <b>00020</b> | <b>Invitations for Bids</b>                                       |
| <b>00100</b> | <b>Instructions to Bidders &amp; General Conditions</b>           |
| <b>00200</b> | <b>Bid Form</b>   |
| <b>00300</b> | <b>Contract</b>   |
| <b>00400</b> | <b>Performance Bond</b>   |
| <b>00500</b> | <b>Payment Bond</b>   |
| <b>00600</b> | <b>Technical Specifications</b>                                   |
| <b>00700</b> | <b>Bidder's Affirmation &amp; Conflict of Interest Disclosure</b> |

**00020 Invitations for Bids**



## INVITATIONS FOR BIDS

HAYS COUNTY, TEXAS (OWNER) will receive sealed BIDS for **LEISUREWOODS CHANNEL B DRAINAGE IMPROVEMENTS** until **2:00 PM** local time on **Thursday, November 17, 2011** at the Hays County Purchasing Office, 111 E. San Antonio St., Suite 101, San Marcos, Texas 78666. The BIDS shall be sealed and addressed to:

Hays County Purchasing  
Attn: Cindy Maiorka  
111 E. San Antonio St., Suite 101  
San Marcos, Texas 78666

The BIDS will be publicly opened and read aloud at the Hays County Purchasing Office on **Thursday, November 17, 2011 at 2:00 PM local time.**

BIDS received after the closing time will be returned. An optional pre-bid meeting will be held at the Hays County Road Department located at 2171 Yarrington Road on Thursday, November 10, 2011 at 9:00 AM local time.

BIDS are invited for the several items and quantities of work as follows:

*The LEISUREWOODS CHANNEL B DRAINAGE IMPROVEMENTS project generally includes improving the existing channel to decrease peak flows and increase its capacity. Limits of the project are from the detention basin near the intersection of Longspur Drive and Leisurewoods Drive to the existing culvert near the 16200 block of Bullwhip Pass.*

Bidding Documents may be examined at the Hays County Purchasing Office, 111 E. San Antonio St., Suite 101, San Marcos, Texas 78666.

Bidding Documents may be obtained by prospective BIDDERS or suppliers for a non-refundable fee of \$50.00 at the project engineers' offices, located at 901 S. MoPac Expressway, Building 5, Suite 220, Austin, Texas 78746. Prospective BIDDERS should contact James Schwerdtfeger, P.E. at (512) 328-5771 to request bid packages. Plans will be prepared within 24-hours of request.

Bid Security in the amount not less than five percent (5%) of the total amount of the BID, issued by an acceptable surety company or in the form of a certified or cashier's check, must accompany each BID as a guarantee that the Successful Bidder will enter into a proper Contract and execute Bonds and Guaranties on the forms provided within ten (10) days after the date Contract Documents are received by the CONTRACTOR. Bid Security shall be in accordance with Section 00100 - Instructions to Bidders & General Conditions.

HAYS COUNTY reserves the right to reject any or all BIDS or to waive any informality in the bidding process. In case of ambiguity or lack of clearness in stating the prices in any BID, the OWNER reserves the right to determine which BIDS are the lowest and/or best, and to award the contract on this basis. No BID may be withdrawn within thirty (30) days after opening of BIDS. If a submitted BID is withdrawn within the said period, BID guarantee shall become property of

the OWNER, not as penalty, but as liquidated damages, and OWNER may pursue other action allowed by law.

The successful BIDDER must furnish a "PERFORMANCE BOND" and "PAYMENT BOND" on forms provided with the Contract Documents. Each bond shall be issued in an amount of one hundred percent (100%) of the Contract amount from a solvent Surety company, authorized to do business in the State of Texas and acceptable to the OWNER.

Contract Time is of the essence and all Work shall be finally completed within **forty five (45)** Working Days after the Notice to Proceed, in accordance with article five of Section 00200 Bid Form

BIDS may be held by HAYS COUNTY for a period not to exceed thirty (30) days from the date of the bid opening for the purpose of reviewing the BIDS and investigating the BIDDERS qualifications prior to the contract award.

Questions by potential bidders may be directed to Ms. Cindy Maiorka (Hays County Purchasing Officer) at [cindym@co.hays.tx.us](mailto:cindym@co.hays.tx.us)

HAYS COUNTY, TEXAS

**00100 Instructions to Bidders & General Conditions**

**BID #2012-B01  
HAYS COUNTY, TEXAS**

Bids are solicited for furnishing the services set forth in this Invitation for Bid (IFB). **Completed bids must be received in the Purchasing Office before 2:00 p.m. on Thursday, November 17<sup>th</sup>, 2011. All bids must be in a sealed envelope clearly marked in the lower left hand corner with the bid number, bid title and opening date. Mail bids: to Hays County Purchasing Office, 111 E. San Antonio St., Suite 101, San Marcos, Texas 78666.** By submitting a bid, vendor hereby agrees to all of terms and provisions of the bid specifications.

Bids received in the County purchasing Office after submission deadline shall be returned unopened and will be considered void and unaccepted. Hays County is not responsible for lateness of mail, carrier, etc. and time/date stamp clock in the purchasing office shall be the official time of receipt. **Hays County does not accept fax bids.**

Bids may be withdrawn at any time **prior** to the official opening. Alterations made before opening time must be initialed by bidder guaranteeing authenticity.

The bidder agrees if this is accepted, to furnish any and all items upon which prices are offered, at the price(s) and upon the terms and conditions contained in the specifications. The period for acceptance of this bid proposal will be thirty (30) calendar days unless a different period is noted by bidder.

The County reserves the right to accept or reject in part or in whole any bids submitted, and to waive any technicalities for the best interest of the County.

**Invoices shall be sent directly to the Hays County Auditor, 111 E. San Antonio St., Suite 100, San Marcos, Texas 78666, and attn: Accounts Payable. Payments will be processed after notification that all services have been satisfactory and no unauthorized services have been received.**

Hays County terms are net 30 days from invoice date.

The bid award shall be based on but not necessarily limited to, the following factors:

- Total price
- Special needs and requirements of Hays County
- Vendor's past performance record with Hays County
- Hays County's evaluation of vendor's ability

If bid is accepted and approved by Commissioners' Court then this bid becomes the contract and there are oral agreements either expressed or implied. No different or additional terms will become part of this contract with the exception of a change order.

The County is tax exempt; therefore tax shall not be included in this offer.

Any contract awarded pursuant to this IFB shall be contingent on sufficient funding and authority being made and available in each fiscal period by the approval of Commissioners' Court. If sufficient funding or authority is not made available, the contract shall become null and void.

Any interpretations, corrections or changes to this invitation for bid and specifications will be made by addenda. Sole issuing authority of addenda shall be vested in Hays County Purchasing Manager. Addenda will be mailed to all who are known to have received a copy of this IFB. Bidders shall acknowledge receipt of addenda.

The County of Hays does not discriminate on the basis of race, color, national origin, sex, religion, age and disability in employment or the provision of services.

No negotiations, decisions, or actions shall be initiated or executed by any vendor as a result of any discussions with any county employee. Only those communications that are in writing from the Purchasing Office shall be considered as a duly authorized expression on behalf of the County.

All bidders will be required to furnish proof of insurance for worker's Compensation, auto liability and general liability before any work may begin and shall remain in effect during the life of the contract.

If bidder does not wish to submit a bid at this time, but desires to remain on the bidder's list, please submit a "NO BID" by the same time and at the same location as specified in this IFB. Hays County is always very conscious and extremely appreciative of the time and effort you must expend to submit a bid. We would appreciate you indicating on any "NO BID" response the reason for submitting a no bid.

This contract shall remain in effect until contract expires or is in default. Either party may terminate this contract with a forty-five (45) day written notice to the other party prior to cancellation. The termination notice must state the reason(s) for such cancellation. The County reserves the right to terminate the contract immediately in the event the successful bidder fails to perform in accordance with the accepted IFB.

Continuing non-performance of the bidder in terms of specifications shall be a basis for the termination of the contract by the County. The County shall not pay for merchandise/services that are unsatisfactory. Vendors will be given a reasonable opportunity before termination to correct deficiencies.

This contract will be immediately canceled if it is found by the Commissioners' Court that its continued performance endangers the citizens, personnel, property of Hays County or the environment.

The vendor shall make himself familiar with and at all times shall observe and comply with all federal, state and local laws, ordinances and regulations which in any manner affect the conduct of the work and shall indemnify and save harmless the County of Hays and its representatives against any claims arising.

The vendor will use City of Austin specifications if required specification was not provided within this document.

**References:**

Bidder will supply the name and an address of representatives where it has performed this service in the past or is now under contract for such services of the same and who may be contacted for references and performance history. The list of references will include company name, address, phone number, representative's number.

**Experience:**

Bidder certifies that it has a minimum of three (3) years experience in this field and projects of this size.

**Basis of Award:**

The County reserves the right to award a contract for named project to a bidder on the basis of total low bid and/or the best value to the County.

Bidders must bid on all items in order to be considered responsive.

**Insurance and Liability**

During the period of this contract, successful bidder will maintain at its expense, insurance with limits not less than those prescribed below. With respect to required insurance, successful bidder will:

- Name the County as additional insured/or an insured, as its interest may appear
- Provide the County with a thirty (30) day advance written notice of cancellation or material change to said insurance
- Provide the Purchasing Office a Certificate of Insurance evidencing required coverage within ten (10) days after receipt of contract award, and at least annually thereafter in the event this contract is renewed

Required coverage is as follows: (a) worker's compensation insurance as required by applicable law; (b) employer's liability insurance with limits not less than \$1 million; (c) commercial liability, including products and completed operations and contractual liability, with a combined single limit of \$2,000,000 per occurrence; and (d) excess liability insurance with limits not less than \$2 million.

**Bid Security:** is required in the amount of 5% of the total bid amount and in the form of a certified or cashier's check or bid bond issued by a surety company authorized to do business in Texas.

**Performance & Payment Bonds:** contractor shall furnish Performance and payment bonds, each in the amount at least equal to the contract price, as security for the faithful performance and payment of all of contractor's obligations under the contract documents. The bonds are to be issued from a surety company holding a license from the State of Texas to act as a surety. These bonds shall remain in effect until final acceptance by the Engineer and until a maintenance bond which will run for a period of two (2) years after the date of acceptance of Hays County upon completion of all work under the contract a maintenance bond guaranteeing all work under the contract to be free from faulty materials in every particular and free from improper workmanship, and against injury from proper and usual wear, and guaranteeing to replace or to re-execution without cost to Hays County such work as may be found to be improper or imperfect, and to make good all damage caused to the other work of materials, due to such required replacement or re-execution. Neither the final certificate, nor payment, nor any provision in the contract documents shall relieve the contractor of responsibility for neglect or faulty materials or workmanship during the period covered by the maintenance bond.

The successful bidder must commence work upon issuance by the County of a written **Notice to Proceed**.

**Optional Pre-Bid Conference:**

There will be an optional pre-bid conference held at 9:00AM on Thursday, November 10, 2011 at the Hays County Road Department (2171 Yarrington Road, San Marcos, TX 78666). If you have any questions please call the Purchasing Office at 512-393-2273.

**00200 Bid Form**



**BID FORM**

Date: \_\_\_\_\_, 2011

BID of \_\_\_\_\_ an individual proprietorship, a corporation organized and existing under the laws of the State of Texas, or a partnership consisting of \_\_\_\_\_, for the construction of LEISUREWOODS CHANNEL B DRAINAGE IMPROVEMENTS.

**THIS BID IS SUBMITTED TO:**

Hays County  
Attn: Cindy Maiorka  
111 E. San Antonio St., Suite 101  
San Marcos, Texas 78666

1. The undersigned BIDDER proposes and agrees, if this BID is accepted, to enter into an agreement with OWNER in the form included in the Contract Documents to perform and furnish all Work as specified or indicated in the Contract Documents for the Bid Price and within the Bid Times indicated in this BID and in accordance with the other terms and conditions of the Contract Documents. BIDDER accepts the terms of the form of Agreement and the Contract Documents.
2. BIDDER accepts all of the terms and conditions of the Invitation to BID and Instructions to Bidders including without limitation those dealing with the disposition of Bid Security. This BID will remain subject to acceptance for thirty (30) days after the day of BID opening. If BIDDER is the Successful Bidder, BIDDER will sign and deliver the required number of counterparts of the Agreement with the Bonds and other documents required by the Bidding Requirements within ten (10) calendar days after the date of OWNER's Notice of Award.
3. In submitting this BID, BIDDER represents and warrants that:
  - (a) BIDDER has examined and carefully studied the Bidding Documents and Addenda. BIDDER hereby acknowledges receipt of the following Addenda: (List Addenda by b Addendum Number and Date).  
  
Addendum No.: \_\_\_\_\_ Dated: \_\_\_\_\_  
Addendum No.: \_\_\_\_\_ Dated: \_\_\_\_\_  
Addendum No.: \_\_\_\_\_ Dated: \_\_\_\_\_
  - (b) BIDDER has visited the site, has conducted all testing at the site BIDDER deems necessary, has become familiar with, has taken into consideration in formulating its BID, and accepts the general, local and site conditions that may affect cost, progress, performance, and furnishing of the Work;

- (c) BIDDER is familiar with, has taken into consideration in formulating its BID and accepts all federal, state, and local Laws and Regulations that may affect cost, progress, performance, and furnishing of the Work.
  - (d) BIDDER has obtained and carefully studied and is responsible for obtaining and studying any and all examinations, investigations, explorations, tests, studies, and data concerning conditions (surface, subsurface and Underground Facilities) at or contiguous to the site or otherwise which may affect cost, progress, performance or furnishing of the Work, or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by BIDDER and safety precautions and programs incident thereto as may be necessary. BIDDER does not consider that any additional examinations, investigations, explorations, tests, studies or data are necessary for the determination of this BID for performance and furnishing of the Work in accordance with the times, price, and other terms and conditions of the Contract Documents.
  - (e) BIDDER is aware of the general nature of work to be performed by OWNER and others at the site that relates to Work for which this BID is submitted as indicated in the Contract Documents.
  - (f) BIDDER has correlated the information known to BIDDER, information and observations obtained from visits to the site, reports and drawings identified in the Contract Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Contract Documents.
  - (g) BIDDER has given OWNER written notice of all conflicts, errors, ambiguities, or discrepancies that BIDDER has discovered in the Contract Documents, and the written resolution thereof by OWNER is acceptable to BIDDER; BIDDER has no questions regarding the Work; BIDDER has all information necessary to make a fully informed BID; and the Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performing and furnishing the Work for which this BID is submitted.
  - (h) This BID is genuine and not made in the interest of or on behalf of any undisclosed person, firm, or corporation and is not submitted in conformity with any agreement or rules of any group, association, organization or corporation; BIDDER has not directly or indirectly induced or solicited any other BIDDER to submit a false or sham BID; BIDDER has not solicited or induced any person, firm, or corporation to refrain from bidding; and BIDDER has not sought by collusion to obtain for itself any advantage over any other BIDDER or over OWNER.
4. BIDDER is duly qualified to carry on business in the State of Texas; possesses or has the ability to possess all licenses, permits, and certificates of authority necessary to commence and to complete the Work in accordance with the Bidding Documents; is fully qualified and has experience in performing work of the same type as the Work covered

by the Bidding Documents; and will provide all necessary labor, superintendence, machinery, equipment, tools, materials, services, and other means of construction to complete all work upon which BIDDER bids and complete said work within the time stated for the following base bid price.

TOTAL BASE BID AMOUNT

\$ \_\_\_\_\_ DOLLARS

When changes in the work are ordered other than identified in the proposed base bid and add alternative involving an add or deduct to these prices, and when such work has been approved by the OWNER, in writing, the successful bidder agrees that the Contract Sum shall be adjusted according to the following unit prices.

Unit prices cover the cost of all work and materials in place, complete, per drawing, and specifications and including, but not limited to all labor, materials, equipment, freight, taxes, insurance, overhead, profit, maintenance, and guarantee. All items in the unit price list shall meet all requirements of the plans, details, and written specifications.

NOTE: SOME OF THE ITEMS LISTED BELOW MAY NOT BE INCLUDED IN THE BASE BID, CONTRACTOR IS REQUESTED TO PROVIDE ALL UNIT PRICES ALLOWING THE OWNER THE OPTION TO ADD OR DELETE ITEMS.

**BID TABLE**

| ITEM NO              | DESCRIPTION  | UNIT | ESTIMATED QUANTITY | PRICE PER UNIT | AMOUNT |
|----------------------|--|------|--------------------|----------------|--------|
| 102S-C               | Clearing and Grubbing  | LS   | 1                  |                |        |
| 104S-B               | Remove P.C. Concrete Slab  | SF   | 770                |                |        |
| 104S-D               | Remove P.C. Concrete Wall  | LF   | 25                 |                |        |
| 120S-A               | Channel Excavation   | CY   | 3500               |                |        |
| 132S-A               | Embankment   | CY   | 110                |                |        |
| 414S-C               | Cast-in-place Portland Cement Concrete Retaining Wall, Including Reinforcement           | CY   | 4                  |                |        |
| 501S                 | JACKING OR BORING 12 IN. PIPE  | LF   | 46                 |                |        |
| 508S-E               | Energy Dissipators   | EA   | 10                 |                |        |
| 591S-A               | Dry Riprap   | SY   | 630                |                |        |
| 591S-G               | Concrete Riprap  | CY   | 300                |                |        |
| 604S-C               | Native Seeding for Erosion Control Method, Shredded Brush Mulch                          | SY   | 4300               |                |        |
| 605S-A               | Soil Retention Blanket Class 2; Type E   | SY   | 4300               |                |        |
| 610S-A               | Protective Fencing Type A Chain Link Fence (Typical Application - high damage potential) | LF   | 180                |                |        |
| 610S-R               | Removal of Existing Trees  | EA   | 13                 |                |        |
| 639S                 | Rock Berm  | LF   | 180                |                |        |
| 641S                 | Stabilized Construction Entrance   | EA   | 1                  |                |        |
| 642S                 | Silt Fence for Erosion Control   | LF   | 1500               |                |        |
| 700S-TM              | Total Mobilization Payment   | LS   | 1                  |                |        |
| 702S-D               | Removing and Relocating Existing 6 Ft. Wooden Fence                                      | LF   | 1600               |                |        |
| 703                  | Safety Fencing   | LF   | 3080               |                |        |
| SP504S-DP            | Removal of 6-inch Drain Pipe   | LF   | 20                 |                |        |
| SP504S-RP            | Remove and Dispose Existing 12" Storm Drain  | LF   | 420                |                |        |
| SP506-RWW            | Removal of Manhole   | EA   | 2                  |                |        |
| <b>TOTAL PROJECT</b> |  |      |                    |                |        |

5. BIDDER agrees to begin work promptly after written Notice to Proceed is given by OWNER and will finally complete the Work associated with the LEISUREWOODS CHANNEL B DRAINAGE IMPROVEMENTS within **forty five (45) working days**.
6. BIDDER has enclosed with this BID the required Bid Security. BIDDER agrees that this amount is a measure of liquidated damages which OWNER will sustain by failure of the BIDDER to execute and deliver above named Agreement and Bonds, and not a penalty, and further agrees that this Bid Security shall be collected and retained by OWNER as liquidated damages in the event this BID is accepted by OWNER within sixty (60) days after opening of Bids, and BIDDER fails to execute the Agreement and the required Bonds with OWNER within ten (10) days after Contract Documents are received by BIDDER; otherwise said Bid Security shall be returned to the BIDDER in accordance with Paragraph 7 of Section 00100- Instruction to Bidders.

ATTEST:      Very truly yours

\_\_\_\_\_  
(SEAL, if Bidder is Corporation)

By: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Typed or Printed Name)

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

Bidder: \_\_\_\_\_  
(Name of Company)

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

Telephone No.: \_\_\_\_\_

Facsimile No.: \_\_\_\_\_

Surety Company: \_\_\_\_\_  
Address: \_\_\_\_\_

Telephone No.: \_\_\_\_\_  
Facsimile No.: \_\_\_\_\_

## 00300 Contract

**\*CONTRACT\***

**STATE OF TEXAS  
COUNTY OF HAYS**

WHEREAS, The attached "Bid Package" which includes the **Cover Sheet, Instructions, Specifications, and Bid Sheet(s)** for the item(s) being published for competitive bid, were solicited pursuant to Texas Local Government Code 262.021; and

**WHEREAS, the Hays County Commissioners' Court as the governing body of Hays County did on \_\_\_\_\_, 20\_\_\_\_ award a contract to \_\_\_\_\_ (Vendor/Bidder) for furnishing the materials, equipment, supplies and/or services in quantities and at prices as set forth in the above-attached "Bid Package"; and**

THEREFORE, Knowing all men by these present, that this contract is entered into by Hays County, Texas (hereinafter called "County") and the undersigned Vendor (hereinafter called "Vendor" or "bidder").

**WITNESSETH**

THAT IN ACCORDANCE with the above attached Bid Package in every particular, the Vendor will perform in accordance with the terms thereof and the County agrees to make payment for such items or services purchased on appropriate Purchase Orders in accordance with the items of said Bid Package which is made a part of this contract and incorporated herein for all purposes. THAT IN ACCORDANCE with the attached the County's acceptance of equipment, supplies and services shall be contingent on (1) they conform, (2) they were delivered (if applicable), and (3) services have been satisfactorily performed in the sole determination of the County.

**Prior Agreements Superseded**

This Contract, with the entire Bid Package incorporated herein for all purposes, including any required supporting literature, brochures, and/or data sheets or sample, constitutes the sole agreements of the parties to the agreement and supersedes all oral or written previous and contemporary agreements between the parties and relating to matters herein.

### Amendment

No amendment, modification or alteration of the terms of this contract shall be binding unless same is in writing, dated subsequent to the date of this contract, and duly executed by authorization representatives of each party.

IN TESTIMONY WHEREOF: Witness our hands at Hays County, Texas, effective as of the date awarded above, if any.

VENDOR

HAYS COUNTY

BY: \_\_\_\_\_ BY \_\_\_\_\_  
AUTHORIZED AGENT COUNTY JUDGE

ATTEST: \_\_\_\_\_  
Liz Gonzalez, Hays County Clerk

**\*\*Failure to sign the Contract page(s) may disqualify the bid from being considered by the Commissioners' Court. However, this contract is not valid until awarded in Commissioners' Court and signed by both parties.**



## **00400 Performance Bond**

**00500 Payment Bond**

## 00600 Technical Specifications

## **TECHNICAL SPECIFICATIONS**

Governing specifications for the LEISUREWOODS CHANNEL B DRAINAGE IMPROVEMENTS.  
Technical specifications applicable to this project are identified as follows:

City of Austin Standard Specifications: Adopted by the City of Austin on December 20, 2010. All standard specifications are incorporated into the contract by reference. Any and all reference to the City of Austin within the specifications shall be read and interpreted as HAYS COUNTY, TEXAS.

If any conflicts exist between the City of Austin Standard Specifications referenced here and these bidding documents, the statements, articles, and clauses within these bidding documents shall control.

**00700 Bidder's Affirmation & Conflict of Interest Disclosure**

### Vendor/Bidder's Affirmation

1. Vendor/Bidder affirms that they are duly authorized to execute this Contract, that this company, corporation, firm, partnership or individual has not prepared this bid in collusion with any other bidder, and that the contents of this bid as to price, terms or conditions of said bid have not been communicated by the undersigned nor by any employee or agent to any other person engages in this type of business prior to the official opening of this bid.
2. Vendor/Bidder hereby assigns to Purchaser any and all claims for overcharges associated with this Contract which arise under the antitrust laws of the United States, 15 USCA Section 1 et seq., and which arise under the antitrust laws of the State of Texas, Tex. Bus. & Com. Code, Section 15.01, et seq.
3. Pursuant to 262.076 (a) of the Texas Local Government Code, Vendor/Bidder, hereby affirms that Vendor/Bidder:

\_\_\_\_\_ Does not own taxable property in Hays County.

\_\_\_\_\_ Does not owe any ad valorem taxes to Hays County or is not otherwise indebted to Hays County.

\_\_\_\_\_  
Name of Contracting Company

\_\_\_\_\_  
Contact Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Mailing Address

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

\_\_\_\_\_  
Signature of Company Official Authorizing Bid/Offer

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Phone Fax E-mail address

## **Conflict of Interest Disclosure**

Beginning January 1, 2006 a new State Law (Chapter 176 of the Texas Local Government Code) requires the filing of Conflict of Interest Questionnaires by individuals and businesses..

The questionnaire requires disclosures describing certain business and gift giving relationships (if any) the filers may have with the Hays County Commissioners Court members and other elected/appointed officials.

The new law applies to:

- Businesses and individuals who contract with Hays County
- Businesses and individuals who seek to contract with Hays County, (regardless of whether a bidder is awarded the contract), and
- Agents who represent such businesses in their business dealings with Hays County

The forms for reporting are available at

[www.ethics.state.tx.us/whatsnew/conflict\\_forms.htm](http://www.ethics.state.tx.us/whatsnew/conflict_forms.htm)

If you have any questions about compliance, please consult your own legal counsel. Compliance is the individual responsibility of each individual, business, and agent who is subject to the law's filing requirement.

If you are required to file a Conflict of Interest Questionnaire, you should file with the Hays County Clerk by mailing the completed form to:

Hays County Clerk  
137 Guadalupe Street  
San Marcos, Texas 78666

## *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:** Authorize Information Technology to dispose of Computer Equipment and send to Goodwill for recycling.

(See attached list of equipment)

**TYPE OF ITEM:** ☒ **CONSENT-** ☐ **ACTION-** ☐ **PROCLAMATION-**

☐ **EXECUTIVE SESSION-** ☐ **WORKSHOP**

**PREFERRED MEETING DATE REQUESTED:** November 1, 2011

**AMOUNT REQUIRED:**

**LINE ITEM NUMBER OF FUNDS REQUIRED:**

**REQUESTED BY:** Herzog/McGill

**SPONSORED BY:**

**SUMMARY:** Goodwill has expressed an interest in receiving the computer equipment from the County. I.T. has stripped the equipment of any usable parts. The recommendation to the court would be to dispose of the equipment as worthless (pursuant to LGC 263.152- Disposition (3) and send to Goodwill for recycling.





## Hays County Information Technology

Jeff McGill, Director

---

**Date:** October 17, 2011

**To:** Cindy Maiorka

**From:** Marva Pearce

**RE:** Recycle Equipment

---

| <u>EQUIPMENT</u> | <u>TAG NUMBER</u> | <u>SERIAL NUMBER</u> |
|------------------|-------------------|----------------------|
| CPU              | 015758            |                      |
| CPU              | 015644            |                      |
| CPU              | 015387            |                      |
| CPU              | 015344            |                      |
| CPU              | 013897            |                      |
| CPU              | 014625            |                      |
| CPU              | 016822            |                      |
| CPU              | 015634            |                      |
| CPU              | 015378            |                      |
| CPU              | 013302            |                      |
| CPU              | 013883            |                      |
| CPU              | 015855            |                      |
| CPU              | 013625            |                      |
| CPU              | 013842            |                      |
| CPU              | 012134            |                      |
| CPU              | 013418            |                      |
| CPU              | 015760            |                      |
| CPU              | 013487            |                      |
| CPU              | 013242            |                      |
| CPU              | 013124            |                      |
| CPU              | 013464            |                      |
| CPU              | 015265            |                      |
| CPU              | 015574            |                      |
| MONITOR          | 015170            |                      |
| MONITOR          | 013017            |                      |
| MONITOR          | 013019            |                      |
| MONITOR          |                   | MH17HCHY802845P      |
| MONITOR          |                   | TD22HVGS402355F      |

|                 |        |                         |
|-----------------|--------|-------------------------|
| MONITOR         |        | MH17HCHY802992Y         |
| MONITOR         |        | CN0G263H6418088L1NSUA00 |
| MONITOR         |        | CN0D176P6418097D0ZTS    |
| MONITOR         |        | BUR061000869            |
| MONITOR         |        | Q78061501516            |
| MONITOR         |        | CNC734PRBG              |
| MONITOR         |        | QRA075223753            |
| MONITOR         |        | QRA074721372            |
| MONITOR         |        | QFP064400917            |
| MONITOR         |        | PSW06270708             |
| MONITOR         |        | C3GN28C637578           |
| MONITOR         |        | 5CTA710038736           |
| MONITOR         |        | CN0Y13524760951HF5N2    |
| MONITOR         |        | 1292028739              |
| MONITOR         |        | QFP064601163            |
| MONITOR         |        | PSX052506279            |
| MONITOR         |        | PUR061300854            |
| MONITOR         |        | CNBK524237              |
| MONITOR         |        | CNBK524244              |
| MONITOR         |        | CNK89DN1KK              |
| PRINTER         |        |                         |
| PRINTER         |        |                         |
| PRINTER         |        |                         |
| PRINTER         | 012303 |                         |
| PRINTER         |        | CNBJ241969              |
| PRINTER         |        | MY71GJ6067              |
| PRINTER         |        | LSDY201390              |
| PRINTER         |        | MY21B190KH              |
| PRINTER         |        | CLQ1051870              |
| PRINTER         | 013036 |                         |
| SCANNER         | 016663 |                         |
| SCANNER         | 017038 |                         |
| LAPTOP          | 015822 |                         |
| DOCKING STATION |        | 2LKSB19727              |
| DOCKING STATION |        | CNF5311KG8              |
| LAPTOP          | 015368 |                         |
| LAPTOP          | 012949 |                         |
| LAPTOP          | 010906 |                         |
| APC/UPS         |        | QB0529340293            |
| APC/UPS         |        | 3B0832X11842            |
| APC/UPS         |        | CNT00731874039C1510     |
| APC/UPS         |        | 3B0727X06977            |
| SONICWALL       |        | 0006B13ECEED            |
| SONICWALL       |        | 0006B13ECF11            |
| SONICWALL       |        | 0006B13ECF23            |
| SONICWALL       |        | 0006B13EBE82            |
| SONICWALL       |        | 0006B13EBSAF            |
| SONICWALL       |        | 0006B13ECF35            |
| CISCO           |        | JMX0522E17Y             |



## Hays County Information Technology

Jeff McGill, Director

---

|                    |        |                       |
|--------------------|--------|-----------------------|
| CISCO              | 012878 |                       |
| CISCO              | 012879 |                       |
| LINKSYS            |        | RD50045000116ER1080BB |
| LINKSYS            |        | R872048015746EH1041MA |
| LINKSYS            |        | CGNB1G226561          |
| LINKSYS            | 01051  |                       |
| 3COM               |        | CN05BWPQX7            |
| 3COM               |        | CN05BWPQX8            |
| 3COM               |        | CN04BX27TK            |
| 3COM               |        | CN04BX405G            |
| 3COM               |        | 9W6CA00009383         |
| 3COM               |        | 9W6CA000006           |
| DLINK              |        | P1BH59C000014         |
| DLINK              |        | F36J16B003801         |
| DLINK              |        | P1BH5A3009952         |
| DLINK              |        | CA0911P405057         |
| DLINK              |        | FA0B26A003039         |
| DLINK              |        | BGS1005DAC2           |
| DLINK              |        | F36J0171009295        |
| NETGEAR            |        | 1VE203B100044         |
| NETGEAR            |        | 1VE203BG00641         |
| NETGEAR            | 012983 |                       |
| NETGEAR            |        | 1LJ1725T002EF         |
| NETGEAR            |        | 005                   |
| NETGEAR            |        | FVS823BAD1            |
| NETGEAR            |        | FVS113CAD165068       |
| NETGEAR            |        | 1VE203BB0005C         |
| TRENDNET           |        | CA0726G400390         |
| TRENDNET           |        | CA07306401831         |
| TRENDNET           |        | CA0904W605655         |
| TRENDNET           |        | CA0911P405060         |
| TRENDNET           |        | CA0732G412677         |
| TRENDNET           |        | CA0715G605894         |
| TRENDNET           |        | CA0848W603975         |
| TRENDNET           |        | CA0735G400472         |
| ACCTON             |        | 750AN1002             |
| MULTITECH          | 09928  |                       |
| SONY EXT DVD DRIVE |        | 5010585               |
| SONY EXT DVD DRIVE |        | 1413867               |

|                 |        |                 |
|-----------------|--------|-----------------|
| FAX MACHINE     | 016239 |                 |
| FAX MACHINE     |        | V61325F9N933653 |
| FAX MACHINE     |        | F09060300278    |
| TYPEWRITER      | 012798 |                 |
| IPAQ            | 012367 |                 |
| IPAQ            | 013837 |                 |
| PROJECTOR       | 09844  |                 |
| PROJECTOR       | 013621 |                 |
| FUJIFILM CAMERA |        | 7BA02665        |
| SONY CAMERA     |        | 502604          |
| FUJI CAMERA     |        | 70302487        |
| POLAROID CAMERA |        | N/A             |
| POLAROID CAMERA |        | N/A             |
| FUJI CAMERA     |        | 22A05769        |



## Hays County Information Technology

Jeff McGill, Director

---

**Date:** October 17, 2011

**To:** Cindy Maiorka

**From:** Marva Pearce

**RE:** Recycle Equipment

---

| <u>EQUIPMENT</u> | <u>TAG NUMBER</u> | <u>SERIAL NUMBER</u> |
|------------------|-------------------|----------------------|
| CPU              | 015758            |                      |
| CPU              | 015644            |                      |
| CPU              | 015387            |                      |
| CPU              | 015344            |                      |
| CPU              | 013897            |                      |
| CPU              | 014625            |                      |
| CPU              | 016822            |                      |
| CPU              | 015634            |                      |
| CPU              | 015378            |                      |
| CPU              | 013302            |                      |
| CPU              | 013883            |                      |
| CPU              | 015855            |                      |
| CPU              | 013625            |                      |
| CPU              | 013842            |                      |
| CPU              | 012134            |                      |
| CPU              | 013418            |                      |
| CPU              | 015760            |                      |
| CPU              | 013487            |                      |
| CPU              | 013242            |                      |
| CPU              | 013124            |                      |
| CPU              | 013464            |                      |
| CPU              | 015265            |                      |
| CPU              | 015574            |                      |
| MONITOR          | 015170            |                      |
| MONITOR          | 013017            |                      |
| MONITOR          | 013019            |                      |
| MONITOR          |                   | MH17HCHY802845P      |
| MONITOR          |                   | TD22HVGS402355F      |

|                 |        |                         |
|-----------------|--------|-------------------------|
| MONITOR         |        | MH17HCHY802992Y         |
| MONITOR         |        | CN0G263H6418088LINSUA00 |
| MONITOR         |        | CN0D176P6418097D0ZTS    |
| MONITOR         |        | BUR061000869            |
| MONITOR         |        | Q78061501516            |
| MONITOR         |        | CNC734PRBG              |
| MONITOR         |        | QRA075223753            |
| MONITOR         |        | QRA074721372            |
| MONITOR         |        | QFP064400917            |
| MONITOR         |        | PSW06270708             |
| MONITOR         |        | C3GN28C637578           |
| MONITOR         |        | 5CTA710038736           |
| MONITOR         |        | CN0Y13524760951HF5N2    |
| MONITOR         |        | 1292028739              |
| MONITOR         |        | QFP064601163            |
| MONITOR         |        | PSX052506279            |
| MONITOR         |        | PUR061300854            |
| PRINTER         |        | CNBK524237              |
| PRINTER         |        | CNBK524244              |
| PRINTER         |        | CNK89DN1KK              |
| PRINTER         | 012303 |                         |
| PRINTER         |        | CNBJ241969              |
| PRINTER         |        | MY71GJ6067              |
| PRINTER         |        | LSDY201390              |
| PRINTER         |        | MY21B190KH              |
| PRINTER         |        | CLQ1051870              |
| PRINTER         | 013036 |                         |
| SCANNER         | 016663 |                         |
| SCANNER         | 017038 |                         |
| LAPTOP          | 015822 |                         |
| DOCKING STATION |        | 2LKSB19727              |
| DOCKING STATION |        | CNF5311KG8              |
| LAPTOP          | 015368 |                         |
| LAPTOP          | 012949 |                         |
| LAPTOP          | 010906 |                         |
| APC/UPS         |        | QB0529340293            |
| APC/UPS         |        | 3B0832X11842            |
| APC/UPS         |        | CNT00731874039C1510     |
| APC/UPS         |        | 3B0727X06977            |
| SONICWALL       |        | 0006B13ECEED            |
| SONICWALL       |        | 0006B13ECF11            |
| SONICWALL       |        | 0006B13ECF23            |
| SONICWALL       |        | 0006B13EBE82            |
| SONICWALL       |        | 0006B13EBSAF            |
| SONICWALL       |        | 0006B13ECF35            |
| CISCO           |        | JMX0522E17Y             |



## Hays County Information Technology

Jeff McGill, Director

---

|                    |        |                       |
|--------------------|--------|-----------------------|
| CISCO              | 012878 |                       |
| CISCO              | 012879 |                       |
| LINKSYS            |        | RD50045000116ER1080BB |
| LINKSYS            |        | R872048015746EH1041MA |
| LINKSYS            |        | CGNB1G226561          |
| LINKSYS            | 01051  |                       |
| 3COM               |        | CN05BWPQX7            |
| 3COM               |        | CN05BWPQX8            |
| 3COM               |        | CN04BX27TK            |
| 3COM               |        | CN04BX405G            |
| 3COM               |        | 9W6CA00009383         |
| 3COM               |        | 9W6CA000006           |
| DLINK              |        | P1BH59C000014         |
| DLINK              |        | F36J16B003801         |
| DLINK              |        | P1BH5A3009952         |
| DLINK              |        | CA0911P405057         |
| DLINK              |        | FA0B26A003039         |
| DLINK              |        | BGS1005DAC2           |
| DLINK              |        | F36J0171009295        |
| NETGEAR            |        | 1VE203B100044         |
| NETGEAR            |        | 1VE203BG00641         |
| NETGEAR            | 012983 |                       |
| NETGEAR            |        | 1LJ1725T002EF         |
| NETGEAR            |        | 005                   |
| NETGEAR            |        | FVS823BAD1            |
| NETGEAR            |        | FVS113CAD165068       |
| NETGEAR            |        | 1VE203BB0005C         |
| TRENDNET           |        | CA0726G400390         |
| TRENDNET           |        | CA07306401831         |
| TRENDNET           |        | CA0904W605655         |
| TRENDNET           |        | CA0911P405060         |
| TRENDNET           |        | CA0732G412677         |
| TRENDNET           |        | CA0715G605894         |
| TRENDNET           |        | CA0848W603975         |
| TRENDNET           |        | CA0735G400472         |
| ACCTON             |        | 750AN1002             |
| MULTITECH          | 09928  |                       |
| SONY EXT DVD DRIVE |        | 5010585               |
| SONY EXT DVD DRIVE |        | 1413867               |

|                 |        |                 |
|-----------------|--------|-----------------|
| FAX MACHINE     | 016239 |                 |
| FAX MACHINE     |        | V61325F9N933653 |
| FAX MACHINE     |        | F09060300278    |
| TYPEWRITER      | 012798 |                 |
| IPAQ            | 012367 |                 |
| IPAQ            | 013837 |                 |
| PROJECTOR       | 09844  |                 |
| PROJECTOR       | 013621 |                 |
| FUJIFILM CAMERA |        | 7BA02665        |
| SONY CAMERA     |        | 502604          |
| FUJI CAMERA     |        | 70302487        |
| POLAROID CAMERA |        | N/A             |
| POLAROID CAMERA |        | N/A             |
| FUJI CAMERA     |        | 22A05769        |



## *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 the delivery of the Internal Examination Report for the Hays County Civic Center.**

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

**PREFERRED MEETING DATE REQUESTED: 11/1/11**

**AMOUNT REQUIRED: N/A**

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

**REQUESTED BY: Bill Herzog**

**SPONSORED BY:**

**SUMMARY: See attached report.**



## OFFICE OF THE COUNTY AUDITOR

111 E. San Antonio Street, Suite 100  
San Marcos, Texas 78666

**Bill Herzog, CPA**  
*County Auditor*  
bherzog@co.hays.tx.us

512-393-2283  
Fax: 512-393-2248  
www.co.hays.tx.us

**Marisol Villarreal-Alonzo, CPA**  
*Assistant County Auditor*  
marisol.alonzo@co.hays.tx.us

September 23, 2011

Barry Nelson  
Director, Hays County Civic Center  
Civic Center Loop  
San Marcos, Texas 78666

Dear Mr. Nelson:

In accordance with subsection 115.002 of the Texas Local Government Code, the Auditor's office performed an internal examination of the Hays County Civic Center's (HCCC) financial records for the period of May 1, 2010 to May 31, 2011. The internal examination consisted of reviewing receipts, deposits, leases, fixed assets, and other supporting documentation.

Our review disclosed several opportunities for improvement in the pricing, collecting, receipting, and monthly reporting processes. We reviewed 20 lease agreements and 153 receipts issued by the HCCC during the period of May 1, 2010 to May 31, 2011. Control weaknesses and findings disclosed during the internal examination and the related recommendations are noted below.

### **Insufficient segregation of duties.**

The HCCC does not maintain sufficient segregation of duties for personnel. The same individual can be responsible for bookkeeping, recording transactions, preparing the deposit, making the deposit, and preparing the monthly financial reports. In addition, the individual who opens the mail can also issue receipts for the mail payments. Daily cash deposits and monthly reports are not verified by someone other than the person preparing them.

### **Recommendation**

The Auditor's office recommends that the HCCC perform an examination of existing roles and responsibilities in order to identify incompatible duties and ensure there is an adequate segregation of duties. The duties performed by the individuals should be separated as practical as possible to minimize errors and irregularities. Although the HCCC has personnel resource constraints that prohibit a comprehensive implementation of segregation of duties, the office should instill process changes that will encompass internal controls to the greatest extent possible.

### **Management Response**

*Facility operations that include contract negotiations, lease agreements, marketing, receiving revenue, facility prep, facility repair, facility reset, overseeing CSR workers, janitorial services, electrical/structural/plumbing repair, maintenance and facility improvements/modifications are in the hands of one*

*man. It is, at times, extremely difficult to balance or juggle the brief list of things that to keep on top of. Only through this audit process was I made aware that the Constables office could be utilized to transfer money and receipts to the Treasurers office. I will make every attempt to separate duties to the best of my ability.*

**Inadequate internal review of monthly reports to transaction/ receipt records.**

The HCCC does not regularly review monthly reports and reconcile them to individual transaction/ receipt records for accuracy which has contributed to inaccurate monthly reports being submitted to the Auditor's office. Six discrepancies were found in the eleven monthly reports submitted to the Auditor's office. Two receipts were accounted for on the monthly report but did not match the amount deposited with the Treasurers' office. Three receipts were reported as voids on the monthly report but deposits were made with the Treasurer's office for these receipts. These three receipts were left blank in the manual receipt book held at the HCCC. One deposited receipt was not accounted for on the monthly report.

This finding was also reported in the prior internal examination report dated January 7, 2008.

**Recommendation**

We recommend that the HCCC regularly review monthly reports and reconcile the reports to transaction/ receipt records and source documents before submitting the reports to the Auditor's office to ensure accuracy. Accurate and complete reports are essential for maintaining financial records and ensuring that all county funds are properly deposited with the County Treasurer.

**Management Response**

*There's no excuse for discrepancies and I take full responsibility for any and all of the above. My office skills and time management admittedly needs improvement. Just as a comparison and information to the new members of the court, the findings of the January 2008 audit transpired under the prior management of the facility and were far greater in number than revealed in this audit. This is no excuse for what has transpired under current management. Changes have been implemented in the addition of a monthly log sheet attached to the receipt book itself with the receipt numbers and an amount being logged at the same time as the clients receipt is filled out. The log sheet will, at the months end, be faxed to the auditors department. I'm assuming at this time that the voids were premature actions of the civic center management when discussions with clients indicated that they wanted their money refunded for stalls and or RV spaces. This audit report does not specify the receipt numbers for me to look at the receipt book to find out when the receipts were dated or what event they were for. This is obviously an area that requires my full attention.*

**Note:** The Auditor's office has since provided Mr. Nelson copies of the receipts and monthly reports where discrepancies were noted.

**Untimely deposits and monthly reports submissions.**

The HCCC does not consistently deposit funds within seven business days of the receipt date which is mandated by Local Government Code, Chapter 113.021. Of the 153 receipts tested, eighty-nine receipts were not deposited within seven business days of the receipt date. The average number of days to deposit these eighty-nine receipts was 19.72 days. Three receipts, #333536, 333537, and 333538, were deposited sixty-one days after the receipt date.

In addition, the HCCC did not submit Monthly financial reports to the Auditor's office on a timely basis. Several months of reports were submitted together months after the close of the reported month.

This finding was also reported in the prior internal examination report dated January 7, 2008.

**Recommendation**

The HCCC should deposit funds with the Treasurer's office within seven business days of the receipt date as required under Local Government Code, Chapter 113.021. The HCCC should submit monthly financial reports to the Auditor's office every month following the close of the previous month. Untimely report submission impedes the review process and detection of possible errors.

**Management response**

*During the extreme back to back events at that time, bringing the receipts into the courthouse and at times just being able to step away from the facility was difficult. Not Impossible, just difficult. This process will be much easier now that I have been made aware that the Precinct 1 Constables office will come to the Civic Center and transport receipts/money to the treasurer's office. If I had known that this service was even in existence at the time, I would have been using it. However, I was not made aware of it and as a result I let a very useful tool left unused. There was a fairly large time period when I had rather limited mobility because of some extensive knee surgery. I took about 3 days off ( out of a recommended 6 weeks )and returned to work with my leg propped up on the dash of the mule overseeing ongoing improvements and event setups. I was not able to drive for several weeks, was very limited in my mobility for several months and my part-time assistant had to pick up my slack for readying the facility for events and subsequently bringing the funds to the courthouse fell through the cracks. It is a result of my actions that this is an issue and in no way shape or form is my assistant, Kurt Helfrich, to be considered at fault. The receipts, #333536, 333537, and 333538, consisting of one complete receipt book page and were generated on 1/15/11 for the rental 5 overnight stalls. This was the Friday night before the Hays County Youth Livestock Associations "Hays County Youth Horse Show". If you recall, this was the time of the extremely frigid weather that we had experienced. Normally we do not allow stall rental the night before the show but this was an exception to the unwritten rule. I wrote out two of the receipts and my assistant wrote the third. The receipts were written outside in the stall area fairly late at night and I happened to put the cash and checks in the book itself, turned the page, and folded the front cover of the book over to the next page. These three receipts and checks were in the book and overlooked as we used the overlapping receipt book mentioned in the "Incomplete receipt and lease details" section of this report. (It is in that section that I describe the events surrounding the existence of said book.) It was a single oversight that will not be repeated. This issue of the report being months late is an instance where I am guilty of the "out of sight out of mind" occurrence as I was completely focused on taking care of the ongoing repair of damaged water lines, electrical issues and readying the facility for the next weeks event without the added labor of CSR. This in no way excuses me from being lax on this point. I realized that I did not submit these reports until notified by the Auditors when they noticed they were months due. Several of those reports were in fact completed on time but were not emailed as they ended up in my drafts folder as unsent.*

**Incomplete receipt and lease details.**

After testing 153 receipts and twenty leases it was determined that the HCCC failed to reliably record complete information on some of the receipts and lease documents. Ten receipts did not have a name listed in the "Received of" section, one receipt did not have a purpose listed in the remarks section, and ninety-six receipts did not contain specific information in the purpose section to verify that the amount collected equaled the actual rental usage or services rendered. The Bexar Regional Agility Team (BRAT) lease dated 3/21/10 for the February 2011 event had a \$325.00 credit adjustment made at the time of the event due to bad weather issues but no notation was made on the lease for the amount of credit given or the reasons for the credit.

The HCCC does not have adequate procedures in place to provide a good audit trail for payments made on leases. An overpayment of \$1,284.00 was discovered for the Guadalupe Valley Dog Fanciers (GVDF) lease dated 3/22/10. Factors contributing to this error include a change in GVDF show management, two manual receipt books being used by HCCC, and two different individuals receiving money.

This finding was also reported in the prior internal examination report dated January 7, 2008.

#### **Recommendation**

It is recommended that all payments receipted by the HCCC and any changes to lease agreements be completely filled out and properly documented to ensure proper fees are charged and to aid in the accuracy of account records. The overpayment and other future errors could be prevented if a payment log is kept with the lease and a procedure of reviewing and recording payments for each lease is employed each time a receipt is issued.

The Auditor's office recommends that the HCCC evaluate current record keeping procedures and implement changes that will increase internal controls and improve payment audit trails. All individuals who receive funds for HCCC should be trained to any new procedural changes adopted. We noted that Mr. Nelson had already implemented changes by closing out one of the two manual receipt books prior to this examination.

#### **Management Response**

*The 10 receipts with no names I'm mostly were written during the check-in of the Livestock Association members RV's just days before the start Livestock Show itself. This is the most chaotic spectacle that can be witnessed at the Civic Center. At 7am there are RV's lined up solid down Civic Center Loop and around the corner and down Clovis Barker. I open the gates and they come streaming in, all vying for a limited number of RV spaces. There will be multiple Livestock Association members surrounding me waving cash and/or checks wanting to pay as fast as they can and get on to work. At that point in time all I can do is write as fast as I can and take their money. This situation can also occur at other large events for RV spaces, stalls, and shavings. I try to keep impatient clients satisfied, especially when I happen to be overwhelmed and surrounded by them. The process will now be slowed down in instances such as these to accommodate the need for names. At the time I did not see the harm in what took place however I now have a better understanding of this need.*

*It is extremely difficult to separate stalls, shavings, and RV space costs and provide much detail with the current receipt books. The books are suited more for the tax office, criminal and civil court and provide very small if not tiny little spaces for court fees, fines, permits, license fees, copies, and probate. There is a place for rental but not near the amount of space for details needed for this facility. Stall rental, RV rental, and shavings sales have been lumped in together mainly because the receipt books are just not suited for Civic Center operations. If the receipt is for \$45 and lists RV that would indicate 3 days of RV rental @ \$15 per day. If the amount is say, \$29 and lists stall and shavings then that would be one stall @ \$15 per day and two bags of shavings @ \$7 per bag. I realize that I can decipher the receipt but the auditors are in the dark as to the breakdown of charges. Long ago I had expressed a desire for receipt books that fit what we do here and I was told that this was not possible so I've lived with it as best I could. I'm actually, in a small way, happy that this has come to light in this audit as it specifically shows the importance of customized receipt books being generated for the Civic Center. I have been informed during this audit that I can have custom receipt books made for the civic center. This is contrary to what I was told two years ago. If I would have had these receipt books this particular finding would be a non issue.*

*The failure to notate the discount for the day I was ordered to shut down operations for the day was an oversight on my part. I will make sure I notate any variance on the contract.*

*The situation where we ended up with two receipt books was related to the above mentioned Livestock Association's RV check in. At the beginning of the check in procedure I realized that there were not enough receipts left in the book to cover the number of RV's coming into the facility. This is something that I should have planned for but I flat out forgot to get the additional book. I instructed Kurt, my*

assistant, to get to the courthouse as fast as he could to secure a new receipt book so we could finish the job with no delays. His return was unnoticed by me until he walked around the corner with receipt book and checks in hand. When he returned to the facility he drove directly to the opposite side of the facility and began checking in RV's and we ended up meeting in the middle when Kurt rounded the corner. It was an honest mistake on his part and I left it at that. At that point my intention was to write "void" on the rest of the receipts in the original book and begin using the new one however I never got that far during the event and later my assistant wrote out additional receipts in the book and I have to admit I did as well without thinking. I hugely regret this now because not only did it cause unforeseen problems for me two weeks further on down the road, it made life a bit difficult for the auditor's office. This dual receipt situation is also a factor in our receiving a dual payment from GVDF dog show. I manned the facility that Saturday and received the appropriate payment and closed out the contract. The next day my assistant was handed a check for \$1,284.00 and instead of entering it in the new receipt book I had used, it was entered in the old book. Why this payment was even given to us still remains a mystery and has caused an unbelievable amount of internal GVDF drama. GVDF is fully aware that this situation occurred and that we did not request additional payment in an attempt to double bill them and that the overpayment will be credited to them on their February 2012 contract. Our error was to receive the funds in the first place. Another contributing factor in this is that Kurt did not have access to the contract that listed the payment amounts. Had he access to this information he would have questioned the fact that the amount of this overpayment was a number that was totally contrary to anything listed on the contract. This whole compounded situation is has been rectified with the elimination of the old receipt book. I have also given Kurt access to the contracts so that he has the ability to verify payment amounts that he may be required to receive in the future.

#### **Failure to enforce deposit terms of leases.**

Of the twenty leases agreements tested, sixteen did not adhere to the deposit and payment terms set forth in the lease. These sixteen leases either did not receive the deposits at time intervals indicated on the lease, deposits were paid at the event, or payment was submitted after the event. The HCCC was responsible for collecting deposits as indicated in the lease agreements prior to the event. It is noted that Mr. Nelson expressed that some leases were for historical clients that have always paid in full at the events.

This finding was also reported in the prior internal examination report dated January 7, 2008.

#### **Recommendation**

We recommend that the HCCC enforce the deposit and payment terms of all leases and collect funds due to the County prior to all events. We recommend that the HCCC inform each lessee of the deposit and payment terms that they will be expected to follow.

#### **Management Response**

The deposit terms of the lease consist of 10% down at contract signing, 40% 60 days prior to event, and the 50% balance due 5 days prior to the event. It has been somewhat of a standard practice to allow historical clients to pay for their events upon their arrival at the facility. These clients have proven themselves reliable and I have continued to grant them special consideration. There has never been an instance of having of them stiffing us or having them cancelling a contract. There are also events that are scheduled every week, i.e. Barrel races that are contracted for every available Wednesday evening. Some weeks they race and there are some weeks they don't. it depends upon their schedule. If I charge them 10% down at contract signing using a 1/2 day charge of \$125 for 45 dates, that would require a payment of \$562.50 which they cannot afford. They charge their contestants a fee per "run" and there's generally enough runs to pay for the night. If there aren't enough runs then the person heading up the event makes up the difference. The problem is in knowing how many nights they're actually going to ride per year or even per month and how do you charge the 40% and 50% fees. Horse shows have 2 options for payment.

\$600 per day, or guarantee an 80 stall rental per day and receive the facility at no charge for that day. This guaranteed stall rental is paid by the individual contestants and is standard practice in an industry that I have been involved with for over 30 years. The problem with this situation is that there's no way of knowing what option to take until the event takes place. If they pay the 10%, 40%, 50% (which only the large breed shows can afford to do) and then they have over 80 stalls, how is that refunded for the event. Do I give \$600 worth of individuals free stalls, let the show management take over the stall rental, or let the treasurers office put a check in the mail 2 to 3 weeks after the event is over. If I made this as complicated as that we would not have had any horse shows at all. For all events I do my best to operate under the "Kiss" rule. Keep it Stupid Simple. I know these people; I have common ground with them. I know what they want, what they need, and what they expect. I take no deposit and at the time of the event we see how the event will turn out. If they have the 80 stalls great. If not they pay the \$600.

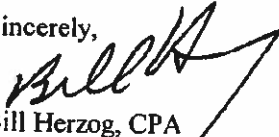
These contracts that I have to work with do not fit nearly all of the differing events held here and I have to take a fair portion of blame for this as I had a fairly large role in creating them. Basically, I need to be able to change payment dates and be allowed to comp certain schedule C charges when I feel it's necessary and increase certain added fees for large events. This was a discussion I have had in meeting with members of the court in the past. All rental fees are based on the court ordered amounts and are figured upon a 24 hour day. \$250 for Monday through Thursday events and \$725 (non equine) for weekend events. I have charged full days, half days, and hourly rates. This is not specifically outlined in the court order, but I feel that as long as the rental is based upon the court ordered 24 hour amount I have acted within said court order. The court order specifies other charges that I have not enforced. The \$250 fee for the wing area is no longer charged because there is no longer a wall separating that area from the main arena. I have not charged for the use of the kitchen as long as they leave it in the same condition as they found it. For multiple day events like LULAC and Texas Beefmasters that end on Saturdays, I do not charge them rent for their Sunday clean up. As long as they leave the facility in a reasonably clean condition, I call it good. Less for me to do on Monday morning and I can get to flipping the facility for the next event. There is one thing that I want to make understood; I will never change the liability coverage needed for any event.

In closing, yes we have had some problems in procedure and operations that need to be ironed out and some issues are ever evolving with the growth of this facility. Admittedly, there was no growth this last year due to the economy but we spent the time well focusing on larger scale facility improvements and repair that would have interfered with many regularly scheduled events. This is something that I obviously focused too much of my time on as it took me out of my office and duties were not completed as they should have been.

I apologize to the court for the inconsistencies listed above and I will endeavor to immediately eliminate the reasons, causes, and actions that contributed to these occurrences.

We appreciate the cooperation and assistance provided to the Auditor's office during the examination. If you have any questions or concerns, please contact my office at 512-393-2283.

Sincerely,

  
Bill Herzog, CPA  
Hays County Auditor

bh/sw

## *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 a donation of \$100.00 to the Sheriff's Office Community Outreach Program.

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

**PREFERRED MEETING DATE REQUESTED:** 11/1/11

**AMOUNT REQUIRED:**

**LINE ITEM NUMBER OF FUNDS REQUIRED:**

**REQUESTED BY:** Sheriff Gary Cutler

**SPONSORED BY:** Judge Bert Cobb, MD

**SUMMARY:**

The Sheriff's Office received a donation in the amount of \$100.00 and request to deposit into line item 001-618-00.4610/Contributions.



**DESCRIPTION OF Item:** Accept a donation of \$100.00 to the Sheriff's Office Community Outreach Program and amend the budget accordingly.

**PREFERRED MEETING DATE REQUESTED:** November 1, 2011

**COUNTY AUDITOR**

**AMOUNT:** \$100.00

**LINE ITEM NUMBER:** 001-618-00.4610

**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:** \_\_\_\_\_

Bill Williams

1567  
37-65/1119 1139  
9065073538

Oct 18, 2011 Fecha  
Date

Pague a la orden de  
Pay to the order of HAYS COUNTY SHERIFF \$100.00

One hundred and 00/100

Dólares  
Dollars

WELLS FARGO Wells Fargo Bank, N.A.  
Texas  
wellsfargo.com

Para  
For DONATION

Bill Williams

FUND NO. 001  
FUND TITLE: GENERAL FUND

| <u>Line Item - Expenditures</u>                           | <u>Appropriation<br/>before<br/>Amendment</u> | <u>Amendment</u> |                  | <u>Appropriation<br/>as<br/>Amended</u> |
|---|---|------------------|------------------|---|
|   |   | <u>Increases</u> | <u>Decreases</u> |   |
| <b><u>Transfer Station (716):</u></b>                     |   |                  |                  |   |
| 001-716-00.5719_400 Misc Eqpt                             | 0   | 540              |                  | 540                                     |
| 001-716-00.5301 Operating                                 | 6,850   |                  | (540)            | 6,310                                   |
| Transfer for replacement heat pump                        |   |                  |                  |   |
| <b><u>Historical Commission (676):</u></b>                |   |                  |                  |   |
| 001-676-00.5448 Contract Svcs                             | 3,000   | 7,000            |                  | 10,000                                  |
| 001-676-00.5201 General Supplies                          | 1,500   |                  | (1,000)          | 500                                     |
| 001-676-00.5491 Cemeteries Maint                          | 3,000   |                  | (1,000)          | 2,000                                   |
| <b><u>Revenues</u></b>                                    |   | <u>Decreases</u> | <u>Increases</u> |   |
| 001-676-00.4301 Intergovernmental                         | 0   |                  | 5,000            | 5,000                                   |
| Transfer and budget Dripping Springs interlocal agreement |   |                  |                  |   |
| <b><u>Constable 1 (635):</u></b>                          |   |                  |                  |   |
| 001-636-00.5717_400 Law Enf Eqpt                          | 7,628   | 43               |                  | 7,671                                   |
| 001-635-00.5206 Law Enf Supplies                          | 2,467   |                  | (43)             | 2,424                                   |
| Transfer for shipping cost on eqpt                        |   |                  |                  |   |
| <b><u>Jail Operations (618-03):</u></b>                   |   |                  |                  |   |
| 001-618-03.5711 Office Eqpt                               | 0   | 1,080            |                  | 1,080                                   |
| 001-618-03.5211 Office Supplies                           | 18,000  |                  | (1,080)          | 16,920                                  |
| Transfer for replacement scanner                          |   |                  |                  |   |

FUND NO. 052  
FUND TITLE: SHERIFF SPECIAL PROJECTS

|   |       |                  |                  |       |
|---|-------|------------------|------------------|-------|
| <b><u>Sheriff Special Projects (618):</u></b> |       |                  |                  |       |
| 052-618-00.5222 Crime Prevention              | 6,238 | 100              |                  | 6,338 |
| <b><u>Revenues</u></b>                        |       | <u>Decreases</u> | <u>Increases</u> |       |
| 052-618-00.4610 Contributions                 | 238   |                  | 100              | 338   |
| Accept & budget donation                      |       |                  |                  |       |

FUND NO. 081  
FUND TITLE: D.A. DRUG FORFEITURE

|   |        |        |          |        |
|---|--------|--------|----------|--------|
| <b><u>D.A. Drug Forfeiture (607):</u></b> |        |        |          |        |
| 081-607-00.5021 Staff                     | 0      | 13,934 |          | 13,934 |
| 081-607-00.5101_100 Fica                  | 0      | 864    |          | 864    |
| 081-607-00.5101_200 Medicare              | 0      | 202    |          | 202    |
| 081-607-00.5211 Office Supplies           | 15,104 |        | (15,000) | 104    |

Transfer for temporary parttime file management position(s) to be paid frm Drug Fortfeiture funds

## *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 FY12 Budget of Transfer Station for equipment**

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

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

**PREFERRED MEETING DATE REQUESTED: November 1, 2011**

**Amount Required: \$ \$540**

**LINE ITEM NUMBER OF FUNDS REQUIRED: to 001-716-00.5719\_400 Misc Eqpt**  
**from 001-716-00.5301 Operating**

**REQUESTED BY: Jerry Pinnix/Auditors Office**

**SPONSORED BY: Cobb**

**SUMMARY:**

**Transfer Station needs replacement heat pump and amount needed requires transfer into misc eqpt**

**See Budget Amendment**

**DESCRIPTION OF Item: Amend FY12 Budget of Transfer Station for equipment**

**PREFERRED MEETING DATE REQUESTED: November 1, 2011**

**COUNTY AUDITOR**

**AMOUNT: \$540**

**LINE ITEM NUMBER: to 001-716-00.5719\_400 Misc Eqpt  
from 001-716-00.5301 Operating**

**COUNTY PURCHASING GUIDELINES FOLLOWED: Yes**

**PAYMENT TERMS ACCEPTABLE: Yes**

**COMMENTS: See budget amendment.**

**Bill Herzog**

**SPECIAL COUNSEL**

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

**COMMENTS:**

**COUNTY JUDGE**

*Signature Required if Approved*

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

FUND NO. 001  
FUND TITLE: GENERAL FUND

| <u>Line Item - Expenditures</u>                           | Appropriation<br>before<br>Amendment | Amendment        |                  | Appropriation<br>as<br>Amended |
|---|--------------------------------------|------------------|------------------|--------------------------------|
|   |                                      | <u>Increases</u> | <u>Decreases</u> |                                |
| <b><u>Transfer Station (716):</u></b>                     |                                      |                  |                  |                                |
| 001-716-00.5719_400 Misc Eqpt                             | 0                                    | 540              |                  | 540                            |
| 001-716-00.5301 Operating                                 | 6,850                                |                  | (540)            | 6,310                          |
| Transfer for replacement heat pump                        |                                      |                  |                  |                                |
| <b><u>Historical Commission (676):</u></b>                |                                      |                  |                  |                                |
| 001-676-00.5448 Contract Svcs                             | 3,000                                | 7,000            |                  | 10,000                         |
| 001-676-00.5201 General Supplies                          | 1,500                                |                  | (1,000)          | 500                            |
| 001-676-00.5491 Cemeteries Maint                          | 3,000                                |                  | (1,000)          | 2,000                          |
| <b><u>Revenues</u></b>                                    |                                      | <u>Decreases</u> | <u>Increases</u> |                                |
| 001-676-00.4301 Intergovernmental                         | 0                                    |                  | 5,000            | 5,000                          |
| Transfer and budget Dripping Springs interlocal agreement |                                      |                  |                  |                                |
| <b><u>Constable 1 (635):</u></b>                          |                                      |                  |                  |                                |
| 001-636-00.5717_400 Law Enf Eqpt                          | 7,628                                | 43               |                  | 7,671                          |
| 001-635-00.5206 Law Enf Supplies                          | 2,467                                |                  | (43)             | 2,424                          |
| Transfer for shipping cost on eqpt                        |                                      |                  |                  |                                |
| <b><u>Jail Operations (618-03):</u></b>                   |                                      |                  |                  |                                |
| 001-618-03.5711 Office Eqpt                               | 0                                    | 1,080            |                  | 1,080                          |
| 001-618-03.5211 Office Supplies                           | 18,000                               |                  | (1,080)          | 16,920                         |
| Transfer for replacement scanner                          |                                      |                  |                  |                                |

FUND NO. 052  
FUND TITLE: SHERIFF SPECIAL PROJECTS

|   |       |                  |                  |       |
|---|-------|------------------|------------------|-------|
| <b><u>Sheriff Special Projects (618):</u></b> |       |                  |                  |       |
| 052-618-00.5222 Crime Prevention              | 6,238 | 100              |                  | 6,338 |
| <b><u>Revenues</u></b>                        |       | <u>Decreases</u> | <u>Increases</u> |       |
| 052-618-00.4610 Contributions                 | 238   |                  | 100              | 338   |
| Accept & budget donation                      |       |                  |                  |       |

FUND NO. 081  
FUND TITLE: D.A. DRUG FORFEITURE

|   |        |        |          |        |
|---|--------|--------|----------|--------|
| <b><u>D.A. Drug Forfeiture (607):</u></b> |        |        |          |        |
| 081-607-00.5021 Staff                     | 0      | 13,934 |          | 13,934 |
| 081-607-00.5101_100 Fica                  | 0      | 864    |          | 864    |
| 081-607-00.5101_200 Medicare              | 0      | 202    |          | 202    |
| 081-607-00.5211 Office Supplies           | 15,104 |        | (15,000) | 104    |

Transfer for temporary parttime file management position(s) to be paid frm Drug Fortfeiture funds

## *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 FY12 Budget of Historical Commission for contract services to budget Interlocal Agreement with Dripping Springs**

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

**PREFERRED MEETING DATE REQUESTED:** November 1, 2011

**Amount Required:** \$10,000

**LINE ITEM NUMBER OF FUNDS REQUIRED:** to 001-676-00.5448 Contract Services  
from 001-676-00.4301 Intergovernmental  
Revenue

**REQUESTED BY:** Kate Johnson/Auditors Office

**SPONSORED BY:** Cobb

**SUMMARY:**

Court authorized on 10/18/11 an interlocal agreement with Dripping Springs for sharing Historical Commission expense for consultant, for nomination of the city to the Nation Register, not to exceed \$10,000. This action budgets \$5,000 from the city and \$5,000 from the Commission. See Budget Amendment

**DESCRIPTION OF Item: Amend FY12 Budget of Historical Commission for contract services to budget Interlocal Agreement with Dripping Springs.**

**PREFERRED MEETING DATE REQUESTED: November 1, 2011**

**COUNTY AUDITOR**

**AMOUNT: \$10,000**

**LINE ITEM NUMBER: to 001-676-00.5448 Contract Services  
from 001-676-00.4301 Intergovernmental Revenue**

**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: \_\_\_\_\_**





**28519 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF DRIPPING SPRINGS AND HAYS COUNTY FOR THE HIRING OF A CONSULTANT TO ASSIST IN THE NOMINATION OF DOWNTOWN DRIPPING SPRINGS TO THE NATIONAL REGISTER OF HISTORIC PLACES**

Kate Johnson President of the Hays County Historical Commission and Michelle Fischer from the City of Dripping Springs spoke of the unique historic attributes of Downtown Dripping Springs, representatives from the City of Dripping Springs and Hays County Historic Commissioner have discussed the possibility of hiring Terry Myers out of Austin, Texas as the consultant to assist in the nomination of Downtown Dripping Springs to the National Register of Historic Place. A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the County Judge to execute an Interlocal Agreement between the City of Dripping Springs and Hays County for the hiring of a consultant to assist in the nomination of Downtown Dripping Springs to the National Register of Historic Places not to exceed \$10,000. All voting "Aye". MOTION PASSED

An amended motion was made by Commissioner Whisenant, seconded by Commissioner Conley with \$5,000 coming from the City of Dripping Springs and \$5,000 from the Historic Commission. All voting "Aye". MOTION PASSED

**28520 SELECT A CONTRACTOR AND AUTHORIZE CONCRETE REPAIRS AT THE PERSONAL HEALTH DEPARTMENT AT 401 BROADWAY STREET IN SAN MARCOS, TEXAS**

Ron Knott, Building Maintenance and Transportation Director Jerry Borcharding spoke of the Personal Health Department Building approximately 260 sq ft of concrete along the back sidewalk is failing because of dry conditions. The electrical service to the building is routed through the concrete. Electrical equipment and siding has been pulled away from the building. The concrete needs to be removed, re-poured and stabilization to correct the issue. There were three quotes from 1) Urrutia Concrete (2) Meyers Concrete Construction (3) Quintero Construction. The Quintero Construction proposal will correct the problem and provide for the best long term solution. Amount required \$3,800.00 - 001-685-00.5451 Bldg Repair & Maintenance. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to select Quintero Construction and authorize concrete repairs at the Personal Health Department at 401 Broadway Street in San Marcos, Texas not to exceed \$3,800 with an initial \$1,200 draw to Quintero Construction. All voting "Aye". MOTION PASSED

**28521 CANCEL COMMISSIONERS COURT ON NOVEMBER 29, DECEMBER 13, AND DECEMBER 27, 2011**

In past years, the cancellation of Commissioners Court the Tuesdays after the holidays, in part, since time is limited to prepare the agenda. On December 8-11, 2011 the County Clerk's Office will be closed because of moving to the new location at the Government Center and will not have time to prepare for the meeting because of the move. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to cancel Commissioners Court on November 29, December 13, and December 27, 2011. All voting "Aye". MOTION PASSED

**28522 RESOLUTION OF THE COMMISSIONERS COURT, ADOPTING A "CONCURRENT ORDINANCE" PURSUANT TO CHAPTER 572 OF THE TEXAS LOCAL GOVERNMENT CODE WHICH CREATES A REGIONAL PUBLIC UTILITY AGENCY ("PUA") IN COLLABORATION WITH THE CITY OF BEE CAVE AND WEST TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 5; AND APPROVING THE BYLAWS AND DIRECTORS OF SAID PUA**

Commissioner Whisenant Precinct 4, Special Counsel Mark Kennedy and Michelle Fisher, City of Dripping Springs spoke of the City of Bee Caves, Hays County, and MUD No.5 are public entities whose citizens are currently serve with water service, wastewater service, or both by the portion of the LCRA Water and Wastewater System known as the West Travis Water and Water System. The PUA can serve as vehicle and instrument to acquire the West Travis County System and can acquire on behalf of some of all the sponsoring local governments, and local communities that participate by contract of inter-local agreement to preserve local control of the West Travis County System. Hays County has published notice as required by Sections 572.054 of the Texas Local Government Code and counsel has provided the County Clerk with tear sheets. The PUA will be governed by a board of directors appointed by each entity. The Public Utility Agency will not have authority to create any debt of financial obligation for or on behalf of any of the members and of any sponsoring local government unless an entity voluntarily enters into a separate agreement of approval for that purpose. A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to consider a resolution of the Commissioners Court, adopting a "concurrent ordinance" pursuant to Chapter 572 of the Texas Local Government Code which creates a regional Public Utility Agency ("PUA") in collaboration with the City of Bee Cave and West Travis County Municipal Utility District No. 5; and approve the Bylaws and Directors of said PUA. All voting "Aye". MOTION PASSED

FUND NO. 001  
FUND TITLE: GENERAL FUND

| <u>Line Item - Expenditures</u>                           | <u>Appropriation<br/>before<br/>Amendment</u> | <u>Amendment</u><br><u>Increases</u> | <u>Decreases</u>        | <u>Appropriation<br/>as<br/>Amended</u> |
|---|---|--------------------------------------|-------------------------|---|
| <b><u>Transfer Station (716):</u></b>                     |   |                                      |                         |   |
| 001-716-00.5719_400 Misc Eqpt                             | 0   | 540                                  |                         | 540                                     |
| 001-716-00.5301 Operating                                 | 6,850   |                                      | (540)                   | 6,310                                   |
| Transfer for replacement heat pump                        |   |                                      |                         |   |
| <b><u>Historical Commission (676):</u></b>                |   |                                      |                         |   |
| 001-676-00.5448 Contract Svcs                             | 3,000   | 7,000                                |                         | 10,000                                  |
| 001-676-00.5201 General Supplies                          | 1,500   |                                      | (1,000)                 | 500                                     |
| 001-676-00.5491 Cemeteries Maint                          | 3,000   |                                      | (1,000)                 | 2,000                                   |
| <b><u>Revenues</u></b>                                    |   | <b><u>Decreases</u></b>              | <b><u>Increases</u></b> |   |
| 001-676-00.4301 Intergovernmental                         | 0   |                                      | 5,000                   | 5,000                                   |
| Transfer and budget Dripping Springs interlocal agreement |   |                                      |                         |   |
| <b><u>Constable 1 (635):</u></b>                          |   |                                      |                         |   |
| 001-636-00.5717_400 Law Enf Eqpt                          | 7,628   | 43                                   |                         | 7,671                                   |
| 001-635-00.5206 Law Enf Supplies                          | 2,467   |                                      | (43)                    | 2,424                                   |
| Transfer for shipping cost on eqpt                        |   |                                      |                         |   |
| <b><u>Jail Operations (618-03):</u></b>                   |   |                                      |                         |   |
| 001-618-03.5711 Office Eqpt                               | 0   | 1,080                                |                         | 1,080                                   |
| 001-618-03.5211 Office Supplies                           | 18,000  |                                      | (1,080)                 | 16,920                                  |
| Transfer for replacement scanner                          |   |                                      |                         |   |

FUND NO. 052  
FUND TITLE: SHERIFF SPECIAL PROJECTS

|   |       |                         |                         |       |
|---|-------|-------------------------|-------------------------|-------|
| <b><u>Sheriff Special Projects (618):</u></b> |       |                         |                         |       |
| 052-618-00.5222 Crime Prevention              | 6,238 | 100                     |                         | 6,338 |
| <b><u>Revenues</u></b>                        |       | <b><u>Decreases</u></b> | <b><u>Increases</u></b> |       |
| 052-618-00.4610 Contributions                 | 238   |                         | 100                     | 338   |
| Accept & budget donation                      |       |                         |                         |       |

FUND NO. 081  
FUND TITLE: D.A. DRUG FORFEITURE

|   |        |        |          |        |
|---|--------|--------|----------|--------|
| <b><u>D.A. Drug Forfeiture (607):</u></b> |        |        |          |        |
| 081-607-00.5021 Staff                     | 0      | 13,934 |          | 13,934 |
| 081-607-00.5101_100 Fica                  | 0      | 864    |          | 864    |
| 081-607-00.5101_200 Medicare              | 0      | 202    |          | 202    |
| 081-607-00.5211 Office Supplies           | 15,104 |        | (15,000) | 104    |

Transfer for temporary parttime file management position(s) to be paid frm Drug Forfeiture funds

## *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 re-appointment Marilyn G. Miller to serve as commissioner on the board of Emergency Services District #6.**

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

**PREFERRED MEETING DATE REQUESTED:** November 1, 2011

**AMOUNT REQUIRED:**

**LINE ITEM NUMBER OF FUNDS REQUIRED:**

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

**SPONSORED BY:** Commissioner Whisenant, Pct. 4

**SUMMARY:** Supporting documents attached.

*Marilyn G. Miller*

ATTORNEY AT LAW  
151 LOOP 64 E, SUITE D  
P.O. Box 917

PHONE (512) 894-0319

DRIPPING SPRINGS, TEXAS 78620

FAX (512) 894-4010

*Board Certified Consumer Bankruptcy by the Texas Board of Legal Specialization  
Certified as an Elder Law Attorney by the National Elder Law Foundation.*

October 21, 2011

Commissioner Ray Whisenant  
195 Roger Hanks Parkway  
Dripping Springs, TX 78620

**Via Hand Delivery**

RE: Re-appointment to North Hays County Emergency Services District #6

Dear Commissioner Whisenant,

Please accept this as my request to be considered for reappointment as a commissioner on the board of Emergency Services District #6.

If you have any questions or concerns, please give me a call.

Sincerely,



Marilyn G. Miller

I:\hays county esd\ray whisenant 2011 re appointment.doc

**MARILYN G. MILLER**  
**ATTORNEY AT LAW, JD LLM CELA**

P. O. Box 917 • Dripping Springs, Texas 78620 • (512) 894-0319 • Fax (512) 894-4010

**EDUCATION**

University of Missouri – Kansas City, Missouri  
Master of Laws, Taxation, 1983  
Awards: Arthur Mag Fellow of Law 1982-1983  
University of Kansas – Lawrence, Kansas  
Juris Doctor, 1981  
Bachelor of Science, Education, 1976

**PROFESSIONAL PROFILE**

Solo practitioner with offices in Dripping Springs (main) and Austin (satellite.)  
Board Certified in Consumer Bankruptcy by the Texas Board of Legal Specialization since 1992  
Certified Elder Law Attorney by the National Elder Law Foundations since 1996. The American Bar Association and the Texas State Bar recognize the certification but Elder Law is not an area of specialization in Texas.  
Member of the College of the State Bar of Texas since 1992.  
Municipal Judge, City of Dripping Springs, Texas

**PROFESSIONAL BACKGROUND**

Bankruptcy: Law Clerk, US Bankruptcy Court, Western District of Missouri 1981-1982. Private practice representation of debtor clients in Chapters 7, 11 and 13 since 1984.  
Private Practice - Other: Representation of individuals and businesses; Previously served as attorney for Dripping Springs Water Corporation.

**ADMITTED TO PRACTICE**

State Bars of Texas and Missouri, licensed to practice in all courts  
United States District Courts for the Western, Northern and Southern Districts of Texas  
United States District Court for the Western District of Missouri  
United States Fifth Circuit Court of Appeals  
United States Tax Court

**OTHER ACTIVITIES**

Board of Directors Dripping Springs Helping Hands, Inc  
Board of Directors, Chairman, Hill Country Cottages, Inc.  
Board of Directors United Way of Hays County, Chair of Funds Allocation Committee  
Board of Directors YMCA of Austin Metropolitan Board 1988 - 2005  
Committee of Managers Program Services Branch YMCA of Austin 2006 - present  
Founding director and past president of Texas Chapter of the National Academy of Elder Law Attorneys  
Founding director of the Educational Foundation of Dripping Springs ISD  
North Hays County Fire Department Board of Directors Member-at-large

**Marilyn G. Miller JD, LLM, CELA**  
**Attorney at Law**

151 Loop 64 E., Suite D.  
P.O. Box 917  
Dripping Springs, TX 78620  
Telephone: 512/894-0319  
Facsimile: 512/894-4010

**Austin Office: 1411 West Street, Suite 100**  
**Telephone: 512/323-9101**

Marilyn G. Miller is a solo practitioner, maintaining offices in Austin and Dripping Springs, Texas. She received her JD from the University of Kansas in 1981 and an LLM in Taxation from the University of Missouri-Kansas City in 1983.

Ms. Miller is a member of the National Academy of Elder Law Attorneys and is a founding member of the Texas Chapter of NAEAL. She is recognized as a Certified Elderlaw Attorney by the National Elderlaw Foundation. She is also board certified as a specialist in consumer bankruptcy by the Board of Legal Specialization of the Texas State Bar.

She is licensed to practice in Texas and Missouri, and is admitted to practice in all federal District Courts in Texas, the United States District Court for the Western District of Missouri, the Fifth Circuit Court of Appeals and the United States Tax Court. She is also a member of the College of the State Bar of Texas.

She has served as a panelist and presenter at conferences for legal and financial professionals. From 2000 to 2005, she was a lecturer in Estate Planning and Business law in the Finance Department at Southwest Texas State University.

Her community activities include, among others, the YMCA of Austin, where she served as Chair of the Southwest Branch Committee of Managers from 1992-1994, and on the Metropolitan Board of Directors from 1995 - 2004, the Board of Directors of the United Way of Hays County, and the Board of Directors of Helping Hands, a food and financial resource center for those in need in Dripping Springs. She is also Chairman of the Board of Directors of Hill Country Cottages, Inc. in Dripping Springs, a provider of affordable housing for the elderly.

## *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 Budget of Constable Pct 1 for eqpt cost from supplies**

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

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

**PREFERRED MEETING DATE REQUESTED: November 1, 2011**

**Amount Required: \$ 43**

**LINE ITEM NUMBER OF FUNDS REQUIRED: to 001-635-00.5717\_400 Law Enf Eqpt**

**from 001-635-00.5206 Law Enf Supplies**

**REQUESTED BY: David Peterson/Auditors Office**

**SPONSORED BY: Cobb**

#### **SUMMARY:**

**Constable 1 needs to increase his Law Enforcement eqpt line to allow for the shipping costs totaling \$43.17. He will need to transfer \$43 from Law Enforcement Supplies**

**See Budget Amendment**

FUND NO. 001  
FUND TITLE: GENERAL FUND

| <u>Line Item - Expenditures</u>                           | <u>Appropriation<br/>before<br/>Amendment</u> | <u>Amendment</u> |                  | <u>Appropriation<br/>as<br/>Amended</u> |
|---|---|------------------|------------------|---|
|   |   | <u>Increases</u> | <u>Decreases</u> |   |
| <u>Transfer Station (716):</u>                            |   |                  |                  |   |
| 001-716-00.5719_400 Misc Eqpt                             | 0   | 540              |                  | 540                                     |
| 001-716-00.5301 Operating                                 | 6,850   |                  | (540)            | 6,310                                   |
| Transfer for replacement heat pump                        |   |                  |                  |   |
| <u>Historical Commission (676):</u>                       |   |                  |                  |   |
| 001-676-00.5448 Contract Svcs                             | 3,000   | 7,000            |                  | 10,000                                  |
| 001-676-00.5201 General Supplies                          | 1,500   |                  | (1,000)          | 500                                     |
| 001-676-00.5491 Cemeteries Maint                          | 3,000   |                  | (1,000)          | 2,000                                   |
| <u>Revenues</u>   |   | <u>Decreases</u> | <u>Increases</u> |   |
| 001-676-00.4301 Intergovernmental                         | 0   |                  | 5,000            | 5,000                                   |
| Transfer and budget Dripping Springs interlocal agreement |   |                  |                  |   |
| <u>Constable 1 (635):</u>                                 |   |                  |                  |   |
| 001-636-00.5717_400 Law Enf Eqpt                          | 7,628   | 43               |                  | 7,671                                   |
| 001-635-00.5206 Law Enf Supplies                          | 2,467   |                  | (43)             | 2,424                                   |
| Transfer for shipping cost on eqpt                        |   |                  |                  |   |
| <u>Jail Operations (618-03):</u>                          |   |                  |                  |   |
| 001-618-03.5711 Office Eqpt                               | 0   | 1,080            |                  | 1,080                                   |
| 001-618-03.5211 Office Supplies                           | 18,000  |                  | (1,080)          | 16,920                                  |
| Transfer for replacement scanner                          |   |                  |                  |   |

FUND NO. 052  
FUND TITLE: SHERIFF SPECIAL PROJECTS

|  |       |                  |                  |       |
|--|-------|------------------|------------------|-------|
| <u>Sheriff Special Projects (618):</u> |       |                  |                  |       |
| 052-618-00.5222 Crime Prevention       | 6,238 | 100              |                  | 6,338 |
| <u>Revenues</u>                        |       | <u>Decreases</u> | <u>Increases</u> |       |
| 052-618-00.4610 Contributions          | 238   |                  | 100              | 338   |
| Accept & budget donation               |       |                  |                  |       |

FUND NO. 081  
FUND TITLE: D.A. DRUG FORFEITURE

|                                    |        |        |          |        |
|------------------------------------|--------|--------|----------|--------|
| <u>D.A. Drug Forfeiture (807):</u> |        |        |          |        |
| 081-607-00.5021 Staff              | 0      | 13,934 |          | 13,934 |
| 081-607-00.5101_100 Fica           | 0      | 864    |          | 864    |
| 081-607-00.5101_200 Medicare       | 0      | 202    |          | 202    |
| 081-607-00.5211 Office Supplies    | 15,104 |        | (15,000) | 104    |

Transfer for temporary parttime file management position(s) to be paid frm Drug Fortfeiture funds



## *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 budget of Jail Operations for replacement equipment**

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

**PREFERRED MEETING DATE REQUESTED: November 1, 2011**

**Amount Required: \$1,080**

**LINE ITEM NUMBER OF FUNDS REQUIRED: to 001-618-03.5711 Office Eqpt**  
**from 001-618-03.5211 Office Sply**

**REQUESTED BY: Gary Cutler/Auditors Office**

**SPONSORED BY: Cobb**

**SUMMARY:**

**Jail medical needs to purchase a replacement scanner for medical facility, and requires transfer from office eqpt**

**See Budget Amendment**

**DESCRIPTION OF Item:** Amend budget of Jail Operations for replacement equipment.

**PREFERRED MEETING DATE REQUESTED:** November 1, 2011

**COUNTY AUDITOR**

**AMOUNT:** \$1,080

**LINE ITEM NUMBER:** to 001-618-03.5711 Office Eqpt  
from 001-618-03.5211 Office Sply

**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:** \_\_\_\_\_

FUND NO. 001  
FUND TITLE: GENERAL FUND

| <u>Line Item - Expenditures</u>                           | <u>Appropriation<br/>before<br/>Amendment</u> | <u>Amendment</u><br><u>Increases</u> | <u>Decreases</u>        | <u>Appropriation<br/>as<br/>Amended</u> |
|---|---|--------------------------------------|-------------------------|---|
| <b><u>Transfer Station (716):</u></b>                     |   |                                      |                         |   |
| 001-716-00.5719_400 Misc Eqpt                             | 0   | 540                                  |                         | 540                                     |
| 001-716-00.5301 Operating                                 | 6,850   |                                      | (540)                   | 6,310                                   |
| Transfer for replacement heat pump                        |   |                                      |                         |   |
| <b><u>Historical Commission (676):</u></b>                |   |                                      |                         |   |
| 001-676-00.5448 Contract Svcs                             | 3,000   | 7,000                                |                         | 10,000                                  |
| 001-676-00.5201 General Supplies                          | 1,500   |                                      | (1,000)                 | 500                                     |
| 001-676-00.5491 Cemeteries Maint                          | 3,000   |                                      | (1,000)                 | 2,000                                   |
| <b><u>Revenues</u></b>                                    |   | <b><u>Decreases</u></b>              | <b><u>Increases</u></b> |   |
| 001-676-00.4301 Intergovernmental                         | 0   |                                      | 5,000                   | 5,000                                   |
| Transfer and budget Dripping Springs interlocal agreement |   |                                      |                         |   |
| <b><u>Constable 1 (635):</u></b>                          |   |                                      |                         |   |
| 001-636-00.5717_400 Law Enf Eqpt                          | 7,628   | 43                                   |                         | 7,671                                   |
| 001-635-00.5206 Law Enf Supplies                          | 2,467   |                                      | (43)                    | 2,424                                   |
| Transfer for shipping cost on eqpt                        |   |                                      |                         |   |
| <b><u>Jail Operations (618-03):</u></b>                   |   |                                      |                         |   |
| 001-618-03.5711 Office Eqpt                               | 0   | 1,080                                |                         | 1,080                                   |
| 001-618-03.5211 Office Supplies                           | 18,000  |                                      | (1,080)                 | 16,920                                  |
| Transfer for replacement scanner                          |   |                                      |                         |   |

FUND NO. 052  
FUND TITLE: SHERIFF SPECIAL PROJECTS

|   |       |                         |                         |       |
|---|-------|-------------------------|-------------------------|-------|
| <b><u>Sheriff Special Projects (618):</u></b> |       |                         |                         |       |
| 052-618-00.5222 Crime Prevention              | 6,238 | 100                     |                         | 6,338 |
| <b><u>Revenues</u></b>                        |       | <b><u>Decreases</u></b> | <b><u>Increases</u></b> |       |
| 052-618-00.4610 Contributions                 | 238   |                         | 100                     | 338   |
| Accept & budget donation                      |       |                         |                         |       |

FUND NO. 081  
FUND TITLE: D.A. DRUG FORFEITURE

|   |        |        |          |        |
|---|--------|--------|----------|--------|
| <b><u>D.A. Drug Forfeiture (607):</u></b> |        |        |          |        |
| 081-607-00.5021 Staff                     | 0      | 13,934 |          | 13,934 |
| 081-607-00.5101_100 Fica                  | 0      | 864    |          | 864    |
| 081-607-00.5101_200 Medicare              | 0      | 202    |          | 202    |
| 081-607-00.5211 Office Supplies           | 15,104 |        | (15,000) | 104    |

Transfer for temporary parttime file management position(s) to be paid frm Drug Fortfeiture funds

## *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:** Amend the budget of the District Attorney Drug Forfeiture Fund for clerical personnel.

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

**PREFERRED MEETING DATE REQUESTED:** November 1, 2011

**AMOUNT REQUIRED:** \$15,000

**LINE ITEM NUMBER OF FUNDS REQUIRED:** 081-607-00

**REQUESTED BY:** TIBBE/KENNEDY

**SPONSORED BY:** COBB

The Hays County Criminal District Attorney's Office has a serious back log in file management due to the heavy work load already placed on current employees. In an effort to remedy this back log, the DA's office would like to hire part- time clerical personnel utilizing their Asset Forfeiture Fund. See attached budget amendment.

FUND NO. 001  
FUND TITLE: GENERAL FUND

| <u>Line Item - Expenditures</u>                           | <u>Appropriation<br/>before<br/>Amendment</u> | <u>Amendment</u> |                  | <u>Appropriation<br/>as<br/>Amended</u> |
|---|---|------------------|------------------|---|
|   |   | <u>Increases</u> | <u>Decreases</u> |   |
| <u>Transfer Station (716):</u>                            |   |                  |                  |   |
| 001-716-00.5719_400 Misc Eqpt                             | 0   | 540              |                  | 540                                     |
| 001-716-00.5301 Operating                                 | 6,850   |                  | (540)            | 6,310                                   |
| Transfer for replacement heat pump                        |   |                  |                  |   |
| <u>Historical Commission (676):</u>                       |   |                  |                  |   |
| 001-676-00.5448 Contract Svcs                             | 3,000   | 7,000            |                  | 10,000                                  |
| 001-676-00.5201 General Supplies                          | 1,500   |                  | (1,000)          | 500                                     |
| 001-676-00.5491 Cemeteries Maint                          | 3,000   |                  | (1,000)          | 2,000                                   |
| <u>Revenues</u>   |   | <u>Decreases</u> | <u>Increases</u> |   |
| 001-676-00.4301 Intergovernmental                         | 0   |                  | 5,000            | 5,000                                   |
| Transfer and budget Dripping Springs interlocal agreement |   |                  |                  |   |
| <u>Constable 1 (635):</u>                                 |   |                  |                  |   |
| 001-636-00.5717_400 Law Enf Eqpt                          | 7,628   | 43               |                  | 7,671                                   |
| 001-635-00.5206 Law Enf Supplies                          | 2,467   |                  | (43)             | 2,424                                   |
| Transfer for shipping cost on eqpt                        |   |                  |                  |   |
| <u>Jail Operations (618-03):</u>                          |   |                  |                  |   |
| 001-618-03.5711 Office Eqpt                               | 0   | 1,080            |                  | 1,080                                   |
| 001-618-03.5211 Office Supplies                           | 18,000  |                  | (1,080)          | 16,920                                  |
| Transfer for replacement scanner                          |   |                  |                  |   |

FUND NO. 052  
FUND TITLE: SHERIFF SPECIAL PROJECTS

|  |       |                  |                  |       |
|--|-------|------------------|------------------|-------|
| <u>Sheriff Special Projects (618):</u> |       |                  |                  |       |
| 052-618-00.5222 Crime Prevention       | 6,238 | 100              |                  | 6,338 |
| <u>Revenues</u>                        |       | <u>Decreases</u> | <u>Increases</u> |       |
| 052-618-00.4610 Contributions          | 238   |                  | 100              | 338   |
| Accept & budget donation               |       |                  |                  |       |

FUND NO. 081  
FUND TITLE: D.A. DRUG FORFEITURE

|                                    |        |        |          |        |
|------------------------------------|--------|--------|----------|--------|
| <u>D.A. Drug Forfeiture (607):</u> |        |        |          |        |
| 081-607-00.5021 Staff              | 0      | 13,934 |          | 13,934 |
| 081-607-00.5101_100 Fica           | 0      | 864    |          | 864    |
| 081-607-00.5101_200 Medicare       | 0      | 202    |          | 202    |
| 081-607-00.5211 Office Supplies    | 15,104 |        | (15,000) | 104    |

Transfer for temporary parttime file management position(s) to be paid frm Drug Fortfeiture funds

## *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 a Public Hearing to consider 1) the proposed improvements to Mystic Creek Drive and Mystic Overlook in Hays County to cause the roadway to comply with Hays County road standards, and 2) the assessment of all or part of the costs of the improvement, *pro rata*, against the record owners of the real property on Mystic Creek Drive and Mystic Overlook.

**Possible action to follow the Public Hearing.**

**TYPE OF ITEM:** ACTION

**PREFERRED MEETING DATE REQUESTED:** November 1, 2011

**AMOUNT REQUIRED:** \$192,000.00

**LINE ITEM NUMBER OF FUNDS REQUIRED:**

**REQUESTED BY:** WHISENANT

**SPONSORED BY:** WHISENANT

**SUMMARY:** This Hearing is guided by Chapter 253 of the Texas Transportation Code, which dictates that the Commissioners Court may, after finding that the proposed improvements are necessary for the public health, safety, or welfare of the residents of Hays County, Order a "mailed ballot" election of the property owners in the above-named subdivision, said mail-outs to occur no later than the 10<sup>th</sup> day after this Public Hearing. If this Court Orders an election, then not later than the 30<sup>th</sup> day after this Public Hearing all returned votes shall be tallied and results shall be declared. Granted that a majority of lot owners on Mystic Creek Drive and Mystic Overlook vote in favor of the improvements and the long term pay back of costs, then construction of those improvements will begin according to scheduling priorities set by RTP.

## *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:**

**11-2-5 Sunrise Acres Replat of Lots 20 & 21 (3 lots). Hold public hearing; discussion and possible action to approve final plat.**

**TYPE OF ITEM:** ACTION

**PREFERRED MEETING DATE REQUESTED:** November 1, 2011

**AMOUNT REQUIRED:** N/A

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

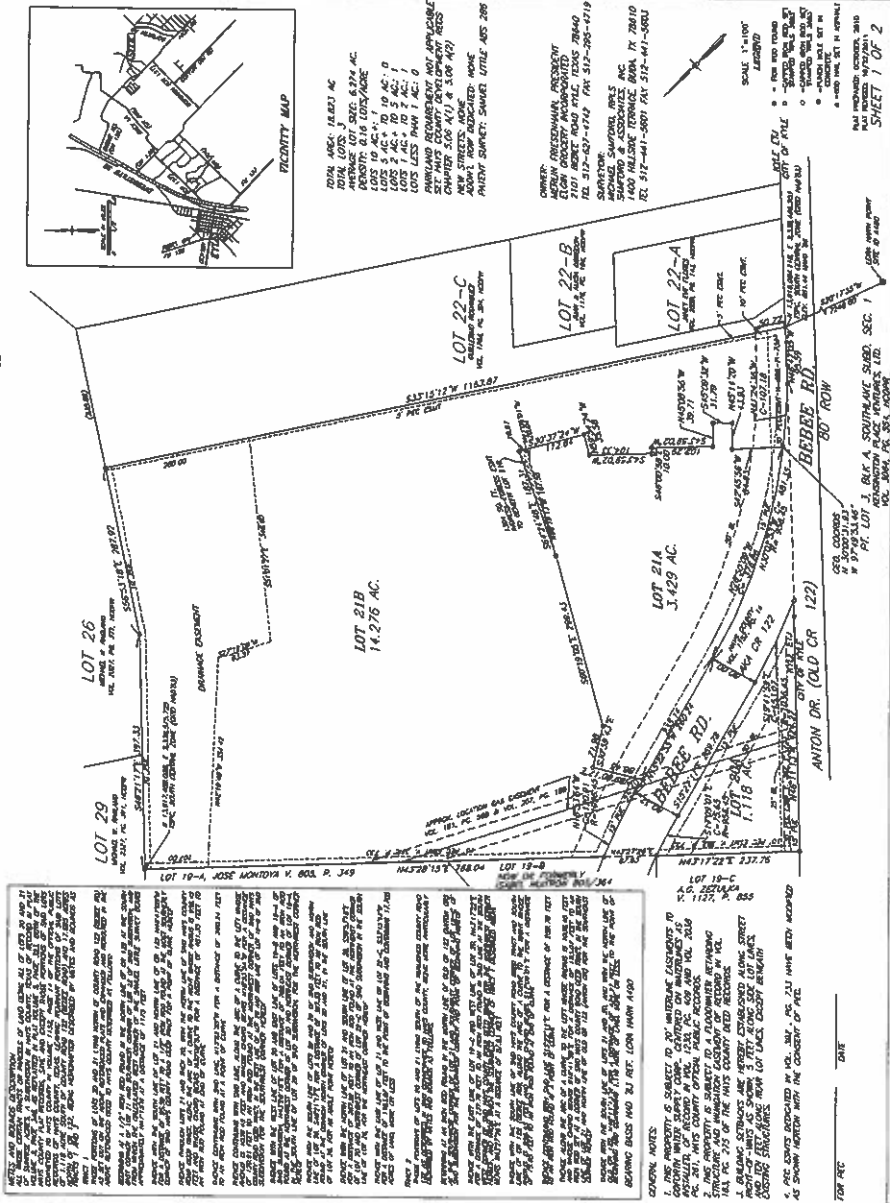
**REQUESTED BY:** Roxie Botkin

**SPONSORED BY:** Commissioner Precinct 2 Mark Jones

**SUMMARY:**

The Sunrise Acres subdivision is a recorded subdivision located off of Bebee Road in Precinct 2. Sunrise Acres was originally divided in 1983 as a 93 lot subdivision. Today there are 131 taxable parcels on the CAD records. The newly configured lots will be sized as follows: Lot 20A – 1.118ac, Lot 21A – 3.429ac, Lot 21B – 14.276ac. Lots 21A and 21B are currently developed and are served by Goforth Water and on-site sewage facilities. Lot 20A will also utilize Goforth Water and OSSF at the time of development.

# SUNRISE ACRES REPLAT OF LOTS 20 & 21 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

**AGENDA ITEM: Discussion and possible action to adopt a resolution to cast Hays County's 1586 votes for Luanne Caraway, candidate for the Central Appraisal District Board of Directors.**

|                   |                 |                     |                          |
|-------------------|-----------------|---------------------|--------------------------|
| <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: 11/1/11**

**AMOUNT REQUIRED:**

**LINE ITEM NUMBER OF FUNDS REQUIRED:**

**REQUESTED BY: COBB**

**SPONSORED BY: COBB**

Luanne Caraway was nominated by the Hays County Commissioners Court on October 11, 2011. See the attached memo from the Hays Central Appraisal District and the Resolution casting all of Hays County's votes for Luanne Caraway.



**Hays  
Central  
Appraisal  
District**



512-268-2522 ■ Lex Word Building ■ 21001 IH 35 ■ Kyle, Texas 78640 ■ Fax 512-268-1945

**MEMORANDUM**

To: Voting Jurisdictions  
From: David Valle, Chief Appraiser  
Date: October 21, 2011

Subject: Election of Board of Directors

Enclosed please find the official ballot and the calculation of votes to select **seven members (7)** to the Hays Central Appraisal District Board of Directors.

**The governing body of each taxing unit that is entitled to vote shall determine its vote by resolution and submit it to the Chief Appraiser before December 15, 2011.**

The unit may cast all its votes for one candidate or may distribute its votes among any number of candidates.

A voting unit must cast its votes for a person nominated and named on the ballot. There is no provision for write-in candidates. The chief appraiser may not count votes for someone not listed on the official ballot.

DV/cij

Enclosures

[R 10-24-11 D]

**Hays  
Central  
Appraisal  
District**



**512-268-2522 ■ Lex Word Building ■ 21001 IH 35 ■ Kyle, Texas 78640 ■ Fax 512-268-1945**

**OFFICIAL BALLOT  
TO SELECT SEVEN (7)  
BOARD OF DIRECTORS  
2012 - 2013**

| <b>NOMINEES</b> | <b>VOTES CAST</b> |
|-----------------|-------------------|
| Luanne Caraway  | _____             |
| Joe Castillo    | _____             |
| Galen Dodson    | _____             |
| Chris Jones     | _____             |
| Sarah Mangham   | _____             |
| Dennis Miller   | _____             |
| Abel Tenorio    | _____             |
| Dave Williams   | _____             |

The above votes were cast by Resolution of the governing body of  
\_\_\_\_\_ at its Meeting convened on  
\_\_\_\_\_, 2011.

\_\_\_\_\_  
Board President

\_\_\_\_\_  
Board Secretary

BOARD OF DIRECTORS  
VOTE CALCULATIONS FOR 2012

|  |   | <b>2010<br/>TAX LEVY</b> | <b>VOTE<br/>PERCENTAGE</b> | <b>NUMBER OF<br/>VOTES<br/>7000</b> |
|--|---|--------------------------|----------------------------|-------------------------------------|
| 1  | AUSTIN, CITY OF                                     | 1154.86                  | 0.0000                     | 0                                   |
| 2  | BUDA, CITY OF                                       | 1,681,745.57             | 0.0074                     | 52                                  |
| 3  | DRIPPING SPRINGS, CITY OF                           | 237,272.38               | 0.0010                     | 7                                   |
| 4  | DRIPPING SPRINGS ISD                                | 38,036,032.14            | 0.1674                     | 1,172                               |
| 5  | HAYS COUNTY   | 51,502,278.99            | 0.2266                     | 1,586                               |
| 6  | HAYS CISD   | 53,680,535.87            | 0.2362                     | 1,653                               |
| 7  | HAYS, CITY OF                                       | 12,493.32                | 0.0000                     | 0                                   |
| 8  | KYLE, CITY OF                                       | 5,781,063.80             | 0.0254                     | 178                                 |
| 9  | MOUNTAIN CITY, CITY OF                              | 50,696.23                | 0.0002                     | 1                                   |
| 10   | NIEDERWALD, CITY OF                                 | 32,926.34                | 0.0001                     | 1                                   |
| 11   | SAN MARCOS, CITY OF                                 | 13,896,696.44            | 0.0612                     | 428                                 |
| 12   | SAN MARCOS CISD                                     | 42,220,653.35            | 0.1858                     | 1,301                               |
| 13   | SPECIAL ROAD  | ***                      | ***                        |                                     |
| 14   | UHLAND, CITY OF                                     | 19,626.33                | 0.0001                     | 1                                   |
| 15   | VILLAGE OF BEAR CREEK                               | 41,721.26                | 0.0002                     | 1                                   |
| 16   | WIMBERLEY ISD                                       | 18,435,100.01            | 0.0811                     | 568                                 |
| 17   | WOODCREEK, CITY OF                                  | 188,473.75               | 0.0008                     | 6                                   |
| 18   | Blanco ISD  | 480,344.98               | 0.0021                     | 15                                  |
| 19   | Comal ISD   | 311,417.93               | 0.0014                     | 10                                  |
| 20   | Johnson City ISD                                    | 634,351.23               | 0.0028                     | 20                                  |
|  |   | 227,243,429.92           | 100.0000                   | 7,000                               |
|  | Report made on 9/16/11<br>Levy after Supplement #14 |                          |                            |                                     |
| ***  | Levy included with Hays County                      | 4,846,284                |                            |                                     |
| The seven candidates who receive the largest cumulative vote totals are elected. |   |                          |                            |                                     |
| Texas Property Tax Code, Section 6.03 (k)  |   |                          |                            |                                     |
| David Valle<br>Chief Appraiser<br>Hays Central Appraisal District                |   |                          |                            |                                     |
|  |   |                          |                            | *                                   |

## *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 accept donation of a 0.839 acre tract of land adjacent to the Jacob's Well Natural Area project.

**TYPE OF ITEM:** MISCELLANEOUS

**PREFERRED MEETING DATE REQUESTED:** November 1, 2011

**AMOUNT REQUIRED:** N/A

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

**REQUESTED BY:** KENNEDY/CONLEY

**SPONSORED BY:** CONLEY

**SUMMARY:** Wimberley Springs Partners Limited, a Texas limited partnership, has agreed to donate what is commonly known as the "triangle tract", which is located near the A.D.A. trail entrance to the Jacob's Well Natural Area. The "triangle tract" currently features a tennis court, which will likely be removed as part of the Master Plan for this project.

## SPECIAL WARRANTY DEED

STATE OF TEXAS           §  
                                  §       KNOW ALL MEN BY THESE PRESENTS:  
COUNTY OF HAYS       §

That Wimberley Springs Partners Limited, a Texas Limited Partnership ("**Grantor**"), by these presents does hereby DEDICATE and DONATE for the valuable consideration of Ten Dollars in United States Dollars (\$10.00 USD) unto Hays County, a political subdivision of the State of Texas ("**Grantee**"), for public recreational purposes, the following described property, to-wit (the "**Property**"):

Being 0.839 acres of land in the Louis C. Gibbs Survey No. 68 in Hays County, Texas, being a portion of that certain called 7.279 acre tract designated as Parcel 21, Woodcreek Village, said 0.839 acres being described in the deed of record in Volume 1441, Page 685, Official Public Records of Hays County, Texas, and being more particularly described in "Exhibit A" attached hereto.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto Grantee, its successors and assigns forever, subject however to all validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; and to all presently recorded and validly existing restrictions, reservations, covenants, conditions, oil and gas leases, mineral interests, and water interests outstanding in persons other than Grantor, and other instruments, other than conveyances of the surface fee estate, that affect the Property. Grantor does hereby bind itself, its successors and assigns to WARRANT AND DEFEND all and singular the Property unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor but not otherwise.

[SIGNATURE PAGE FOLLOWS]



IN WITNESS WHEREOF, Grantor has caused this instrument to be executed on this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

**Wimberley Springs Partners Ltd.**

By: \_\_\_\_\_  
Winton Porterfield, Vice President

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_ 2011 by Winton Porterfield, Vice President.

\_\_\_\_\_  
Notary Public, State of Texas

**EXHIBIT A**  
**DESCRIPTION OF PROPERTY**

Kay Wright Kolowski  
Owner

Raymond V. Kolowski  
Engineer

**BEELINE** 1441 685



Phone/Fax  
512-353-4725

ENGINEERING & LAND SURVEYING  
P.O. BOX 1081  
SAN MARCOS, TEXAS 78667-1081  
MAY 27, 1998

Field notes describing 0.839 acres of land out of the LOUIS C. GIBBS SURVEY NUMBER 68, Hays County, Texas, said 0.839 acres also being a part of that 7.279 acre tract called PARCEL 21, of WOODCREEK VILLAGE, SECTION IV, an unrecorded subdivision in Hays County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at a railroad spike set in the pavement on the northeast line of Chaparral Drive, that bears N 80°-52'-25" W, a distance of 377.72' from the north corner of VILLAGE ELEVEN, a subdivision in Hays County, Texas, according to the map or plat thereof recorded in Volume 1, Page 342, Plat Records of Hays County, Texas, said railroad spike being the southernmost corner of the herein described parcel;

Thence, N 19°-42'-26" W, along the northeast line of Chaparral Drive, a distance of 81.40' to an angle point in the line;

Thence, N 28°-06'-16" W, along the northeast line of Chaparral Drive, a distance of 173.09' to a railroad spike set in the pavement for the most western corner of the herein described parcel;

Thence, traversing around an existing tennis court area the following courses numbered (1) to (9):

- (1) N 61°-02'-29" E, a distance of 144.79' to an iron pin set for the northernmost corner of the herein described parcel;
- (2) N 80°-26'-26" E, a distance of 149.19' to an iron pin set for the easternmost corner of the herein described parcel;
- (3) S 5°-50'-08" W, a distance of 38.66' to an iron pin set;
- (4) S 20°-51'-21" W, a distance of 35.17' to an iron pin set;
- (5) Thence, N 74°-46'-37" W, a distance of 54.06' to an iron pin set;
- (6) Thence, S 11°-59'-06" W, a distance of 82.16' to an iron pin set;
- (7) Thence, S 21°-16'-46" W, a distance of 94.87' to an iron pin set;
- (8) Thence, N 67°-36'-08" W, a distance of 3.31' to an iron pin set;
- (9) Thence, S 22°-42'-03" W, a distance of 107.92' to a railroad spike set in the pavement on the northeast line of Chaparral Drive, said railroad spike being the beginning point of this description.

*Raymond V. Kolowski*  
FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS

*Margie T. Villalpando*

8-5-98 03:47 PM 9816377

KLEEN \$19.00

MARGIE T VILLALPANDO, County Clerk  
HAYS COUNTY

Environmental Site Assessment • Storm Water & Sanitary Sowers • Surveying

FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS

*Margie T. Villalpando*

8-5-98 03:47 PM 9816378

KLEEN \$11.00

MARGIE T VILLALPANDO, County Clerk  
HAYS COUNTY

## *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 waive the fees associated with the rental of the Hays County Civic Center for the San Marcos Rotary Clubs event named the Early Act First Knight Tournament.

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

**PREFERRED MEETING DATE REQUESTED:** November 1, 2011

**AMOUNT REQUIRED:**

**LINE ITEM NUMBER OF FUNDS REQUIRED:**

**REQUESTED BY:** Barry Nelson

**SPONSORED BY:** Commissioner Will Conley

**SUMMARY:** The San Marcos Rotary Club has held this event at the Civic Center in past years. The Early Act First Knight (EAFK) program was developed by Rotarian Chris Byrd and Founder and Executive Director of Knights of the Guild, Randall Parr. EAFK has developed into a character education program that puts Rotary ideals into the daily academics of mainstream K-8 education. The EAFK approach to teaching character education creatively integrates the instruction of noble character traits with the theme of gallant knights and chivalry. Each new school year, the orientation is integrated with the Tournament of Champions, a medieval tournament complete with Knights, costumed warhorses, and musical soundtracks.

The event will take place on November 17<sup>th</sup> from 1 PM – 3 PM.

## *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 on projects submitted to the MPO for STPMM dollars.

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

**PREFERRED MEETING DATE REQUESTED:** November 1, 2011

**AMOUNT REQUIRED:**

**LINE ITEM NUMBER OF FUNDS REQUIRED:**

**REQUESTED BY:** Commissioner Will Conley

**SPONSORED BY:** Commissioner Will Conley

**SUMMARY:**

## *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 execute an amendment to the TB contract between Texas Department of State Health Services (DSHS) and the Personal Health Department (PHD).

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

**PREFERRED MEETING DATE REQUESTED:** November 1, 2011

**AMOUNT REQUIRED:**N/A

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

**REQUESTED BY:** Priscilla Hargraves

**SPONSORED BY:** Judge Cobb

**SUMMARY:**

This amendment is an agreement between DSHS Region 7 and the PHD so that the TB-RN will provide TB case management services to three Tuberculosis patients in Caldwell County.

There is currently no DSHS nurse in Caldwell County. Without the assistance of Hays County and the PHD, Region 7 would be required to send an RN from the Region 7 office in Temple to perform this service.

DSHS Region 7 agrees to reimburse Hays County for the mileage incurred for the PHD TB-RN to perform this service. Region 7 estimates this service will be required approximately two months.

## Lon Shell

---

**From:** Cornelius, Lisa (DSHS) [Lisa.Cornelius@dshs.state.tx.us]  
**Sent:** Wednesday, October 26, 2011 11:03 AM  
**To:** Lon Shell  
**Subject:** Contract amendment with HCPHD

Judge Cobb,

I am requesting the assistance of Hays County Personal Health Department with case management of 3 Tuberculosis patients in Caldwell County: a new active case in Luling and 2 suspects in Lockhart.

We would ask that a nurse travel once a week (or every other week) to a DSHS clinic site in each of these cities for case management duties. The nurse would be accompanied by a DSHS clinic clerk and we expect a duration of 2 months.

Travel for a nurse from San Marcos would be less expensive than one of our nurses traveling from Temple (as we have a nurse vacancy and are not able to hire at this time) and we would pay for the cost of the Hays County nurse's travel. Based on my monthly visits to the Hays County Public Health Department for tuberculosis clinic, I trust the clinical experience of your nurses and appreciate any help that you may be able to offer. Thank you for your consideration - lisa

Lisa Cornelius MD, MPH  
Regional Medical Director, HSR 7  
Texas Department of State Health Services  
2408 S 37th Street Temple, TX 76504  
(254) 778-6744 BB (512) 578-6696  
Fax (254) 778-4066

## *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 set a public hearing date to consider changes to the Hays County Food Sanitation Regulations.**

**TYPE OF ITEM:** ACTION

**PREFERRED MEETING DATE REQUESTED:** November 1, 2011

**AMOUNT REQUIRED:** N/A

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

**REQUESTED BY:** Clint Garza

**SPONSORED BY:** Commissioner Precinct 2 Mark Jones

**SUMMARY:**

Hays County last amended regulations for food service establishments in 2001. Since that time additional authorities have been granted to Counties under chapter 437, Texas Health and Safety Code.

Changes are minimal but in addition to updated definitions the new regulations will require each food establishment to have a single Food Manager certified under Chapter 438 of the Texas Health and Safety Code as opposed to every employee having food handler's certification. Additionally, the 2007 legislative session resulted in greater enforcement authority for Counties operating under Chapter 437. Staff doesn't anticipate action on the proposed changes and Commissioners Court cannot make changes until a public hearing is held pursuant to chapter 437.005 of the H&SC.



HAYS COUNTY DEVELOPMENT SERVICES  
FOOD ESTABLISHMENT REGULATIONS  
IN ACCORDANCE WITH CHAPTER 437, TEXAS HEALTH AND SAFETY CODE

ORDER NO. \_\_\_\_\_

AN ORDER REGARDING THE REGULATION OF FOOD ESTABLISHMENTS  
INCLUDING FOOD SERVICE ESTABLISHMENTS, RETAIL FOOD STORES, MOBILE  
FOOD UNITS, TEMPORARY FOOD ESTABLISHMENTS, AND ROADSIDE FOOD  
VENDORS

As provided by Chapter 437 of the Texas Health and Safety Code, counties and public health districts have the authority to enforce state law and rules concerning food service establishments, retail food stores, mobile food units, and roadside food vendors.

Therefore, it is ORDERED, that Hays County Commissioners Court adopts the following order:

**Section 1. Enforcement of State Law and Rules and Definitions**

Hays County adopts by reference the provisions of Chapter 437 applicable to counties/public health districts and the current rules or rules as amended by The Executive Commissioner of the Health and Human Services Commission found in 25 Texas Administrative Code, Chapter 229, Sections 161 through 171 and 173 through 175 regarding the regulation of food establishments in this jurisdiction.

**A. Definitions**

1. The words "food establishment" mean a food service establishment, a retail food store, a temporary food establishment, a mobile food unit, and/or a roadside food vendor.
2. The word "suspension" means the temporary discontinuance of a permit issued under said sections for an indefinite period of time.
3. The word "revocation" means the termination of a permit issued under said sections for an indefinite period of time.
4. The term "temporary food establishment" means a food establishment operating for a temporary period in connection with a fair, carnival, circus, public exhibition, or other similar gathering. Non-profit fund raising events and related establishments which are opened for business no longer than three (3) days consecutively or for a period longer than ten (10) days in any calendar year are exempt from this definition.
5. The term "Health Official" means the authorized representative of the Hays County Development Services Department.
6. The term "regulatory authority" means the Hays County Development Services Department.

7. The term "Participating City" means a City with which Hays County has an inter-local cooperation agreement for the inspection of food establishments within that City's incorporated limits.
8. The term "area of jurisdiction" means the areas within the corporate limits of a participating City within Hays County and all unincorporated areas of Hays County.
9. The term "state laws and rules" means the state laws found in Chapter 437 of the Texas Health and Safety Code and the state rules found at 25 Texas Administrative Code Chapter 229, Sections 161 through 171 and Sections 173 through 175.
10. The Term "Person in Charge" is the individual present at a food establishment who is responsible for the operation at the time of inspection. If no employee identifies him/herself as the person in charge then any employee can be considered the person in charge by the health official.

## **Section 2. Permits and Exemptions**

A person may not operate a food establishment without a permit issued by the regulatory authority. Permits are not transferrable from one person to another or from one location to another location, except as otherwise permitted by this order. A valid permit must be posted in or on every food establishment regulated by this order.

A food establishment operated solely by a nonprofit organization is exempt from the permitting requirements of this order, but is not exempt from compliance with state laws and rules. The regulatory authority may require any information necessary to determine whether an organization is nonprofit for purposes of this exemption.

A bed and breakfast establishment with seven or fewer rooms for rent that serves only breakfast to its overnight guests is not a food establishment for purposes of this order. Any other bed and breakfast is a food establishment and shall follow the applicable state rules and must obtain a permit under this order.

## **Section 3. Application for Permit and Fees**

Any person desiring to operate a food establishment must make a written application for a permit on forms provided by the regulatory authority. The application must contain the name and address of each applicant, the location and type of the proposed food establishment and the applicable fee. An incomplete application will not be accepted. Failure to provide all required information, or falsifying information required may result in denial or revocation of the permit. Renewals of permits are required on an annual basis and the same information is required for a renewal permit as for an initial permit.

Prior to the approval of an initial permit or the renewal of an existing permit, the regulatory authority shall inspect the proposed food establishment to determine compliance with state laws and rules. A food establishment that does not comply with state laws and rules may be denied a permit or the renewal of a permit.

The following fee schedule applies to permits issued under this order: Based on the number of employees 1-5 = \$100, 6-19 = \$200 & 20 and above = \$300. **Plan review fee = one half the permit fee.**

#### **Section 4. Review of Plans**

Whenever a food establishment is constructed or extensively remodeled and whenever an existing structure is converted to use as a food establishment, properly prepared plans and specifications for such construction, remodeling or conversion shall be submitted to the regulatory authority for review before work is begun. Extensive remodeling means that 20% or greater of the area of the food establishment is to be remodeled. The plans and specifications shall indicate the proposed layout, equipment arrangement, mechanical plans and construction of materials of work areas, and the type and model of proposed fixed equipment and facilities (The plans and specifications will be approved by the regulatory authority if they meet the requirements of state law and rules. The approved plans and specifications must be followed in construction, remodeling or conversion. Failure to follow approved plans and specifications, when required, will result in a permit denial, suspension, or revocation.

#### **Section 5. Inspections**

- A. **Frequency.** A food establishment permitted under these rules shall be inspected at least once every six (6) months or in response to a formal complaint made to the Regulatory Authority.
- B. **Access.** Health Officials, after proper identification, shall be permitted access to all parts of the establishment for the purpose of making inspections to determine compliance with these rules. The Health Officials shall be permitted to examine records to obtain information pertaining to food and supplies purchased, received or used, or to persons employed.
- C. **Report of inspections.** The Texas Department of State Health Services "Texas Food Establishment Rules" reports the inspection score by using a demerit system, with zero demerits denoting no critical violations. This means that there may be non-critical violations that are not assigned point values. Whenever an inspection of a food service establishment is made, the findings shall be recorded on the inspection report form. The inspection report form shall summarize the requirements of these rules and shall set forth a weighted point value for each requirement. The score will be reported in demerits. Inspection remarks shall be written to reference, by section number, the section violated and shall state the correction to be made. A copy of the inspection report form shall be furnished to the person in charge of the food service establishment at the conclusion of the inspection. The completed inspection report form is a public document that shall be made available for public disclosure to any person who requests it according to law.
- D. **Correction of Violations.** The inspection report form shall specify a reasonable time period for the correction of the violations found. Correction of the violations shall be accomplished within the period specified, in accordance with the following provisions;

1. If an imminent health hazard exists, such as, but not limited to, complete lack of refrigeration or sewage backup, the food service establishment shall immediately cease food service operations. Operations shall not be resumed until authorized by the Health Official.
2. All violations of three (3), four (4), or five (5) point weighted items shall be corrected as soon as possible, no later than ten (10) days following the inspection. The holder of the permit may be required to submit a written report stating that the violations have been corrected and a follow up inspection may be conducted to confirm correction.
3. All less critical weighted items shall be corrected as soon as possible, no later than the time of the next routine inspection.
4. When any food service establishment rating score exceeds thirty (30) demerits, corrective action on all identified violations shall be initiated within forty-eight (48) hours. One or more re-inspections will be conducted at reasonable time intervals to assure correction.
5. If a public health hazard exists, or is imminent, food service shall cease immediately.
6. The inspection report shall state that failure to comply with any time limits for corrections may result in cessation of operations.

#### **Section 6. Enforcement of Order**

The regulatory authority may, after giving notice and providing an opportunity for hearing, deny, suspend, or revoke a permit for any violation of this order, the state law, or the state rules.

- A. **Suspension of permit.** The regulatory authority shall suspend a permit based on an imminent health hazard, repeated critical violations, and any other serious violation of State law which the regulatory authority is responsible to enforce.
- B. **Revocation of permit.** The regulatory authority may, after providing opportunity for a hearing, revoke a permit for serious or repeated violations of any of these rules. Upon revocation of a permit, operations of the food establishment shall cease immediately. Prior to revocation, the regulatory authority shall notify the permit holder in writing of the reason for the proposed revocation and that the permit shall be revoked at the end of twenty (20) days following service of such notice unless a written request for a hearing is filed with the regulatory authority.
- C. **Service of Notice.** A notice provided under these rules is properly served when it is delivered to the permit holder, or the person in charge, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the permit holder.
- D. **Hearings.** If a hearing is requested within the twenty day period, the hearing shall be conducted by a hearing officer appointed by the regulatory authority (or some other body, such as the commissioner's court). The hearing officer shall appoint a time, day, and location for the hearing. Both the regulatory authority and the permit holder or

applicant shall have the right to present witnesses and evidence in the hearing. Based on the evidence presented at the hearing, the hearing officer shall make a final written decision in the matter and shall notify the regulatory authority and the permit holder or applicant.

- E. **Penalties.** Any permit holder, responsible officer of the permit holder, person in charge, or other person guilty of violating any provision of this chapter may be punished in accordance with state law.
1. A violation of any provision herein shall be classified as a Class C misdemeanor.
  2. Each day a violation occurs constitutes a separate offense.
  3. Administrative penalties may be assessed pursuant to Texas Health and Safety Code Secs. 437.0185-185.0186
    - a. An administrative penalty assessed under these rules shall not exceed \$500.00 per day.
    - b. The amount of the penalty is to be based on criteria such as history of previous violations, seriousness of the violation, hazard to health and safety of the public, demonstrated good faith efforts to correct, amounts necessary to deter future violations, and any other matter that justice may require.
    - c. Five levels of penalties for food establishments will be imposed.
    - d. The enforcement of the penalty may be stayed during the time the order is under judicial review if the person pays the penalty to the clerk of the court. A person who cannot afford to pay the penalty may stay the enforcement by filing an affidavit in the manner required by Texas Rules of Civil Procedure for a party who cannot afford to file security for costs.
    - e. Not later than the 20<sup>th</sup> day after the date of the notice of the penalty, a permit holder may accept in writing the determination and pay the recommended penalty or make a request for a hearing on the occurrence of the violation, the amount of the penalty, or both.

#### **Section 7. Severability**

If any section, subsection, sentence, clause, phrase, or portion of this order is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this order.

#### **Section 8. Effective Date**

The provisions of this order shall take effect on: January 1, 2012

INTRODUCED, READ AND PASSED BY AN AFFIRMATIVE VOTE BY THE  
COMMISSIONERS COURT OF HAYS COUNTY ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_  
, \_\_\_\_\_ .

\_\_\_\_\_  
Albert "Bert" Cobb, Hays County Judge

\_\_\_\_\_  
Debbie Gonzales Ingalsbe, Commissioner, Pct. 1

\_\_\_\_\_  
Mark Jones, Commissioner, Pct. 2

\_\_\_\_\_  
Will Conley, Commissioner, Pct. 3

\_\_\_\_\_  
Ray Whisenant, Commissioner, Pct. 4

Attest:

\_\_\_\_\_  
Liz Gonzalez, County Clerk

HAYS COUNTY DEVELOPMENT SERVICES  
IN ACCORDANCE WITH TEXAS HEALTH AND SAFETY CODE, SECTION 437.0076

ORDER NO. \_\_\_\_\_

AN ORDER REGARDING THE CERTIFICATION OF FOOD MANAGERS

As provided by Texas Health and Safety Code (HSC), §437.0076, a county or public health district may require each fixed or mobile location retail establishment in which food is prepared on-site for sale to the public that holds a permit issued by the county or public health district to employ a food manager certified under HSC, Chapter 438, Subchapter G.

Therefore, it is ORDERED, that Hays County Commissioner's Court adopts the following order:

Section 1. Food Manager Certification Requirement and Definitions

One certified food manager must be employed by each permitted food establishment. Certification must be obtained by passing an examination approved by the Texas Department of State Health Services and meeting all requirements in HSC, Chapter 438, Subchapter G, and 25 TAC §229.176 (relating to Certification of Food Managers).

The words "food establishment" mean a fixed or mobile location retail establishment in which food is prepared on-site for sale to the public.

The words "food manager" mean an individual who conducts, manages, or operates a food establishment.

Section 2. Exemptions

The following food establishments are exempt from the requirements of this order:

- (1) establishments that handle only prepackaged food and do not prepare or package food;
- (2) child-care facilities, as defined by Section 42.002, Human Resources Code;
- (3) establishments that do not prepare or handle exposed potentially hazardous foods as defined in 25 TAC §229.162(74); or
- (4) nonprofit organizations as defined in 25 TAC §229.371(9) (relating to Permitting Retail Food Establishments).

*[Note: §437.0076(e) enables a county or public health district to exempt other establishments if the county or public health district determines that the application of the requirement to those establishments is not necessary to protect public health and safety.]*

Section 3. Responsibilities of a Certified Food Manager

Responsibilities of a certified food manager include:

- (1) identifying hazards in the day-to-day operation of a food establishment that provide food for human consumption;
- (2) developing or implementing specific policies, procedures or standards to prevent foodborne illness;
- (3) supervising or directing food preparation activities and ensuring appropriate corrective actions are taken as needed to protect the health of the consumer;
- (4) training the food establishment employees on the principles of food safety; and

(5) performing in-house self-inspections of daily operations on a periodic basis to ensure that policies and procedures concerning food safety have been implemented and are being followed.

Section 4. Certificate Reciprocity

A certificate issued to an individual who successfully completes an examination approved by the Texas Department of State Health Services shall be accepted as meeting the training and testing requirements under HSC, §438.046(b).

Section 5. Certificate Posting.

The original food manager certificate shall be posted in a location in the food establishment that is conspicuous to consumers.

Section 6. Severability

If any section, subsection, sentence, clause, phrase, or portion of this order is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this order.

Section 7. Effective Date

The provisions of this order shall take effect on: (put in date, or the number of days from adoption by the Commissioner's Court or Administrative Board).

INTRODUCED, READ AND PASSED BY AN AFFIRMATIVE VOTE BY THE (COMMISSIONER'S COURT OF (COUNTY) OR (ADMINISTRATIVE BOARD OF PUBLIC HEALTH DISTRICT) ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Albert "Bert" Cobb, Hays County Judge

\_\_\_\_\_  
Debbie Gonzales Ingalsbe, Commissioner, Pct. 1

\_\_\_\_\_  
Mark Jones, Commissioner, Pct. 2

\_\_\_\_\_  
Will Conley, Commissioner, Pct. 3

\_\_\_\_\_  
Ray Whisenant, Commissioner, Pct. 4

Attest:

\_\_\_\_\_  
Liz 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

**AGENDA ITEM:** Discussion and possible action to adopt policies regarding the use and/or issuance of air cards, cable TV, fax machines, landline and cell phones, social media, and email.

|                   |                 |                     |                          |
|-------------------|-----------------|---------------------|--------------------------|
| <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:**

**AMOUNT REQUIRED:**

**LINE ITEM NUMBER OF FUNDS REQUIRED:**

**REQUESTED BY:**

**SPONSORED BY: COBB/CONLEY**

Adoption of the following policies (see attached) is proposed:

Request/Justification Form for Electronics and Related Equipment/Services

Air Card Policy

Cable/TV Line Policy

FAX Machine Policy

Landline and Cell Phone Policy

Social Media Policy

Email Policy



## Request/Justification Form for Electronics and Related Equipment/Services

(must be completed by an Elected Official or Department  
Head and returned to the appropriate offices per policy)

I am requesting that the Hays County Commissioners Court approve the purchase/issuance of:

1. Cell phone with voice capability for  
Name/Title \_\_\_\_\_
2. Cell phone with voice and text capability for  
Name/Title \_\_\_\_\_
3. Cell phone with voice, text and data capability (Smart Phone) for  
Name/Title \_\_\_\_\_
4. I am requesting a \$35/month phone use stipend for the employee above who requires a Smart  
Phone to conduct County business: \_\_\_Yes \_\_\_No
5. Computer Air Card for  
Name/Title \_\_\_\_\_
6. TV/Cable service  
Name/Title/Functional Work Area \_\_\_\_\_
7. Fax Machine  
Name/Title/Functional Work Area \_\_\_\_\_
8. Phone Line for Fax Machine  
Name/Title/Functional Work Area \_\_\_\_\_

Give specific reason(s) why the above item(s)/service(s) are needed to perform County business:

---

---

---

---

---

---

---

I understand that all expenses for the above equipment/services will be charged to my budget and that I will review the need for this equipment/service at least quarterly. If at any time I determine that the equipment/service is no longer needed by my office/department I will immediately notify the Auditor's Office/Purchasing Department (or the Information Technology Department for Air Cards). I also acknowledge that the Hays County Auditor's Office will periodically review expenses related to the above and may request further justification on behalf of the Hays County Commissioners Court. I may also be required to explain any charges deemed excessive by the Auditor's Office to the Commissioners Court at a regularly scheduled public meeting.

\_\_\_\_\_  
Signature of Elected Official/Department Head

\_\_\_\_\_  
Title

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date



## **Hays County**

### **Landline and Cell Phone Policy**

#### **PURPOSE**

Landlines and Cell Phones are a large expense for the County. This purpose of the Landline and Cell Phone Policy is to reduce expenses and ensure that each device is being used to its best advantage and in the most cost-effective way. Elected officials and department heads are responsible for ensuring that each employee is trained on proper phone use.

This policy is in effect immediately upon adoption by the Commissioners Court. Elected officials and department heads who have already authorized the use of any type of County-paid cell phone or stipend for employees have 60 days from the adoption of this policy to complete and submit Request Forms for those employees to the Auditor's Office. Exceptions are noted in #9 below.

#### **POLICY**

1. All County-paid cell phones are on the AT&T system. There is no charge to the County for calls made between AT&T cell phones. Whenever possible, County employees with County-paid cell phones should communicate using those cell phones.
2. A call from a County cell phone to a County landline (desk phone) will result in a per-minute charge to the County. Calls from cell phones to landline phones should be avoided whenever possible.
3. The County's internal dial system (1+extension) established in 2010 is the least expensive way for calls to be made from one County landline phone to another. The internal dial system must be used at all times for communications between different offices if 2-way cell phone use is not an option. There is no longer a need or reason to call internally using the numbers published for the general public, the use of which results in higher costs to the County.
  - a. Elected officials/department heads should ensure that their office/department's internal phone extension and cell phone information is kept up to date by reporting any changes immediately via email to the Hays County Communications Specialist at [communicationsspecialist@co.hays.tx.us](mailto:communicationsspecialist@co.hays.tx.us).
4. No calls should be made to Directory Assistance (4-1-1) on County-paid cell or landline phones as these calls result in charges to the County. Employees needing Directory Assistance should use 1-800-935-5697 which is a free service.
5. County-paid Smart Phones have a Wi-Fi capability that allows for free calls and data access. Employees with Smart Phones should use this feature whenever possible. The new Government Center is wall-to-wall Wi-Fi for employee use, and AT&T has tens of thousands of Wi-Fi-enabled "hot spots." Employees should seek and use those free Wi-Fi hot spots whenever possible.

6. For those employees whose department heads require them to have a Smart Phone to conduct County business, the County offers the option of allowing that employee to use his/her personal Smart Phone and receive a stipend of \$35 per month to cover County-use costs, as this can save the County money over supplying a County-owned Smart Phone. Employees who are required to have a Smart Phone to conduct County business should be offered this stipend, as it saves the County money on Smart Phone leasing. The stipend applies only to Smart Phones. Elected officials are not eligible for this stipend. This policy may be altered or ended at any time if the Auditor's Office determines that it is no longer in the County's best interest to offer it.
7. The Hays County Auditor's Office will review all phone charges for each office/department. The Commissioners Court will require explanations from Elected Officials/Department Heads for non-compliance.
8. All cell and landline charges will be the responsibility of each office/department.
9. All requests for new and existing cell phones except for Certified Peace Officers, Elected Officials and Department Heads must be made via the Data/Electronics & Related Equipment/Services Request Form and submitted to the Human Resources Department, Auditor's Office and County Judge's Chief of Staff for review.
10. Offices with employees who currently use County-paid cell phones of any type or receive a stipend for Smart Phones must submit the Form within 90 days of the adoption of this policy.
11. Employees found in violation of this policy may be subject to disciplinary action, up to and including termination of employment.



## **Hays County**

### **Air Card Policy**

#### **PURPOSE**

The purpose of the Hays County Air Card policy is to reduce unnecessary, wasteful costs to the County by providing rules for all County-paid personnel who acquire and/or use County-paid Air Cards and to delineate who is authorized to use an Air Card and how Air Cards will be activated, deactivated and paid for. This policy also applies to any individual who is not a County-paid employee but because of a contractual agreement with Hays County is authorized to use a County-paid Air Card.

#### **POLICY**

1. The Information Technology Department will furnish written instructions and offer personal assistance for users of smart phones to "tether" their smart phones to laptops, which will provide Internet access for the laptop via the smart phone. This will negate the need for expensive Air Cards for employees who have both smart phones and laptops used for County business.
2. Elected officials and department heads must present a business need to the Commissioners Court for all Air Cards used for their office/department. The Commissioners Court will approve or deny each request.
  - a. Whenever it makes logistical and financial sense to do so, a single Air Card should be shared by employees within an office/department so that fewer Air Cards need to be activated, thus saving the County money.
3. Any Air Card that is not used more than 60 minutes within a 30-day period will be deactivated, and reactivated when that office/department establishes a need.
4. Elected officials and department heads will assign one person in each office to monitor Air Card usage in that office/department for comparison monthly with usage logs maintained in the Auditor's Office. An Office/Department must proactively request that the Air Card be deactivated upon realizing that an Air Card is not being used.
5. Each office/department will be responsible for budgeting and paying for its own Air Card usage at current rates, which are available from the Information Technology Department.
6. Costs for deactivated Air Cards that remain in control of an office/department will be paid for by that office/department at the rate charged by AT&T, which is typically considerably lower than an activated rate.
7. All Air Cards will be issued by the Information Technology Department and must be returned to the Information Technology Department. The Information Technology Department will be in charge of activating and deactivating Air Cards and replacing lost/outdated Air Cards.
8. Offices/Departments currently holding Air Cards have 90 days from the adoption of this policy to submit their request via the Data/Electronics & Related Services Request Form to the

Director of Information Technology and County Judge's Chief of Staff for review. Requests for new Air Cards must be made to the same offices via the same form.

9. Employees found in violation of this policy may be subject to disciplinary action, up to and including termination of employment.



## **Hays County**

### **Cable/TV Line Policy**

#### **PURPOSE**

The purpose of the Hays County Cable/TV Line policy is to reduce unnecessary, wasteful costs to the County by providing rules for all County office/department requests for and use of Cable/TV Lines and to ensure that a business need exists for each Cable/TV Line authorized.

#### **POLICY**

1. All Cable/TV Lines, new and existing, must be approved by the Commissioners Court. An elected official or department head must present a business need to the Court for a Cable/TV Line.
2. Once approved, a Cable/TV Line must be regularly reviewed at least quarterly by the elected official or department head to determine if it remains a necessary expense. The Court may periodically request re-substantiation of the need.
3. All costs related to a Cable/TV Line will be paid for within that office/department budget.
4. All requests for Cable/TV lines must be made via the Data/Electronics & Related Equipment/Services request form and submitted to the Director of Information Technology, the County Auditor and the County Judge's Chief of Staff for review.
5. Offices/departments with existing Cable/TV lines have 90 days from the adoption of this policy to submit the form to the offices in #4 above.



## **Hays County FAX Machine Policy**

### **PURPOSE**

The purpose of the Hays County FAX machine policy is to reduce unnecessary, wasteful costs to the County by providing guidelines for all County office/department requests for and use of FAX machines. Fewer FAX machines equal fewer phone line costs and fewer equipment rental/purchases costs.

This policy is in effect immediately upon adoption by the Commissioners Court.

### **POLICY**

1. All FAX machines must be regularly reviewed at least quarterly by elected officials and department heads to determine if a specific FAX machine is required for County business for outgoing and/or incoming FAXs.
  - a. Whenever possible, FAX machines should be shared within an office building or area.
  - b. Elected officials, department heads, supervisors and managers should consider whether equipment to scan and email documents would be less expensive than FAX machines.
2. Any FAX machine that is not required to conduct County business should be deactivated immediately by contacting the County Auditor/Purchasing Department, which will make necessary arrangements to terminate equipment leases and phone lines.
3. All costs related to FAX machines will be paid for within that office/department budget.
4. All requests for a new or additional FAX machine must be made via the Data/Electronics & Related Equipment Request Form and submitted to the County Auditor and Judge's Chief of Staff for review.





## **Hays County**

# **SOCIAL MEDIA POLICY**

### **PURPOSE**

Use and monitoring of social media sites requires employee time that directly impacts productivity and results in costs to taxpayers. The purpose of the Hays County social media policy is to provide rules and set public expectations for conduct by and content developed/published by elected officials, department heads and employees who:

- a. use social media for Hays County business,
- b. access social media venues while on duty, and/or
- c. use Hays County equipment (i.e., computers, Internet access) to connect to social media sites.

In addition, this policy provides guidelines for off-duty elected officials, department heads and employees who access social media sites and identify themselves as or may be identified by others as Hays County employees.

This policy is in effect immediately upon adoption by the Commissioners Court.

### **POLICY**

#### **See Attachment A for Definitions**

1. Hays County offices/departments may use County-approved\* social media and social network sites to further enhance communications with various stakeholder organizations in support of County goals and objectives:

- a. if the elected official/department head demonstrates a business need to do so and that need is approved by the Director of Information Technology and the Director of Human Resources or their designees and the Hays County Commissioners Court;
- b. develops a content plan that is approved by the Director of Information Technology and the Director of Human Resources or their designees; and
- c. ensures that content is updated/refreshed in a timely manner.

In addition to any office/department-specific Facebook pages that are authorized, Hays County will maintain one Facebook page to support all County offices/departments as a one-way communications vehicle. Information requested to be placed on the Facebook page must be approved by the requesting office/department head and by the Communications Specialist or Webmaster.

Hays County will maintain one Twitter account. All Tweets from County offices/departments will first be approved by the office/department head and by either the Communications Specialist or the Webmaster and will be issued via the County Twitter Account.

The Hays County Sheriff's Office and Hays County Emergency Management Office are authorized to maintain separate Twitter or NIXL accounts, if so desired, for use in 24/7

emergency communications. Those account names will be approved and issued by the Webmaster for those two offices/departments. Fee-based accounts, such as NIXL, must be paid for by the requesting office/department and budget must be approved by the Commissioners Court. The official/department head will be responsible for ensuring that all communications are related to necessary County business.

Other offices/departments that can establish a business need for a separate Twitter account must have that need approved first by the Hays County Communications Specialist and then by the Hays County Commissioners Court.

Two-way communications (i.e., allowing persons to post information or responses on a Hays County-approved social media site) will be approved case-by-case based on demonstration of a business need by the Hays County Communications Specialist and the Hays County Commissioners Court. See Attachment B Social Media Comments Standards Policy.

\*Current County-approved social media for consideration for use by individual offices/departments, with proper approvals, include Facebook, Twitter, Nixle, YouTube, LinkedIn, Flickr®, Photobucket and Tumblr.

Any office/department that is already using social media has 90 days from the adoption of this policy to comply with this policy.

2. During emergency situations, the County Judge may request that offices and departments using social media adhere to the County's intent to "speak with one voice" and re-issue only information authorized by the County Judge and/or Emergency Management Coordinator.

3. Following approval, all Hays County social media sites shall be
- a. published using approved County social networking platform and tools; and
  - b. administered by the Department of Information Technology Webmaster or his/her designee. Designees can be any office/department employee or volunteer who has a complete understanding of this policy and has appropriate content and technical experience and is designated by the requesting elected official/department head.

The IT Department will maintain administrative access to each site/account at all times and will be responsible for collecting and assigning all domain names to Hays County social media venues.

4. The County website shall remain the primary and predominant source for Internet information. All social networking sites shall clearly indicate they are maintained by Hays County and shall have Hays County contact information and County seal prominently displayed. Each social networking site must include a link to the official Hays County Web site for forms, documents and other information. Each Hays County social networking site shall include an introductory statement which clearly specifies the purpose and topical scope of the social network site.

5. All Hays County social networking sites shall adhere to applicable state, federal and local laws, regulations and all County policies, including but not limited to Communications, Information Technology and Records Management. Freedom of Information Act and e-discovery laws and policies apply to social media content and therefore content must be able to be managed, stored and retrieved to comply with these laws.

6. Hays County social networking sites are subject to State of Texas public records laws. Relevant records retention schedules apply to social networking content. Records required to be maintained pursuant to a relevant records retention schedule shall be maintained for the required retention period in a format that preserves the integrity of the original record and is easily accessible using the approved County platforms and tools.

- a. Content submitted for posting that is deemed not suitable for posting by a Hays County social networking moderator because it is not topically related to the particular social networking site objective being commented upon, or is deemed prohibited content based on the criteria in Policy Item 7 of this policy, shall be retained pursuant to the records retention schedule along with a description of the reason the specific content is deemed not suitable for posting.
- b. All social network sites and entries shall clearly indicate that any articles and any other content posted or submitted for posting are subject to public disclosure. Each site must link to the County's **Social Media Comments Policy** which is part of this document and will be posted and maintained by the IT Department.

7. Hays County reserves the right to restrict or remove any content that is deemed in violation of this policy or any applicable law. Each office/department is responsible for monitoring postings and taking appropriate action when necessary, to protect general site visitors from inappropriate or technically harmful information and links.

8. Hays County social networking content and comments containing any of the following forms of content shall not be allowed for posting:

- a. Comments not topically related to the particular site or blog article being commented upon;
- b. Profane language or content;
- c. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation;
- d. Sexual content or links to sexual content;
- e. Solicitations of commerce;
- f. Conduct or encouragement of illegal activity;
- g. Information that may tend to compromise the safety or security of the public or public systems; or
- h. Content that violates a legal ownership interest of any other party, including but not limited to drawings, pictures, photos, logos and text.

9. All Hays County social networking moderators shall be responsible for enforcing the terms of this policy, including but not limited to reviewing content submitted for posting to ensure compliance with the policy.

10. County IT security policies shall apply to all social networking sites and articles.

11. County employees authorized to use social media technology shall do so only within the scope defined by their respective County office/department and in compliance with all County policies, practices and use agreements. Employees representing the County government via social media outlets must conduct themselves at all times as a representative of the County and in accordance with all County policies. Employees shall obey all laws, including but not limited to the Hatch Act when using social media.

See Attachment C–Employee Guidance for Participating in Social Networking.

12. Employees found in violation of this policy may be subject to disciplinary action, up to and including termination of employment.

#### **ATTACHMENT A. Definitions**

For the purpose of this Hays County Social Media Policy, the following terms are defined as provided below:

1. Social Media: Social media is content created by individuals using accessible and scalable technologies through the Internet. Examples of social media include Facebook, blogs, MySpace, YouTube, Twitter, LinkedIn, Flickr, etc. Not all social media are approved for use by Hays County at this time. Approved social media include Facebook, Twitter, Nixle, YouTube, LinkedIn, Flickr, Photobucket and Tumblr.
2. Blog: (an abridgment of the term web log) is a Hays County website with regular entries for the purpose of commentary, descriptions of events or other material such as graphics or video.
3. Hays County author: An authorized Hays County employee who creates and is responsible for posted articles and information on social media sites.
4. Article: An original posting of content to a Hays County social media site by a Hays County author.
5. Commenter: A Hays County employee or member of the public who submits a comment for posting in response to the content of a particular Hays County article or other social media content.
6. Comment: A response to a Hays County article or social media content submitted by a commenter.
7. Hays County moderator: An authorized Hays County official/employee who reviews, authorizes and allows content submitted by Hays County authors and public commentators to be posted to a Hays County social media site.

#### **ATTACHMENT B. Social Media Comments Standards Policy**

1. When two-way communications is authorized by the County for a County-approved social media venue:
  - a. Comments submitted by members of the public must be directly related to the content of the articles.
  - b. Submission of comments by members of the public constitutes participation in a limited public forum.
  - c. Hays County moderators shall allow comments that are topically related to the particular article being commented and thus within the purpose of the limited public forum, with the exception of the prohibited content listed in Policy Section 7 above.
  - d. All members of the public who wish to post comments must first be directed to read and accept the Hays County Terms of Use agreement, which will be posted on the Hays County website and Facebook page and accessible via the Notes section of each office/department Facebook page that is authorized to accept comments.
2. Author and Commenter Identification
  - a. All Hays County authors and public commentators shall be clearly identified. Anonymous postings shall not be allowed.
  - b. Enrollment of public commentators shall be accompanied by valid contact information, including a name, address, and email address. Street addresses and phone numbers should NOT be included online.

### 3. Ownership and Moderation

a. The content of each Hays County social media venue shall be the sole responsibility of the office/department producing and using the site.

b. Documents and articles submitted to a Hays County social media venue shall be moderated by an authorized moderator representing the County.

### 4. Social Media Comments & Responses

a. All articles and comments shall be reviewed and approved by an authorized moderator before posting on a Hays County social media site.

b. All articles and comments submitted for posting with attached content shall be scanned using antivirus technology prior to posting.

c. The linked content of embedded hyperlinks within any Hays County articles or comments submitted for posting shall be evaluated by that office/department prior to posting.

d. Any posted hyperlinks shall be accompanied by a disclaimer stating that: Hays County guarantees neither the authenticity, accuracy, appropriateness nor security of the link, web site or content linked thereto.

e. It is strongly recommended that any link be vetted in advance of posting by the Hays County IT Department. Some links contain embedded links that go to material that could be considered objectionable; some link names can be easily confused with previously vetted links, etc.

### **ATTACHMENT C. Employee Guidance for Participating in Social Networking**

Hays County understands that social networking and Internet services have become a common form of communication in the workplace and among stakeholders and citizens. Social networks are online communities of people or organizations that share interests and/or activities and use a wide variety of Internet technology to make the interaction a rich and robust experience. Employees who choose to participate in social networks as a County employee should adhere to the following guidelines:

1. County policies, rules, regulations and standards of conduct apply to employees that engage in social networking activities while conducting County business. Use of your County e-mail address and communicating in your official capacity will constitute conducting County business.
2. All County social networking sites must be authorized by the official/department head of that office/department.
3. Offices/departments have the option of allowing employees to participate in existing social networking sites as part of their job duties. Officials/Department Heads may allow or disallow employee participation in any social networking activities in their offices/departments.
4. Protect your privacy, the privacy of citizens, and the information the County holds. Follow all privacy protection laws, i.e., HIPPA, and protect sensitive and confidential County information.
5. Follow all copyright laws, public records laws, retention laws, fair use and financial disclosure laws and any others laws that might apply to the County or your functional area.
6. Do not cite vendors, suppliers, clients, citizens, co-workers or other stakeholders without their approval in writing/email.
7. If you publish content on any website outside of a Hays County site and it is connected to the work you do or subjects associated with the County, use a disclaimer such as this: "The postings on this site are my own and don't necessarily represent the County's positions or opinions." Do not use your County email address for non-County-approved postings.
8. Do not use ethnic slurs, profanity, personal insults, or engage in any conduct that would not be acceptable in the County's workplace. Avoid comments or topics that may be considered objectionable or inflammatory. See Policy Section 7 for complete information.

9. If you identify yourself as a County employee, ensure your profile and related content is consistent with how you wish to present yourself to colleagues, citizens and other stakeholders.
10. Correct your mistakes, and don't alter previous posts without indicating that you have done so. Frame any comments or opposing views in a positive manner.

## **Social Media Comments Policy**

All Hays County social media sites that are authorized to receive outside comments must link to the County's social media comments policy page using a standardized button available from IT upon approval of two-way commenting. The IT department will maintain this page, the current text is included here for information purposes, and will be updated as necessary. The policy page currently reads as indicated below and will be modified as needed with the approval of the Webmaster, Communications Specialist and County Judge's Office.

*Hays County social media sites are designed to present matters of public interest in Hays County. We encourage you to submit your questions, comments and concerns, but please note that Hays County social media sites are moderated online discussion sites and not public forums.*

*Once posted, Hays County reserves the right to delete submissions that contain vulgar language, personal attacks of any kind, offensive comments that target or disparage any ethnic, racial or religious group or that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, sexual orientation, status with regards to public assistance, national origin or physical or mental disability.*

*Further, the County also reserves the right to delete comments that are spam or include links to other sites, clearly off topic, advocate illegal activity, promote particular services, products or political organizations, infringe on copyright or trademarks, use personally identifiable medical information – we recommend that you not share any medical or other sensitive information on our social media sites.*

*Please note that comments expressed on our social media sites do not reflect the opinions and position of Hays County government or its employees. If you have any questions concerning the operation of any of our online moderated discussion sites, please contact the Communications Specialist at 512-461-2296 or [communicationsspecialist@co.hays.tx.us](mailto:communicationsspecialist@co.hays.tx.us).*



## **Hays County Email Policy**

### **Purpose**

Hays County provides email addresses and capability to its employees who use computers in order to conduct County business internally and externally. The purpose of this policy is to set guidelines and expectations for use of County email addresses and use of County time to send/receive/respond/act on those emails.

This policy goes into effect immediately upon adoption by the Commissioners Court.

### **Policy**

Use of a County email address must be used only for conducting official County business and not for any personal use.

1. Any employee who is authorized to use Internal Group Emails, such as but not limited to Everyone, Department Heads and/or Elected Officials, must have those emails approved beforehand by that employee's Office/Department head, unless that Office/Department head has given that specific employee carte blanche to issue emails on his/her behalf. The Office/Department head, as well as the employee, will be considered responsible for the content of the email. Hays County reminds all employees that all County emails, except those exempted by law, are subject to Open Records requests. It is the responsibility of each Elected Official/Department Head to ensure that all employees under his/her supervision are aware of, understand and adhere to this policy.
2. While Hays County acknowledges that employees will occasionally use County email to communicate internally and externally with business associates in the spirit of camaraderie and teamwork, employees are cautioned to refrain from sending any material that could be considered offensive to any person.
3. Internal and external emails should reflect County business or be directly related to County business or employees. For instance, announcing information about or benefits for County employees or their immediate relatives (as defined by Human Resources policies) are acceptable; information about or benefits for non-profit organizations funded fully or in part by the Hays County Commissioners Court are acceptable; information about or benefits for private business, organizations, schools, etc., are not considered acceptable. When sharing information about a co-worker or co-worker's family member, ensure that person has authorized the sharing of the information.
4. Employees shall obey all local, state and federal laws, including but not limited to the Hatch Act when using County email. Specifically, employees should avoid content that includes:
  - a. Profane language or content,
  - b. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation,
  - c. Sexual content or links to sexual content,
  - d. Solicitations of commerce,
  - e. Conduct or encouragement of illegal activity,
  - f. Information that may tend to compromise the safety or security of the public or public systems, or
  - g. Content that violates a legal ownership interest of any other party.
5. Employees found in violation of this policy may be subject to disciplinary action, up to and including termination of employment.

