

**Commissioners Court -May 3, 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 **3rd day of May, 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**

**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.

1	3	Approve payments of county invoices. <b>HERZOG</b>
2	4-10	Approve Commissioners Court Minutes of April 26, 2011. <b>COBB/GONZALEZ</b>
3	11-12	Amend and modify resolution of the Hays County Commissioners Court regarding ex officio Road Commissioners and Right of Way acquisitions. <b>COBB/CONLEY</b>
4	13-15	Amend Budget of District Attorney for DNA expert witness/testing from Contingencies in General Fund. <b>COBB/KENNEDY</b>

**ACTION ITEMS**

**SUBDIVISIONS**

5	16-17	11-4-6 Resubdivision of a portion of Lot 2, Block E, Hurlbut Ranch East (2 lots). Hold public hearing; discussion and possible action to approve final plat. <b>WHISENANT/BOTKIN</b>
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**MISCELLANEOUS**

6	18	Discussion and possible action to allow staff members from the Juvenile Probation Department to occupy office space in the Personal Health Department building located at 150 Lockhart St., Kyle TX, in Precinct 2. <b>JONES</b>
7	19-47	Discussion and possible action to authorize the County Judge to execute an Interlocal Agreement Between the City of Buda, Texas and Hays County, Texas for the Improvements of Buda Skate Park and Bradfield Park, Public Properties Owned by the City of Buda, Texas. <b>JONES</b>
8	48-64	Discussion and possible action to finalize changes to the Hays County Development Regulations. <b>CONLEY/GARZA</b>
9	65-70	Discussion and possible action to authorize the County Judge to execute a Letter of Intent for the Personal Health Department (PHD) to enter into contract negotiations with Seton Health Plan for Provision of Services to Health and Human Services Commission (HHSC) HMO members. <b>INGALSBE/HARGRAVES</b>
10	71-72	Discussion and Possible action to disburse \$15,000 from the LCRA Service Fee Fund to the Coalition of Central Texas Utilities Development Corporation, as Hays County's contribution toward the costs of due diligence related to the LCRA divestiture. <b>WHISENANT</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.

11	73	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 Right of Way acquisition on a portion of Lot 1, Hays County Law Enforcement Center Addition (a.k.a. "Parcel 3 Old Plant Project"). Possible action may follow in open court. <b>COBB/INGALSBE</b>
12	74	Executive Session pursuant to Section 551.074, Texas Government Code, to interview, discuss and deliberate the appointment/employment of a Veteran Services Officer. Action may follow in open court. <b>COBB</b>

### STANDING AGENDA ITEMS

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

13	Discussion and possible action related to the burn ban. <b>COBB/CHAMBERS</b>
14	Discussion of issues related to proposed capital construction projects in Hays County, including but not limited to the government center; precinct offices; Resources Protection Transportation and Planning Department; and space needs projections for the Hays County Jail and related criminal justice analysis. Possible action may follow. <b>INGALSBE</b>
15	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>
16	Presentations by Department Heads to update and inform the Commissioners Court of department structure, performance, and goals. <b>COBB/BAEN</b>
17	Discussion and possible action to approve hiring, transfer and/or promotion of vacant position(s). The intent of the standing agenda item is to recognize deadline restraints and remove barriers or bottlenecks for hiring managers when presenting to Commissioners Court key positions they feel are needed to be filled. <b>COBB/BAEN</b>
18	Discussion of material relating to the Hays County Water and Wastewater Authority and/or the LCRA divestiture. <b>WHISENANT</b>

### ADJOURNMENT

Posted by 5:00 o'clock P.M. on the 29<sup>th</sup> day of April, 2011

**COMMISSIONERS COURT, HAYS COUNTY, TEXAS**

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**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**

2:00 p.m. Every Wednesday

**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 payment of county invoices.**

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

**PREFERRED MEETING DATE REQUESTED: 5/3/11**

**AMOUNT REQUIRED: None**

**LINE ITEM NUMBER OF FUNDS REQUIRED: As attached.**

**REQUESTED BY: Auditor's Office**

**SPONSORED BY: Bill Herzog**

**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: APPROVE COMMISSIONER COURT MINUTES APRIL 26, 2011.**

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

**PREFERRED MEETING DATE REQUESTED: MAY 3, 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 26<sup>TH</sup> DAY OF APRIL A.D., 2011, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor David Skinner 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 3 Darrell Ayres, Sam Brannon San Marcos resident made public comments.

#### **28003 ADOPT A PROCLAMATION IN RECOGNITION OF TEXAS DISPOSAL SYSTEMS**

A motion was made by Commissioner Jones, seconded by Commissioner Conley to adopt a Proclamation in recognition of Texas Disposal Systems. All voting "Aye". MOTION PASSED

#### **28004 APPROVE PAYMENTS OF COUNTY INVOICES**

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$2,814,619.14 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

#### **28005 APPROVE COMMISSIONERS COURT MINUTES OF APRIL 19, 2011**

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve Commissioners Court Minutes of April 19, 2011 as presented by the County Clerk. All voting "Aye". MOTION PASSED

#### **28006 APPROVE REDIRECTION OF FUNDS IN THE PUBLIC HEALTH EMERGENCY RESPONSE (PHER) CONTRACT AND AMEND THE BUDGET ACCORDINGLY**

The Texas Department of State Health Services (DSHS) has allowed the local health departments, including the Personal Health Department, to submit amended budgets redirecting funds in the PHER grant. The remaining funds may then be used to purchase needed emergency response items before the end of the contract period. The contract period ends July 31, 2011. There is no change to the grant amount. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve redirection of funds in the Public Health Emergency Response (PHER) contract and amend the budget accordingly. All voting "Aye". MOTION PASSED

#### **28007 ACCEPT DONATION FROM THE BURDINE JOHNSON FOUNDATION FOR THE HISTORICAL JAIL RESTORATION PROJECT AND AMEND THE BUDGET FOR USE OF THOSE FUNDS FOR DIRECT EXPENSES RELATED TO THE PROJECT**

The Historical Commission has received a donation for the Historical Jail Restoration Project from the Burdine Johnson Foundation. These funds will be used for the fundraising event and construction costs. Amount required is \$100,000.00(144-676-00.4610). A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to accept donation from the Burdine Johnson Foundation for the Historical Jail Restoration Project and amend the budget for use of those funds for direct expenses related to the project. All voting "Aye". MOTION PASSED



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**28008 APPROVE OUT OF STATE TRAVEL FOR DEPUTY JEFF JORDON TO ATTEND THE PEACE OFFICER MEMORIAL SERVICE IN WASHINGTON D.C.**

At the National Peace Officer Memorial Service in Washington D.C, Hays County Deputy Sheriff Henry C. Banks will be added to the National Law Enforcement Officer's Memorial on May 13, 2011. Deputy Banks was shot and killed on November 16, 1873. Deputy Jeff Jordan will be representing Hays County and the Banks family during Police Week. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve out of state travel for Deputy Jeff Jordon to attend the Peace Officer Memorial Service in Washington D.C. All voting "Aye". MOTION PASSED

**28009 AMEND BUDGET OF COUNTYWIDE OPERATIONS IN GENERAL FUND FOR LEGAL SERVICES**

Hays County has exhausted the legal services line and requires additional funds, to come from Contingencies (the collective bargaining portion), partial savings in salary adjustment, part self insurance, and savings in longevity fringe. Amount required \$160,000.00 to 001-645-00.5441 Legal Services. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to amend budget of Countywide Operations in General fund for Legal Services. All voting "Aye". MOTION PASSED

**28010 VILLEGAS ACRES SUBDIVISION [10-2-45 - 2 LOTS] APPROVE PRELIMINARY PLAN**

Clint Garza Director of Development Services gave staff recommendation. The Villegas Acres Subdivision is a proposed subdivision of 2.00 acres of land located off Mathias Lane in Precinct 2. The division will consist of two 1 acre lots. Lot 1 is served by an existing Goforth Water Supply connection and on-site sewage facility. Lot 2 will also be served by public water and OSSF at the time of development. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve preliminary plan of Villegas Acres Subdivision. All voting "Aye". MOTION PASSED

**28011 APPROVE THE APPOINTMENT JOHN ESTEPP ON THE HAYS COUNTY PARKS BOARD TO REPLACE THAD NANCE AS A VACANT PCT. 3 POSITION**

This is an appointment to a vacant position for Precinct 3. John Estepp will be replacing Thad Nance. A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve the appointment John Estepp on the Hays County Parks Board to replace Thad Nance as a vacant Pct. 3 position. All voting "Aye". MOTION PASSED

**28012 GRANT DEVELOPMENT AUTHORIZATION TO MELISSA MACEO, OWNER OF LOT 1 IN THE DARLINGS HILL SUBDIVISION; PROVIDE GUIDANCE TO STAFF REGARDING FUTURE DEVELOPMENT AUTHORIZATIONS IN DARLINGS HILL SUBDIVISION**

Clint Garza Director of Development Services spoke of a plat restriction and the need for a Joint Maintenance Agreement. Melissa Maceo has submitted an application for development permits including flood hazard area and OSSF. Upon review of the application staff found, if permitted, the property owner would be in violation a plat restriction in the subdivision. The plat note restricts development to one single-family residence per lot. This restriction was put in place because the subdivision is served by a shared access driveway and a condition for plat approval is the limitation on future development on those lots. The purpose for the restriction is to ensure future lot owners adequate access to their homes and limit the wear on each driveway. Ms Maceo wishes to build three small cabins as part of a "bed and breakfast or wellness retreat". Specifically Chapter 715.4.01 prohibits permitting on any parcel unless all regulations are met. The proposed development does not meet regulations as submitted; therefore staff will follow the direction of the court. All future development authorizations within the Darlings Hill Subdivision will be brought back to Commissioners Court for consideration. A motion was made by Commissioner Conley, seconded by Commissioner Jones to grant development authorizations to Melissa Maceo, owner of Lot 1 in the Darlings Hill Subdivision; provide guidance to staff regarding future development authorizations in Darlings Hill Subdivision. All voting "Aye". MOTION PASSED



- 28013 ACCEPT A PETITION FOR THE CREATION OF A "COALITION OF CENTRAL TEXAS UTILITIES DEVELOPMENT CORPORATION"; APPROVING THE ARTICLES OF INCORPORATION, BYLAWS, AND DIRECTORS OF SAID CORPORATION; AND AUTHORIZING THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL COOPERATION AGREEMENT BETWEEN HAYS COUNTY, THE CITY OF LEANDER, AND THE CITY OF BEE CAVE RELATED TO LCRA'S INTENT TO SELL ITS WATER AND WASTEWATER SYSTEMS**

Per the Court's open meeting discussion on April 12, 2011 and April 19, 2011, this item considers the County's participation in a coalition of local governments that are interested in receiving information related to bidding for the local water and wastewater utilities, systems, and facilities recently advertised by the Lower Colorado River Authority (LCRA). This contemplated action must be made pursuant to the request of 3 Hays County citizens. It would establish Commissioner Ray Whisenant as one board member on the corporation that would act under the Interlocal Agreement between the collaborating local governmental entities. Sam Brannon San Marcos resident, and Barbara Hopson Hays County resident made public comments. A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to accept a petition for the creation of a "Coalition of Central Texas Utilities Development Corporation"; approving the Articles of Incorporation, Bylaws, and Directors of said corporation; and authorizing the County Judge to execute an Interlocal Cooperation Agreement between Hays County, the City of Leander, and the City of Bee Cave related to LCRA's intent to sell its water and wastewater. All voting "Aye". MOTION PASSED

- 28014 UPDATE FROM STAFF REGARDING NEWLY ADOPTED HAYS COUNTY OSSF RULES; ACTION TO ENACT A GRACE PERIOD FOR ENFORCEMENT FOR PORTIONS OF THOSE RULES**

Clint Garza Director of Development Services spoke. The Texas Commission on Environmental Quality granted final approval for Hays County's new order for On-Site Sewage Facilities. The effective date of the rules is April 7, 2011, however a portion on the rules requires mandatory maintenance for all advanced OSSF's within the county. Staff will notify every affected homeowner: there are over 7,600 of these systems in the county. For many, the initial notification will be the first they have heard of these requirements therefore staff would like a grace period to ease the transition for citizens not currently under contract. Staff also requested guidance to allow homeowner's to maintain their own system on a case by case basis as long as the homeowner obtained the appropriate licensure. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to grant a grace period for enforcement for portions of those rules to have all new contracts with licensed maintenance providers submitted to Hays County by September 1, 2011 and all homeowners obtaining certifications to maintain their own systems do so by December 1, 2011. Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley and Judge Cobb voting "Aye". Commissioner Whisenant abstained. MOTION PASSED

- 28015 DECLARE AN EMERGENCY AND AMEND THE INDIGENT HEALTH CARE BUDGET TO PROVIDE ADDITIONAL FUNDING FOR INDIGENT MEDICAL SERVICES AS WELL AS PRESCRIPTIONS**

Hays County has budgeted \$375,000 for medical services and \$275,000 for prescriptions. The County has estimate that an additional \$400,000 will be needed for medical services and an additional \$50,000 will be needed for prescriptions for the remainder of the fiscal year. The county will need to amend the budget to obtain funds from the County's reserves. Amount required \$450,000 (120-675-06.5231 \$50,000; 120-675-06.5431 \$400,000). A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to declare an emergency and amend the Indigent Health Care budget to provide additional funding for indigent medical services (\$400,000) as well as prescriptions (\$50,000) with funds to come out of Contingencies. All voting "Aye". MOTION PASSED

- 28016 APPROVE THE CONTINUATION OF THE LOCAL DISASTER DECLARATION IMPLEMENTED BY THE COUNTY JUDGE UNDER CHAPTER 418 OF THE TEXAS GOVERNMENT CODE ON OR ABOUT APRIL 25, 2011 AND TO MAKE THE PENALTY FOR VIOLATING THE JUDGE'S PROCLAMATION UNDER THE DISASTER DECLARATION A CLASS C MISDEMEANOR**

Mark Chambers Hays County Fire Marshal explained the potential fire hazard and the long range forecast. While fireworks are not normally an issue related to burn bans during this time of the year, recent reports of fireworks use in Northwestern Hays County have caused great concern for public safety, as drought conditions and other aggravating weather conditions have greatly increased the likelihood of wildwood. The local disaster declaration under Chapter 418 Texas Government Code was the quickest mean for dealing with the issue. However, Section 418.108 declares that the County Judge's order cannot be held in place for longer the 7 days without consent of the Commissioners Court. The County Judge, the Fire Marshall, and the Emergency Management Coordinator request consent of the Court to continue this prohibition against the use of fireworks until weather conditions have improved and the risk of wildfire is reduced. A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve the Continuation of the Local Disaster Declaration implemented by the County Judge under Chapter 418 of the Texas Government Code on or about 25, 2011 and to make the penalty for violating the Judge's Proclamation under the Disaster Declaration a Class C Misdemeanor. All voting "Aye". MOTION PASSED



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**28017      APPROVE THE APPOINTMENTS OF COMMISSIONER WHISENANT, JUDGE COBB AND CLINT GARZA AS NEW BOARD MEMBERS OF THE HAYS COUNTY WATER & SEWER AUTHORITY**

In 2000, the Commissioners Court resolved to establish a Hays County Water and Sewer Authority. The initial board members were the Hays County Judge (Jim Powers), Precinct 4 Commissioner (Russ Molenaar), and the Director of Environmental Health (Allen Walther). Since none of those individual board members are still seated in the offices, it is now necessary to reconstitute the Authority's board. A motion was made by Commissioner Jones, seconded by Commissioner Conley to appoint Commissioner Whisenant, Judge Cobb and Clint Garza as new Board members of the Hays County Water & Sewer Authority. Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley and Commissioner Whisenant voting "Aye". Judge Cobb abstained. MOTION PASSED

**WORKSHOP AND UPDATE FROM JIMMY SKIPTON, PRESIDENT OF HAYS TRINITY GROUNDWATER DISTRICT**

Jimmy Skipton President of the Hays Trinity Groundwater District spoke of a Resolution that was passed yesterday about bringing groundwater into Hays County. Mark Key Secretary of the Hays Trinity Groundwater District spoke. Hays Trinity Groundwater District's mission is to conserve, preserve, recharge and prevent waste of groundwater within western Hays County. In support of the District's mission, they provide educational materials and information about their water resources. HTGD provides assistance with Conservation, General Water Conservation, Rainwater Harvesting, Landscape Irrigation and Energy Starr appliance guide. The Hays Trinity Groundwater Conservation District consists of 2 Regions that rely on different measures for determining drought status. The northern region, Region K, drought status is determined by the Pedernales River discharge rate and the Henly Church well water level. The southern region, Region L, drought status is determined by the Blanco River discharge rate, Jacob's well discharge rate and the Mt. Baldy well water level. Chapter 36.0015 says: "Groundwater Conservation Districts created as provided by this chapter are the state's preferred method of groundwater management." Linda Kaye Rogers Wimberley resident, Jack Hollon Wimberley resident, David Glenn Wimberley resident, Winton Porterfield San Marcos resident, Dianne Wassenich San Marcos resident and Pokey Rehmet Wimberley resident made public comments.

**WORKSHOP PRESENTED BY CERT (COMMUNITY EMERGENCY RESPONSE TEAM) TO THE COMMISSIONERS COURT**

Community Emergency Response Team (CERT) Director Roster includes: Roger Parker, Search & Rescue; Bill Coffman, Finance; Cathy Kubica, Training; Gordon DeWitte, Logistics; and Mike Wilmore, Operations & Communications. CERT has been serving Hays County citizens and first responders since February 2003. Origins: Arm of Department of Homeland Security (DHS) & Federal Emergency Management Agency (FEMA), authorized by Hays County Judge in February 2003, unanimously adopted by Commissioners Court in April 2003. The mission of CERT is service to the community: to provide information on disaster preparedness; provide support for Hays County first responders and provide leadership and coordination for emergency response volunteers. County-wide coverage via 4 area teams- North, South, East, West, plus search & rescue team. Fire Fighter & Office of Emergency Management (OEM) support. Assist Fire Departments with Fires & Floods, rehab, missing person searches, volunteer supervision. Manage & man Emergency Shelters. EMS support - assist EMS with first aid, traffic safety, volunteer supervision, and triage. Hays County CERT resources include 88 trained volunteer members. CERT may be requested via Dispatch and have 2 points of contact always available, Dispatch has additional contacts, Pinpoint items needed (rehab, bus, mule & any other needs), request as early as possible. Ken Strange of Kyle made a public comment.

**WORKSHOP AND PRESENTATION BY JEFFREY S. WARD AND ASSOCIATES, INC. ON THE ELEMENTS AND STATUS OF REVISIONS TO THE HAYS COUNTY HAZARD MITIGATION PLAN**

In November of 2010, the Commissioners Court authorized entering into contract with Jeffrey S. Ward & Associates, Inc. for revisions to the Hays County Hazard Mitigation Plan. This plan must be updated every five years to maintain eligibility for various FEMA grant programs as well as requirements for the Hays County Emergency Management Office. The consultant will discuss the components of the Hazard Mitigation Plan and status of the progress being made towards completion. Input will also be taken on various strategies and actions to address and minimize hazards within the county.





**28018 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.076 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING SECURITY DEVICES AND PERSONNEL AT THE HAYS COUNTY GOVERNMENT CENTER**

Court convened into closed executive session at 3:00 pm and reconvened into open court meeting at 4:20 pm. In attendance in Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant, Commissioner Conley, Special Counsel Mark Kennedy, Hays County Auditor Bill Herzog, Sheriff Gary Cutler, Chief Jamie Paige, Captain Mike Davenport, and Robert Hinkle of Broadus & Associates. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the Sheriff's Office to hire 10 people for Security at the new Government Center with four of them being Peace Officers and six as Correction Officer's and some of this money is already budgeted and additional monies will come from amount budgeted for Security and to amend the budget accordingly, this position will be posted immediately and funding will be effective June 1, 2011. All voting "Aye". **MOTION PASSED**

**Clerk's Note Agenda Item #20 RE:** EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE PURCHASE, EXCHANGE, OR VALUE OF REAL PROPERTY RELATED TO RIGHT OF WAY ACQUISITION ON RANCH ROAD 12 - was pulled

**EXECUTIVE SESSION PURSUANT TO SECTION 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING RIGHT OF WAY ACQUISITION OF CR 266 AKA OLD BASTROP HWY IN PRECINCT 1**

Court convened into closed executive session 2:27 pm and reconvened into open court meeting at 2:47 pm. In attendance in Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy, Jerry Borcharding Director of Transportation, Lori Bible and Mike Aulick. No action taken at this time.

**EXECUTIVE SESSION PURSUANT TO §551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING THK, L.L.C VS. HAYS COUNTY AND PENDING LITIGATION RELATED THERETO**

Court convened into closed executive session 4:21 pm and reconvened into open court meeting at 4:34 pm. In attendance in Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy. No action taken at this time.

**ACTION RELATED TO THE BURN BAN**

At this time the burn ban will remain in effect in Hays County.

**Clerk's Note Agenda Item #24 RE:** DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; PRECINCT OFFICES; RESOURCES PROTECTION TRANSPORTATION AND PLANNING DEPARTMENT; AND SPACE NEEDS PROJECTIONS FOR THE HAYS COUNTY JAIL AND RELATED CRIMINAL JUSTICE ANALYSIS. POSSIBLE ACTION MAY FOLLOW - was pulled

**Clerk's Note Agenda Item #25 RE:** DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR. POSSIBLE ACTION MAY FOLLOW - was pulled

**Clerk's Note Agenda Item #26 RE:** PRESENTATIONS BY DEPARTMENT HEADS TO UPDATE AND INFORM THE COMMISSIONERS COURT OF DEPARTMENT STRUCTURE, PERFORMANCE, AND GOALS- was pulled

**28019 APPROVE THE HIRING OF 3 LINE STAFF PERSONNEL IN THE JUVENILE DETENTION CENTER AND APPROVE THE HIRING OF AN ASSISTANT IN THE PURCHASING DEPARTMENT**

Brett Littlejohn Director of the Juvenile Detention Center spoke of need to hire 3 line staff personnel. A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve the hiring of 3 line staff personnel for the Juvenile Detention Center. All voting "Aye". **MOTION PASSED**  
Cindy Maiorka Purchasing Agent spoke of need to hire another person in the Purchasing Office. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve the hiring of a Purchasing Specialist in the Purchasing Department. All voting "Aye". **MOTION PASSED**



APRIL 26, 2011

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**Clerk's Note Agenda Item #28 RE:** *DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND WASTEWATER AUTHORITY AND/OR THE LCRA DIVESTITURE* – was pulled

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


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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 APRIL 26, 2011.



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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

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

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

**AGENDA ITEM:** Amend and modify resolution of the Hays County Commissioners Court regarding ex officio Road Commissioners and Right of Way acquisitions.

**TYPE OF ITEM:** CONSENT

**PREFERRED MEETING DATE REQUESTED:** May 3, 2011

**AMOUNT REQUIRED:** N/A

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

**REQUESTED BY:** COBB/CONLEY

**SPONSORED BY:** COBB/CONLEY

**SUMMARY:** Modification will provide greater latitude for county representatives and streamline the ROW negotiation process.



**1<sup>st</sup> AMENDED AND RESTATED RESOLUTION REGARDING  
AUTHORITY OF EX OFFICIO ROAD COMMISSIONERS**

STATE OF TEXAS           §  
COUNTY OF HAYS       §

**WHEREAS**, Hays County is experiencing continued growth and plans to accommodate that growth, in part, by making county-wide road improvements to enhance safety and mobility; and

**WHEREAS**, the Hays County Commissioners Court has identified a large number of active road projects by way of 1) a Pass Through Toll Agreement between Hays County and the Texas Department of Transportation 2) a declaration of "Priority Roads," both of which were included in a bond proposition that was passed by the citizens of Hays County on or about the 4<sup>th</sup> day of November, 2008 and 3) road improvements to Dacy Lane in Precincts 1 and 2; and

**WHEREAS**, the Hays County Commissioners are also *Ex Officio* Road Commissioners and may act with any and all authority granted to them by the Hays County Commissioners Court; and

**WHEREAS**, the Hays County Commissioners Court has determined that granting greater autonomy to *Ex Officio* Road Commissioners in the management and oversight of road projects in their respective precincts would streamline the efficiency of road projects and save on project costs; and

**WHEREAS**, the Hays County Commissioners Court wishes to amend and restate the resolution of Commissioners Court regarding this matter, last passed on or about January 25, 2011;

**NOW, THEREFORE, BE IT RESOLVED** that the Hays County Commissioners, acting in their capacity as *Ex Officio* Road Commissioners, are hereby authorized to perform the following duties related to roads in their respective precincts:

- 1) Determine the priority and sequence of road-related projects, based on the Commissioner's assessment of road conditions, with input from Hays County staff and consultants;
- 2) Execute work authorizations for any road-related contracts that have been approved by the Hays County Commissioners Court;
- 3) Authorize the payment of invoices for road-related projects (such authorization to be received by the Hays County Auditor); and
- 4) Authorize Change Orders for road-related projects, as long as the Change Order does not exceed a value of twenty-five thousand dollars (\$25,000 USD) and does not increase the total contract amount by more than ten percent (10%) or decrease the total contract amount by more than twenty percent (20%);
- 5) Negotiate the terms and conditions of Right of Way acquisition, granted that the decision to file suit for Right of Entry, Condemnation, or other acquisition-related matters shall remain the prerogative of the Hays County Commissioners Court.
- 6) Coordinate the execution of Closing documents and/or Possession and Use Agreements by the Hays County Judge, which shall first be approved and cosigned by the Commissioner, the County Auditor, and legal counsel; and which are hereby authorized up to an amount equal to the estimated market value of the acquisition property plus not more than \$5,000.
- 7) Exercise any and all other powers granted to them by the Hays County Commissioners Court or otherwise granted to them by law.

None of the above provisions shall be construed to grant a Commissioner the authority to expand the budget or substantially expand the scope of a road-related project that has already been considered and approved by the Commissioners Court.

**RESOLVED, ORDERED, AND DECLARED** this the 3<sup>rd</sup> day of May, 2011.

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

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

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

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

\_\_\_\_\_  
Ray Whisenant  
County 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 Fax (512) 393-2282

**AGENDA ITEM: Amend Budget of District Attorney for DNA expert witness/testing from Contingencies in General Fund**

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

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

**PREFERRED MEETING DATE REQUESTED: May 2, 2011**

**Amount Required: \$ 30,000.00**

**LINE ITEM NUMBER OF FUNDS REQUIRED: to 001-607-00.5436 Expert Witness Expense**  
**from 001-645-00.5399 Countywide**  
**Contingencies**

**REQUESTED BY: Mark Kennedy/Auditors Office**

**SPONSORED BY: Cobb**

#### **SUMMARY:**

**Budget of D.A.'s Expert Witness is \$5,000 for FY11. It is estimated that an additional \$30,000 will be needed for upcoming murder trial.**

**See Budget Amendment**

# Agenda Item Routing Form

**DESCRIPTION OF Item:** Amend Budget of District Attorney for DNA expert witness/testing from Contingencies in General Fund

**PREFERRED MEETING DATE REQUESTED:** May 3, 2011

## COUNTY AUDITOR

**AMOUNT:** \$30,000.00

**LINE ITEM NUMBER:** to 001-607-00.5436 Expert Witness Expense  
from 001-645-00.5399 Countywide Contingencies

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

**PAYMENT TERMS ACCEPTABLE:** N/A

**COMMENTS:** Contingencies is the suggested line item to transfer the needed funds.

Bill Herzog

## SPECIAL COUNSEL

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

**COMMENTS:**

## COUNTY JUDGE

*Signature Required if Approved*

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

FUND NO. 001  
FUND TITLE: GENERAL FUND

		Appropriation before <u>Amendment</u>	<u>Amendment</u> <u>Increases</u>	<u>Decreases</u>	Appropriation as <u>Amended</u>
<u>Line Item Expenditures</u>					
<u>District Attorney (607):</u>					
01-607-00.5346	Expert Witness	5,000	30,000		35,000
<u>Countywide Operations (645):</u>					
001-645-00.5399	Contingencies	88,200		(30,000)	58,200

Transfer for DNA expert cost to District Atty.

## *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:**

**11-4-6 Resubdivision of a portion of Lot 2, Block E, Hurlbut Ranch East (2 lots). Hold public hearing; discussion and possible action to approve final plat.**

**TYPE OF ITEM: ACTION**

**PREFERRED MEETING DATE REQUESTED: May 3, 2011**

**AMOUNT REQUIRED: N/A**

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

**REQUESTED BY: Roxie Botkin**

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

**SUMMARY:**

**The Hurlbut Ranch East Subdivision is a recorded subdivision located in northern Precinct 4. The subdivision was originally platted in 1984 with 19 lots. There are currently 23 taxable parcels on the CAD records. As platted, Lot 2 Block E consists of 228.167 acres. The proposed configuration will divide a 138.229 acre portion of Lot 2 into 2 new lots (Lot 2A: 37.800ac; Lot 2B: 100.429 ac). There is an existing conservation easement on the property which will prohibit any further development of lot 2B. Lot 2A will be served by an on-site sewage facility and private water well.**

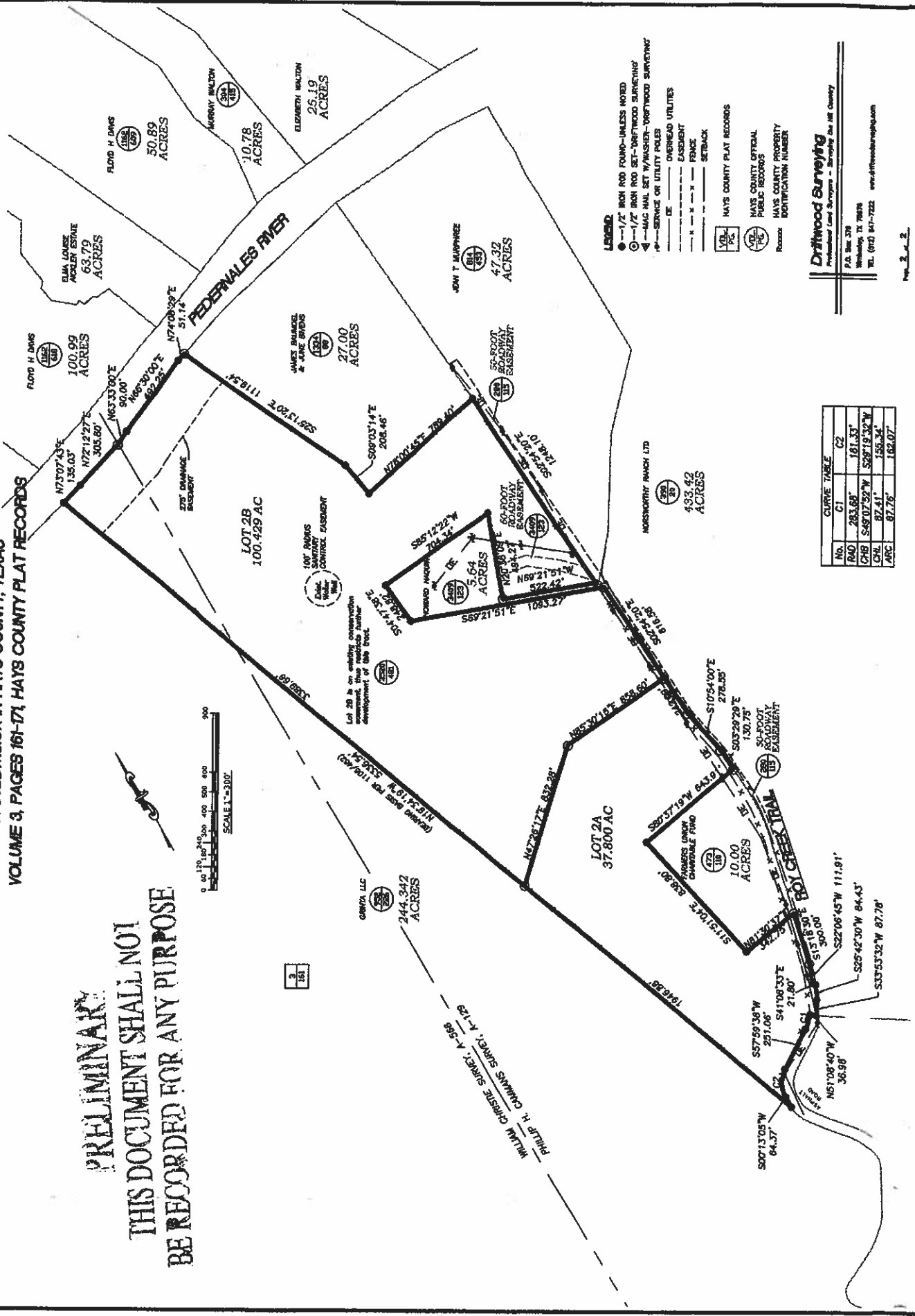


# RESUBDIVISION OF A PORTION OF LOT 2, BLOCK B, HURLEBUT RANCH EAST

A SUBDIVISION IN HAYS COUNTY, TEXAS

VOLUME 3, PAGES 161-171, HAYS COUNTY PLAT RECORDS

**PRELIMINARY**  
THIS DOCUMENT SHALL NOT  
BE RECORDED FOR ANY PURPOSE



- LEGEND**
- 1/2" IRON ROD FOUND-UNLESS NOTED
  - 1/2" IRON ROD SET-DRAFTWOOD SURVEYING
  - 1/2" IRON ROD SET-WYOMING-DRAFTWOOD SURVEYING
  - SERVICE OR UTILITY POLES
  - OVERHEAD UTILITIES
  - EASEMENT
  - FENCE
  - SETBACK
  - HAYS COUNTY PLAT RECORDS
  - HAYS COUNTY OFFICIAL PUBLIC RECORDS
  - HAYS COUNTY PROPERTY IDENTIFICATION NUMBER

**Driftwood Surveying**

Professional Land Surveyors - Surveying Our 18th Century  
P.O. Box 378  
Whitby, TX 78678  
TEL. (817) 841-7222 www.driftwoodsurveying.com

CURVE TABLE			
No.	C1	C2	
RAO	283.68'	181.53'	
CHB	S46°07'59"W	S28°19'32"W	
CHL	87.41'	155.54'	
ARC	87.76'	162.07'	

## *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 allow staff members from the Juvenile Probation Department to occupy office space in the Personal Health Department building located at 150 Lockhart St., Kyle, TX, in Precinct 2.**

#### **TYPE OF ITEM: ACTION**

**PREFERRED MEETING DATE REQUESTED: May 2, 2011**

**AMOUNT REQUIRED: N/A**

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

**REQUESTED BY: Shelly Williams/Priscilla Hargraves/Commissioner Precinct 2 Mark Jones**

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

#### **SUMMARY:**

At this time, the Juvenile Probation Department lacks adequate office space to conduct business and provide services. The Personal Health Department has offered to allow staff members from Juvenile Probation to use office space that is available in the building located at 150 Lockhart St., Kyle, TX, in Precinct 2. Currently, the Health Department uses the building to provide services two days a week, Monday and Tuesday. Therefore, the Juvenile Probation Department would be allowed to use the vacant office space three days a week, Wednesday to Friday.

## *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 Interlocal Agreement Between the City of Buda, Texas and Hays County, Texas for the Improvements of Buda Skate Park and Bradfield Park, Public Properties Owned by the City of Buda, Texas.

**TYPE OF ITEM:** ACTION

**PREFERRED MEETING DATE REQUESTED:** May 3, 2011

**AMOUNT REQUIRED:** \$450,000.00

**LINE ITEM NUMBER OF FUNDS REQUIRED:**

**REQUESTED BY:** JONES

**SPONSORED BY:** JONES

**SUMMARY:** In December 2010, after review of a proposal and recommendation by the Parks and Open Space Advisory Board, the Commissioners Court allocated \$450,000 toward the Buda Skate Park and Bradfield Park. This Interlocal Agreement represents the terms and conditions of that commitment and provides for payment of County Parks Bond monies to the City of Buda.

# Agenda Item Routing Form

**DESCRIPTION OF Item:** Discussion and possible action to authorize the County Judge to execute an Interlocal Agreement Between the City of Buda, Texas and Hays County, Texas for the Improvements of Buda Skate Park and Bradfield Park, Public Properties Owned by the City of Buda, Texas.

**PREFERRED MEETING DATE REQUESTED:** May 3, 2011

## COUNTY AUDITOR

**AMOUNT:** \$450,000.00

**LINE ITEM NUMBER:** 150-812-97-418 Buda Skate Park \$140,000

150-812-97-419 Bradfield Park \$310,000

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

**PAYMENT TERMS ACCEPTABLE:** N/A

**COMMENTS:**

Bill Herzog

## SPECIAL COUNSEL

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

**COMMENTS:**

## COUNTY JUDGE

*Signature Required if Approved*

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

**INTERLOCAL AGREEMENT BETWEEN THE CITY OF BUDA, TEXAS AND HAYS  
COUNTY, TEXAS FOR THE IMPROVEMENTS OF BUDA SKATE PARK AND BRADFIELD  
PARK, PUBLIC PROPERTIES OWNED BY THE CITY OF BUDA, TEXAS**

This Agreement is made and entered into by Hays County, a political subdivision of the State of Texas (“County”) and the City of Buda, Texas, a general-law municipality (“City”) under the authority of Chapter 791, of the Texas Government Code.

For and in consideration of the mutual agreements herein exchanged, County and City hereby contract as follows:

**I. Purpose and Legal Authority.**

- 1.1 The purpose of this Agreement is to provide for the design, bidding, and construction of various park improvements at the Buda Skate Park and Bradfield Park properties used for park, recreation and/or conservation purposes and owned by the City. The Properties are located within the corporate limits of the City of Buda. Legal descriptions of the Properties are attached hereto as Exhibit “C-1” (for Buda Skate Park) and “C-2” (for Bradfield Park). Improvements to the Projects are described in Exhibits “A-1” (for Buda Skate Park) and “A-2” (for Bradfield Park), attached hereto and incorporated herein by reference and referred in this Agreement as “the Projects.” The proposed locations of the Projects improvements are depicted on the Site Plans attached as Exhibits “B-1” (for Buda Skate Park) and “B-2” (for Bradfield Park). As more specifically provided herein, the County is providing Bond Funds and the City is providing Matching Funds for improvement of the Projects. City and County, as units of local government, are authorized by §791.011 of the Texas Government Code to contract with each other to perform certain governmental functions and services. As defined in §791.003 of the Texas Government Code, such governmental functions and services include parks and recreation.
- 1.2 The County’s obligations under this Agreement include, after the performance of certain conditions precedent as cited in Section VI of this Agreement, the funding of some the

and/or conservation area, from the proceeds of bonds issued with the approval of the voters of Hays County, Texas, at an election held on May 12, 2007 (the “Bond Funds”), authorizing the issuance of general obligation bonds in the amount of \$30,000,000.00 for “parks, natural areas, open space, and related projects, and the preservation of water quality, aquifer recharge areas, and wildlife habitat.”

- 1.3 All of the duties and obligations of the County and the City under this Agreement shall be performed from lawfully available current revenues.
- 1.4 This Agreement has been approved by the Hays County Commissioners Court and the Buda City Council as required by §791.011 of the Texas Government Code.

## **II. Term of Agreement.**

- 2.1 This Agreement is made for a term beginning on the 3<sup>rd</sup> day of May 2011, and shall remain in effect until the Projects have been completed and final payment to the contractor(s) has been made by the City as provided in Section 4.4 below. This Agreement shall terminate on April 30, 2014, at which time any monies provided by the County under this Agreement and not expended by the City for the purposes described herein shall be returned to the County.
- 2.2 Failure to perform improvements within the time period stipulated in this Agreement will result in the unused portion of the County funds contributed under this Agreement being returned to the County.

## **III. City’s Duties – General**

- 3.1 City staff shall prepare bid documents and construction contract(s) (whether one or more, the “Construction Contract”), and shall comply with all applicable federal and state laws and city ordinances regarding the award of contract(s) for construction and improvement of the Projects.
- 3.2 In consideration of County’s obligations under this Agreement, City shall:

- a. provide funds (including grant funds from other sources), real property, and/or in-kind funds, the value of which shall equal or exceed Four-Hundred-and-Fifty Thousand Dollars (\$450,000.00 USD), which shall represent funds that match County's contribution of funds under this Agreement ("Matching Funds"). Said Matching Funds are further described in Section 4.5 of this Agreement.
- b. in any Construction Contract executed for improvement of the Projects, require a payment bond for contracts in excess of Fifty Thousand dollars (\$50,000.00 USD), a performance bond for contracts in excess of One Hundred Thousand dollars (\$100,000.00 USD), insurance, and all other terms and conditions that the City includes in a public park construction contract and in accordance with all applicable federal and state laws and city ordinances;
- c. in any Construction Contract executed for improvement of the Projects, require five percent (5%) retainage by the City on each payment to the Contractor;
- d. in any Construction Contract executed for improvement of the Projects, provide that neither the County, nor the City shall control the method or means of performance of the work by the Contractor and any subcontractors; and
- e. in any Construction Contract executed for improvement of the Projects, state that Contractor is an independent contractor of the City.

3.3 Following the award of any Construction Contract, City staff will oversee execution of the contract documents and provide a notice to proceed to the Contractor only after any and all contingencies contained in the Construction Contract documents have been met.

#### **IV. City's Duties – Construction Phase of the Projects.**

4.1 The City shall monitor any Contractor's compliance with all terms and conditions of the Construction Contract. City staff shall notify Contractor, in writing of any deficiencies or defaults.

- 4.2 The City shall inspect the work done by any Contractor to verify the delivery of materials and completion of work as represented in each payment draw.
- 4.3 The City shall review and approve payment draw requests and supporting documentation.
- 4.4 For all payment draws except the final payment draw submitted by Contractor, City shall promptly pay the Contractor directly after its approval of the payment draws, less a 5% retainage and less any other amounts authorized to be withheld under the Construction Contract. For the final payment draw submitted by Contractor, City shall make final payment to Contractor only after release of retainage is authorized by the City.
- 4.5 City hereby represents that County's grant of funds cited in Section 5.1 shall be matched with land value, in-kind contributions, and/or cash by the City, private funding, and/or any other source, for a total match of Four-Hundred-and-Fifty Thousand Dollars (\$450,000.00 USD). If the City does not present the total amount cited above before funding is provided by County, then the City and County shall collaborate in maintaining an ongoing list that accounts for contributions for the Projects that are used as match by the City.
- 4.6 In regard to any Property that is being credited for "In-Kind" match under this Agreement, the City hereby represents that it has not previously used any of that Property as "In-Kind" match under any other agreement or grant program.
- 4.7 City shall acknowledge County participation and partnership in the Projects by including reference to Hays County on public signage and public literature that promotes and/or serves Property.
- 4.8 If the Projects change substantially from those described in Exhibits "A-1" and "A-2," City shall contact the County Judge in writing. Substantial changes to the Projects must be reviewed and approved by the County Commissioners Court. If substantial changes are not approved by the County, City shall:

(1) proceed with original Projects as described in Exhibits "A-1" and "A-2"; or



- (2) refund to County the estimated County funds allocated to the portion of the Project(s) that has changed.

#### **V. County's Rights and Duties.**

- 5.1 Subject to the conditions precedent cited in Article VI of this Agreement, County shall pay City an amount not to exceed Four-Hundred-and-Fifty Thousand Dollars (\$450,000.00 USD) in Bond Funds, which are lawfully available current funds, for the construction of the Projects, to be paid in lump sum within fifteen (15) business days of the beginning date of this Agreement cited in Section 2.1, above.
- 5.2 County shall, upon ten (10) business days' written notice to City, have a right to inspect all receipts, invoices, proofs of purchase, and records of expenditures related to the Projects. County's rights under this Section shall extend until three (3) years after the termination date cited in Section 2.1, above.
- 5.3 Subject to the conditions in Article IV, Section 4.8 of this Agreement, County shall reserve the right to be reimbursed the estimated funds allocated to the portion of the Project(s) that is subject to change.

#### **VI. Conditions Precedent.**

- 6.1 This Agreement shall become effective and binding on the City and the County upon approval by the Hays County Commissioners Court and the Buda City Council.
- 6.2 **Public Dedication of Park Improvements.** The City shall present evidence to the County that the Properties associated with the Projects are burdened with public dedications in perpetuity, or their equivalent, that run with the land and grant a right of access to the public, with reasonable limitations on the time, place, and manner of the public's use ("Public Dedication").

## **VII. Amendments.**

- 7.1 This Agreement can be amended only by written approval of the Hays County Commissioners Court and the Buda City Council.

## **VIII. Authorization to Sign.**

- 8.1 Judge Bert Cobb, M.D., Hays County Judge, is authorized to sign this Agreement on behalf of Hays County, Texas. Bobby Lane, Mayor, is authorized to sign this Agreement on behalf of the City of Buda, Texas.

## **IX. Representations.**

- 9.1 City and County each make the following representations to each other as inducements to enter into this Agreement:
- a. That it has the legal authority to enter into this Agreement for the purposes stated herein and to perform the obligations it has undertaken hereunder;
  - b. That the meetings at which this Agreement and any amendments were approved were held in accordance with the Texas Open Meetings Act, Chapter 551, Texas Government Code;
  - c. That it has been represented by legal counsel and has had legal counsel available to it for consultation prior to entering into this Agreement;
  - d. That the officer who signed this Agreement has the legal authority to sign documents on its behalf;
  - e. That before this Agreement was approved, its governing body had already identified and its staff had already segregated sufficient lawfully available current funds for performance of all of its obligations under this Agreement even if such performance extends beyond the fiscal year in which this Agreement was approved and executed.

## **X. Severability.**

- 10.1 If any clause, sentence, paragraph or article of this Agreement is determined by a court of competent jurisdiction to be invalid, illegal, or unenforceable in any respect, such determination shall not be deemed to impair, invalidate, or nullify the remainder of this Agreement if the Agreement can be given effect without the invalid portion. To this extent, the provisions of this Agreement are declared to be severable.

#### **XI. Entire Agreement.**

- 11.1 This Agreement contains the entire agreement between the parties respecting the subject matter hereof, and supersedes all prior understandings and agreements between the parties regarding such matters. This Agreement may not be modified or amended except by written agreement duly executed by City and County and approved in the manner provided in Section VII above.

#### **XII. Interpretation**

- 12.1 The parties acknowledge and confirm that this Agreement has been entered into pursuant to the authority granted under the Interlocal Cooperation Act, which is codified as Chapter 791 of the Texas Government Code. All terms and provisions hereof are to be construed and interpreted consistently with that Act. This Agreement shall not be more strictly construed against either City or County.

#### **XIII. Applicable Law and Venue**

- 13.1 This Agreement shall be construed in accordance with the laws of the State of Texas. All obligations hereunder are performable in Hays County, Texas, and venue for any action arising hereunder shall be in Hays County, Texas.

**EXECUTED IN DUPLICATE ORIGINALS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20102011.**

**CITY OF BUDA, TEXAS**

**HAYS COUNTY, TEXAS**

\_\_\_\_\_  
**BOBBY LANE  
MAYOR**

\_\_\_\_\_  
**JUDGE BERT COBB, M.D.  
HAYS COUNTY JUDGE**

**ATTEST:**

**ATTEST:**

\_\_\_\_\_  
**TONI MILAM  
CITY SECRETARY**

\_\_\_\_\_  
**LIZ Q. GONZALEZ  
HAYS COUNTY CLERK**

**Exhibit A-1**  
**Buda Skate Park – The Project**

## **Exhibit A-1**

### **Buda Skate Park – The Project**

Despite the total estimated project cost cited below, Hays County's total contribution to the Buda Skate Park project shall not exceed \$140,000.00, unless City is able to complete the other Project under this Agreement for less than the budgeted amount of Bond Funds for that Project, in which case the remaining funds from that Project may be applied to cost overruns associated with this Project.

<b>Skate Park Description</b>	<b>Units</b>	<b>U-Cost</b>	<b>T-Cost</b>
<b>Professional Services (Design)</b>			<b>\$40,000</b>
<b>Concrete (Includes Elements)</b>	<b>10,000 sq ft</b>	<b>\$20</b>	<b>\$200,000</b>
<b>Prefabricated Restroom</b>	<b>1 ea</b>	<b>\$25,000</b>	<b>\$25,000</b>
<b>Lighting</b>	<b>4 poles</b>	<b>\$5,000</b>	<b>\$20,000</b>
<b>Rules Signage</b>	<b>4 ea</b>	<b>\$100</b>	<b>\$400</b>
<b>Parking Area (Gravel)</b>			<b>\$5,000</b>
<b>Benches</b>	<b>6 ea</b>	<b>\$750.00</b>	<b>\$4,500</b>
<b>Waster Receptacles</b>	<b>6 ea</b>	<b>\$400</b>	<b>\$2,400</b>
<b>Native Landscaping (Xeriscape)</b>			<b>\$1,700</b>
<b>Bulletin Board/Info Kiosk</b>	<b>1 ea</b>	<b>\$1,000</b>	<b><u>\$1,000</u></b>
<b>Total estimated cost</b>			<b>\$300,000</b>

**Exhibit A-2**  
**Bradfield Park – The Project**

**Exhibit A-2****Bradfield Park – The Project**

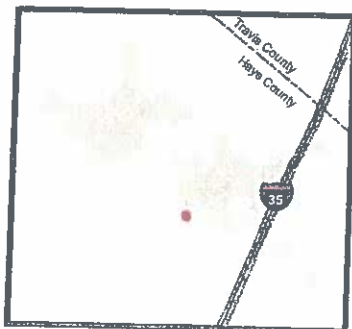
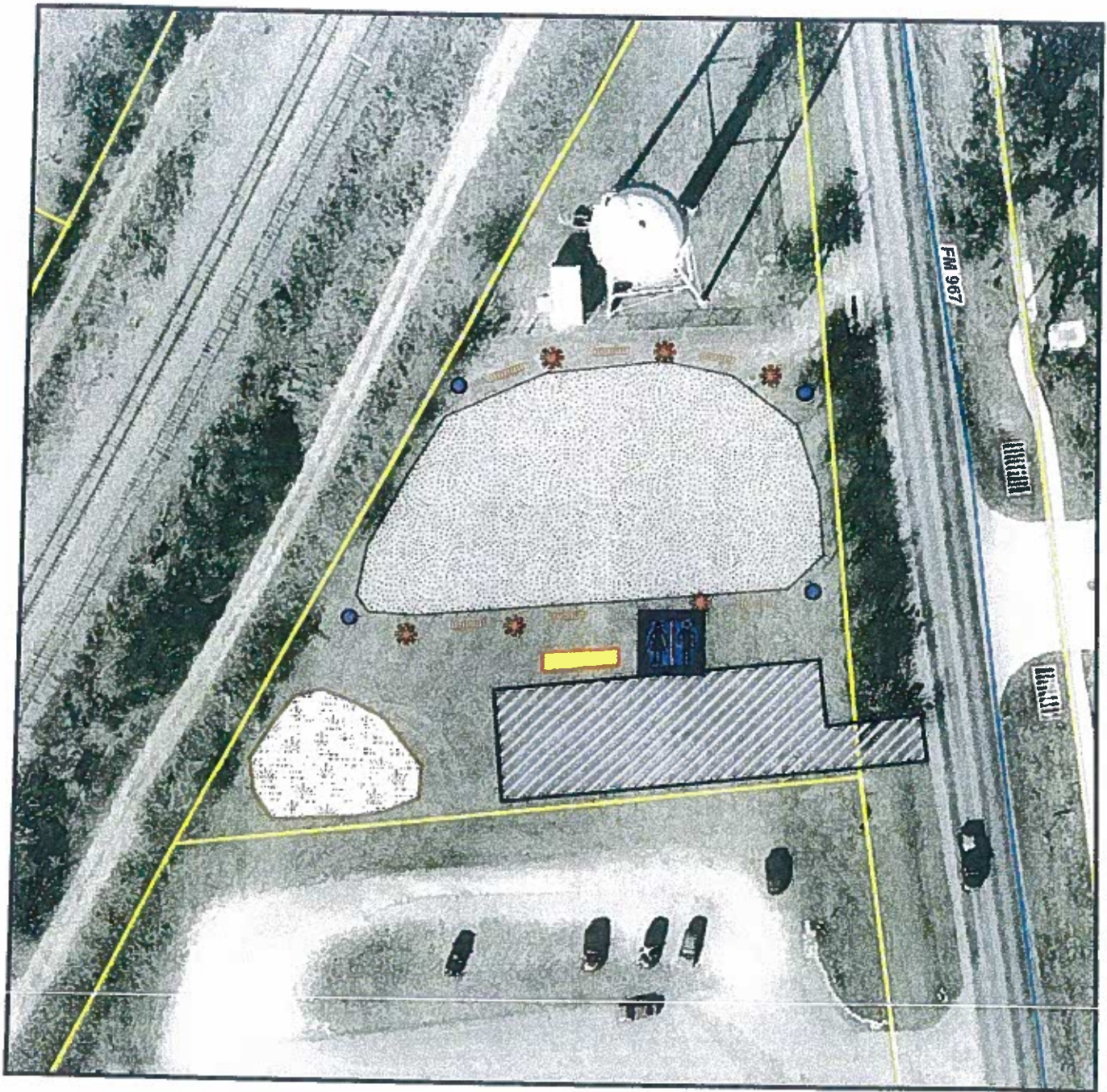
Despite the total estimated project cost cited below, Hays County's total contribution to the Bradfield Park project shall not exceed \$310,000, unless City is able to complete the other Project under this Agreement for less than the budgeted amount of Bond Funds for that Project, in which case the remaining funds from that Project may be applied to cost overruns associated with this Project.

<b>Bradfield Park Trail Connecting Stagecoach Park, City Park, and Downtown Buda</b>			
<b>Description</b>	<b>Units</b>	<b>U-Cost</b>	<b>T-Cost</b>
Professional Services (Engineering)			<b>\$80,000</b>
Bradfield Park (Decomposed Granite Trl)	6,000 ln ft	\$18	<b>\$108,000</b>
Bradfield Park (Steel Trail Edging)	12,000 ln ft	\$2	<b>\$24,000</b>
Bradfield Park (Low Water Crossing)	2 ea	\$10,000	<b>\$20,000</b>
Bradfield Park (Wetland/Pond Enhancement)			<b>\$20,000</b>
Bradfield Park (Benches)	6 ea	\$750	<b>\$4,500</b>
Bradfield Park (Fishing Pier)			<b>\$15,000</b>
Bradfield Park (Waste Receptacles)	6 ea	\$400	<b>\$2,400</b>
Bradfield Park (Bulletin Board/Kiosk)	1 ea	\$1,000	<b>\$1,000</b>
Bradfield Park (Interpretive Signage)	5 ea	\$100	<b>\$500</b>
Bradfield Park (Xeriscape Garden)			<b>\$5,000</b>
Bradfield Park (Park Monument Sign)	1ea	\$2,000	<b>\$2,000</b>
Bradfield Park (Trail Signage)	5 ea	\$100	<b>\$500</b>
Bradfield Park (Trailhead, Concrete)	10 spaces	\$3,000	<b>\$30,000</b>
Bradfield Park (Pond Fountains)	2 ea	\$3,500	<b>\$7,000</b>
Trail along Main Street (Concrete)	4,000 ln ft	\$25	<b>\$100,000</b>
Uncontrolled Pedestrian Crossing			<b>\$15,000</b>
Pedestrian Bridge			<b>\$200,000</b>
Benches	6 ea	\$750	<b>\$4,500</b>
Lighting	10 ea	\$2,000	<b>\$20,000</b>
Native Landscaping			<b>\$5,000</b>
Railroad Track Crossing			<b><u>\$4,000</u></b>
<b>Total estimated cost</b>			<b>\$668,400</b>



**Exhibit B-1**  
**Buda Skate Park - Project Site Plan**










# Skate Park



1 in = 3 miles



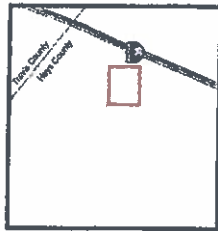
## **Legend**

-  Restrooms
-  Waste Receptacles
-  Lights
-  Benches
-  Parking Area
-  Bulletin Board/Info Kiosk
-  Xeriscape Garden
-  Skate Area
-  Property Lines

**Exhibit B-2**  
**Bradfield Park - Project Site Plan**



# Bradfield Park Trail and Trailhead Connecting Stagecoach Park, and Downtown Buda



**Legend**

	Pedestrian Bridge
	Concrete Trail
	Decomposed Granite Trail
	Railroad Track Crossing
	Pedestrian Crossing
	Low Water Crossing
	Converted Graphics_03
	Water Fountains
	Wetland Enhancement
	Benches
	Waste Receptacles
	Fishing Pier
	Xeriscape Garden
	Native Landscaping
	Park Monument
	Bulletin Board/Info Kiosk
	Trailhead
	Property Lines



**Exhibit C-1**  
**Buda Skate Park - The Property (Legal Description)**



HA 9711565 3 PGS  
Fidelity National Title Ins. Co.  
2401 Hunter Road  
San Marcos, Texas 78666

FN TIC GR#97-52125K

(3)

1527 003

GENERAL WARRANTY DEED

DATE: June 2, 1997

GRANTOR: NORTHEAST HAYS COUNTY EMERGENCY SERVICES DISTRICT NO. 2

GRANTOR'S MAILING ADDRESS: P. O. Box 153  
Buda, TX 78610-0153

GRANTEE: CITY OF BUDA

GRANTEE'S MAILING ADDRESS: P. O. Box 1218  
Buda, TX 78610-1218

CONSIDERATION: TEN AND NO/100 DOLLARS (\$10.00) and other good  
and valuable consideration

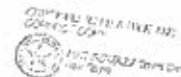
PROPERTY: Lot 1, Block A, H. Cummings Industrial Park, a subdivision in  
Hays County, Texas, according to the map or plat recorded in  
Volume 5, Page 42, of the Plat Records of Hays County,  
Texas.

RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND  
WARRANTY:

1. Restrictive covenants of record in Volume 5, Page 42 of the Plat  
Records of Hays County, Texas.
2. A 15 foot public utility easement along the northwesterly and  
easterly line of property as shown on Plat recorded in Volume 5, Page 42  
of the Plat Records of Hays County, Texas.

NEHCESD/City of Buda GWD

1



1527 000

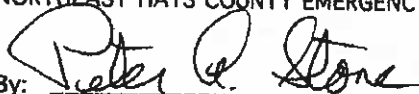
3. A 7.5 foot public utility easement along the southerly and easterly line of property as shown on Plat recorded in Volume 5, Page 42 of the Plat Records of Hays County, Texas.
4. A transmission line easement granted to Pedernales Electric Cooperative, Inc., recorded in Volume 156, Page 324 of the Deed Records of Hays County, Texas.
5. A telephone line easement granted to Southwestern Bell Telephone Company, recorded in Volume 261, Page 480 of the Deed Records of Hays County, Texas.
6. A public utility easement granted to the City of Buda, recorded in Volume 1125, Page 189 of the Official Public Records of Hays County, Texas.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, GRANTS, SELLS, and CONVEYS to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, or assigns forever. Grantor hereby binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

When the context requires, singular nouns and pronouns include the plural.

NORTHEAST HAYS COUNTY EMERGENCY SERVICES DISTRICT NO. 2

By:



Peter A. Stone

President

NEHCESD/City of Buda GWD

2



ACKNOWLEDGMENT

STATE OF TEXAS

COUNTY OF HAYS

\*  
\*  
\*

1887 010

This instrument was acknowledged before me on this 2<sup>ND</sup> day of JULY, 1997, by Peter A. Stone, President of NORTHEAST HAYS COUNTY EMERGENCY SERVICES DISTRICT NO. 2, on behalf of said district.



*Betty J. Newlin*  
Notary Public, State of Texas

AFTER RECORDING, RETURN TO:

City of Buda  
P. O. Box 1218  
Buda, TX 78610-1218

PREPARED IN THE LAW OFFICE OF:

Larry W. Murphree  
136 E. San Antonio  
San Marcos, TX 78666

FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS

*Margie T. Villalpando*

7-8-97 03:03 PM 9711565  
KLEEN \$13.00  
MARGIE T VILLALPANDO, County Clerk  
HAYS COUNTY

NEHCESD/City of Buda GWD

3

I, LIZ Q. GONZALEZ, COUNTY CLERK,  
HAYS COUNTY, TEXAS, do hereby certify that this is  
a true and correct copy as same appears of record  
in my office. Witness my hand and seal of office on



*March 23, 2011*  
LIZ Q. GONZALEZ  
HAYS COUNTY CLERK  
BY DEPUTY

*[Signature]*



**Exhibit C-2**  
**Bradfield Park - The Property (Legal Description)**

RETURN TO:  
ALAMO TITLE COMPANY  
3305 NORTHLAND DR., #100  
AUSTIN, TEXAS 78731  
OF# 98037251-1

HC 9807312 6 PGS

1402 600 6/1902

**DEDICATION GENERAL WARRANTY DEED**

**Date:** March 12, 1998

**Grantor:** John West Bradfield

**Grantor's Mailing Address (including county):**

P.O. Box 4665  
Austin, Travis County, Texas 78765

**Grantee:** City of Buda, Texas

**Grantee's Mailing Address (including county):**

121 North Main St.  
Buda, Hays County, Texas 78610

**Consideration:**

One dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged.

**Property (including any improvements):**

All of that certain 24.99 acres, more or less, a part of the S.V.R. Eggleston Survey in Hays County, Texas, being a part of that certain tract conveyed to Grantor by deed recorded in Vol. 276, Pages 228-234, Deed Records of Hays County, Texas and being described by metes and bounds in **EXHIBIT A** attached hereto and incorporated herein for all purposes.

**Reservations from and Exceptions to Conveyance and Warranty:**

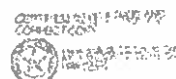
The Property is being conveyed and Grantor's warranty is subject to all easements, restrictions, reservations, and exceptions of record in Hays County, Texas, described in **EXHIBIT B** attached hereto and incorporated herein for all purposes.

The Property is also conveyed subject to the restriction that it shall be used exclusively as a park for the Citizens of Buda and Hays County, Texas. This restriction shall be a covenant running with the land and shall be enforceable by Grantor or the personal representative of Grantor or his Estate.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, and the aforesaid restriction, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's successors or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, successors, and assigns to warrant and forever defend all and singular the Property to Grantee and Grantee's successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty and the aforesaid restriction.

When the context requires, singular nouns and pronouns include the plural.

  
JOHN WEST BRADFIELD



THE STATE OF TEXAS

§

1402 631

§

COUNTY OF TRAVIS

§

This instrument was acknowledged before me on the 12<sup>th</sup> day of March, 1998, by JOHN WEST BRADFELD.



*Carolyn Stegall*  
Notary Public in and for The State of TEXAS

AFTER RECORDING RETURN TO:

Clerk, City of Buda  
121 North Main Street  
Buda, Texas 78610

F:\docs\Wmk\Brad\1102\DeedGen\WarrantyDeed.wpd

WARRANTY DEED

PAGE 2



# EXHIBIT A

1402 632

BRADFIELD VILLAGE  
TRACT FOUR  
24.99 ACRES

FN NO. 284  
MARCH 10, 1998  
JOB NO. 054-64

DESCRIPTION OF A 24.99 ACRE TRACT OF LAND OUT OF THE S.V.R. EGGLESTON SURVEY NO. 3, SITUATED IN HAYS COUNTY, TEXAS; SAID 24.99 ACRE TRACT OF LAND BEING A PORTION OF A TRACT DESCRIBED AS 82.99 ACRES IN A DEED TO JOHN BRADFIELD AND RECORDED IN VOLUME 276, PAGE 228 OF THE HAYS COUNTY DEED RECORDS; SAID 24.99 ACRE TRACT OF LAND, AS SHOWN ON INTERSTATE SURVEYING INC. PLAT NO 54-64TI.DWG, BEING MORE PARTICULARLY DESCRIBED, BY METES AND BOUNDS, AS FOLLOWS:

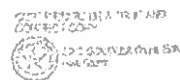
COMMENCING at a 1/2" iron rod found for the northeast corner of the said 82.99 acre tract, same being in the south line of Loop 4, also being the northwest corner of a tract described as 126.29 acres in a deed to Rylander and recorded in Volume 275, Page 276 of the Hays County Deed Records;

THENCE with the north line of the said 82.99 acre tract, same being the said south line of Loop 4, the following five (5) courses and distances:

- 1) S81°27'20"W a distance of 375.07 feet to a 1/2" iron rod found for a point of curvature,
- 2) a distance of 166.29 feet along the arc of a curve to the left with a central angle of 03°22'21" and a radius of 2825.05 feet and whose chord bears S79°46'10"W a distance of 166.26 feet to a 1/2" iron rod set,
- 3) a distance of 90.48 feet along the arc of a curve to the left with a central angle of 01°50'07" and a radius of 2825.05 feet and whose chord bears S77°09'56"W a distance of 90.48 feet to a 1/2" iron rod set,
- 4) a distance of 104.81 feet along the arc of a curve to the left with a central angle of 02°07'32" and a radius of 2825.05 feet and whose chord bears S75°11'07"W a distance of 104.80 feet to 1/2" iron rod set for a point of tangency, and
- 5) S74°03'25"W a distance of 297.53 feet to a 1/2" iron rod set for the POINT OF BEGINNING, same being the northeast corner hereof;

THENCE departing the said common line between the 82.99 acre tract and Loop 4, and crossing a portion of the said 82.99 acre tract, the following eleven (11) courses and distances:

- 1) S15°56'35"E a distance of 147.90 feet to a 1/2" iron rod set,
- 2) S02°51'25"W a distance of 257.50 feet to a 1/2" iron rod set,
- 3) S42°16'00"E a distance of 72.00 feet to a 1/2" iron rod set,
- 4) S08°40'59"E a distance of 180.00 feet to a 1/2" iron rod set,
- 5) S05°18'58"W a distance of 114.10 feet to a 1/2" iron rod set,



1402 633

- 6) S01°19'01"W a distance of 119.20 feet to a 1/2" iron rod set,
- 7) a distance of 155.72 feet along the arc of a curve to the left with a central angle of 118°57'48" and a radius of 75.00 feet and whose chord bears S12°38'04"W a distance of 129.22 feet to a 1/2" iron rod set,
- 8) S43°09'12"W a distance of 180.00 feet to a 1/2" iron rod set,
- 9) S08°19'02"W a distance of 523.10 feet to a 1/2" iron rod set,
- 10) S07°10'11"E a distance of 369.50 feet to a 1/2" iron rod set, and
- 11) S29°35'25"E a distance of 288.03 feet to a 1/2" iron rod set for the southeast corner hereof, same being in the south line of the said 82.99 acre tract, also being the north line of a tract described as 37.15 acres in a deed to McKim, Trustee and recorded in Volume 509, Page 216 of the Hays County Deed Records;

THENCE with the said common line between the said 82.99 acre tract and the 37.15 acre tract, the following four (4) courses and distances:

- 1) S89°42'59"W a distance of 17.46 feet to a 1/2" iron rod set,
- 2) S89°42'00"W a distance of 266.15 feet to a 1/2" iron rod set,
- 3) N89°24'28"W a distance of 51.10 feet to a 1/2" iron rod set, and
- 4) S89°25'12"W a distance of 185.88 feet to a 1/2" iron rod found for the southwest corner hereof, same being the southwest corner of the said 82.99 acre tract, also being the northwest corner of the said 37.15 acre tract, also being in the east line of Sequoyah Section Three, a subdivision of record in Book 2, Page 340 of the Hays County Plat Records;

THENCE with the west line of the said 82.99 acre tract, same being the said east line of Sequoyah Section Three, also being the east line of Sequoyah Section One, a subdivision of record in Book 2, Page 141 of the Hays County Plat Records, also being the east line of a tract described as 6.568 acres in a deed to Gray and recorded in Volume 1150, Page 459 of the Hays County Real Property Records, the following three (3) courses and distances:

- 1) N00°48'48"E a distance of 764.22 feet to a 5/8" iron pipe found for an ell corner,
- 2) N89°03'01"W a distance of 214.65 feet to a 1/2" iron rod found for an ell corner, and
- 3) N00°52'26"E a distance of 703.14 feet to a 1/2" iron rod found for an ell corner;

THENCE departing the said common line between the 82.99 acre tract and the 6.568 acre tract, and crossing a portion of the said 82.99 acre tract, the following five (5) courses and distances:

- 1) N86°26'20"E a distance of 110.64 feet to a 1/2" iron rod found,
- 2) N30°57'27"E a distance of 147.66 feet to a 1/2" iron rod found,



1402 631

3) N16°11'10"E a distance of 158.29 feet to a 1/2" iron rod found,

4) N77°01'28"E a distance of 91.48 feet to a 1/2" iron rod found, and

5) N06°51'25"W a distance of 373.54 feet to a 1/2" iron rod found for the northwest corner hereof, same being in the said common line between the 82.99 acre tract and Loop 4;

THENCE with the said common line between the 82.99 acre tract and Loop 4, N74°03'25"E a distance of 402.67 feet to the POINT OF BEGINNING, and containing 24.99 acres of land.

STATE OF TEXAS \*

COUNTY OF TRAVIS \*

\* KNOW ALL MEN BY THESE PRESENTS:

That I, Patrick A. Smith, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief, and is prepared from a survey made on the ground, during March, 1998, under my direction and supervision.

Witness my hand and seal this the 11 day of MARCH, 1998.



Patrick A. Smith, Registered  
Professional Land Surveyor  
No. 4280 - State of Texas



1402 633

**EXHIBIT B**

1. Wastewater easement from John West Bradfield to the City of Buda recorded in Vol. 1316, Page 837, Deed Records of Hays County, Texas, as replaced by document entitled "Substitution Of A Public Utility Easement" dated September 16, 1997, from John West Bradfield to the City of Buda recorded in Vol. 1350, Page 437, Deed Records of Hays County, Texas.
2. Electric and telephone transmission and distributing easement granted to Texas Power and Light Company, recorded in Volume 103, Page 427, Deed Records of Hays County, Texas.
3. Electric and telephone transmission and distributing easement granted to Texas Power and Light Company, recorded in Volume 104, Page 297, Deed Records of Hays County, Texas.
4. Electric and telephone transmission and distributing easement granted to Texas Power and Light Company, recorded in Volume 110, Page 458, Deed Records of Hays County, Texas.
5. Electric and telephone transmission distributing easement granted to Texas Power and Light Company, recorded in Volume 110, Page 459, Deed Records of Hays County, Texas.
6. Channel easement granted to the State of Texas, recorded in Volume 131, Page 36, Deed Records of Hays County, Texas.

FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS

*Margie T. Villalpando*

4-15-98 01:40 PM 9807312  
ROSE \$19.00  
MARGIE T VILLALPANDO, County Clerk  
HAYS COUNTY

I, LIZ Q. GONZALEZ, COUNTY CLERK,  
HAYS COUNTY, TEXAS, do hereby certify that this is  
a true and correct copy as same appears of record  
in my office. Witness my hand and seal of office on:



*March 23, 2011*  
LIZ Q. GONZALEZ  
HAYS COUNTY CLERK  
BY DEPUTY  
*Justie Rodriguez*

## *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 finalize changes to the Hays County Development Regulations.

**TYPE OF ITEM: ACTION**

**PREFERRED MEETING DATE REQUESTED: May 3, 2011**

**AMOUNT REQUIRED: N/A**

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

**REQUESTED BY: Garza**

**SPONSORED BY: Conley**

**SUMMARY:**

The Hays County Development Regulations were adopted in 2009; at that time the court and staff agreed that the regulations were an evolving document which would change to better serve the citizens of Hays County. Since adoption, the department has periodically asked the court for approval not to enforce particular sections of the regulations which were highly controversial or overly burdensome for the public. The court gave direction to selectively enforce sections of the rules but actual amendments were never made. There are still opportunities to fine tune the regulations which would ideally streamline the application procedures making the process more efficient and friendly.

Changes to the rules may take place over multiple court meetings however, the first area identified is the application requirements for all development authorizations.



## Changes to Development Regulations

### DEPARTMENT CHANGES

New Page #	Old Page #	Affected Section	Notes
5	5	701.3.02(K)	Changed department definition to "Development Services Department" from RPTP
6	6	701.3.02(O)	Changed director definition from RPTP to "Development Services"
10	10	701.4.01	Changed RPTP to "Development Services"

### TAX INFORMATION (previously approved by Court)

New Page #	Old Page #	Affected Section	Notes
11	11	701.05.01	deleted
11	11	701.05.02	On January 19, 2010 RPTP staff presented proposed changes to
12	11	701.05.03	tax requirements to only require delinquent taxes be paid on the subject parcel.
12	12	701.05.04	Previous editions have required much more stringent requirements.
12	12	701.05.05	developer, and any contractor owning county property.
16	16	701.7.07	tax requirements to only require delinquent taxes be paid on the subject parcel.

### PROCEDURE (previously approved by Court)

New Page #	Old Page #	Affected Section	Notes
13	13	701.07.01(B)	added (for subdivisions only).
13	13	701.07.01 (C)	Changed address to "contact information".
14	13	701.07.01(F)	Deleted
14	13	701.01.01(K)	added (for subdivisions only).
14	14	701.07.02(A)	added (for subdivisions only).
14	14	701.07.02(C)	Deleted
16	15	701.07.05(A)(3)	changed to require only a signed letter on letterhead.
16	15	701.07.05(B)(1)	added (for subdivisions only).
16	16	701.07.04(D)	added (for subdivisions only).
17	16	701.07.07	Removed notification of Commissioner prior to technical review to cut time.
17	16	701.07.08	added (for subdivisions only).
19	19	701.08.01	Added administrative approvals.
35	35	701.16.03(A)(1)	Inserted language about signage requirement on street name changes.
66	65	711.04.02(B)	added (for subdivisions only).
66	65	711.04.03(A)	added (for subdivisions only).

*Stormwater*

New Page #	Old Page #	Affected Section	Notes
104	104	725.4.03(l)	Deleted "and are located in eastern Hays County, adjoining the City of Austin."
104	104	725.5.01	Inserted "with five (5) Lots or less"

*Stormwater*

New Page #	Old Page #	Affected Section	Notes
46	46	705.5.04	Added "Proposed subdivisions with five (5) or less Lots meeting the minimum Lot size requirements are exempt from this subchapter."

- (F) Conservation Easement – an easement on real property for the purpose of limiting or restricting development activities on the property subject to said easement. To qualify as a Conservation Easement under this Chapter, the easement shall be granted to the public and shall be held by the County or other non-profit legal entity recognized by the County as custodian for the County. A Conservation Easement shall be in such form and under such conditions as are acceptable to the County.
- (G) Contiguous Property(ies) - land parcels, tracts or lots of real property that are immediately adjacent, connected to one another or share a common boundary, but may also includes land separated only by a roadway, utility corridor or aquatic feature. Properties that are separated by a roadway, utility corridor or aquatic feature within two hundred feet are considered Contiguous Properties.
- (H) Contributing Zone of the Edwards Aquifer - The area or watershed where runoff from precipitation flows downgradient to the recharge zone of the Edwards Aquifer and is generally located upstream (upgradient) and north to northwest of the recharge zone, as identified by the Texas Commission on Environmental Quality (TCEQ) under the Edwards Aquifer Rules. It is the intent of the County that this definition conform to the corresponding definition included in the TCEQ Edwards Aquifer Program regulations, as subsequently amended. In the event an Applicant cannot determine with specificity the location of the boundary of the Contributing Zone of the Edwards Aquifer, the Applicant may submit appropriate maps and other evidence as may be requested by the Department for assistance in such determination from the Department.
- (I) County - Hays County, Texas. Where referenced herein, the County may include either the Commissioners Court or personnel, departments or agencies of the County acting under authority delegated to such personnel, departments or agencies by the Commissioners Court.
- (J) County Clerk - The County Clerk of Hays County.
- (K) Department - ~~The Hays County Resource Protection, Transportation and Planning Development Services Department.~~
- (L) Development - All land modification activity, including the construction of buildings, roadways, paved storage areas, parking lots, storm water management facilities and other impervious structures or surfaces.
- (M) Development Agreement – A written agreement entered into between the County, the Permittee and/or the Owner(s) of the Subject Property that stipulates the conditions under which development activities on the Subject Property will be conducted. Development Agreements must have the approval of the Hays County Commissioners Court.
- (N) Development Authorization – The approval by the Hays County Commissioners Court or by departments, agents, or personnel delegated such approval authority by the Commissioners Court of one or more Applications for development activities governed by these Regulations for a specific project or tract of land, as identified in such Application(s). Development Authorizations shall include approved preliminary plans, final plats, flood hazard area permits, on-site sanitary sewer facility permits, Manufactured Home Rental Community permits, Permits for the Use of County Property or Facilities, a Land Use/Location Restriction license, combinations of any such permits

Comment [Jg1]: Changed department definition to "Development Services Department" from RPTP

or licenses, and any other approvals or authorizations issued under these Regulations. This term shall also apply to Development Authorizations or equivalent approvals issued by the County prior to the effective date of these Regulations.

- (O) Director - The Director of the ~~Hays County Resource Protection, Transportation and Planning- Development Services~~ Department and any successor thereto.
- (P) Dwelling Unit - One or more rooms designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of one household. Dwelling units may include:
  - (1) A Single Family Residence;
  - (2) An Apartment;
  - (3) A Condominium Unit; or,
  - (4) A Manufactured Home within a Manufactured Home Rental Community;
- (Q) Edwards Aquifer Recharge Zone - Any area where the stratigraphic units constituting the Edwards Aquifer crop out, including the outcrops of other geologic formations in proximity to the Edwards Aquifer, where caves, sinkholes, faults, fractures, or other permeable features would create a potential for recharge of surface waters into the Edwards Aquifer, as identified by the Texas Commission on Environmental Quality under the Edwards Aquifer Rules. It is the intent of the County that this definition conform to the corresponding definition included in the TCEQ Edwards Aquifer Program regulations, as subsequently amended. In the event an Applicant cannot determine with specificity the location of the boundary of the Edwards Aquifer Recharge Zone, the Applicant may submit appropriate maps and other evidence as may be requested by the Department for assistance in such determination from the Department. Any determination by the Department will affect only these Regulations and will not in any manner be binding upon the TCEQ. The Department may require the Applicant to obtain a determination from the TCEQ, and any determination by the TCEQ regarding the location of the Recharge Zone will control for purposes of these Regulations. The intent of these Regulations is to coordinate applicable state and local regulations such that the definition of the Edwards Aquifer Recharge Zone under these Regulations shall be identical with the definition found within the Edwards Aquifer Rules.
- (R) Edwards Aquifer Rules - The Regulations promulgated by the Texas Commission on Environmental Quality (TCEQ) relating to the Edwards Aquifer, currently set forth in Title 30, Texas Administrative Code, Chapter 213, as amended from time to time.
- (S) Endangered Species Act - the federal Endangered Species Act of 1973, including any and all subsequent amendments.
- (T) Final Plat - A map of a proposed Subdivision of land prepared in a form suitable for filing of record with all necessary survey drawings, notes, information, affidavits, dedications and acceptances as required by these Regulations.
- (U) Groundwater Conservation District (GCD) - A special district or other governmental entity authorized under the laws of the State of Texas with authority over groundwater resources as identified in the Texas Water Code, Chapter 36. Current Groundwater Conservation Districts in Hays County include the Barton Springs Edwards Aquifer

Comment [jg2]: Changed director definition from RPTP to "Development Services"

The division occurs prior to the later to occur of: two (2) years from the date of the completion of construction of any roadway onto which the Lot has frontage or, in the case of public roadways, the expiration of the performance or maintenance bond for any such roadway;

The division of land creates one or more Lots without practical, physical vehicular access onto a Regulated Roadway or with less than fifty feet (50') of direct frontage onto a Regulated Roadway or calls for driveways onto Regulated Roadways that are spaced fewer than fifty feet (50') apart;

The division of land will affect drainage on, in or adjacent to a public roadway or any county drainage ditch, swale, culvert or other drainage facility; or

Other circumstances exist which, in the determination of the Department, cause such division of land to be related to the laying out of roadways or related to drainage for any roadway to which any Lot has access.

- (VV) Subject Property – the property or tract for which an Application has been submitted under these Regulations.
- (WW) Surface Water - Water from streams, rivers or lakes or other bodies of water above the surface of the ground.
- (XX) TCEQ Regulated Development - Any development or construction activity that would constitute a Regulated Activity under the Texas Commission on Environmental Quality Edwards Aquifer Rules (see 30 TAC §213.3), but without regard to the aquifer over which the activity is conducted. If a Lot larger than five acres is restricted by plat note prohibiting (i) further resubdivision of the Lot into lots five acres in size or smaller and (ii) any Development other than the construction of a single-family residence or duplex and associated customary out buildings, such as a barn or garage apartment, then such Development on the Lot shall be considered excluded from the term "TCEQ Regulated Development" for purposes of these Regulations.
- (YY) Wetland(s) - an area (including a swamp, marsh, bog, prairie pothole, or similar area) having a predominance of hydric soils that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support it and that under normal circumstances supports the growth and regeneration of hydrophytic vegetation. The intent of this definition is to conform to the corresponding definition included in the Texas Water Code, Chapter 11, Subchapter J, as subsequently amended.
- (ZZ) Working Day – Any recognized working day that the County offices are routinely open for business, specifically excluding weekends and holidays recognized by the County.

#### ***Sub-Chapter 4 - Delegation of Authority, Appeals and Public Records***

##### **§4.01. Responsible Departments**

The Commissioners Court designates the Hays County ~~Resource Protection, Transportation and Planning~~ Development Services Department (Department), and specifically the Director of the Department, as agent for receiving and reviewing Applications submitted under these regulations and as custodian of records for all information received, acquired or developed during the exercise of these duties. The Department may coordinate with any other County department,

Comment [ig3]: Changed RPTP to "Development Services"

agency or personnel in the performance of the duties required and allowed under these regulations.

#### **§4.02. Delegation of Authority**

The Department and Director are delegated the authority by the Commissioners Court to conduct the activities required on behalf of the County under these regulations. All officials and employees of Hays County, Texas, having duties under these Regulations are authorized to perform such duties as are required of them under said Regulations. The Commissioners Court reserves the final authority for approval or denial of any Application submitted under these regulations.

#### **§4.03. Appeals**

Persons aggrieved by an action or decision of a designated representative of the Commissioners Court may appeal any such action or decision to the Commissioners Court of Hays County, Texas. Any such appeal shall be filed with the County Clerk and with the office of the County Judge within ten days from the date the aggrieved person receives notice of such action or decision.

#### **§4.04. Public Records**

The information received, acquired or developed by the Department during the exercise of these duties is hereby designated to be of public record subject to the terms of the Texas Public Information Act (TPIA). The Department shall maintain and make available to the public all information received, acquired or developed by the Department in accordance with the TPIA, including charging any authorized fees. The Department shall maintain and make available to the public at no charge copies of these Regulations, and any and all application forms, policy documents, guidance documents, technical appendices or any other such documents that are developed by the County to implement this program, as outlined in Chapter 799. In addition to maintaining physical copies of these documents available at the Department headquarters, the Department may also make these documents available to the public using whatever means it may deem appropriate and as required by federal, state or local law, including posting on any electronic medium maintained or used by the County. The Department may also make available to the public at no charge by posting on electronic medium additional documents it receives for which it determines there is significant public interest.

### ***Sub-Chapter 5 - Outstanding Tax Liabilities***

#### **~~§5.02. Outstanding Tax Liabilities~~**

~~Subject Properties for which an Application is submitted under these regulations shall not be delinquent on ~~any~~ tax liabilities with the County. This requirement is independent of whether the Subject Property included in the Application is owned by the Applicant or Permittee.~~

#### **§5.02-§5.01. Property Requirements**

Subject Properties for which an Application is submitted under these regulations shall ~~not be delinquent on ~~any~~ tax liabilities with the County. This requirement is independent of whether the Subject Property included in the Application is owned by the Applicant or Permittee.~~

Comment [Jg4]: deleted

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Numbering Style: 01, 02, 03, ... + Start at: 1 +  
Alignment: Left + Aligned at: 0.3" + Tab after:  
0.25" + Indent at: 0.3"

Comment [Jg5]: On January 19, 2010 RPTP staff presented proposed changes to tax requirements to only require delinquent taxes be paid on the subject parcel. Previous editions have required much more stringent requirements, including the property owner developer, and any contractor owning county property.

**§5.03-§5.02. Documentation of Tax Status**

Applications submitted under these Regulations shall provide any applicable identification numbers from the Hays Central Appraisal District (HCAD) or other duly appointed tax assessing entity for the ~~Applicant~~ Subject Property. The Department and/or its designated representatives may independently investigate the status of payment of County taxes for the ~~Applicant~~ Subject Property. The Department may require the Applicant to submit tax certificates for the ~~Applicant~~ Subject Property.

**§5.04-§5.03. Suspension of Processing**

The County may suspend processing of any Application submitted under these regulations if the County becomes aware that ~~the Applicant~~ taxes on the Subject Property are delinquent ~~for the Applicant~~.

**§5.05-§5.04. Payment of Delinquent Taxes Prior to Issuance**

Payment of any delinquent taxes (including penalties, interest, late fees, etc) on behalf of the ~~Applicant~~ Subject Property shall be required prior to the issuance of any Development Authorization under these Regulations. As approved or delegated by the Commissioners Court, the County may settle or adjust the required payments to satisfy this requirement.

**§5.06-§5.05. Disputed Tax Situations**

In situations where the amount of tax owed to the County is in dispute, payment of all non-disputed amounts will be required. If the dispute is resolved while the Application is under consideration, payment of the final resolution amount shall be made prior to the County issuing the Development Authorization. Any payments made to the County in excess of the final resolution amount may be credited towards other amounts due the County (e.g. review and inspection fees, payments-in-lieu, etc) or they may be refunded, at the option of the person making the excess payment.

***Sub-Chapter 6 - Fees***

**§6.01. Establishment and Assessment of Fees**

The Commissioners Court shall establish fees for Applications, permits, inspections, reviews or other activities as required or allowed under these regulations. These fees may be amended from time to time by the Commissioners Court without amending or affecting the remainder of these Regulations. The Department shall maintain and make available to the public a list of all fees established under these Regulations. Any dispute between the Applicant and the Department regarding the basis or amount of applicable fees may be appealed by either party to the Commissioners Court.

**§6.02. Payment of Fees**

- (A) For fee amounts estimated to exceed \$100, the Applicant may elect to pay review fees to the County separately as an administrative review fee and a technical review fee. If the Applicant makes this election, the Applicant shall submit payment of the administrative review fee and shall provide an estimate of the technical review fees and any other subsequent fees. The Department shall include with their administrative completeness determination a confirmation or adjustment of the technical review fees and other fees.



#### **§7.05. Supplemental Requirements Based on Type of Applicant or Permittee**

Applicants or Permittees who are not individuals ("natural persons" as defined in the Texas Business Organizations Code §1.002) must submit additional documentation in accordance with the following requirements:

- (A) Applicants that are entities that are not natural persons shall file with the County:
  - (1) A certified copy of a resolution or other documentation approved by the entity's governing body authorizing the entity to file documents pursuant to these Regulations and designating the natural person(s) authorized to execute documents on behalf of the entity;
  - (2) Additional documentation as may be required by the County documenting the existence of the entity and the authority of those natural persons acting on behalf of the entity.
  - (3) For applications other than for the subdivision of property, a letter on company letterhead, signed by an authorized official of such company, authorizing the Application to file an Application on behalf of the company.
- (B) Applicants that are business entities that are not natural persons shall submit (for Subdivision Applications only):
  - (1) The name and address for service of process of the registered agent of the business entity; and,
  - (2) A date-stamped copy of the entity's enabling documents filed with the Texas Secretary of State, or as otherwise existing.
- (C) Applicants that are governmental entities that are requesting a waiver of fees by the County shall submit written documentation signed by the entity's chief elected official or chief executive officer formally requesting the County to waive the applicable fees and indicating that the entity will in turn waive similar fees for the County. The Director is authorized to waive such fees upon receipt of the necessary documents.
- (D) Applicants using an assumed name shall submit a date-stamped copy of the Certificate of Assumed Name (for Subdivision Applications only).

**Comment (jg16):** Only required for subdivisions and an official letter with authorization is sufficient.

#### **§7.06. Application Identification**

Upon receipt of an Application, the Department shall assign a unique alphanumeric reference identifier to the Application. The Department may elect to assign one reference identifier to a group of related Applications. The Department may also elect to utilize identifiers that allow tracking of different types of applications. The assigned reference identifier shall be utilized by the Department and the Applicant on all documents related to the Applications. All Application forms developed and utilized by the Department under these Regulations shall designate a prominent location for this reference identifier.

#### **§7.07. Administrative Review**

Before an Application filed under these regulations will be reviewed by the Department, it must be administratively complete. An administratively complete Application will contain responses to all items on the Application form, will be accompanied by the payment of all applicable fees, and will have the tax status confirmed for the ~~Applicant, the Permittee and the~~



The amount determined by the Department shall serve as the basis for payment of the subsequent fees.

- (B) All fees for Applications, permits, inspections or other fees required or allowed under these Regulations shall be made payable to the Hays County Treasurer. The fees shall be determined in U.S. dollars in accordance with the most recent fee schedule approved by the Commissioners Court. Payment may be made using any payment method established by the Commissioners Court for transacting County business.

#### **§6.03. Waiver or Deferral of Fees**

The Commissioners Court may agree to waive or defer any or all fees assessed in conjunction with these Regulations to the extent that the Commissioners Court determines that such waiver or deferral is in the public interest. The Department is authorized to waive fees assessed to Political Subdivisions (as defined in this Chapter) under these Regulations to the extent that those Political Subdivisions have or will waive similar or corresponding fees assessed to the County for similar types of approvals.

#### **§6.04. Additional Fees for Items Returned Unpaid**

The Commissioners Court may establish additional fees to be assessed in the event that any form of payment made to the County under these Regulations is returned unpaid.

#### **§6.05. Refunds of Fees**

Unless specifically noted herein, all fees paid to the County are non-refundable. The Department may refund fees under the following circumstances:

- (A) Fees collected for reviews and/or inspections that are not actually conducted;
- (B) Fees collected that exceed the fee offset by authorized economic incentives; or,
- (C) Permit fees for any portion of a permit term where the Permittee voluntarily surrenders or revokes the permit.

### ***Sub-Chapter 7 - General Application and Approval Procedures***

#### **§7.01. Application Forms**

The Department shall develop and make available to the public forms for submitting Applications for the various types of approvals required under these regulations. These Application forms shall provide for the following information:

- (A) the legal name of the Applicant;
- (B) the name or title by which the Applicant will describe the application (for Subdivision Applications only);
- (C) ~~the name, address and~~ contact information for the Applicant's designated contact person and any person submitting Application materials on behalf of the Applicant;
- (D) the legal name, address and contact information for the Owner(s) of the Subject Property, if different from the Applicant;
- (E) The legal name of the Permittee, if the Development Authorization is to be issued to a person that is not the Applicant;

Comment [jg6]: Only relevant for subdivision applicants.

Comment [jg7]: Deleted

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- (F) ~~the HCAD Owner's Address for the Subject Property, if applicable;~~
- (G) the HCAD Property Identification number(s) for the Subject Property;
- (H) the type of application being submitted;
- (I) the identification of any supplemental information submitted;
- (J) the County Precinct(s) in which the Subject Property is located;
- (K) general location information for the Subject Property, including any or all of the following:
- (1) The "911" Street Address;
  - (2) Geographic Coordinates (for Subdivision Applications only);
  - (3) Current Legal Description;
  - (4) The Primary and Secondary Access/Frontage Roadways (for Subdivision Applications only);
  - (5) A published topographic map (for Subdivision Applications only); ~~or~~
  - (6) A County Roadway map (for Subdivision Applications only); or
  - (7) A map from another source that accurately depicts the location of the Subject Property which provides sufficient detail to County staff to easily find the property in order to conduct necessary inspections.
- (L) certifications by the Applicant, the property Owner and the Permittee required under these regulations;
- (M) the signature of the Applicant;
- (N) documentation for tracking the Application through the County's review process;
- (O) the number of copies of the Application and supplemental information to be submitted; and,
- (P) Any other information requested by the Department to fully evaluate the proposed development project.

Comment [Jg8]: Deleted, burdensome for citizens to find.

Comment [Jg9]: Only relevant for subdivision applicants.

Comment [Jg10]: Only relevant for subdivision applicants.

Comment [Jg11]: Only relevant for subdivision applicants.

Comment [Jg12]: Only relevant for subdivision applicants.

Comment [Jg13]: This will allow use of more easily accessible map sources.

The Applicant is responsible for ensuring that all applicable information regarding the Application is provided on the Application Form. Supplemental information may be attached to the Application Form but should be noted in the designated section of the Application Form.

#### §7.02. Representations and Certifications

By submitting an Application under these regulations, the Applicant, Permittee and/or the owner(s) of the Subject Property shall represent and certify:

- (A) there is no outstanding delinquent tax liability to the County on the Subject Property;
- (B) the owner(s) of the Subject Property has authorized the submittal of the Application;
- (C) ~~the Applicant has accompanied the Application, and~~
- (D) the County is authorized to review and act upon the application.

Comment [Jg14]: See comment J05, only subject parcel.

Comment [Jg15]: Deleted.

Subject Property. The Department shall conduct an initial review of the Application to determine whether it is administratively complete. If the Application is not administratively complete, the Department shall notify the Applicant of the deficiencies with the Application not later than ten (10) working days after the date the Application is received by the County. Further processing of the Application shall be suspended until these administrative deficiencies have been remedied. The Applicant shall provide a written response to each noted deficiency issued by the County, accompanied by any additional information required to respond to such deficiency. Once ~~§ 701.07~~ a Subdivision Application has been determined by the Department to be administratively complete, the Department shall provide written confirmation to the Applicant, with a copy to the County Commissioner(s) in whose precinct the Subject Property is located. All other applications which are administratively complete shall immediately be subject to technical review without requirement of the notices. All administratively complete applications shall be subjected to a technical review by the Department.

**Comment [17]:** Removed forwarding of non subdivision application approvals to commissioner's office to save time and resources.

#### §7.08. Technical Review

Before an Application filed under these regulations can be subjected to a technical review by the Department, it must be determined to be administratively complete. Before an Application filed under these regulations will be submitted to the Commissioners Court for final action, the Application shall be reviewed by the Department and determined to be technically complete. The Department shall review the Application to ensure that it complies with the technical requirements of these regulations, including any applicable variances requested. If the Application is not technically complete, the Department shall notify the Applicant of the technical deficiencies with the Application. Further processing of the Application shall be suspended until these deficiencies have been remedied. The Applicant shall provide a written response to each noted deficiency issued by the County, accompanied by any additional information required to respond to such deficiency. Once ~~§ 701.07~~ a Subdivision Application has been determined by the Department to be technically complete, the Department shall provide written confirmation to the Applicant, with a copy to the County Commissioner(s) in whose precinct(s) the Subject Property is located. All other Application which are technically complete will result in the mailing of a permit to the Applicant without requirement of the additional notices, with a copy of the permit being provided to the County Commissioner upon request. An Applicant that disagrees with the Department's determination of technical deficiencies in the Application may petition the Department to forward the Application to the Commissioners Court without resolving the alleged deficiencies. Such requests shall be made in writing to the Department with a copy to the office of the County Judge.

**Comment [18]:** Removed forwarding of non subdivision application approval to commissioner's office to save time and resources.

#### §7.09. Combined Administrative and Technical Review

Applications which are routine in nature and have a limited number of technical requirements may, at the discretion of the Department, have both the administrative and technical reviews conducted together. The Department may also combine the written confirmation of administrative and technical completion required in §701.7.07 and §701.7.08.

#### §7.10. Expiration of Application and Suspension by Agreement

Unless an extension request is submitted to the Department in writing and such extension is subsequently granted in writing by the County, Applications for which the deficiencies are not remedied within sixty (60) calendar days following issuance of the notice of deficiencies are deemed expired and shall be returned to the Applicant. Extension requests may be granted

***Sub-Chapter 8 - Administrative Authorization and Variances***

**§8.01. Delegation of Administrative Authorizations**

The Commissioners Court hereby delegates to the Department the authority to issue certain Development Authorizations administratively, subject to the following conditions:

- (A) The Department may grant the following types of acknowledged administrative authorizations:
  - (1) Minor revisions and lot line corrections to previously platted lots that do not change the total acreage of any affected lot by more than ten percent (10%) of its original acreage;
  - (2) Site Development Reviews issued under Chapters 711 and 755;
  - (3) Utility service certifications for developments where the County has issued a Development Authorization and which are in compliance with these regulations;
  - (4) Flood Hazard Area Permits issued under Chapter 735 that either request no variances or request only variances for which the Department has been delegated variance approval authority;
  - (5) On-Site Sewage Facility (OSSF) permits issued under ~~2017~~ the OSSF Rules that either request no variances or request only variances for which the Department has been delegated variance approval authority;
  - (6) Registrations and Minor Permits for Use of County Facilities issued under Chapter 751;
  - (7) Determinations of Qualification for Economic Incentives issued under Chapter 761;
  - (8) Modifications of existing Development Authorizations that qualify under items (1) through (7) of this Section; and,
  - (9) Transfers of existing Development Authorizations that fall into one of the following categories:
    - (a) Transfers involving only the elimination of one or more of multiple original Permittees, provided at least one of the original Permittees continues to hold the transferred Development Authorization.
    - (b) Transfers of existing Development Authorizations to legal successors recognized under law in the event of death, incapacitation, or insolvency of an original Permittee, provided that the Applicant for the transfer submits appropriate documentation that is reviewed and determined to be valid by the Hays County Criminal District Attorney's office, or such other authorized legal representative as may be designated by the Commissioners Court. Transfers resulting from a sale do not qualify for consideration as an administrative authorization, even if preceded by an otherwise qualifying event.
- (B) The Department shall provide notice to the County Commissioners of all administrative approvals granted:
  - (1) The Department shall notify the Commissioner(s) in whose precinct(s) the Subject Property is located of the issuance of an administrative Development Authorization by

- (A) The proposed names or designations for new roadways, shared access easements or shared access driveways associated with any Application to the County for a Development Authorization. The County "911" Coordinator is hereby authorized to withhold approval of names or designations that the coordinator determines are very similar to existing names or designations or which may otherwise contribute to confusion in names or designations in a way that may hinder emergency response.

(1) When names or designations are allowed to change on a continuous street, street signs must be placed in a clear and unambiguous manner, so as not to hinder emergency response.

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Comment [Jg19]: Attempt at improving visual cues for responders.

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- (B) If "911" addresses have not previously been established for the proposed development, in conjunction with the final Development Authorization, the County shall establish a "911" address for each lot or component of the development served by a Regulated Roadway, shared access easement or shared access driveway associated with that development. If the development plan includes multiple habitable structures located on the same lot (e.g. a multi-unit residential housing unit, a Manufactured Home Rental Community, a multi-unit commercial development, etc.), a "911" address shall be established for each habitable structure. The "911" addresses shall be established by the County "911" Coordinator.

- (A) Identification of the Permittee who agrees to be bound by the terms of the development authorization, if issued, including any special provisions incorporated by the Commissioners Court. Unless designated separately on the Application, Development Authorizations will be issued with the Applicant as the Permittee.
- (B) Information on the precise location of the Subject Property to include (for Subdivision Applications only):
  - (1) The "911" Street Address, if established;
  - (2) Geographic Coordinates for the main entrance to the Subject Property off of a public roadway and one additional location near the geographic center of the Subject Property;
  - (3) The current legal description and deeds for the Subject Property; and,
  - (4) The Primary and any secondary existing public roadways which abut the Subject Property or will be used for access to the proposed development.
- (C) A detailed description of the specific activities proposed for the Subject Property.
- (D) The size and location of the Subject Property or, if a reference identifier has previously been assigned, the reference identifier of the Subdivision application.
- (E) Any technical representatives or consultants responsible for preparation of the Application or Supplemental Information (e.g. professional engineers, professional geoscientists, professional land surveyors, registered sanitarians, attorneys, accountants, etc.)

#### **§4.03. Supplemental Information**

In addition to the items required to be submitted with the Application in accordance with Chapter 701 and Section §711.4.02, each Application shall be supplemented with the following information:

- (A) Property location map(s), which utilizes at least one of the following base maps:
  - (1) A topographic map as published by the U.S. Geological Survey (USGS), or an equivalent map from another source, indicating the location of the Subject Property (for Subdivision Applications only);
  - (2) ~~Aerial photograph of the Subject Property~~
  - (3) A ~~satellite image~~ map from another source that accurately depicts the location of the Subject Property which provides sufficient detail to allow County staff to easily find the property in order to conduct necessary inspections.
- (B) A site drawing in sufficient detail to describe the location within the property of the proposed activities, including the location of specific improvements to be constructed.
- (C) Existing and proposed public and private roadways, including those designated for general egress/ingress and those designated for emergency access to the proposed development.



#### §4.03. Notice of the Storm Water Quality Requirements of Other Jurisdictions

The following water quality requirements promulgated by other jurisdictions govern portions of Hays County:

- (A) The City of Austin water quality and environmental ordinances, effective in the ETJ of the City of Austin.
- (B) The City of Buda Water Quality Ordinance, effective in the ETJ of the City of Buda.
- (C) The City of Dripping Springs Water Quality Ordinance, effective in the ETJ of the City of Dripping Springs.
- (D) The City of Kyle Water Quality Ordinance, effective in the ETJ of the City of Kyle.
- (E) The City of San Marcos Environmental Ordinances, effective in portions of the ETJ of the City of San Marcos.
- (F) The Lower Colorado River Authority (LCRA) Highland Lakes Watershed Ordinance, applicable in portions of western Hays County, within the watersheds of the Highland Lakes.
- (G) The TCEQ Edwards Aquifer Program, for those portions of the County designated as being within either the contributing zone or the recharge zone of the Edwards Aquifer, as adopted under Title 30, Texas Administrative Code (TAC), Chapter 213.
- (H) The TCEQ Construction Site Storm Water Permitting Program, regulating all construction activities disturbing more than one (1) acre, anywhere within Hays County.
- (I) The TCEQ Municipal Separate Storm Sewer System (MS4) Permitting Program, effective February 11, 2008, for those portions of the County designated as "Urbanized Areas" by the U.S. Census Bureau, as identified in the County's "Storm Water Management Program" (SWMP) approved by the Texas Commission on Environmental Quality. Urbanized areas subject to the requirements of the SWMP are designated in the SWMP, and are located in eastern Hays County, adjoining the City of Austin.

#### *Sub-Chapter 5 - Incentives for Lots Larger Than Five Acres*

##### §5.01. Incentives for Lots Larger than Five Acres

If the Application is for a subdivision with five (5) Lots or less under Chapter 705 and all Lots in the proposed subdivision are larger than five acres and restricted by plat note limiting future development to one single family residence per Lot and prohibiting TCEQ Regulated Development, then such subdivision shall be deemed to be in compliance with this Chapter and no additional materials need be submitted to demonstrate compliance to the Director.

- (A) Notwithstanding the preceding requirements, all drainage facilities affecting Local Roadways, Urbanized Local Roadways or Minor Collectors may be designed based on a five-year frequency design storm event if all Lots in the development are restricted to one single family residence per Lot and prohibiting TCEQ Regulated Development and the design of such drainage structures is approved by the Department. All drainage construction will, however, be subject to the remainder of this Chapter.
- (B) Notwithstanding the preceding requirements, all Country Lanes, Local Roadways, Urbanized Local Roadways or Minor Collectors, and culverts underneath such roadways,

**Comment [jg21]:** Hays County's "Urbanized Areas" are subject to change after calculation of census results.

**Comment [jg22]:** Added an exemption for smaller developments.

- (C) Location, size and proposed use of all proposed access easements, or Shared Access Driveways, if any.
- (D) A statement indicating whether the Applicant shall seek public dedication of the roadways or designation of roadways as private roadways.
- (E) The number of feet of frontage of each Lot onto a regulated roadway.
- (F) A roadway design report prepared in accordance with Chapter 721, unless exempted pursuant to Chapter 721, Subchapter 5.
- (G) A designation of the classification of each roadway to be constructed or existing roadways abutting any Lot as determined in accordance with Chapter 721 below.
- (H) Proposed location of all depth gauges, at all road crossings where the 100 year frequency flow or lesser frequency storm event is anticipated to flow over the roadway surface and any proposed gates or warning devices. The Department shall evaluate and recommend to the Commissioners Court whether or not to require additional gates or warning devices at such locations.

#### **§5.04. Flood Plain and Storm Water Management Information**

A proposed subdivision shall satisfy the requirements of Chapter 725 of these Regulations relating to Storm Water Management Standards and shall contain a written certification from a Texas licensed Professional Engineer stating that the location and approximate sizes of the storm water management structure set forth are in accordance with the Department's Storm Water Management Standards. Proposed subdivisions with five (5) or less Lots meeting the minimum Lot size requirements are exempt from this subchapter. The information included with the Application shall illustrate:

**Comment [jg20]:** Staff feels an exemption that closely resembles the other exemptions is appropriate.

- (A) Elevation contours at no greater than two-foot (2') intervals, based on the North American Vertical Datum (NAVD) of 1988 [NAVD 88].
- (B) All Special Flood Hazard Areas identified by the Federal Emergency Management Agency as identified in Chapter 735, Subchapter 3.
- (C) For each lot containing a special flood hazard area, sufficient additional contours to identify and delineate the special flood hazard area (including the 100-year floodplain and regulatory floodway, if any) and the lowest allowable finished floor elevation. If base flood elevations and lowest allowable finished floor elevations have not already been established, they shall be established by a method satisfactory to the Director.
- (D) For each subdivision containing a special flood hazard area, at least one benchmark showing the NAVD 88 elevation, as well as geographic coordinates, shall be established using the procedures presented in the Texas Department of Transportation (TXDOT) Survey Manual, latest edition.
- (E) A storm water management plan depicting the anticipated flow of all storm water onto and from the subdivision and showing all major topographic features on or adjacent to the property including all water courses, special flood hazard areas, ravines, bridges and culverts.



## *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 a Letter of Intent for the Personal Health Department (PHD) to enter into contract negotiations with Seton Health Plan for Provision of Services to Health and Human Services Commission (HHSC) HMO members.

**CHECK ONE:**

☐ CONSENT

☒ ACTION

☐ EXECUTIVE SESSION

☐ WORKSHOP

☐ PROCLAMATION

☐ PRESENTATION

**PREFERRED MEETING DATE REQUESTED: May 3, 2011**

**AMOUNT REQUIRED: N/A**

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

**REQUESTED BY: Priscilla Hargraves**

**SPONSORED BY: Debbie Ingalsbe**

**SUMMARY: This agreement will allow the PHD to enter into contract negotiations with Seton Health Plan for the provision of healthcare services to HMO members enrolled with Seton Health Plan if Seton receives a contract award through HHSC.**

**Hays County Health Department****LETTER OF INTENT TO ENTER INTO CONTRACT NEGOTIATIONS WITH  
SETON HEALTH PLAN  
FOR PROVISION OF SERVICES TO HHSC HMO MEMBERS**

This letter is subject to verification by the Texas Health and Human Services Commission (HHSC). A Provider should not sign this Letter of Intent unless the Provider intends to enter into contract negotiations with Seton Health Plan for the provision of services to STAR HMO (Medicaid) Members. Signing this Letter of Intent does not obligate the provider to sign a contract with Seton Health Plan for the provision of services to STAR HMO (Medicaid) Members.

Seton Health Plan is proposing to participate in the STAR HMO Program in the Travis Service Area. The provider signing below is willing to enter into contract negotiations with Seton Health Plan for the provision of healthcare services to HMO members enrolled with Seton Health Plan as indicated below.

This provider intends to sign a contract with Seton Health Plan if Seton Health Plan is awarded a HMO contract in the Service Area applicable to the provider and an acceptable agreement can be reached between the provider and Seton Health Plan.

**NOTICE TO PROVIDERS:**

This Letter of Intent may be used by HHSC in its bid evaluation and contract award process for the RFP for Managed Care Services for the Travis Service Area. You should only sign this Letter of Intent if you intend to enter into contract negotiations with Seton Health Plan should they receive a contract award. If you are signing on behalf of a physician, please provide evidence of your authority to do so.

*Do not return completed Letter of Intent to HHSC. Completed Letter of Intent needs to be returned to Seton Health Plan, in the enclosed postage paid envelope.*

1. PROVIDER'S SIGNATURE N/A
2. DATE N/A
3. PRINTED NAME OF SIGNER N/A
4. TITLE OF SIGNER N/A
5. PRINTED NAME OF PROVIDER  
(IF DIFFERENT FROM SIGNER) Hays County Health Dept
6. RESPONDENT REPRESENTATIVE'S  
SIGNATURE \_\_\_\_\_
7. DATE \_\_\_\_\_
8. PRINTED NAME OF  
SIGNER \_\_\_\_\_
9. TITLE OF SIGNER \_\_\_\_\_

**Hays County Health Department****ADDITIONAL PROVIDER AND SERVICES INFORMATION FOR LOI/LOA  
BETWEEN PROVIDERS AND RESPONDENTS  
FOR PROVISION OF SERVICES TO HHSC HMO MEMBERS**

1. MEDICAID PROVIDER IDENTIFICATION NUMBER 1384059-05  
NPI NUMBER 1295707974
2. PROVIDER'S PRINTED NAME Hays County Health Dept
3. ADDRESS (where services will be provided) 401 Broadway St Ste A  
San Marcos TX
4. ZIP CODE 78666
5. COUNTY Hays
6. TELEPHONE 512-393-5520  
OFFICE CONTACT EMAIL priscilla\_hargraves@co.hays.tx.us
7. FAX 512-393-5530

☒ Check here if additional service site information is attached.

8. PROVIDER TYPE (e.g. PCP, OB/GYN, acute care hospital, inpatient mental health facility, Therapy (PT,OT, ST), etc.)

~~PRIMARY CARE PHYSICIAN~~ Public Health Department

9. SERVICE(S) TO BE PROVIDED TO STAR MEMBERS, NOTE ANY DIFFERENCES IN TYPES OF SERVICE(S) BY PROVIDER SITE.

~~AMBULATORY MEDICINE (FP/GP/IM)~~ THSteps Exams

10. AREAS OF PROVIDER SPECIALTY, IF ANY

N/A

11. LANGUAGES SPOKEN BY THE PROVIDER (OTHER THAN ENGLISH) Spanish & Chinese

12. NAME OF HOSPITAL(S) WHERE PHYSICIAN HAS ADMITTING PRIVILEGES

N/A

\*Above information reviewed and acknowledged by: \_\_\_\_\_

**ADDITIONAL PROVIDER AND SERVICES INFORMATION FOR LOI/LOA  
BETWEEN PROVIDERS AND RESPONDENTS  
FOR PROVISION OF SERVICES TO HHSC HMO MEMBERS**

1. MEDICAID PROVIDER IDENTIFICATION NUMBER 1384059-03  
NPI NUMBER 1295707974
2. PROVIDER'S PRINTED NAME Hays County Health Department
3. ADDRESS (where services will be provided) 401 Broadway St Ste A San Marcos TX
4. ZIP CODE 78666
5. COUNTY Hays
6. TELEPHONE 512-393-5520  
OFFICE CONTACT EMAIL priscilla\_hargraves@co.hays.tx.us
7. FAX 512-393-5530
- ☒ Check here if additional service site information is attached.
8. PROVIDER TYPE (e.g. PCP, OB/GYN, acute care hospital, inpatient mental health facility, Therapy (PT,OT, ST), etc.)  
Public Health Department
9. SERVICE(S) TO BE PROVIDED TO STAR MEMBERS, NOTE ANY DIFFERENCES IN TYPES OF SERVICE(S) BY PROVIDER SITE.  
Immunizations
10. AREAS OF PROVIDER SPECIALTY, IF ANY  
N/A
11. LANGUAGES SPOKEN BY THE PROVIDER (OTHER THAN ENGLISH)  
Spanish & Chinese
12. NAME OF HOSPITAL(S) WHERE PHYSICIAN HAS ADMITTING PRIVILEGES  
N/A

\*Above information reviewed and acknowledged by: \_\_\_\_\_

**ADDITIONAL PROVIDER AND SERVICES INFORMATION FOR LOI/LOA  
BETWEEN PROVIDERS AND RESPONDENTS  
FOR PROVISION OF SERVICES TO HHSC HMO MEMBERS**

1. MEDICAID PROVIDER IDENTIFICATION NUMBER 1384059-04  
NPI NUMBER 1295707974
2. PROVIDER'S PRINTED NAME Hays County Health Department
3. ADDRESS (where services will be provided) 401 Broadway St Ste A San Marcos TX
4. ZIP CODE 78666
5. COUNTY Hays
6. TELEPHONE 512-393-5520  
OFFICE CONTACT EMAIL priscilla.hargraves@co.hays.tx.us
7. FAX 512-393-5530

☒ Check here if additional service site information is attached.

8. PROVIDER TYPE (e.g. PCP, OB/GYN, acute care hospital, inpatient mental health facility, Therapy (PT,OT, ST), etc.)

Public Health Department

9. SERVICE(S) TO BE PROVIDED TO STAR MEMBERS, NOTE ANY DIFFERENCES IN TYPES OF SERVICE(S) BY PROVIDER SITE.

Prenatal Care

10. AREAS OF PROVIDER SPECIALTY, IF ANY

Prenatal Care

11. LANGUAGES SPOKEN BY THE PROVIDER (OTHER THAN ENGLISH)

Spanish

12. NAME OF HOSPITAL(S) WHERE PHYSICIAN HAS ADMITTING PRIVILEGES

Central Texas Medical Center & Seton Hays Medical Center (Consulting Physicians)

\*Above information reviewed and acknowledged by: \_\_\_\_\_

**ADDITIONAL PROVIDER AND SERVICES INFORMATION FOR LOI/LOA  
BETWEEN PROVIDERS AND RESPONDENTS  
FOR PROVISION OF SERVICES TO HHSC HMO MEMBERS**

1. MEDICAID PROVIDER IDENTIFICATION NUMBER 1384059-05; 1384059-03; 1384059-04  
NPI NUMBER 1295707974
2. PROVIDER'S PRINTED NAME Hays County Health Dept-Kyle
3. ADDRESS (where services will be provided) 150 Lockhart St Kyle TX
4. ZIP CODE 78640
5. COUNTY Hays
6. TELEPHONE 512-268-1270  
OFFICE CONTACT EMAIL priscilla hargraves@co.hays.tx.us
7. FAX 512-268-7216
- ☐ Check here if additional service site information is attached.
8. PROVIDER TYPE (e.g. PCP, OB/GYN, acute care hospital, inpatient mental health facility, Therapy (PT,OT, ST), etc.)  
Public Health Department
9. SERVICE(S) TO BE PROVIDED TO STAR MEMBERS, NOTE ANY DIFFERENCES IN TYPES OF SERVICE(S) BY PROVIDER SITE.  
THSteps Exams; Immunization & Prenatal Care
10. AREAS OF PROVIDER SPECIALTY, IF ANY  
Prenatal Care
11. LANGUAGES SPOKEN BY THE PROVIDER (OTHER THAN ENGLISH)  
Spanish
12. NAME OF HOSPITAL(S) WHERE PHYSICIAN HAS ADMITTING PRIVILEGES  
\_\_\_\_\_

\*Above information reviewed and acknowledged by: \_\_\_\_\_

## *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 disburse \$15,000 from the LCRA Service Fee Fund to the Coalition of Central Texas Utilities Development Corporation, as Hays County's contribution toward the costs of due diligence related to the LCRA divestiture.

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

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

**PREFERRED MEETING DATE REQUESTED:** My 3, 2011

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

**LINE ITEM NUMBER OF FUNDS REQUIRED:** 171-691-00.5448

**REQUESTED BY:** WHISENANT

**SPONSORED BY:** WHISENANT

**SUMMARY:** As discussed in the last two Commissioners Court meetings, the Coalition is diligently working toward the provision of an indicative bid before LCRA's deadline this month. Since the Corporation is newly formed, due diligence funding is being provided at varying levels by participating entities.

# Agenda Item Routing Form

**DESCRIPTION OF Item:** Discussion and Possible action to disburse \$15,000 from the LCRA Service Fee Fund to the Coalition of Central Texas Utilities Development Corporation, as Hays County's contribution toward the costs of due diligence related to the LCRA divestiture.

**PREFERRED MEETING DATE REQUESTED:** May 3, 2011

## COUNTY AUDITOR

**AMOUNT:** \$15,000.00

**LINE ITEM NUMBER:** 171-691-00.5448

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

**PAYMENT TERMS ACCEPTABLE:** N/A

**COMMENTS:** This will require moving funds from 5301 to 5448 within the LCRA fund budget. The amendment can be done with an amendment by the auditor's office.

**Bill Herzog**

## SPECIAL COUNSEL

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

**COMMENTS:**

## COUNTY JUDGE

*Signature Required if Approved*

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



## *Agenda Item Request Form*

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

9:00 a.m. Every Tuesday

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

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

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

**AGENDA ITEM:** 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 Right of Way acquisition on a portion of Lot 1, Hays County Law Enforcement Center Addition (a.k.a. "Parcel 3 Old Plant Project"). Possible action may follow in open court.

**TYPE OF ITEM:** Executive

**PREFERRED MEETING DATE REQUESTED:** May 3, 2011

**AMOUNT REQUIRED:** N/A

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

**REQUESTED BY:** COBB/INGALSBE

**SPONSORED BY:** COBB/INGALSBE

**SUMMARY:** Summary to be provided in Executive Session.

## *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:** Executive Session pursuant to Section 551.074, Texas Government Code, to interview, discuss and deliberate the appointment/employment of a Veteran Services Officer. Action may follow in open court.

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

**PREFERRED MEETING DATE REQUESTED: Tuesday, May 3, 2011**

**AMOUNT REQUIRED:**

**LINE ITEM NUMBER OF FUNDS REQUIRED:**

**REQUESTED BY: Cobb**

**SPONSORED BY: Cobb**

**SUMMARY:** Executive Session pursuant to Section 551.074, Texas Government Code, to interview, discuss and deliberate the appointment/employment of a Veteran Services Officer. Action may follow in open court.