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AGENDA ITEM REQUEST FORM

Hays County Commissioners Court

Tuesdays at 9:00 AM

Request forms are due in Microsoft Word Format via email by 2:00 p.m. on Wednesday.

AGENDA ITEM

Authorize the execution of the 3rd Amended and Restated Resolution Regarding Authority of Ex Officio Road Commissioners.

ITEM TYPE	MEETING DATE	AMOUNT REQUIRED
CONSENT	May 14, 2013	N/A

LINE ITEM NUMBER

AUDITOR USE ONLY

AUDITOR COMMENTS:

PURCHASING GUIDELINES FOLLOWED: N/A AUDITOR REVIEW: N/A

REQUESTED BY	SPONSOR	CO-SPONSOR
Kennedy	COBB	N/A

SUMMARY

Since the Commissioners Court approved 2 new form documents for use on selected projects, legal counsel has amended the original resolution for Ex Officio Road Commissioners, which should provide for a more streamlined process.

FILED: **05 14 13**
HAYS COUNTY COMMISSIONERS' COURT
Resolution # 29003 VOL V PG 154



**3rd AMENDED AND RESTATED RESOLUTION REGARDING
AUTHORITY OF EX OFFICIO ROAD COMMISSIONERS**

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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 4th 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 and Utility Relocation Agreements, the standard form of which shall be previously 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 fifty thousand dollars (\$50,000 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, Participation and Option Agreements 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 14th day of May, 2013.

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