

Agenda
Medina County Commissioners Court
1100 16th Street, Room 102
Hondo, Texas 78861
June 5, 2006
9:00 a.m.

Doc#
Vol. 65 Page 975
07/03/2006 9:28AM

1. Meeting called to order
2. Discuss and consider approval of May 22, 2006 minutes
3. Discuss and consider approval of certain budget amendments
4. Discuss and consider approval of certain line item transfers
5. Discuss and consider approval of certain bills for payment
6. Discuss and consider approval of certain personnel changes
7. Discuss and consider Personnel Policy Manual update
8. Visitors

10:00 A.M.

9. Discussion of Citizen Collection Sites in Medina County (JT Hooten, South Texas Refuse)
10. Discuss and consider setting a date, place & time for hearing to consider petition to create Emergency Service District No. 2 (Devine Volunteer Fire Department)
11. Discuss and consider setting a date, place & time for hearing to consider petition to create Emergency Service District No. 5 (Natalia Volunteer Fire Department)
12. Discuss and consider acceptance of Statement of Market Value on abandoned County Road 4513 by Vance Tomey
13. Discuss and consider authorization to transfer abandoned County Road 4513 by Quit Claim Deed
14. Discuss and consider approval of contract for collection of taxes for BUMR-U/V ESD #1
15. Discuss and consider resolution authorizing the County Judge to submit a request to the Comptroller for unclaimed capital credits received from electric cooperatives
16. Discuss and consider issuance of time warrant for Sheriff's cars
17. Discuss and consider purchase of additional electronic voting equipment
18. Discuss and consider order prohibiting certain fireworks in unincorporated areas of Medina County

19. Discuss and consider Burn Ban
20. Commissioners' Court / Court Members Announcements
21. CLOSED MEETING: Deliberation regarding real property
22. Adjourn

NOTE: *Items will not necessarily be dealt with in the order that they are listed*

CLOSED MEETING: *Texas Government Code, Chapter 551, Subchapter D
Deliberation regarding real property – Chapter 551*

On this 2nd day of June 2006, not later than 9:00a.m., this notice was posted on a bulletin board located at the place readily accessible and convenient to the public at the Medina County Courthouse, Hondo, Texas.


Jennifer Adlong

FILED IN MY OFFICE
ELVA MIRANDA

JUN 02 '06 AM -8 45

COURT CLERK, MEDINA CO.

1Christine Mitchell
Commissioner Precinct No. 1

James Barden
County Judge

Arturo Barrientes
Commissioner Precinct No. 3

Beverly Keller
Commissioner Precinct No. 2

Kelly Carroll
Commissioner Precinct No. 4

MEDINA COUNTY COMMISSIONERS' COURT
JUNE 5, 2006
9:00 A.M.

Doc#
Vol. 65 Page 977
07/03/2006 9:28AM

ITEM #1
MEETING CALLED TO ORDER

County Judge James Barden called the meeting to order at 9:00 a.m. and stated that all members were present with the exception of Commissioner Mitchell.

Other officials/department heads in attendance for today's meeting were Sheriff Gilbert Rodriguez, County Treasurer Rita Moos, Assistant County Auditor Dee Willman and County Clerk Elva Miranda.

ITEM #2
DISCUSS AND CONSIDER APPROVAL OF MAY 22, 2006
MINUTES

After review of the minutes, a motion was made by Commissioner Carroll and second by Commissioner Keller to accept the minutes as presented with an addition on item #8, 1st paragraph, 2nd sentence, insert "serving the subdivision" at the end of the sentence; and on item #15, 2nd paragraph, insert "10:55" in the blank space. The motion carried.

ITEM #3
BUDGET AMENDMENTS

There were no budget amendments presented at today's meeting.

ITEM #4
LINE-ITEM TRANSFERS

There were no line-item transfers presented at today's meeting.

ITEM #5
DISCUSS AND CONSIDER APPROVAL OF CERTAIN WEEKLY BILLS

After review of the weekly bills, a motion was made by Commissioner Carroll and second by Commissioner Keller to approve the payment of bills with the addition of an add-on in the amount of \$500, payable to the National Center for State Courts, conference registration for the District Court Coordinator (see attachment), and with the exception of any bills pertaining to the County Clerk's Restitution Fund, District Attorney's Forfeiture/Seizure Fund, and Medina County's Forfeiture Fund. Also, acknowledge "demand" checks payable to Hill Tech Inc. The motion carried.

ITEM #5 WEEKLY BILLS – Continued

Mention was made that the court recognizes receipt and payment of bills from Medina County's Forfeiture Fund, County Clerk's Restitution Fund and the District Attorney's Forfeiture/Seizure Fund, but does not have authority to approve payments from these accounts.

ITEM #6
DISCUSSION AND POSSIBLE ACTION ON GRANTING APPROVAL TO
PERSONNEL CHANGES

Court members reviewed proposed personnel action forms as submitted by County Treasurer/Personnel Director Rita Moos. (See attachments)

After discussion, a motion was made by Commissioner Keller and second by Commissioner Carroll to grant approval to the personnel action forms as submitted. The motion carried unanimously.

ITEM #7
DISCUSS AND CONSIDER PERSONNEL POLICY MANUAL UPDATE

County Treasurer Rita Moos stated the proposed update is an administrative change that Commissioners' Court had passed at the beginning of the year. (See attachment)

Under Section 9.10 HOLIDAYS, Good Friday has been changed to Floating Holiday.

After consideration, a motion was made by Commissioner Carroll and second by Commissioner Keller to grant approval to the change as presented. The motion carried.

ITEM #8
VISITORS

Dr. Bob Fitzgerald – Quihi
Frances Guinn – Anvil Herald
J.T. Hooten – S. Texas Refuse

Kurt Castner – Leader News
Pat Brawner – Medina County
Joyce McKay - Hondo

ITEM #9
DISCUSSION OF CITIZEN COLLECTION SITES IN MEDINA COUNTY (JT
HOOTEN, SOUTH TEXAS REFUSE)

Court members reviewed the proposed Agreement as submitted by Mr. J.T. Hooten, Owner and Operator of South Texas Refuse.

Mr. Hooten stated that he presently operates five (5) citizen's collection sites for the County.

ITEM #9 CITIZEN COLLECTION SITES – Continued

The Devine and Castroville sites are open twice a week, but are hardly being utilized except on Saturdays. He recommends discontinuing midweek services, at these two (2) sites, at the end of June. The change would reduce the monthly payment by \$300 per month. No action taken. It was noted that Mr. Hooten is willing to negotiate reducing monthly charge by \$300.

ITEM #10

DISCUSS AND CONSIDER SETTING A DATE, PLACE & TIME FOR HEARING
TO CONSIDER PETITION TO CREATE EMERGENCY SERVICE DISTRICT NO.
2 (DEVINE VOLUNTEER FIRE DEPARTMENT)

Court members reviewed the proposed Petition as submitted. Judge Barden stated that he had received a Petition for the creation and operation of Emergency Service District No. 2, and No. 5 (next agenda item) (See attachment) This item has been placed on the agenda for Court members to decide on a date, place and time for conducting a public hearing to consider the proposed Petition.

Judge Barden further stated that both Petitions had been duly filed with the County Clerk's Office, and that he had received confirmation from Voter Registrar Loraine Neuman certifying the names on both Petitions had been checked and verified. The Petition for ESD No. 2 contains one hundred twenty four (124) names that are qualified voters and own taxable property in the proposed Emergency Service District. Judge Barden commented that under Health and Safety Code, a petition must be signed by one hundred (100) qualified voters that own real property in a proposed district.

After discussion, a motion was made by Commissioner Carroll and second by Commissioner Keller to conduct a public hearing to consider the Petition for the Creation of Emergency Service District No. 2 on Thursday, July 6, 2006 at 6:00 p.m. in the Commissioners' Courtroom or the District Courtroom, if additional room is needed. The motion carried.

ITEM #11

DISCUSS AND CONSIDER SETTING A DATE, PLACE & TIME FOR HEARING
TO CONSIDER PETITION TO CREATE EMERGENCY SERVICE DISTRICT NO.
5 (NATALIA VOLUNTEER FIRE DEPARTMENT)

Court members reviewed the proposed Petition as submitted. (See attachment)

Judge Barden stated that Voter Registrar Loraine Neuman had verified that the Petition contains one hundred twenty two (122) names that are qualified voters and own taxable property in the proposed Emergency Service District No. 5.

ITEM # 11 PETITION FOR ESD NO. 5 – Continued

After consideration, a motion was made by Commissioner Keller and second by Commissioner Barrientes to conduct a public hearing to consider the Petition for the Creation of Emergency Service District No. 5 on Thursday, July 6, 2006 at 6:00 p.m. in the Commissioners' Courtroom or District Courtroom, if additional room is needed. The motion carried.

ITEM #12

DISCUS AND CONSIDER ACCEPTANCE OF STATEMENT OF MARKET VALUE ON ABANDONED COUNTY ROAD 4513 BY VANCE TOMEY

Court members reviewed copies of an Opinion of Market Value on abandoned and closed County Road 4513. (See attachment)

Judge Barden stated that in 1999 Commissioners' Court had abandoned and closed County Road 4513. The present adjoining landowners would like to purchase the abandoned road. Landowner Joyce McKay stated the abandoned road has been used to dump trash and she wishes to purchase the property to clean it up. Judge Barden also stated that Joe and Joyce McKay are the only adjoining landowners because the Quihi Creek runs on the opposite side of the road.

Mr. Vance submitted two (2) Opinions of Market Value. He states that the road is located in the 100 year floodplain. One (1) value is \$325.00 for the road only. The additional Opinion is for \$400.00, and this includes the road and to the center of Quihi Creek.

After discussion, a motion was made by Commissioner Keller and second by Commissioner Barrientes to accept both values as submitted. The motion carried.

ITEM #13

DISCUSS AND CONSIDER AUTHORIZATION TO TRANSFER ABANDONED COUNTY ROAD 4513 BY QUIT CLAIM DEED

A motion was made by Commissioner Carroll and second by Commissioner Barrientes to authorize a Quit Claim of the abandoned county road to the center line of Quihi Creek for \$400.00. The motion carried unanimously.

ITEM #14

DISCUSS AND CONSIDER APPROVAL OF CONTRACT FOR COLLECTION OF TAXES FOR BUMR-U/V ESD #1

Court members reviewed a proposed Contract for the collection of taxes for the Bandera, Uvalde, Medina and Real Counties-Utopia/Vanderpool Area Emergency Service District No. 1. (See attachment)

ITEM #14 CONTRACT FOR COLLECTION OF TAXES – Continued

Judge Barden stated that Tax Collector Loraine Neuman had been asked if she would consider collecting taxes for the ESD. The total annual taxes to be collected will be very small, and she has agreed to perform this function at a collection fee of 1.5% of the total annual taxes collected.

After consideration, a motion was made by Commissioner Carroll and second by Commissioner Keller to grant approval to the Contract for Assessment and Collection Services between Medina County and the Bandera, Uvalde, Medina and Real Counties-Utopia/Vanderpool Area Emergency Service District No. 1 (BUMR U/V ESD#1). The motion carried.

ITEM #15

DISCUSS AND CONSIDER RESOLUTION AUTHORIZING THE COUNTY
JUDGE TO SUBMIT A REQUEST TO THE COMPTROLLER FOR UNCLAIMED
CAPITAL CREDITS RECEIVED FROM ELECTRIC COOPERATIVES

After review and consideration of the proposed Resolution, a motion was made by Commissioner Keller and second by Commissioner Barrientes to grant authorization to the County Judge for submission to the Comptroller of Public Accounts for any unclaimed monies received from electric cooperatives. The motion was approved by a unanimous vote. (See attachment)

Judge Barden commented that last year a portion of the funds received had been used towards economic development and our local Bluebonnet Children's Advocacy Center.

ITEM #16

DISCUSS AND CONSIDER ISSUANCE OF TIME WARRANT FOR SHERIFF'S
CARS

A motion was made by Commissioner Carroll and second by Commissioner Keller to grant approval to the issuance of the proposed Time Warrant in the amount of \$83,699.09 payable to the Castroville State Bank, payable in two (2) installments of \$41,849.52, for the purchase of six (6) law enforcement vehicles. The motion carried unanimously. (See attachment)

ITEM #17

DISCUSS AND CONSIDER PURCHASE OF ADDITIONAL ELECTRONIC
VOTING EQUIPMENT

This item has been postponed until the June 12th meeting.

ITEM #18
DISCUSS AND CONSIDER ORDER PROHIBITING CERTAIN FIREWORKS IN
UNINCORPORATED AREAS OF MEDINA COUNTY

Court members reviewed the proposed Order as submitted.

Judge Barden stated that he had been unable to verify with the Texas Forest Service if the County had been declared a drought area. Court members discussed the possibility of prohibiting the use of bottle rockets with sticks and missiles with fins. Comment was made that roman candles do not fall under the category of the proposed banned fireworks.

No action taken. This item is to be placed on next week's agenda for possible action.

ITEM #19
DISCUSS AND CONSIDER BURN BAN

Comment was made that several Commissioners had issued permits for burning by land contractors.

After discussion, it was the consensus of the court to allow the burn ban to continue.

ITEM #20
COMMISSIONERS' COURT/COURT MEMBERS ANNOUNCEMENTS

Judge Barden reminded everyone that next Monday is the next regularly scheduled Commissioners' Court meeting day.

ITEM #21
CLOSED MEETING: DELIBERATION REGARDING REAL PROPERTY

Court members entered into a taped closed session at 11:00 a.m.

The Court came back into regular session at approximately 11:13 a.m. with Judge Barden stating that no action had been taken, and nothing other than the above item listed on the agenda was discussed during the closed session.

ITEM #22
ADJOURN

There being no further business to address, the Honorable James Barden, County Judge, declared the meeting adjourned.

THE STATE OF TEXAS

COUNTY OF MEDINA

THE PEOPLE OF MEDINA COUNTY, TEXAS

TO: THE HONORABLE JIM BARDEN, COUNTY JUDGE

FOR: CREATION AND OPERATION OF MEDINA COUNTY EMERGENCY SERVICES DISTRICT No. 5

FILED IN MY OFFICE
ELVA MIRANDA

MAY 26 '06 PM -3 25

COUNTY CLERK, MEDINA CO.

PETITION

WE, THE UNDERSIGNED, who are fully qualified voters and who own taxable property in the area proposed for MEDINA County Emergency Services District No. 5, MEDINA County, Texas, do hereby respectfully petition the Honorable JIM BARDEN, County Judge, for authority to organize an Emergency Services District in MEDINA County, Texas pursuant to the provisions and procedures set out in Ch. 775 of the Health and Safety Code, Title IX.

- (1.) The proposed Emergency Services District is to be created and operated under the provisions of Article III, Section 48-e, of the Texas Constitution;
- (2.) To make emergency services available to the district in order to protect life and property and to conserve natural and human resources as set forth in Ch. 775 of the Texas Health and Safety Code, Title IX;
- (3.) The name of the district proposed by the petition is "MEDINA County Emergency Services District No. 5;"
- (4.) The proposed districts boundaries are more particularly described Exhibit A, attached hereto and incorporated herein for all purposes;
- (5.) The creation of the proposed district complies with Section 775.020 and 775.0205, Health and Safety Code;
- (6.) None of the above described land area comprising the said proposed Emergency Services District is within the bounds of any existing Emergency Services District or Rural Fire Prevention District.

Doc#
Vol. 65 Page 999
07/03/2006 9:28AM

(7.) The following named two Petitioners, do hereby specifically agree to stand responsible for the costs incident to the formation of the proposed MEDINA County Emergency Services District No. 1, not to exceed the sum of ONE HUNDRED AND FIFTY AND NO/100 (\$150.00) DOLLARS, and shall include other necessary and incidental expenses, the costs of publication of notices and election costs as provided by law.

(A.) Name & Address

Signature - TIA KWOOPPER Voter Reg. # 20509101
*1279 CR 220
Natalia, Texas 78059*

(B.) Name & Address

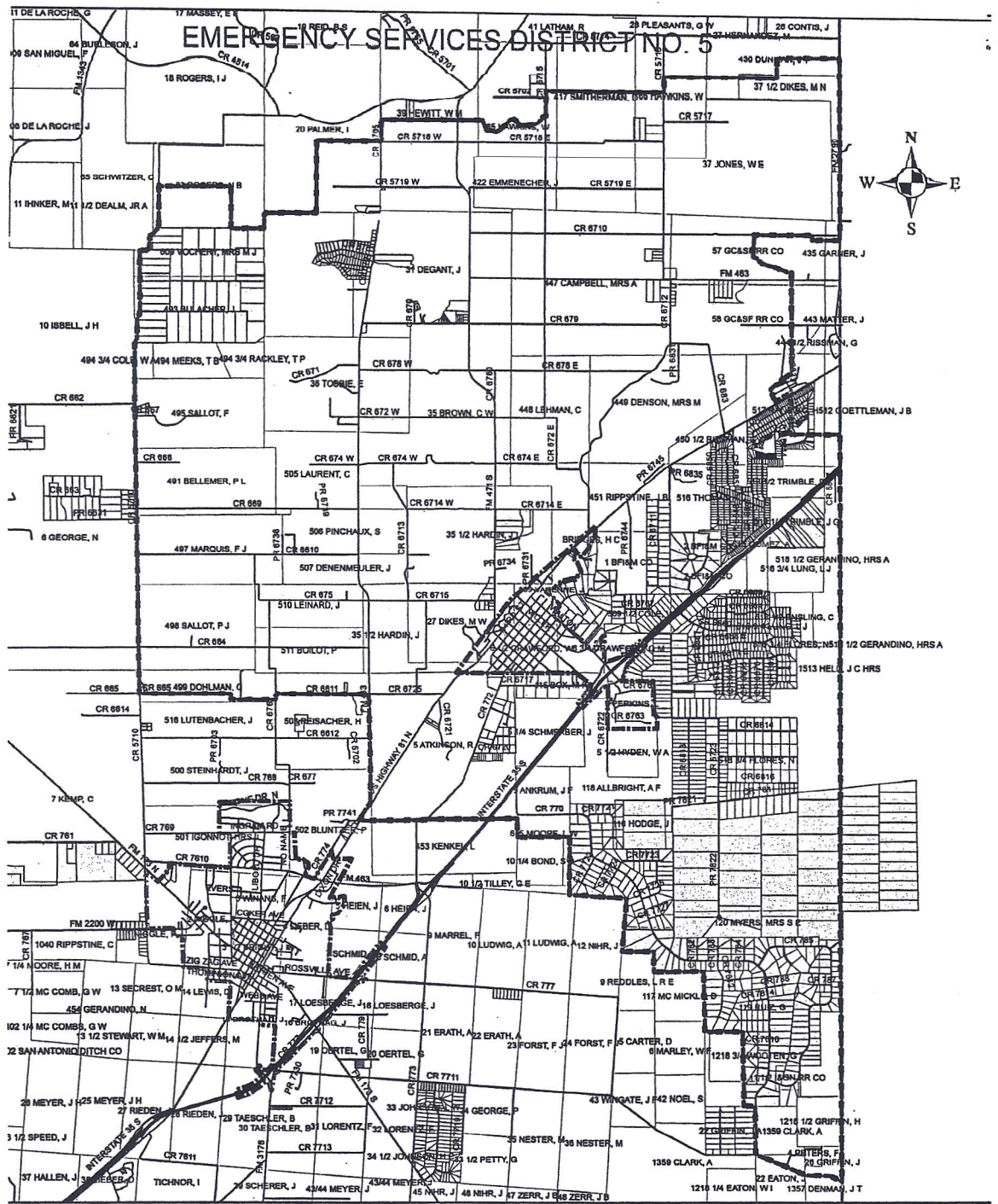
Signature - Mavis Johnson Voter Reg. # 4207
*581 CF 675
2711 ~~Natalia~~ Hwy 832 Natalia, Texas 78059*

(8.) The name of each municipality whose consent must be obtained under Section 775.014 is listed as follows:

(A.) City of Natalia (B.) City of Lytle

(9.) The signature page(s) of at least 100 or more petitioners who are qualified voters and own taxable property is included as "Attachment A."

Doc# 07/03/2006 9:28AM
Vol. 65 Page 1000





LORAIN NEUMAN, RTA, CTA
TAX ASSESSOR-COLLECTOR
MEDINA COUNTY
1102 15TH ST.
HONDO, TEXAS 78861
PHONE 741-6100 • FAX 741-6105

Doc#
Vol. 65 Page 998
07/03/2006 9:20AM

May 31, 2006

Honorable Jim Barden
Medina County Judge
Medina County Courthouse
Hondo, TX 78861

RE: Petition for the Creation and Operation of Medina County Emergency Services
District No. 5

Dear Judge:

I, Loraine Neuman, Voter Registrar of Medina County, Texas do hereby certify that the names on the above mentioned petition, dated May 26, 2006 have been checked.

I have verified that one hundred twenty two (122) names are qualified voters and own taxable property in the area proposed for Medina County Emergency Services District No. 5, Medina County, Texas.

Sincerely,

Loraine Neuman

Loraine Neuman
Voter Registrar/Tax Assessor-Collector
Medina County