

MARCH 9, 2021

STATE OF TEXAS \* COUNTY OF HAYS \*

ON THIS THE  $9^{\rm th}$  DAY OF MARCH A.D., 2021, IN THE HAYS COUNTY COURTHOUSE, 111 E. SAN ANTONIO ST., SUITE 301, SAN MARCOS, TEXAS, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

RUBEN BECERRA
DEBBIE GONZALES INGALSBE
M ARK JONES
LON A. SHELL
W ALT SM ITH
ELAINE H. CÁRDENAS

COUNTY JUDGE
COMMISSIONER, PCT. 1
COMMISSIONER, PCT. 2
COMMISSIONER, PCT. 3
COMMISSIONER, PCT. 4
COUNTY CLERK

Clerk's Note: For complete transcript go to Hays County Website https://hayscountytx.com/commissioners-court/court-video/Transcript can be translated into any language through Google.com.

## THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor Josh Murillo of the San Marcos Seventh-day Adventist Church gave the invocation. Judge Becerra led the court in the Pledge of Allegiance to the United States and Texas flags. Judge Becerra called the meeting to order.

#### PUBLIC COMMENTS

Rodrigo Amaya made public comments regarding Constable Ron Hood, Commissioner Shell, and Constable David Peterson. Dan Lyon made public comments regarding the length of the public comment from the previous week, Hay Central Appraisal District, and the purchase an emergency response vehicle.

# PRESENTATION BY LISA NARANJO, COMMERCIAL SECURITY SPECIALIST, OF FORTRESS SECURITY REGARDING SECURITY AT THE HAYS COUNTY HISTORIC COURTHOUSE. POSSIBLE DISCUSSION AND ACTION MAY FOLLOW.

Rodrigo Amaya made a public comment against the purchase of a security system. Lisa Naranjo, Fortress Security, presented to the court members by PowerPoint. She gave examples of camera quality and the services that are provided through Fortress Security. The court thanked Lisa Naranjo and Fortress Security for the presentation. The court had questions concerning the service options available. Commissioner Jones asked if this item was put out for bid. Constable Peterson, Precinct 1, stated that he had looked at other security companies. He stated the security and safety of the historical courthouse is very important. He noted that cameras are needed as there have been incidents at that building. Tammy Crumley, Director of Countywide Operations, stated she is currently working on additional cameras for the Government Center. She stated that perhaps a contract could be made to cover both buildings. Dan Lyon requested to make a public comment after the presentation was given. Dan Lyon made a public comment against the county purchasing this security system. No action was taken.

# UPDATE FROM THE COUNTY JUDGE AND STAFF REGARDING THE LOCAL DISASTER DECLARATION AND COVID-19. POSSIBLE DISCUSSION AND ACTION MAY FOLLOW.

Mike Jones, Emergency Services Director, thanked the elections volunteers who are currently helping with the vaccination registration. He gave the court an update regarding the number of first and second doses that have been administered. He stated the number of doses the county receives from the state has increased to 4,886 vaccine doses. Judge Becerra noted that the process for registration is working and effective. Commissioner Shell and Commissioner Smith thanked all the staff that is working to get vaccines distributed. No action was taken.

### 36150 APPROVE PAYMENTS OF COUNTY INVOICES.

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve payments of County invoices. All present voted "Aye." MOTION PASSED.



### 36151 APPROVE THE PAYMENT OF UNITED HEALTHCARE CLAIMS.

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve the payment of United Healthcare claims. All present voted "Aye." MOTION PASSED.

# 36152 APPROVE COMMISSIONERS COURT MINUTES OF FEBRUARY 23, 2021.

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve Commissioners Court Minutes of February 23, 2021. All present voted "Aye." MOTION PASSED.

36153 APPROVE THE PAYMENT OF THE MARCH 15, 2021 PAYROLL DISBURSEMENTS IN AN AMOUNT NOT TO EXCEED \$3,100,000.00 EFFECTIVE MARCH 15, 2021 AND POST TOTALS FOR WAGES, WITHHOLDINGS, DEDUCTIONS AND BENEFITS ON THE HAYS COUNTY WEBSITE ONCE FINALIZED.

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve the payment of the March 15, 2021 payroll disbursements in an amount not to exceed \$3,100,000.00 effective March 15, 2021 and post totals for wages, withholdings, deductions and benefits on the Hays County website once finalized. All present voted "Aye." MOTION PASSED.

36154 APPROVE THE REAPPOINTMENTS OF GEORGE BAKER, DAVID REYNOLDS AND KEVIN POGUE TO THE HAYS COUNTY DEVELOPMENT DISTRICT #1, TERMS ENDING SEPTEMBER 2024.

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve the reappointments of George Baker, David Reynolds and Kevin Pogue to the Hays County Development District #1, terms ending September 2024. All present voted "Aye." MOTION PASSED.

36155 ACCEPT THE HAYS COUNTY 2016 ROAD BOND PROGRAM SH 21 CORRIDOR PRESERVATION STUDY PROJECT: RIGHT OF WAY PRESERVATION RECOMMENDATION REPORT AS PRESENTED ON FEBRUARY 23, 2021.

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to accept the Hays County 2016 Road Bond Program SH 21 Corridor Preservation Study Project: Right of Way Preservation Recommendation Report as presented on February 23, 2021. All present voted "Aye." MOTION PASSED.

## 36156 APPROVE UTILITY PERMITS.

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve Utility Permits. All present voted "Aye." MOTION PASSED.

Clerk's Note Agenda Item #10 RE: DISCUSSION AND POSSIBLE ACTION TO UTILIZE SALARY SAVINGS TO PAY OUT COMPENSATORY TIME TO TAX OFFICE CHIEF DEPUTY, SLOT 0323-001 BRINGING BALANCE BACK INTO COMPLIANCE WITH COUNTY POLICY (60 HOURS). - WAS PULLED.

36157 AUTHORIZE THE JUSTICE OF THE PEACE OFFICES TO PURCHASE REPLACEMENT FUJITSU SCANNERS UTILIZING THE JUSTICE COURT TECHNOLOGY FUND AND AMEND THE BUDGET ACCORDINGLY.

A motion was made by Commissioner Jones, seconded by Commissioner Smith to authorize the Justice of the Peace Offices to purchase replacement Fujitsu Scanners utilizing the Justice Court Technology Fund and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

AUTHORIZE THE EXECUTION OF PROPOSALS WITH AXON ENTERPRISE, INC. FOR CONSTABLE PRECINCTS 1 & 5 FOR FLEET & BODY CAMERA PACKAGES RELATED TO NEW DEPUTY CONSTABLES APPROVED IN FY21 AND AMEND THE BUDGET ACCORDINGLY.



A motion was made by Commissioner Jones, seconded by Commissioner Smith to authorize the execution of Proposals with Axon Enterprise, Inc. for Constable Precincts 1 & 5 for Fleet & Body Camera Packages related to new Deputy Constables approved in FY21 and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

# 36159 APPROVE NO CHANGES TO THE HAYS COUNTY INVESTMENT POLICY AND AUTHORIZED INVESTMENTS.

A motion was made by Commissioner Jones, seconded by Commissioner Smith to approve no changes to the Hays County Investment Policy and Authorized Investments. All present voted "Aye." MOTION PASSED.

### 36160 APPROVE THE TREASURER'S AND INVESTMENT REPORTS FOR FY 2020.

A motion was made by Commissioner Jones, seconded by Commissioner Smith to approve the Treasurer's and Investment Reports for FY 2020. All present voted "Aye." MOTION PASSED.

AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN ADDENDUM TO THE MASTER SERVICE AGREEMENT AND LEASE PRODUCT SCHEDULE WITH RICOH USA, INC. TO ADD A FAX OPTION IN THE AMOUNT OF \$32.07 (\$10.69 EACH) FOR COPIERS LOCATED IN VETERANS ADMINISTRATION, TAX OFFICE, AND TRANSPORTATION DEPARTMENT AND TO ADD A VENDING STATION IN THE AMOUNT OF \$74.17 FOR THE LAW LIBRARY.

A motion was made by Commissioner Jones, seconded by Commissioner Smith to authorize the County Judge to execute an addendum to the Master Service Agreement and Lease Product Schedule with Ricoh USA, Inc. to add a fax option in the amount of \$32.07 (\$10.69 each) for copiers located in Veterans Administration, Tax Office, and Transportation Department and to add a vending station in the amount of \$74.17 for the Law Library. All present voted "Aye." MOTION PASSED.

AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN ANNUAL RENEWAL AGREEMENT WITH JOHNSONS CONTROLS, INC. FOR BUILDING MAINTENANCE RELATED TO HVAC PREVENTATIVE MAINTENANCE IN THE AMOUNT OF \$9,055.

Rodrigo Amaya made a public comment regarding typos in the agenda item summary. A motion was made by Commissioner Jones, seconded by Commissioner Smith to authorize the County Judge to execute an annual renewal agreement with Johnsons Controls, Inc. for Building Maintenance related to HVAC Preventative Maintenance in the amount of \$9,055. All present voted "Aye." MOTION PASSED.

36163 RELEASE THE MAINTENANCE BOND #107005275 IN THE AMOUNT OF \$96,955.25 AND THE ACCEPTANCE OF ROADS INTO THE COUNTY ROAD MAINTENANCE SYSTEM FOR 6 CREEKS SUBDIVISION, PHASE 1, SECTION 1.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to release the maintenance bond #107005275 in the amount of \$96,955.25 and the acceptance of roads into the county road maintenance system for 6 Creeks subdivision, Phase 1, Section 1. All present voted "Aye." MOTION PASSED.

36164 RELEASE THE MAINTENANCE BOND #106749937 IN THE AMOUNT OF \$12,858.76, THE RELEASE OF THE MAINTENANCE BOND #106749938 IN THE AMOUNT OF \$12,739.34, AND THE ACCEPTANCE OF ROADS INTO THE COUNTY ROAD MAINTENANCE SYSTEM FOR BELTERRA VILLAGE SUBDIVISION, PHASE 1 (HARGRAVES DRIVE & HOLTON DRIVE ONLY).

A motion was made by Commissioner Smith, seconded by Commissioner Shell to release the maintenance bond #106749937 in the amount of \$12,858.76, the release of the maintenance bond #106749938 in the amount of \$12,739.34, and the acceptance of roads into the county road maintenance system for Belterra Village subdivision, Phase 1 (Hargraves Drive & Holton Drive only). All present voted "Aye." MOTION PASSED.



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36165 AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL AGREEMENT #1 TO A PROFESSIONAL SERVICES AGREEMENT (PSA) BETWEEN HAYS COUNTY AND K FRIESE AND ASSOCIATES, INC. FOR REVISION OF THE HAYS COUNTY TRANSPORTATION PLAN.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize the County Judge to execute Supplemental Agreement #1 to a Professional Services Agreement (PSA) between Hays County and K Friese and Associates, Inc. for revision of the Hays County Transportation Plan. All present voted "Aye." MOTION PASSED.

36166 APPROVE A RESOLUTION AND A LOCAL ON-SYSTEM AGREEMENT (LOSA) IN SUPPORT OF A PROJECT ON FM2770 THAT WILL CULMINATE IN A TURN-LANE AT THE FLINT HILLS TANK FARM FACILITY AND AUTHORIZE THE JUDGE TO SIGN THE DOCUMENT.

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve a Resolution and a Local On-System Agreement (LOSA) in support of a project on FM2770 that will culminate in a turn-lane at the Flint Hills tank farm facility and authorize the Judge to sign the document. All present voted "Aye." MOTION PASSED.

36167 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT BETWEEN HAYS COUNTY AND BOWMAN ENGINEERING FOR DESIGN OF INTERSECTION IMPROVEMENTS AT THE INTERSECTION OF COTTON GIN ROAD AND PLUM CREEK ROAD.

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Professional Services Agreement between Hays County and Bowman Engineering for design of intersection improvements at the intersection of Cotton Gin Road and Plum Creek Road. All present voted "Aye." MOTION PASSED.

36168 APPROVE THE FINAL PLAT FOR THE ROCKY OAKS SUBDIVISION; PLN-1558-NP.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to approve the final plat for the Rocky Oaks Subdivision; PLN-1558-NP. All present voted "Aye." MOTION PASSED.

36169 CALL FOR A PUBLIC HEARING ON MARCH 30TH, 2021 TO DISCUSS APPROVAL OF THE HEATON HOLLOW, TRACT 16, REPLAT; PLN-1612-PC

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to Call for a Public Hearing on March 30th, 2021 to discuss approval of the Heaton Hollow, Tract 16, Replat; PLN-1612-PC. All present voted "Aye." MOTION PASSED.

36170 CALL FOR A PUBLIC HEARING ON MARCH 30TH, 2021 TO DISCUSS APPROVAL OF THE REPLAT OF LOTS 14 & 15, ROLLING OAKS, SECTION THREE, SUBDIVISION; PLN-1587-PC.

A motion was made by Commissioner Smith, seconded by Commissioner Ingalsbe to Call for a Public Hearing on March 30th, 2021 to discuss approval of the Replat of Lots 14 & 15, Rolling Oaks, Section Three, Subdivision; PLN-1587-PC. All present voted "Aye." MOTION PASSED.

36171 CALL FOR A PUBLIC HEARING ON MARCH 30TH, 2021 TO DISCUSS APPROVAL OF THE MYSTIC CREEK SUBDIVISION, LOT 15, REPLAT SUB-

A motion was made by Commissioner Smith, seconded by Commissioner Ingalsbe to call for a Public Hearing on March 30th, 2021 to discuss approval of the Mystic Creek Subdivision, Lot 15, Replat SUB-1341. All present voted "Aye." MOTION PASSED.

36172 ADOPT AN ORDER TO CREATE TWO NEW ELECTION PRECINCTS.



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Jennifer Anderson, Elections Administrator, stated current precincts will need to be split to remain in compliance of voter registration laws. Precinct 333 will split into two precincts; the new precinct 320 and the remainder of precinct 333. Precinct 449 will split into two precincts; the new precinct 450 and the remainder of precinct 449. Commissioner Shell noted that since Hays County has voting centers this action may not make much of a difference to voters. He also noted it may impact precinct chairs. Jennifer Anderson stated the addition of new precincts may mean an additional voting center. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to adopt an Order to Create Two New Election Precincts. All present voted "Aye." MOTION PASSED.

36173 AWARD RFP 2021-P01 ELEVATOR MAINTENANCE AND REPAIR SERVICES TO OTIS ELEVATOR COMPANY AND AUTHORIZE STAFF AND GENERAL COUNSEL TO NEGOTIATE A CONTRACT.

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to award RFP 2021-P01 Elevator Maintenance and Repair Services to OTIS Elevator Company and authorize staff and General Counsel to negotiate a contract. All present voted "Aye." MOTION PASSED.

36174 UTILIZE SALARY SAVINGS TO PAY OUT COMPENSATORY TIME TO TAX OFFICE CHIEF DEPUTY, SLOT 0323-001 BRINGING BALANCE BACK INTO COMPLIANCE WITH COUNTY POLICY (60 HOURS).

Jennifer O'Kane, Tax Assessor/Collector, stated that it is unusual for the county to pay for compensatory time. She noted that her staff has been extremely busy. They were not able to use the compensatory time before the employee lost vacation hours or surpassed the compensatory time limit again due to the county policy. A motion was made by Commissioner Jones, seconded by Commissioner Shell to utilize salary savings to pay out compensatory time to Tax Office Chief Deputy, slot 0323-001 bringing balance back into compliance with county policy (60 hours). All present voted "Aye." MOTION PASSED.

AUTHORIZE A FEMA PUBLIC ASSISTANCE (PA) SUBMISSION RELATED TO THE DR-4586 SEVERE WINTER STORM EVENT; AND AUTHORIZE PAYMENT FOR DIRECT EXPENSES RELATED TO THIS EVENT AND AMEND THE BUDGET ACCORDINGLY.

A motion was made by Commissioner Jones, seconded by Commissioner Smith to authorize a FEMA Public Assistance (PA) submission related to the DR-4586 Severe Winter Storm event; and authorize payment for direct expenses related to this event and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

DISCUSSION AND POSSIBLE ACTION TO CONSIDER APPROVAL OF FUNDING FOR THE APPOINTMENT OF A COURT COORDINATOR TO SERVE HAYS COUNTY COURT AT LAW #3, PURSUANT TO CHAPTER 74, SUBCHAPTER E OF THE TEXAS GOVERNMENT CODE. THE COURT MAY CONVENE IN EXECUTIVE SESSION TO CONSULT LEGAL COUNSEL UNDER TEXAS GOVERNMENT CODE SEC.551.071.

Rodrigo Amaya made a public comment in support of this agenda item. Judge Millie Thompson, County Court at Law 3, stated that she has decided to appoint a court coordinator for her court. Commissioner Ingalsbe stated that the salary amount has been questioned and called on Shari Miller, Director of Human Resources. Shari Miller, Director of Human Resources, stated that she conducted a review of the candidate per the request of Judge Thompson. She stated based on the candidate's resume, she would suggest the court consider a salary exception if the position is funded. However, she would not recommend hiring an employee at the maximum amount. Discussion was had among the court regarding the current system for the court administrators. Commissioner Shell stated he would like to hear from the other County Court at Law judges before deciding. Judge Millie Thompson stated that she is not requesting to hire an employee but rather appoint a dedicated coordinator. She stated that she would request a lower amount for the salary range and donate a portion of her own salary to make up the difference for the amount requested. Commissioner Smith stated that he did not have enough information about the job. He noted this job has not been posted as all other county jobs. Commissioner Jones stated that he would like additional information and to hear from the other County Court at Law judges. Jordan Powell, Office of General Counsel, gave the court additional information regarding Chapter 74 and possible options for the court. Judge Becerra called for a recess. Judge Becerra resumed court and announced this discussion would continue in Executive Session. No action was taken.

36176 ACCEPT DONATED PROPERTY, A 2.557 ACRE PARCEL LOCATED OFF LOIS LANE IN HAYS COUNTY AND RECORD DONATION VALUE PER COMPARATIVE MARKET ANALYSIS.



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Commissioner Jones stated the county is glad to get this donation from the Galloway Family. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to accept donated property, a 2.557 acre parcel located off Lois Lane in Hays County and record donation value per Comparative Market Analysis. All present voted "Aye." MOTION PASSED.

36177

EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.074 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING EMPLOYMENT AND DUTIES OF ALL INDIVIDUAL POSITIONS THAT REPORT DIRECTLY TO THE COMMISSIONERS COURT INCLUDING DEPARTMENT HEADS. POSSIBLE DISCUSSION AND/OR ACTION MAY FOLLOW IN OPEN COURT.

Commissioner Shell called on Shari Miller, Director of Human Resources, to speak about an email that was submitted to the court. Discussion was had among the court members regarding the resignation of Alex Villalobos as the Chief of Staff and the equipment assigned to him in that capacity. Judge Becerra stated that Alex Villalobos is volunteering as the Emergency Management Coordinator therefore an equipment transfer was requested for a laptop. Jordan Powell, Office of General Counsel, stated the county does not currently have an office of Emergency Management that has assets. Commissioner Shell and Commissioner Smith stated the equipment should be returned to the county at the time of resignation due to security reasons. Any equipment needed for the appointment of the Emergency Management Coordinator can be assigned in a separate capacity from the Chief of Staff position. A motion was made by Commissioner Shell, seconded by Commissioner Smith to instruct the Auditors Office, Human Resource Department, and Office of General Counsel to make sure that the county gets all the equipment associated with the vacant Chief of Staff position back with the county by tomorrow (3/10/2021). All present voted "Aye." MOTION PASSED.

EXECUTIVE SESSION PURSUANT TO SECTION 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND THE AUDITOR'S OFFICE RELATED TO THE U.S. DEPARTMENT OF TREASURY FUNDS PURSUANT TO SECTION 501(A) OF DIVISION N OF THE CONSOLIDATED APPROPRIATIONS ACT AND THE COVID-19 LOCAL DISASTER DECLARATION. POSSIBLE ACTION TO FOLLOW IN OPEN COURT.

No action was taken.

36178

EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.087 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS ASSOCIATED WITH PROJECT RECOIL. POSSIBLE DISCUSSION AND/OR ACTION MAY FOLLOW IN OPEN COURT.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to add an addition \$1,000.00 to the Emergency Cash Assistance program commonly referred to as ECAP utilizing countywide contingencies as discussed in Executive Session. All present voted "Aye." MOTION PASSED.

DISCUSSION AND POSSIBLE ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION.

Judge Becerra stated the Fire Marshall has not recommended a burn ban. No action was taken.

# DISCUSSION RELATED TO THE HAYS COUNTY INMATE POPULATION, TO INCLUDE CURRENT POPULATION COUNTS AND COSTS.

Judge Becerra read the Sheriff's update of the inmate population. The estimated cost for outsourcing was \$53,300.00 for the week of February 28, 2020 – March 6, 2021. The number of outsourced males was 139 inmates and females were 0 inmates. The number of arrests made by agency are as follows; Buda Police Department - 6, Department of Public Safety – 2, Hays County Sheriff's Department – 61, this includes court ordered commitments, warrant pick-ups from all agencies, and self-surrender warrants from all agencies, Constable Precinct 5 – 1, Kyle Police Department – 2, San Marcos Police Department - 38, Texas State Police Department – 2. No action was taken.

Clerk's Note Agenda Item #37 RE: DISCUSSION OF ISSUES RELATED TO THE HAYS COUNTY JAIL, AND THE PLANNING OF PROJECTS PERTAINING TO THE PUBLIC SAFETY FACILITIES NEEDS WITHIN THE COUNTY. POSSIBLE ACTION MAY FOLLOW. - WAS PULLED.



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# **ADJOURNMENT**

A motion was made by Judge Becerra, seconded by Commissioner Jones to adjourn court at 1:04 p.m.

I, ELAINE H. CÁRDENAS, 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 March 9, 2021.



ELAINE H. CÁRDENAS, COUNTY CLERK AND EXOFFICIO CLERK OF THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS

