

Authority To Abate Nuisance

A county may abate a nuisance under this chapter by demolition or removal if the county adopts abatement procedures that are consistent with the general purpose of this chapter and that conform to this chapter.

ABATEMENT PROCEDURES

(a) The abatement procedures adopted by the commissioners court must be administered by a regularly salaried, full-time county employee, but the removal or demolition of the nuisance may be made by a person authorized by the person administering the abatement program.

(b) The abatement procedures must require that written notice be given to:

- (1) the owner, lessee, occupant, agent, or person in charge of the premises; and
- (2) the person responsible for causing a public nuisance on the premises when:
 - (A) that person is not the owner, lessee, occupant, agent, or person in charge of the premises; and
 - (B) the person responsible can be identified.

(c) The notice must state:

- (1) the specific condition that constitutes a nuisance;
- (2) that the person receiving notice shall abate the nuisance before the 31st day after the date on which the notice is served;
- (3) that failure to abate the nuisance may result in:
 - (A) abatement by the county;
 - (B) assessment of costs to the person responsible for causing the nuisance when that person can be identified; and
 - (C) a lien against the property on which the nuisance exists, if the person responsible for causing the nuisance has an interest in the property; and
- (4) that the person receiving notice is entitled to submit, before the 31st day after the date on which the notice is served, a written request for a hearing.

(d) The notice must be given:

- (1) by service in person or by registered or certified mail, return receipt requested; or
- (2) if personal service cannot be obtained or the address of the person to be notified is unknown, by posting a copy of the notice on the premises on which the nuisance exists and by publishing the notice in a newspaper with general circulation in the county two times within 10 consecutive days.

(e) The abatement procedures must require a hearing before the county abates the nuisance if a hearing is requested. The hearing may be conducted before the commissioners court or any board, commission, or official designated by the commissioners court. The commissioners court may designate a board, commission, or official to conduct each hearing.

0737

**COMMISSIONERS' COURT
REGULAR SESSION
APRIL 26, 2004**

**THE STATE OF TEXAS
COUNTY OF BOSQUE**

On this the 26th day of April, 2004, at 9:00 a.m. in the Commissioners' Courtroom of Bosque County Courthouse in Meridian, Texas, the Bosque County Commissioners' Court convened in Regular Session with the following present:

**Cole Word, County Judge
Kenneth Ray Worley, Commissioner, Precinct #1
Durwood Koonsman, Commissioner, Precinct #2
Jerry Smith, Commissioner, Precinct #3
Joe Guinn, Commissioner, Precinct #4
Betty Outlaw, County Clerk**

All Present.

- 1) CALL TO ORDER**
- 2) DETERMINATION OF QUORUM**
- 3) PROOF OF NOTICE**
- 4) PLEDGE OF ALLEGIANCE**
- 5) ORDER APPROVING MINUTES FROM PREVIOUS MEETINGS**

Commissioner Worley made the motion to approve the minutes from the April 12, 2004 meeting. Commissioner Smith seconded the motion. All approved.

- 6) ORDER APPROVING OR DISAPPROVING TO PAY CLAIMS,
SALARIES AND WAGES AGAINST COUNTY FUNDS**

Commissioner Worley made the motion to approve to pay claims, salaries and wages of \$31,752.80. Commissioner Koonsman seconded the motion. All approved.

7) ORDER APPROVING OR DISAPPROVING TO PAY CLAIMS, SALARIES AND WAGES AGAINST PRECINCT FUNDS

Commissioner Smith made the motion to approve to pay claims, salaries and wages against Precinct funds. Commissioner Koonsman seconded the motion. All approved.

8) LINE ITEM TRANSFERS

Commissioner Koonsman made the motion to approve the line item transfers. Commissioner Worley seconded the motion. All approved.

9) DISCUSSION AND ACTION ON ADOPTING GUIDELINES AND CRITERIA FOR BOSQUE COUNTY TAX ABATEMENT

Commissioner Worley made the motion to approve the guidelines and criteria for Bosque County Tax Abatement. Commissioner Smith seconded the motion. All approved.

10) EXECUTIVE SESSION WILL BE HELD FOR PURPOSES PERMITTED BY GOVERNMENT CODE; ART. 551.071 CONSULT WITH ATTORNEY REGARDING TAX DELINQUENCY

Judge Word, the four Commissioners, Jane Murphey, Auditor, and Robert Meyer, Tax Attorney went into executive session at 9:12 AM and returned to the regular session at 9:55 AM.

11) DISCUSSION AND ACTION PURSUANT TO EXECUTIVE SESSION: CONSIDER SETTling OF TAX CLAIM AND GRANTING A TAX ABATEMENT FOR MIRANT

Commissioner Smith made the motion to authorize the county judge to negotiate and approve a settlement in payment of taxes and granting a tax abatement with Mirant Corporation. Commissioner Guinn seconded the motion. All approved.

12) DISCUSSION AND ACTION ON ADOPTING PROCEDURES AND ORDINANCES FOR LITTER ABATEMENT

Commissioner Koonsman made the motion to adopt procedures and ordinances for litter abatement. This action is necessary for the litter abatement officer to be able to ticket offenders (Class C Misdemeanor). Commissioner Smith seconded the motion. All approved.

13) DISCUSSION AND ACTION ON APPROVAL OF INTERLOCAL AGREEMENT BETWEEN BOSQUE COUNTY AND CITY OF MERIDIAN

Commissioner Smith made the motion to accept the interlocal agreement between Bosque County and City of Meridian that has been approved by the County Attorney. Commissioner Worley seconded the motion. All approved.

14) DISCUSSION AND ACTION ON ADVERTISING FOR MOBILE COMMAND AND COMMUNICATIONS UNIT FOR THE COUNTY OFFICE OF EMERGENCY MANAGEMENT

Commissioner Worley made the motion to approve advertising for bids for the mobile command and communications unit for the county office of emergency management. Commissioner Guinn seconded the motion. All approved.

15) DISCUSSION AND ACTION ON PURCHASING NEW REPEATER FOR BOSQUE COUNTY LAW ENFORCEMENT

Commissioner Smith made the motion to approve the purchase of a new repeater for Bosque County Law Enforcement. Approval for the Homeland Security Grant that will reimburse the county will be given before the order is placed with Comtex Communications. Commissioner Worley seconded the motion. All approved.

16) DISCUSSION AND ACTION ON REGARDING WHITNEY WATER DEPARTMENT AND ADOPTING RULES AND REGULATIONS

No action taken – pending a conference with the County Attorney.

17) DISCUSSION AND ACTION REGARDING SPEED BUMP ON COUNTY ROAD 1409

No action taken – pending a conference with the County Attorney.

18) DISCUSSION AND ACTION REGARDING TRADE-IN OF PICKUPS

Commissioner Smith made the motion to approve the addition of this line to the bids for trucks: "and/or Trade-In". Commissioner Guinn seconded the motion. All approved.

19) DISCUSSION AND ACTION ON RESOLUTION REGARDING LEASE PURCHASE AGREEMENT FOR THE PURPOSE OF PROCURING A TRUCK

Commissioner Koonsman made the motion to pass and sign the resolution regarding the lease purchase agreement for the purpose of procuring a truck for his precinct. Commissioner Smith seconded the motion. All approved.

20) DISCUSSION AND ACTION ON SALE OF EIGHT-LINER GAMING MACHINES

Commissioner Smith made the motion to approve the sale of the confiscated eight-liner gaming machines that have been cleared for sale through district court in lots of 100 or more. The machines will be put out for sale in the same manner as other surplus property and the sale price will go into the county general fund. Commissioner Koonsman seconded the motion. All approved.

21) DISCUSSION AND ACTION ON PURCHASE OF PRINTER FOR TAX OFFICE

Commissioner Smith made the motion to approve the purchase of a printer for the Tax Office from The Software Group. Commissioner Worley seconded the motion. All approved.

22) DISCUSSION AND ACTION REGARDING APPROVAL OF OUTSIDE AUDIT FOR FY 2002 - 2003

Commissioner Smith made the motion to approve the outside audit for the fiscal year 2002 – 2003. Commissioner Koonsman seconded the motion. All approved.

23) DISCUSSION AND ACTION ON OPENING/REJECTING/AWARDING BIDS FOR CULVERTS: 9:30 A.M.

Bids were opened from The Railroad Yard, Inc. (no bid) and Wilson Culverts, Inc. at 10:15 a.m. Commissioner Smith made the motion to award the bid for culverts to Wilson Culverts, Inc. Commissioner Koonsman seconded the motion. All approved.

24) DISCUSSION AND ACTION ON OPENING/REJECTING/AWARDING BIDS FOR COLD MIX: 9:35 A.M.

Bids were opened from Vulcan Materials at 10:20 a.m. Commissioner Koonsman made the motion to award the bid to Vulcan Materials. Commissioner Smith seconded the motion. All approved.

25) DISCUSSION AND ACTION ON OPENING/REJECTING/AWARDING BIDS FOR ASPHALTIC PAVING OILS: 9:40 A.M.

Bids were opened from Superseal Technologies (no bids), Cleveland Asphalt Products, Inc. and Koch Materials Company at 10:25. Commissioner Smith made

the motion to award the bid to Cleveland Asphalt Products, Inc. Commissioner Worley seconded the motion. All approved.

26) DISCUSSION AND ACTION ON OPENING/REJECTING/AWARDING BIDS FOR FUEL: 9:45 A.M.

Bids were opened from Ballow Oil Company at 10:30 a.m. Commissioner Worley made the motion to reject the bid from Ballow Oil Company and advertise for new bids. Commissioner Koonsman seconded the motion. All approved.

27) RECEIVE AND FILE ORDER OF SALARY INCREASE FROM 220TH JUDICIAL DISTRICT COURT

Commissioner Worley made the motion to approve the salary increase from 220th Judicial District Court. Commissioner Smith seconded the motion. All approved.

28) RECEIVE AND FILE BOSQUE COUNTY INVESTMENT REPORT FOR JANUARY 1, 2004 THRU MARCH 31, 2004

Commissioner Worley made the motion to receive and file the investment report for the first quarter of 2004 as presented. Commissioner Smith seconded the motion. All approved.

29) RECEIVE AND FILE TWO CERTIFICATES OF COMPLIANCE FOR RANDY PULLIN, COUNTY TREASURER

Commissioner Koonsman made the motion to receive and file two Certificates of Compliance for Randy Pullin, County Treasurer. Commissioner Smith seconded the motion. All approved.

30) RECEIVE AND FILE CERTIFICATE OF COMPLETION FOR CHARLES SCOTT FERGUSON, CONSTABLE, PCT. #1

Commissioner Smith made the motion to receive and file certificate of completion for Charles Scott Ferguson, Constable Pct. #1. Commissioner Worley seconded the motion. All approved.

31) RECEIVE AND FILE CERTIFICATE OF COMPLETION FOR SANDRA L. WOOSLEY, DISTRICT CLERK

Commissioner Smith made the motion to receive and file certificate of completion for Sandra L. Woosley, District Clerk. Commissioner Koonsman seconded the motion. All approved.

32) ADJOURN

Commissioner Smith made the motion to adjourn. Commissioner Koonsman seconded the motion. All approved.

Betty Outlaw
Betty Outlaw, County Clerk

Cole Word
Cole Word, County Judge

I, BETTY OUTLAW, COUNTY CLERK ATTEST THAT THIS IS AN ACCURATE ACCOUNTING OF A PROCEEDING OF THE COMMISSIONERS' COURT HELD APRIL 26, 2004.

Betty Outlaw
BETTY OUTLAW, COUNTY CLERK