

BOSQUE COUNTY ORDINANCE #5

ILLEGAL DUMPING

- (a) A person commits an offense if the person disposes or allows or permits the disposal of litter or other solid waste at a place that is not an approved solid waste site, including a place on or within 300 feet of a public highway, on a right-of-way, on other public or private property, or into inland or coastal water of the state.
- (b) A person commits an offense if the person receives litter or other solid waste for disposal at a place that is not an approved solid waste site, regardless of whether the litter or other solid waste or the land on which the litter or other solid waste is disposed is owned or controlled by the person.
- (c) A person commits an offense if the person transports litter or other solid waste to a place that is not an approved solid waste site for disposal at the site.
- (d) An offense under this section is a Class C misdemeanor if the litter or other solid waste to which the offense applies weighs five pounds or less or has a volume of five gallons or less.
- (e) An offense under this section is a Class B misdemeanor if the litter or other solid waste to which the offense applies weighs more than five pounds but less than 500 pounds or has a volume of more than five gallons but less than 100 cubic feet.
- (f) An offense under this section is a Class A misdemeanor if:
- (1) the litter or other solid waste to which the offense applies weighs 500 pounds or more but less than 1,000 pounds or has a volume of 100 cubic feet or more but less than 200 cubic feet; or
 - (2) the litter or other solid waste is disposed for a commercial purpose and weighs more than five pounds but less than 200 pounds or has a volume of more than five gallons but less than 200 cubic feet.
- (g) An offense under this section is a state jail felony if the litter or solid waste to which the offense applies:
- (1) weighs 1,000 pounds or more or has a volume of 200 cubic feet or more;
 - (2) is disposed of for a commercial purpose and weighs 200 pounds or more or has a volume of 200 cubic feet or more; or
 - (3) is contained in a closed barrel or drum.
- (h) If it is shown on the trial of the defendant for an offense under this section that the defendant has previously been convicted of an offense under this section, the punishment for the offense is increased to the punishment for the next highest category.
- (i) On conviction for an offense under this section, the court shall provide to the defendant written notice that a subsequent conviction for an offense under this section

may result in the forfeiture under Chapter 59, Code of Criminal Procedure, of the vehicle used by the defendant in committing the offense.

(j) The offenses prescribed by this section include the unauthorized disposal of litter or other solid waste in a dumpster or similar receptacle.

(k) This section does not apply to the temporary storage for future disposal of litter or other solid waste by a person on land owned by that person, or by that person's agent. The commission by rule shall regulate temporary storage for future disposal of litter or other solid waste by a person on land owned by the person or the person's agent.

(l) This section does not apply to an individual's disposal of litter or other solid waste if:

- (1) the litter or waste is generated on land the individual owns;
- (2) the litter or waste is not generated as a result of an activity related to a commercial purpose;
- (3) the disposal occurs on land the individual owns; and
- (4) the disposal is not for a commercial purpose.

(m) A municipality or county may offer a reward of \$50 for reporting a violation of this section that results in a prosecution under this section.

(n) An offense under this section may be prosecuted without alleging or proving any culpable mental state, unless the offense is a state jail felony.

(o) For purposes of a prosecution under Subsection (g), a generator creates a rebuttable presumption of lack of culpable mental state if the generator of the solid waste to be disposed of secures, prior to the hauler's receipt of the solid waste, a signed statement from the hauler that the solid waste will be disposed of legally. The statement shall include the hauler's valid Texas driver's license number.

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