

COMMISSIONERS COURT ADJOURNED TO EXECUTIVE SESSION AT 10:25 A.M. ON TUESDAY, OCTOBER 7, 1997.

AGENDA ITEM # 18

October 7, 1997

Discuss pending litigation: Tony Janson v. CCA, et al. (Executive session requested as per VTCA Government Code 551.071 pertaining to consultation with attorney).

Present were Judge Doerfler, Commissioners Heiligenstein, Boatright, Hays and County Attorney Gene Taylor, First Assistant County Attorney Dale Rye along with Captain Webster from the jail.

Tony Janson v. CCA, et al was discussed but no action was taken in Executive Session.

AGENDA ITEM # 19

October 7, 1997

Discuss pending litigation: Robert Russell Walker v. James Cooper, et al (Executive Session requested as per VTCA Govt. Code 551.071 pertaining to consultation with attorney).

Present were Judge Doerfler, Commissioners Heiligenstein, Boatright, Hays and County Attorney Gene Taylor, First Assistant County Attorney Dale Rye along with Captain Webster from the jail.

Robert Russell Walker vs. James Cooper, et al was discussed but no action was taken in Executive Session.

COMMISSIONERS COURT RECONVENED AT 10:30 A.M. ON TUESDAY, OCTOBER 7, 1997.

AGENDA ITEM # 20

October 7, 1997

Discuss and take appropriate action on pending litigation: Tony Janson vs. CCA, et al.

Moved: Judge Doerfler

Seconded: Commissioner Hays

Motion: To retain Dietz and Associates to represent Williamson County in pending litigation of Tony Janson vs. CCA, et al.

Vote: Motion carried 4 - 0

AGENDA ITEM # 21

October 7, 1997

Discuss and take appropriate action on pending litigation: Robert Russell Walker vs. James Cooper, et al.

Moved: Judge Doerfler

Seconded: Commissioner Boatright

Motion: To retain Dietz and Associates to represent Williamson County in pending litigation of Robert Russell Walker vs. James Cooper, et al.

Vote: Motion carried 3 - 0 with Commissioner Hays absent from the dais.

AGENDA ITEM # 22

October 7, 1997

Discuss and take appropriate action on continuance of Northridge Acres Project.

Judge Doerfler introduced First Assistant County Attorney Dale Rye for a presentation on the Northridge Acres project.

Mr. Rye advised he had been involved with this project for a number of years. "The first issue is a major health hazard now exists in this subdivision even in dry weather. Even for those who live in a home which does not have a failing private sewage disposal facility there are animals, insects and runoff down the ditches which caused health hazards.

Legally it is against the law to discharge sewage into the environment and to occupy a dwelling which does not have an approved sewage disposal system. If nothing is done about this situation, the people who occupy the dwellings which have a failing septic system are facing the possibility of criminal charges with a fine of up to \$500.00 per day or be forced to cease discharging and occupancy of the dwelling until it has an approved system.

Given soil conditions in the area private sewage facilities for each of the homes would cost approximately \$15,000.00 to \$20,000.00 each. A cost effective issue would be some type collector system. People in the neighborhood need to be aware the Health District is aware of the violations in progress and are holding their enforcement actions in abeyance pending the resolution of this issue --the collector system and the step project in which we have been involved. If that project falls through it will be necessary for enforcement steps to be taken which could force residents to vacate their homes.

Because the soil is so saturated with sewage there is a significant possibility of filtration into the water system. Texas Natural Resources Conservation Commission is also aware of that problem and are also holding their enforcement actions in abeyance pending the resolution of the community collector system issue. If that issue is not resolved, TNRCC is in a position where steps will have to be taken regarding the water system - even to shutting it down. If the water system gets shut down, virtually everyone in the subdivision will be effected and the next step will be people wanting to move. The difficulty is there will be no purchasers under these conditions until this situation is resolved. When people begin realizing the current market value of their home is less than their current mortgage you face the possibility of their walking away from the mortgages and moving out of the neighborhood. Increasing vacant homes in the neighborhood cause health and social problems.

Basically the resolution of this problem is absolutely critical from a legal point of view because the rest of the county and society cannot tolerate this situation. If the collector system project falls through you need to understand the government is not in a position to bail you out - a fact which I am not sure all the Northridge Acres residents understand. Both the Cities of Round Rock and Austin have stated they have no interest in annexing this subdivision.

Williamson County and the State of Texas are **constitutionally prohibited** from operating utility systems which means the residents have the responsibility of resolving the problem. Grant funds are available from the State of Texas for community projects. For the last year and a half, Williamson County and the State of Texas along with various neighborhood residents have been working on the step program which involves work being done by the community. To receive the grant funds the community must be able to show they are contributing such a high level of effort the total cost of the project is substantially reduced. People who live in the community cannot be on the payroll of the project - it involves community volunteers contributing their time and effort.

The community program from the State of Texas requires substantial cooperation within the neighborhood which cannot be effective if they are in disagreement. And if this project does not happen then it will be the responsibility of each residence to have the \$15,000.00 to \$20,000.00 system installed.

The county government is on hold and the state government cannot help the situation without the cooperation of the neighborhood. So, the ball is in the court of the residents of Northridge Acres.

Williamson County and the State of Texas are willing to do anything they reasonably and legally can to facilitate the project which ultimately is the responsibility of the community."

Mrs. Nettie Brown, President of the Northridge Acres Homeowners Association acknowledged discord in the neighborhood and the dire need for the sewer project.

AGENDA ITEM # 23

October 7, 1997

Hear comments from Commissioners.

Commissioner Heiligenstein thanked County Engineer Joe England for all his time and professional efforts in the Northridge Acres project along with Dana Graham and Jane Tableriou.

COMMISSIONERS COURT ADJOURNED AT 11:15 A.M. ON TUESDAY, OCTOBER 7, 1997.

THE FOREGOING MINUTES in Volume 92 on pages 569 through 692, inclusive had at a Regular Session of Commissioners Court of Williamson County, Texas, having been read are hereby approved this 14th day of October, 1997.

John C. Doerfler, County Judge

ATTEST: Elaine Bizzell, Clerk County Court & Ex-officio Clerk,
Commissioners Court, Williamson County, Texas

by: _____
Deputy Clerk