

AGENDA ITEM # 8March 3, 1998\*

Discuss and take appropriate action concerning lease agreement with Cedar Park Chamber.

No action taken on agenda item at this time and will be on March 10, 1998 agenda.

AGENDA ITEM # 9March 3, 1998\*

Consider authorizing, advertising and setting date to receive bids for Fire Ant Poison.

Moved: Judge Doerfler

Seconded: Commissioner Boatright

Motion: To advertise 10:30 a.m. on March 31, 1998 to receive bids for Fire Ant Poison with the auditors office to handle the advertising.

Vote: Motion carried 4 - 0

AGENDA ITEM # 10March 3, 1998\*

Consider amending section 3.(H) of the non-emergency curfew resolution approved July 2, 1996.

Moved: Judge Doerfler

Seconded: Commissioner Boatright

Motion: To approve amending section 3.(H) of the non-emergency curfew resolution approved July 2, 1996, (Recorded in Volume 81 Page 841) reference to section 2F be changed to 2D.

Vote: Motion carried 4 - 0

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AGENDA ITEM # 35July 2, 1996

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Discuss and take appropriate action on juvenile curfew.

Moved: Commissioner Heiligenstein

Seconded: Judge Doerfler

Motion: To approve juvenile curfew for Williamson County.

Vote: Motion carried 5 - 0

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THE STATE OF TEXAS

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§ KNOW ALL MEN BY THESE PRESENTS

COUNTY OF WILLIAMSON

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On this the 2nd day of July 1996, the Commissioners Court of Williamson County, Texas, met in duly called Regular Meeting at the Courthouse in Georgetown, Texas, with the following members present:

John C. Doerfler, County Judge,  
Mike Heiligenstein, Commissioner Precinct One,  
Greg Boatright, Commissioner Precinct Two,  
David Hays, Commissioner Precinct Three, and  
Jerry Mehevec, Commissioner Precinct Four:

and at said meeting, among other business, the Court considered the following:

**RESOLUTION****I.**

**RESOLUTION OF THE COMMISSIONERS COURT OF WILLIAMSON COUNTY, TEXAS, TO PROVIDE FOR THE PUBLIC SAFETY AND PURSUANT TO SECTION 351.903, TEXAS LOCAL GOVERNMENT CODE, THE FOLLOWING RESOLUTION, WAS ADOPTED ESTABLISHING:**

**NON-EMERGENCY CURFEWS****Section**

1. Definitions
2. Offenses
3. Defenses
4. Enforcement procedure
5. Penalty

**SECTION 1. DEFINITIONS**

For the purposes of this chapter, the following words and phrases shall have the meanings ascribed to them as indicated.

**CURFEW AREA** means all unincorporated areas all located within Williamson County, Texas.

**DIRECT ROUTE** means the shortest path of travel through public places to reach the destination without detours or additional stops at any other destinations along the way.

**EMERGENCY** means an unforeseen circumstance to include but not be limited to fire, natural disaster, an automobile accident or obtaining immediate medical care for another

person.

**ESTABLISHMENT** means any privately owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

**GUARDIAN** means any person, public or private agency to whom custody of a minor has been given by a court order.

**MINOR** means any person under 17 years of age.

**OPERATOR** means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The terms include the members or partners of an association or partnership and the officers of a corporation.

**PARENT** means a parent who is the natural or adoptive parent of any person. As used herein, parent shall also include a court-appointed guardian or other person 21 years of age or older, authorized by the parent, by a court order or by the court-appointed guardian to have the care and custody of a person.

**PUBLIC PLACE** means any street, alley, highway, sidewalk, playground, park, plaza or place used or open to members of the public or any public building, place of business, amusement or entertainment.

**RELIGIOUS ACTIVITY** means any function or event sponsored by a religious organization that has received tax exemption under Section 501(C)(3) of U.S.C.

## **SECTION 2. OFFENSES.**

(A) It shall be unlawful for any minor to remain, walk, run, idle, wander, stroll or aimlessly drive or ride about in or upon any public place in the Curfew Area between the hours of 12:01 a.m. and 6:00 a.m. on Monday, Tuesday, Wednesday, Thursday or Friday.

(B) It shall be unlawful for any minor to remain, walk, run, idle, wander, stroll, or aimlessly drive or ride about in or upon any public place or be on the premises of any establishment in Curfew Area between the hours of 1:00 a.m. and 6:00 a.m. of Saturday or Sunday.

(C) It shall be unlawful for the parent or guardian having legal custody of a minor to knowingly allow or permit the minor to be in violation of this chapter.

(D) The owner, operator, or any employee of an establishment located in the county commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

**SECTION 3. DEFENSES**

It is a defense to prosecution under Section 2. of this chapter that:

- (A) The minor is accompanied by his or her parent or spouse;
- (B) The minor is on an errand authorized by his or her parent or spouse, or one made necessary by an emergency;
- (C) The minor is moving by a direct route through a curfew area or to his or her home in a curfew area;
- (D) The minor is in a motor vehicle involved in intrastate or interstate transportation or transportation for which passage through a curfew area is the most direct route;
- (E) The presence of the minor is connected with or required with respect to a religious activity, governmental activity, educational activity or a business, trade, profession or occupation in which said minor is lawfully engaged;
- (F) The minor is on the sidewalk of the place where such minor resides or on the sidewalk of either next-door neighbor not communicating an objection as to the presence of the minor to the police officer; or
- (G) The minor is exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly.
- (H) It is a defense to prosecution under 21A that the owner, operator, or employee of an establishment promptly notified the Police Department that the minor was present on the premises of the establishment during curfew hours and refused to leave after being requested to do so by the owner, operator, or employee.

**SECTION 4. ENFORCEMENT PROCEDURE.**

All enforcement procedures adopted by the Sheriff's Department shall be in compliance with the provisions of the Texas Family Code.

**SECTION 5. PENALTY.**

- (A) Any minor violating the provisions of this chapter shall be guilty of a Class "C" misdemeanor.
- (B) Any other person violating this chapter shall be guilty of a Class "C" misdemeanor, which shall be punishable by a fine of not less than \$50 nor more than \$500.

## II.

This resolution shall become effective immediately from and after its approval.

## III.

The foregoing Resolution was duly moved by Commissioner Heiligenste and seconded by Judge Doerfler, and was then adopted by a vote of 5 Voting for and 0 Voting against. County Judge John C. Doerfler was duly authorized to sign said Resolution as the act and deed of Commissioner's Court of Williamson County and of Williamson County.

John C. Doerfler 7-2-96  
JOHN C. DOERFLER, County Judge

ATTEST:

Elaine Bizzell  
ELAINE BIZZELL, County Clerk

AGENDA ITEM # 11

March 3, 1998

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Consider approving amended 1998 County Budget Order.

Moved: Commissioner Mehevec

Seconded: Commissioner Heiligenstein

Motion: To approve the amended 1998 County Budget Order as presented to include temporary workers being exempt from participation as provided by Retirement System regulations and include April 10, 1998 as a county holiday.

Vote: Motion carried 4 - 0

Moved: Judge Doerfler

Seconded: Commissioner Boatright

Motion: To amend motion to approve the amended 1998 County Budget Order as presented to include temporary workers being exempt from participation as provided by Retirement System regulations, include April 10, 1998, as a county holiday and approve employee from maintenance assigned to Cedar Park Annex to take vehicle home.

Vote: Motion carried 3 - 1 With Commissioner Mehevec voting against the motion.

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