

Consent Agenda

The Consent Agenda includes non-controversial and routine items that the Court may act on with one single vote. The Judge or a Commissioner may pull any item from the Consent Agenda in order that the court discuss and act upon it individually as part of the Regular Agenda.

(Items 5- 9)

AGENDA ITEM 5

Consider approving final plat of (unrecorded) Chaparral Subdivision.

Moved: **Commissioner Heiligenstein**

Seconded: **Judge Doerfler**

Motion: To approve final plat of unrecorded Chaparral Subdivision.

Vote: Motion carried 4 – 0 with Commissioner Boatright absent from the dais.

AGENDA ITEM 6

Discuss and consider action regarding enforceability of “No Parking” areas designated throughout the county.

Judge Doerfler pulled this item from the Consent Agenda.

As an item on the **Regular Agenda** County Attorney Gene Taylor distributed information on parking and towing. Cities can adopt an ordinance designating an area within the city limits as “No Parking” zones and further adopt an ordinance creating a presumption that the registered owner of a vehicle was the person who illegally parked it. An officer can simply stick the ticket under the wiper of an unoccupied vehicle and expect the owner to pay a fine, come to court or get arrested for failure to appear.

However, counties in the State of Texas must prove in court that the owner who received the ticket was actually the driver who parked the car.

The office of the Williamson County Attorney has advised the Williamson County Sheriff’s Department not to issue parking tickets unless they can positively identify the driver as the person they are citing.

Commissioner Heiligenstein discussed the deficiencies in the statute.

Town and Country Optimist Club Vice-President of Operations Jason Kastelic discussed parking problems in the Town & Country area and advised they are aggressively attempting to redirect traffic off public streets.

No action was taken on this agenda item.

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Parking and Towing

Both cities and counties have the power to regulate the stopping, standing, and parking of vehicles, but their powers are unfortunately not identical. Both can designate restricted zones where stopping, standing, and parking are illegal by holding a public hearing after proper public notice (the same way they set speed limits or authorize stop signs). Such zones must be signed or otherwise marked in compliance with the Texas Department of Transportation manual. Both cities and counties can make it a Class C traffic misdemeanor (up to a \$200 fine) for someone to stop, stand, or park their vehicle in a designated and marked no-parking zone.

However, cities—unlike counties our size—can further adopt an ordinance creating a presumption that the registered owner of a vehicle was the person who illegally parked it. An officer can simply stick the ticket under the wiper of an unoccupied vehicle and expect the owner to pay a fine, come to court, or get arrested for failure to appear.

Williamson County cannot create or rely on such a presumption. Instead, we must prove in court that the owner who got the ticket was actually the driver who parked the car. Unless an officer sees the vehicle being illegally parked and can identify the driver in court, this is virtually impossible. There is no point (and some potential liability) in issuing citations that we cannot successfully prosecute. We have therefore advised the Sheriff and Constables not to issue parking tickets unless they can positively identify the driver as the person they are citing. Either the offense must occur in the officer's view, or the car and driver must both be recorded on surveillance cameras.

As to towing, there are two possible scenarios. If a car is located in an imminently unsafe location, such as a blind curve, a fire lane, across a driveway, etc., a peace officer may remove it to a safe location. This does not require any particular prior notice. However, we must be prepared to justify in court why towing this particular car was the only reasonable way to protect the public from a serious danger.

However, most no-parking zones do not pose such an imminent danger to public safety. We can have vehicles removed from such "normal" no-parking zones *only* if we have given people fair notice that they are going to be towed—and not just ticketed—for illegal parking. That means putting up signs in compliance with the TXDOT manual every 25 feet that say, in essence, "No Stopping, Standing, or Parking. Vehicles Will Be Towed at Owner's Expense." Commissioners Court should designate such tow-away zones individually, over and above their designation as no-parking zones. In addition, law enforcement (or a contract towing company) must enforce such zones in a uniform manner. They must tow neighborhood residents and their houseguests on exactly the same basis as they tow overflow parking from a nearby school or athletic event.

AGENDA ITEM 7

Consider approving sale at next auction of the following fixed assets from Tax Office:
(Complete list to be filed with official minutes)

Moved: **Commissioner Heiligenstein**

Seconded: **Judge Doerfler**

Motion: To approve sale at next auction of the attached listing of fixed assets from the office of the Tax Assessor-Collector.

Vote: Motion carried 4 – 0 with Commissioner Boatright absent from the dais.

< Clerk copy here >

Change of Fixed Asset Status

Date: 9/8/00

The following fixed asset is to be:

Sold At Next Auction


Fixed Asset

Quantity	Description	Model	Serial	Tag #
<u>1</u>	<u>Desk</u>			<u>A 107809</u>
<u>1</u>	<u>Desk</u>			<u>NO tag</u>
<u>1</u>	<u>Panasonic Phone KX-T3175</u>			<u>NO tag</u>
<u>1</u>	<u>Wall clock</u>			<u>no tag</u>

From (Transferor): Tax OFC

To (Transferee): County Auction

The Transferor requests that this fixed asset be removed from the Inventory of his/her office and placed in the Inventory for the Transferee's office as of the date shown above.


Transferor – Elected Official/Department Head

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

Transferee – Elected Official/Department Head

*approved 9-19-00
John C. Doerfler*