

**AGENDA ITEM 26**

Consider approving revised by-laws for Board of Trustees of Bluebonnet Trails Community MHMR.

Moved: **Judge Doerfler**

Seconded: **Commissioner Limmer**

Motion: To approve revised by-laws for Board of Trustees of Bluebonnet Trails Community MHMR.

Vote: 4 - 0

< Attachment >



**BLUEBONNET TRAILS**  
**COMMUNITY MENTAL HEALTH AND MENTAL RETARDATION CENTER**  
 555-A Round Rock West Drive, Round Rock, Texas 78681  
 (512) 255-1720 Fax (512) 244-8401

**BOARD OF TRUSTEES**

*Bastrop County*  
 Judge Peggy Walicek  
 Treasurer

*Burnet County*  
 Judge Martin McLean

*Caldwell County*  
 William W. Holz

*Fayette County*  
 Bob Heinrich  
 Chair

*Gonzales County*  
 Marilyn Price

*Guadalupe County*  
 Cmsnr Shirley Hester

*Lee County*  
 Mayor Robert Willrich

*Williamson County*  
 Hartley Sappington  
 Vice Chair

**March 1, 2001**

**Judge John C. Doerfler**  
**Williamson County Courthouse Annex**  
**710 Main St #201**  
**Georgetown, TX 78626**

**Re: Revision of Board of Trustees By-Laws**

**Dear Judge Doerfler:**

On August 28, 2000, the Bluebonnet Trails Community Mental Health Mental Retardation Center Board of Trustees voted to approve revisions to the Board of Trustees By-Laws. These revisions included adding the newly transitioned Gonzales and Guadalupe counties, as well as, clarification of the Board Attendance Policy (see page 6, item f).

Enclosed, please find the revised By-Laws. Please sign the signature page as soon as possible and return to my attention in the self-addressed, stamped envelope. When all signatures are obtained, a copy of the revised By-Laws will be forwarded to the Texas Department of Mental Health and Mental Retardation.

If you have any questions, please feel free to contact our office at (512) 244-8335. Thank you.

Sincerely,

*Mava A. Gipson*  
**Mava A. Gipson**  
 Executive Assistant to the CEO

Enclosure

**BY-LAWS****ORGANIZATIONAL STRUCTURE****ELIGIBILITY, APPOINTMENT, CONDUCT, REMOVAL**

A Board of Trustees will be appointed by the governing bodies of Bastrop, Burnet, Caldwell, Fayette, Gonzales, Guadalupe, Lee and Williamson counties for the purpose of operating a Community Mental Health Mental Retardation Center (CMHMRC). A CMHMRC is an agency of the State, a governmental unit and a unit of local government as defined and specified by Chapters 101 and 102, Civil Practice and Remedy Code and a local government as defined by Section 3, the Inter-local Cooperation Act {Article 4413(32c), Vernon's Texas Civil Statutes}.

The Board of Trustees shall be composed of eight (8) members. The Commissioners' Courts of Bastrop, Burnet, Caldwell, Fayette, Gonzales, Guadalupe, Lee and Williamson counties will each appoint a member to the Board of Trustees.

**Eligibility**

A member must:

- Be a qualified voter in one of the eight (8) counties
- Have a primary residence in one of the eight (8) counties

Validation of eligibility is the responsibility of the appointing entity.

**Term**

**Charter Board** - The Charter Board will be composed of six (6) individuals, one from each Commissioner's Court. The Board of Trustees will designate one-half of the membership to serve a one (1) year term and one-half to serve a two (2) year term.

**Subsequent Boards** - Appointments made to the Board of Trustees will be for a period of two (2) years, except that appointments made to fill unexpired terms will be for the remainder of the unexpired term. A Board Member may be re-appointed after four (4) consecutive terms and one (1) year absence from the Board.

**Notice of Vacancies**

At least one (1) month prior to the meeting of the governing body, at which the Board of Trustees members will be elected, each sponsoring entity will post notice of such vacancy in the Courthouse and will post a brief notice in the legal notice section of a local newspaper. Eligibility requirements will be included in the notice.

**BY-LAWS - Continued**

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**Application**

Application for Board of Trustees membership may be made by any eligible individual to a member of the governing body of the sponsoring entity. Applications may be verbal or written. Documentation of all applications will be maintained by the receiving, governing body for one (1) year. All applications will be considered when the Board of Trustees appointments are made.

**Appointment**

1. The County Judge and/or the Commissioner's Court in each county will review all applications for membership in the Board of Trustees, select the applicant and will recommend the applicant for appointment.
2. Applicants recommended for appointment from each county will be presented to the respective County Commissioner's Court by the County Judge.
3. Each governing body will approve or disapprove each recommended applicant by simple majority vote.
4. In the event of a disapproval, the County Judge and/or Commissioner's Court will make another recommendation.
5. Following approval, the Judge will notify the appointed individual with a letter of appointment which includes the following:
  - a. The effective date of the appointment;
  - b. A general description of duties; and,
  - c. A description of training requirements.

**Re-Appointment**

Board members may be re-appointed. If the local agency or organizational combination of local agencies that appoints the Board of Trustees is primarily located in only one (1) county, a person appointed to the Board of Trustees may not serve more than four (4) consecutive and complete two (2) year terms which would total eight (8) consecutive years.

**Training**

At the time of appointment, each Board of Trustees member will be given written notice of training requirements and must agree to meet such requirements.

1. Each year, all members will attend four (4) hours of training provided by professional staff members of the CMHMRC. Such training will include a module presented by the Center's legal counsel.

**BY-LAWS** - Continued

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2. Prior to assuming office, each Board member will attend a four (4) hour training session provided by the Center's professional staff which includes information relating to the following:
  - a. The enabling legislation that created the CMHMRC;
  - b. The programs the CMHMRC operates;
  - c. The CMHMRC's budget for that fiscal year;
  - d. The results of the most recent formal audit of the CMHMRC;
  - e. The requirements of the Open Meetings Law, *Chapter 271, Acts of the 60th Legislature, Regular Session, 1967 (Article 6252-17, Vernon's Texas Civil Statutes)* and the Open Records Law, *Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-17a, Vernon's Texas Civil Statutes)*;
  - f. The requirements of conflict-of-interest laws and other laws relating to public officials; and,
  - g. Any ethics policies adopted by the CMHMRC.

This training must be completed between the date of notification of appointment and the effective date of the appointment.

**Ineligibility**

Notwithstanding eligibility gained by meeting criteria in the section above, titled "Eligibility," an individual becomes ineligible for Board of Trustees membership if he/she or any person related to a prospective member within the second degree of affinity, third degree of consanguinity or an immediate in-law:

1. Owns or controls, directly or indirectly, more than a 10% interest in a business entity or other organization receiving funds from the CMHMRC by contract or other method.
2. Uses or receives a substantial amount of tangible goods or funds from CMHMRC, other than:
  - a. Compensation or reimbursement authorized by law for Board of Trustees membership, attendance or expenses relevant to meetings, training sessions, conferences and other Board activities and service to the CMHMRC;
  - b. As a consumer or as a family member of a consumer receiving services from the CMHMRC.

**BY-LAWS** - Continued

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**Prohibited Activities**

Members of the Board of Trustees may not:

1. Refer for services a client or patient to a business entity owned or controlled by a member of the Board of Trustees, unless the business entity is the only business that provides the needed services within the jurisdiction of the CMHMRC.
2. Use a CMHMRC facility in the conduct of a business entity owned or controlled by that member.
3. Solicit, accept or agree to accept from another person or business entity a benefit in return for the members' decision, opinion, recommendation, vote or other exercise of discretion as a local public official or for a violation of a duty imposed by law.
4. Receive any benefit for the referral of a client or patient to the CMHMRC or to another business entity.
5. Appoint, vote for or confirm the appointment of a person to a paid office or position with the CMHMRC if the person is related to a member of the Board of Trustees by affinity within the second degree or by consanguinity within the third degree.
6. Solicit or receive a political contribution from a supplier or contractor with the CMHMRC.

**Internal Organization**

Individuals appointed to the Board of Trustees become local government officials by virtue of such appointment and, as such, are subject to requirements of Chapter 171, Local Government Code.

**Meetings**

1. The Board of Trustees will have a regular meeting each month on dates and at locations determined by the Board of Trustees at the beginning of the fiscal year.
2. The Board of Trustees will have special meetings as called by the Chair.
3. All meetings of the Board of Trustees will be open to the public to the extent required by and in accordance with the general law of this State requiring meetings of governmental bodies to be open to the public.
4. A majority of the membership of the Board of Trustees shall constitute a quorum for the transaction of business. Five (5) members constitute a majority of the Board of Trustees.

**BY-LAWS** - Continued

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5. Matters before the Board of Trustees will be decided by a simple majority vote of a quorum. Changes to the Board guidelines require 2/3-majority vote of Board members present.
6. The Board of Trustees will keep a record of its proceedings in accordance with the general law of this State that requires meetings of governmental bodies to be open to the public and the record is open to inspection by the public in accordance with that law.
7. The Chair of the Board of Trustees will approve written minutes of each meeting and sign the document.
8. The Secretary of the Board of Trustees will sign the written minutes of each meeting and the Recorder will distribute copies to the Central Office of TDMHMR and each of the eight (8) County Judges via U.S. Postal Service.

**Required Representation**

In order to reflect the ethnic diversity of our service area and to assure consumer input, the Charter Board of Trustees and each successive Board of Trustees shall include one or more consumers of services or family members and shall attempt to include two or more members of an ethnic minority. In order to ensure appointment of the most qualified individuals to those positions, the County Judges and/or the respective Commissioners' Courts will mutually agree upon which sponsoring entity will appoint the required members.

**Removal from the Board of Trustees**

1. Grounds for removal from the Board of Trustees are as follows:
  - a. Violation of Chapter 171, Local Government Code.
  - b. Ineligibility for Board of Trustees appointment at the time of appointment as defined by the section above titled "Eligibility."
  - c. Failure to maintain eligibility requirements as defined by the section above titled "Eligibility."
  - d. Engaging in a prohibited activity as defined in the section above titled "Prohibited Activities."
  - e. Violation of personnel guidelines as defined by statute and contained within the personnel guidelines of the CMHMRC.

**BY-LAWS - Continued**

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- f. Failure to maintain an acceptable standard of attendance at regularly scheduled Board meetings. Three (3) consecutive unexcused absences from regularly scheduled Board meetings will render the Trustee ineligible to serve on the Board of Trustees. The Chair of the applicable Board meeting has the authority to excuse a Trustee's absence.
- g. Failure to maintain an acceptable standard of demeanor and contribution to the obligations of the Board of Trustees, as determined by a majority of the Board of Trustees.
- h. Failure to execute the affidavit as specified in the section below titled "Affidavit."

2. Procedure for removal from the Board of Trustees is as follows:

- a. Allegations of Board of Trustees members' misconduct, unsuitability or ineligibility will be accepted by the Chair, unless the Chair is the object of the allegation. In such case, the Vice-Chair will accept the allegation.
- b. The Chair will appoint a three (3)-member subcommittee to investigate the allegations, unless the Chair is the object of the allegation. In such case, the Vice-Chair will appoint the subcommittee.
- c. The subcommittee will report its findings to the Board of Trustees in closed session within forty-five (45) days.
- d. Following the report, the Chair will request a motion as regards to the response of the Board of Trustees to the report, unless the Chair is the object of the report. In that case, the Vice-Chair will request the motion.
- e. In the event a majority of a quorum of the Board of Trustees votes to recommend removal of the member in question, a letter recommending withdrawal of appointment and signed by those members recommending removal will be sent to the governing body of the sponsoring entity which appointed the member.
- f. The governing body will act upon the recommendation within thirty (30) days of the receipt of the letter from the Board of Trustees.
- g. Should the governing body vote to remove the member, the member will be notified of such removal by the County Judge immediately in writing. The effective date of removal will be the date of the vote of the governing body.
- h. Governing bodies will not remove members, except on grounds listed above.

**BY-LAWS** - Continued

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**Resignation**

1. Members may resign from the Board of Trustees for any reason.
2. Resignation will be written and submitted to the appropriate County Judge with a copy to the Chair.
3. Resignations will not be rejected.
4. Resignations will be effective the date of the written notification.

**Reimbursement**


1. The Board of Trustees members may not be reimbursed for services performed for the Board of Trustees and CMHMRC.
2. Board of Trustees members may authorize for themselves mileage, per diem and other expenses relevant to meetings, training sessions, conference and other activities relevant to Board of Trustees activities and service to the CMHMRC.

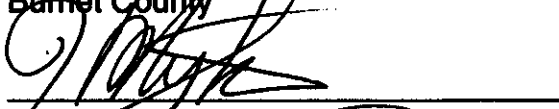
**Affidavit**


Not later than the date on which a member of the Board of Trustees takes office by appointment or re-appointment and not later than the anniversary of that date, each member shall annually execute and file with the CMHMRC an affidavit acknowledging that the member has read this document.

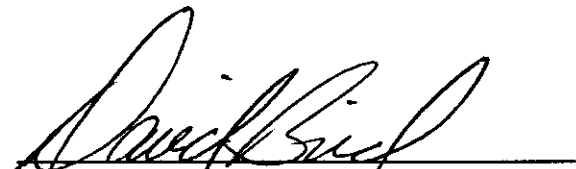
**APPROVAL**

  
Judge Ronnie McDonald  
Bastrop County

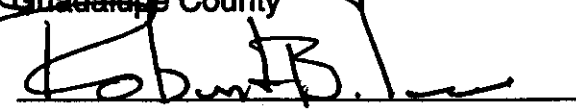
  
Judge Martin McLean  
Burnet County

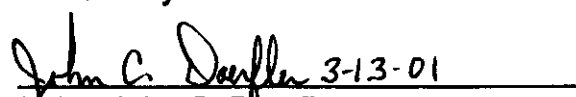
  
Judge H. T. Wright  
Caldwell County

  
Judge Edward F. Janicka  
Fayette County

  
Judge David Bird  
Gonzales County

  
Judge James E. Sagebiel  
Guadalupe County

  
Judge Robert B. Lee  
Lee County

 3-13-01  
Judge John C. Doerfler  
Williamson County



**AGENDA ITEM 27**

Consider approving request for part-time constable slot to become full-time slot in Pct 4.

Precinct 4 Constable Marty Ruble addressed the court concerning his request for full-time status for the part-time position. He stressed that this would be a revenue-generating position that would not cost the taxpayers.

Moved: **Commissioner Limmer**

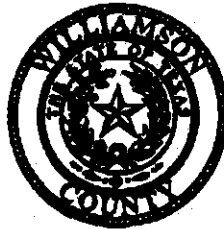
Motion: To approve request for part-time constable slot to become full-time slot in Precinct 4.

Motion failed for lack of a second.

< Attachment >

## OFFICE OF CONSTABLE MARTY RUBLE

Justice Precinct Four  
County of Williamson  
State of Texas



115 W. 6th St.  
Taylor, Texas 76574  
Office (512) 365-3491

### Deputy Constable Payroll Justification

With the additional Part-time deputy position granted by the Commissioners court last year we were able to generate the following revenue since October 1<sup>st</sup> 2000 to date:

**Total Monies collected from outstanding warrants:**      **\$ 138,834.50**  
These are the collected traffic/misdemeanor  
monies collected.

**Total number of warrants served:**      **623**      **\$ 26,435.00**  
(Potential fees of office revenue)

**\*\* Note:** Some agencies have outstanding warrant service fees not yet paid in. This will result in the difference between our current fees of office, and this projected/potential number.

**Total Bonds:**      **\$ 269,407.25**

Of the number of warrants served only 46 persons were arrested and transported to Williamson County Jail. Out of that number they have to bond or pay out. The balance is nothing but **PURE REVENUE**.

I am asking that the Commissioners court approve an additional funds (approximately \$10,000) to increase the part-time position to full-time. Due to the requirement over 20 hours (he currently works 24), the position already qualifies for benefits we are just looking for enough to supplement the increase to 40 hours.