AGENDA ITEM 39

Consider reallocating resources from the office of the Constable for Precinct #1 to the office of the County Sheriff to handle mental health intervention duties as of October 1, 2005.

Bluebonnet Trails MHMR Director of Local Authority Services Sam Wilson, Williamson County President of the National Alliance for the Mentally Ill Gisele Schaefer, Williamson County resident Sam Mason, Cedar Park resident Pat Knowles, Round Rock resident Larry Williams, Constable Precinct 1 Gary Griffin, Constable Precinct 4 Marty Ruble, Florence Police Chief Bill Schwettman, Sue Stull of Five Star Public Relations, , Mental Health worker for Williamson Burnet County Opportunities, Inc. (WBCO) Bernie Blanke, Williamson County resident Violet Filley, Sheriff James Wilson, District Attorney John Bradley and Captain Shawn Newsom addressed the Court.

Moved: Commissioner Birkman
Seconded: Commissioner McDaniel
Motion: To reallocate resources from the office of the Constable for Precinct #1 to the office of the County Sheriff to handle mental health intervention duties as of October 1, 2005.
Vote: 2 – 3. Motion failed. Judge Doerfler, Commissioner Limmer and Commissioner Boatright voted against the motion.

COMMISSIONERS’ COURT RECESSED AT 10:40 A.M. ON TUESDAY, AUGUST 9, 2005.

COMMISSIONERS’ COURT RECONVENED AT 10:49 A.M. ON TUESDAY, AUGUST 9, 2005.

AGENDA ITEM 40

Discuss and take appropriate action regarding the County’s claim for settlement benefits in Texas Telecommunication Cable/Railroad Corridor Class Settlement for 515 Pine Street and 1700 FM 971.

Assistant County Attorney Cole Spainhour addressed the Court.

Moved: Commissioner McDaniel
Seconded: Commissioner Birkman
Motion: To file a claim for settlement benefits in Texas Telecommunication Cable/Railroad Corridor Class Settlement for 515 Pine Street and 1700 FM 971.
Vote: 5 – 0

< Attachment >
Wendy Coco

From: Cole Spainhour  
Sent: Tuesday, August 02, 2005 2:18 PM  
To: Wendy Coco  
Cc: Dale Rye  
Subject: Agenda Item for August 9, 2005

Wendy:

I have an agenda item for August 9, 2005.

Discuss and take appropriate action regarding County's claim for settlement benefits in Texas Telecommunication Cable / Railroad Corridor Class Settlement for 515 Pine Street and 1700 FM 971.

This is a regular agenda item. I will copy the materials and have them to you by Thursday morning.

Basically, the County will get $1.60 per linear foot of the 515 Pine Street property that adjoins the railroad. (Around $300 by my estimates). The 1700 FM 971 property does not qualify for benefits. The claim form has to be returned by August 15, 2005.

Thanks,

Cole Spainhour  
Assistant County Attorney

Approved 8-9-05

John C. Duflin
To make a claim for settlement benefits, you must complete the entire Claim Form, sign it on the last page, and either fax it to (214) 753-5044 or send it to the following address no later than August 15, 2005:

Claims Administrator
Texas Case
TeleCable Settlement Center
Attn: Claims
P.O. Box 131110
Dallas, TX 75313-1110

Claim Form Notes and Instructions

1) Please type or print legibly in ink. Attach additional sheets if space is insufficient.
2) A separate Claim Form must be submitted for each parcel of land adjoining or underlying the Settlement Corridor(s).
3) The person who submits the Claim Form will be considered the primary contact for this Settlement. However, benefit checks will be payable to all owners of the parcel.
4) If you receive multiple Claim Forms and/or Notice Packages for this Settlement:
   a) You may own multiple parcels adjacent to the Settlement Corridor(s). Please submit a separate Claim Form for each of your parcels of land; and/or
   b) The Settlement Corridor may split your parcel. Generally speaking, only parcels on the cable side of the corridor are eligible for cash benefits.
5) Please attach a copy of appropriate legal documentation if needed to support a change in parcel ownership resulting from marriage, divorce, death, etc. (i.e. marriage certificate, divorce decree, death certificate, etc.).
6) If you have any questions or need further assistance, please call the Settlement Center toll free at 1-800-436-6136.

Please review the following guidelines to assist with your completion of this Claim Form:

- Complete Section I or Section II:
  - Section I – If you are an individual.
  - Section II – If you represent an organization or other entity.
- Answer Questions 1 through 4.
- Answer Questions 5 through 11 only if you currently own the parcel.
- Answer Questions 12 through 14 only if you no longer own the parcel.
- Sign and date the Claim Form on Page 4.
- Specific information regarding your property is listed on Page 4 of this Claim Form.
Section I.

IF PROPERTY OWNER IS AN INDIVIDUAL PERSON:

<table>
<thead>
<tr>
<th>First Name</th>
<th>Middle Name/Initial</th>
<th>Last Name</th>
<th>Social Security Number</th>
</tr>
</thead>
</table>

Other Names by Which You Also Are or Were Formerly Known (e.g., Maiden Name)

<table>
<thead>
<tr>
<th>Current Mailing Address (Street or P.O. Box)</th>
<th>E-mail Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>City</td>
<td>State</td>
</tr>
</tbody>
</table>

Marital Status (Circle One):

- MARRIED
- DIVORCED
- SINGLE
- WIDOWED

Name of Spouse (if married) Spouse's Social Security Number

Has marital status changed since you acquired the property?  

- Yes
- No

If YES, please explain:

Section II.

IF PROPERTY OWNER IS AN ORGANIZATION OR OTHER ENTITY:

<table>
<thead>
<tr>
<th>Name of Organization/Entity</th>
<th>Legal Description and State of Organization (partnership, corporation, etc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name and Title of Representative</td>
<td>E-mail Address</td>
</tr>
</tbody>
</table>

Current Mailing Address (Street or P.O. Box) for Organization/Entity Taxpayer I.D. No.

<table>
<thead>
<tr>
<th>City</th>
<th>State</th>
<th>Zip Code</th>
<th>Country (if not U.S.A.)</th>
<th>Telephone No. (with Area Code)</th>
</tr>
</thead>
</table>

QUESTIONS 1-4: FOR ALL CLAIMANTS

1. Do you CURRENTLY own the parcel described on Page 3 of this claim form?  
   - Yes
   - No

   If yes, ATTACH a copy of the RECORDED deed by which you acquired the property.

2. Beside yourself, are/were any other persons or entities listed on the deed?  
   - Yes
   - No

   If yes, please list their name(s) below and state their relationship, if any, to you:

<table>
<thead>
<tr>
<th>Name</th>
<th>Relationship</th>
<th>Social Security Number</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Name</th>
<th>Relationship</th>
<th>Social Security Number</th>
</tr>
</thead>
</table>
3. Provide a description of the parcel for which you are claiming settlement benefits (e.g. farm, business, homestead, etc.).

________________________________________________________________________________________

4. Provide the address of the parcel for which you are claiming settlement benefits:

<table>
<thead>
<tr>
<th>Street Address (if none, please describe location)</th>
<th>City</th>
<th>State</th>
<th>Zip Code</th>
</tr>
</thead>
</table>

Property Tax Identification Number (found on property tax records distributed by your state or county taxing authority):

QUESTIONS 5-11: FOR CURRENT LANDOWNERS

If you CURRENTLY OWN the parcel described in Question 3 of this Claim Form and are seeking Current Landowner Benefits, please answer the following questions. (If you do not currently own the parcel, skip to Question 12.)

5. On what date did you (or the person or entity you represent) acquire the property? ______/_____/______

6. From whom was the property acquired (name, address, and telephone number if known)? ____________________________

7. Have you (or the person or entity you represent) conveyed any interest in the property since acquiring it?  □ Yes  □ No

8. If you answered “Yes” to Question 7, identify the nature of the interest conveyed (e.g., partial ownership, mortgage lien, fee interest, lien, easement, etc.), the date of conveyance, and the person or entity to whom the interest was conveyed:

<table>
<thead>
<tr>
<th>Interest Conveyed</th>
<th>Month/Year</th>
<th>To Whom Conveyed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>

<table>
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<tr>
<th>Interest Conveyed</th>
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</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

9. Provide the names and addresses of any lienholders (including banks and mortgage companies) or any other persons or entities having a lien or security interest in the property for which you are claiming benefits.

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

10. Check the following box ONLY if you do NOT wish to participate in the Corridor Enterprise discussed in Paragraph 19 of the Court Notice.

□ I do NOT want to participate in the Corridor Enterprise.
11. To qualify for Current Landowner Benefits, you must attach a copy of the recorded deed through which you are claiming benefits. The copy must either have been certified by the appropriate Recorder's Office or show on its face pertinent recording information (the date and office of recording, the deed book and page, and the document number). Your claim will be considered incomplete if a recorded deed is not attached, and you will not qualify for benefits unless the claim is completed and a copy of the recorded deed is provided.

Have you attached a copy of the recorded deed?  
☐ Yes  ☐ No

QUESTIONS 12-14: FOR PRIOR LANDOWNERS

If you NO LONGER OWN the parcel described in Question 3 of this Claim Form and are seeking Prior Landowner Benefits, please answer the following questions:

12. On what date did you acquire the property?  

13. On what date did you dispose of the property?  

14. To whom did you sell the property (name, address, and telephone number if known)?  

THE CLASS MEMBER CLAIMING BENEFITS MUST COMPLETE AND SIGN BELOW

I declare under penalty of perjury that the information on this Claim Form is true, correct, and complete to the best of my knowledge, information, and belief.

Date Signed  
Signature (Class Member or Representative)

NOTE: To preserve eligibility for Landowner Benefits under the Settlement, this Claim Form must be completed, signed, and mailed or faxed to the Claims Administrator, postmarked no later than August 15, 2005.

RELEVANT PARCEL INFORMATION:
TAX PARCEL NUMBER: R306765  
PROPERTY ADDRESS: 515 PINE ST  
PROPERTY DESCRIPTION: SHELL ADDITION, BLOCK 12-13, ACRES 2.39  
PROPERTY LOCATION: WILLIAMSON

ID: TXC004666  
COUNTY OF WILLIAMSON  
CARE OF: ATTN: WILLIAMSON COUNTY JUDGE  
710 S MAIN ST STE 102  
GEORGETOWN, TX 78626-5701
TEXAS
"TELECOMMUNICATION CABLE"
RAILROAD CORRIDOR CLASS SETTLEMENT

REQUEST FORM

The Claims Office’s records reflect that you are the owner of property that adjoins a Settlement Corridor on the opposite side of where AT&T telecommunications cable has been installed. Pursuant to the Settlement Agreement, you would not be eligible for cash benefits from AT&T, unless this information is in error or you can show ownership of the cable side of the Settlement Corridor. You still will be eligible, however, to receive whatever benefits may flow from a Corridor Enterprise.

If you believe your property adjoins the side of the Settlement Corridor where AT&T telecommunications cable has been installed OR if the deed to your property includes the side of the Settlement Corridor where AT&T telecommunications cable has been installed, you may be eligible for cash benefits from AT&T and should request a claim form immediately.

PLEASE READ THE ENCLOSED COURT NOTICE FOR FURTHER INFORMATION ABOUT SETTLEMENT BENEFITS AND THE CORRIDOR ENTERPRISE.

To request a Claim Form, and/or exclude yourself from participation in the Corridor Enterprise, please provide the requested information on the back of this Request Form and either fax the Form to the Claims Office at (214) 753-5044, or send it to the following address:

Claims Administrator
Texas Case
TeleCable Settlement Center
Attn: Claims
P.O. Box 131110
Dallas, Texas 75313-1110

You may also download a Claim Form from the Settlement’s website:
http://att.fsiwebs.net/rrcorridors

If you have any questions regarding this form, please contact the Settlement Center at:
1-800-436-6136

All claims must be filed no later than August 15, 2005.

RELEVANT PARCEL INFORMATION:
TAX PARCEL NUMBER: R322613
PROPERTY ADDRESS: 1700 FM 971
PROPERTY DESCRIPTION: AW0051 BERRY, J. SUR., ACRES 57.75
PROPERTY LOCATION: WILLIAMSON

ID: TXC004987
COUNTY OF WILLIAMSON
CARE OF: ATTN: WILLIAMSON COUNTY JUDGE
710 S MAIN ST STE 102
GEORGETOWN, TX 78626-5701

(See reverse of page)
IF PROPERTY OWNER IS AN INDIVIDUAL PERSON:

<table>
<thead>
<tr>
<th>First Name</th>
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<th>Last Name</th>
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<td></td>
<td></td>
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</tr>
</tbody>
</table>

Other Names by Which You Also Are or Were Formerly Known (e.g., Maiden Name)  
Date of Birth  

<table>
<thead>
<tr>
<th>Current Mailing Address (Street or P.O. Box)</th>
<th>E-mail Address</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

City  
State  
ZIP Code  
Telephone Number (with Area Code)

IF PROPERTY OWNER IS AN ORGANIZATION OR OTHER ENTITY:

<table>
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<tr>
<th>Name of Organization/Entity</th>
<th>Legal Description and State of organization (partnership, corporation, etc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Name of Representative  
E-mail Address

<table>
<thead>
<tr>
<th>Current Mailing Address (Street or P.O. Box) for Organization/Entity</th>
<th>Taxpayer I.D. Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

City  
State  
ZIP Code  
Country (if not U.S.A.)  
Telephone No. (with Area Code)

TELECOMMUNICATION CABLE PROPERTY LOCATION  
(if different from mailing address above)

<table>
<thead>
<tr>
<th>Street Address</th>
<th>City</th>
<th>State</th>
<th>ZIP Code</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

I believe I may be eligible for cash benefits from AT&T because:  
☐ my property adjoins a Settlement Corridor on the side on which AT&T telecommunications cable has been installed or,  
☐ the deed to my property includes the property on the side of the Settlement Corridor on which AT&T telecommunications cable has been installed.  
Please send me a Claim Form.

☐ I do NOT want to participate in the Corridor Enterprise.

Date Signed  
Signature
Q. Why did I receive this material?
A. Our records indicate that you are one of a “class” of property owners who may be eligible to receive benefits in the legal settlement of this class action lawsuit because you currently own, or have owned at some time during the Compensation Period, land adjoining one of the railroad corridors listed in the accompanying Court Notice.

Q. What is a class action and who is in the “class”?
A. A class action is a lawsuit in which the claims and rights of many people are decided in a single court proceeding. Representative plaintiffs are named in the lawsuit to assert the claims of the entire class. In general, the class in this case is comprised of people in Texas who own or have owned property underlying or adjoining the railroad corridors or rights of way listed in the accompanying Court Notice on which AT&T has installed and operated fiber optic cable.

Q. What claims were made against AT&T in this lawsuit?
A. The lawsuit alleges, among other things, the following: AT&T installed more than 320 miles of fiber optic or other telecommunication cable in Texas in land that is or once was subject to a right-of-way for railroad purposes. The lawsuit alleges that AT&T negotiated and entered into contracts with the railroads for the right to install its fiber optic cable in the railroad corridors and generally did not negotiate with owners of adjoining property. This suit contends that the Class Members, not the railroads, are the owners of the railroad corridor land in Texas on which AT&T installed its cable, and as such, the Class Members are entitled to damages in the form of compensation for the use of their property and other damages for slander of title and trespass.

Q. Why did AT&T agree to settle the lawsuit?
A. AT&T denies the claims made by the Plaintiffs; however, after analyzing the facts and law applicable to these claims, and taking into consideration the considerable burden, risks, uncertainties, and expenses of litigation, as well as the fair, cost-effective, and assured method of resolving those claims under the Class Settlement Agreement, AT&T believes that this settlement is a fair and reasonable means of resolving this lawsuit.
Q. What benefits are available to me from this settlement?

A. Cash benefits available to qualifying Class Members are $1.60 (subject to applicable reductions) per linear foot of railroad corridor that is adjacent to qualifying Class Members’ land, and in which the railroad did not have a fee interest. Costs and attorneys’ fees of the litigation are being paid by AT&T. Non-cash benefits include a disclaimer by AT&T of all rights in the corridor property owned by Current Landowners except for the 16½-foot-wide easement AT&T will be granted pursuant to the Settlement Agreement. In addition, Class Counsel created a Corridor Enterprise into which the Court may cause to be conveyed certain of the Class Members’ property rights in the Settlement Corridors for the purpose of aggregating such rights. Class Members who do not wish to participate in this additional benefit option should so indicate on the Claim Form by August 15, 2005. A decision not to participate in the Corridor Enterprise will not affect a Class Member’s eligibility as to any other benefits.

Class Members are divided into two (2) categories:

♦ **Current Landowners** are those Class Members who currently own property in or adjacent to the Cable Side of the Corridor, or previously owned such property and expressly reserved in a recorded deed of conveyance the right to receive any recovery from litigation such as that commenced by the Complaint, and have the right, power, and authority to grant AT&T an easement over such property.

♦ **Prior Landowners** are those who do not currently own such property, but who owned it at some time in the past during the Compensation Period, except where the Current Landowner owned the property for 10 years or more.

To receive cash compensation, Class Members must qualify in accordance with the terms of the Court Notice. Qualifying Class Members will receive cash benefits based upon the percentage of the Compensation Period the Class Member owned the property, the number of linear feet of frontage on the corridor, subject to any multi-user discount as set forth in the Court Notice. You may get more information regarding the benefits you will receive if you are a qualifying Class Member by calling 1-800-436-6136.

All deeds to the railroad companies that are submitted by AT&T will be examined under the settlement’s claims rules. If the railroad acquired an easement in the corridor property, you will be eligible to participate in the benefits as described above. If the railroad acquired a fee simple interest in the corridor property that adjoins your property, you will not be entitled to the benefits of this settlement.

Q. How much do I have to pay Class Counsel for representing me in this lawsuit?

A. Nothing. Attorneys’ fees and expenses for obtaining the benefits of this settlement for Class Members are subject to the approval of the Court and will be paid by AT&T. AT&T has also agreed to pay all the expenses of administering the settlement. Thus, cash benefits payable to qualifying Class Members will not be reduced by such fees and expenses.
Q. How do I find out if I am eligible?

A. There will be a Claims Administrator and a Claims Office operating under the supervision and jurisdiction of the Court. The Claims Office will be responsible for disseminating information to Class Members. You also may receive additional information by accessing the Claims Office via the settlement’s Internet homepage at http://att.fsiwebs.net/rrcorridors or by calling toll free 1-800-436-6136.

Q. How do I claim my benefits?

A. To begin the claims process, you must complete, sign, and return the Claim Form by August 15, 2005. If you are making a claim as a Current Landowner, you must also submit a copy of the recorded deed through which you assert title to your property. YOU MUST SUBMIT THIS INFORMATION IN A TIMELY MANNER IN ORDER TO BE ELIGIBLE FOR COMPENSATION.

The Claims Office will determine eligibility for payment, and, in the event of denial of eligibility, the claimant will be advised of an appeals process.

Q. What do I do if I don’t want these benefits and want to opt out of the class?

A. All members of the Settlement Class may opt out of the Settlement by completing the Exclusion Form and returning it as indicated on the form by May 14, 2005. If you elect to exclude yourself from the Settlement Class, you will neither be bound by nor benefit from the terms of the Settlement. If you do not exclude yourself ("opt out") by completing and mailing the Exclusion Form by the deadline, you will remain a Class Member without any additional action on your part, and you will be bound by and be eligible to benefit from the terms of the Settlement.

Q. If I wish to remain in the class, but also want to object to the settlement, the adequacy of the compensation, or the adequacy of Class Counsel, how can I do that?

A. Pursuant to Federal Rule of Civil Procedure 23(c), the Court will conduct a Formal Fairness Hearing to determine the fairness, adequacy, and reasonableness of this Settlement Agreement. The date and time of this hearing are set forth in the accompanying Court Notice. If you wish to raise any objections to any part of the Agreement, you or your legal counsel must mail your written objections, postmarked no later than May 14, 2005, to Texas Case, TeleCable Settlement Center, Attn: Objections, P.O. Box 131110, Dallas, TX 75313-1110. If you desire to appear at the hearing in person or by counsel, you must make this request in writing at this same time.

Q. If I wish to remain in the class and claim benefits, but not participate in the Corridor Enterprise, how can I do that?

A. Any Class Members who do not wish to participate in the Corridor Enterprise may exclude themselves by so indicating on the Claim Form. Electing not to participate in the Corridor Enterprise will not affect a Class Member’s eligibility for any other benefits under the Settlement Agreement.
Q. If I am a Current Landowner Class Member, do I have to allow AT&T to maintain its fiber optic or telecommunication cable on the railroad corridor, and if so, what do I receive for making this agreement?

A. The Settlement Agreement requires Class Members who are also Current Landowners to execute a conveyance of a permanent 16½-foot-wide easement to AT&T for telecommunications purposes in the form of the Grant of Communications System Easement/Release (see Attachment B to the accompanying Court Notice), and to sign a letter authorizing the Claims Officer or AT&T to obtain lienholder consent and approval of easement, where applicable under the terms of the Court Notice. Current Landowners will receive $1.60 per linear foot (less any multi-user discount) of railroad corridor that is underlying or adjacent to his or her property to compensate them for AT&T's past use of the property and for granting AT&T this easement. You may call 1-800-436-6136 to obtain more specific information about your property and potential cash benefits.
To Class Member:

Enclosed for your attention and consideration are:

- a Notice (white) describing the terms of the proposed settlement, your rights and options (to obtain benefits under, oppose, or exclude yourself from the settlement) and the process the Court will follow in deciding whether or not to approve the settlement.

- a Claim Form (blue) to be used by a Class Member who is making a claim for benefits under the Agreement. Please return the Claim Form no later than August 15, 2005 to:
  
  Claims Administrator  
  Texas Case  
  TeleCable Settlement Center  
  Attn: Claims  
  P.O. Box 131110  
  Dallas, TX 75313-1110

- an Exclusion Form (pink), to be used by a Class Member who wants to exclude himself or herself from the settlement and not to participate in its benefits. To “opt out” from settlement benefits, the Exclusion Form must be returned no later than May 14, 2005.

- a Question and Answer paper (white), answering basic settlement questions.

As explained in the Court Notice, you may wish to consult an attorney about your rights and options. You may also obtain further information by contacting the TeleCable Settlement Center at 1-800-436-6136 or TeleCableCenter@lecg.com; by accessing the settlement home page on the Internet at http://att.fsiwebs.net/rrcorridors; or by seeking legal assistance from Class Counsel by calling toll-free 1-877-288-2808 or by e-mailing questions to mdabio@price-law.com. You should save these materials for future reference.

\[
\text{David F. Hamilton}  
\text{United States District Judge}
\]
AGENDA ITEM 41

Consider declaring an emergency and approving a budget amendment to acknowledge additional revenue:

0100-0000-367400  Donations  112.00

Moved: Judge Doerfler
Seconded: Commissioner Birkman

Motion: To declare an emergency and approving a budget amendment to acknowledge additional revenue:

0100-0000-367400  Donations  112.00

Vote: 5 - 0

< Attachment >