

COLORADO COUNTY COMMISSIONERS COURT
NOTICE OF OPEN MEETING

DATE OF MEETING: April 8, 2019 – 10:00 A.M.
BUILDING: Colorado County Courthouse, County Courtroom
STREET LOCATION: 400 Spring Street
CITY OF LOCATION: Columbus, Texas

Pursuant to the authority granted under Government Code, Chapter 551, the Commissioners Court may convene in a closed meeting to discuss, deliberate and take action on any of the agenda items listed below. Immediately before any closed session, the specific section or sections of Government Code, Chapter 551, which provides statutory authority, will be announced.

On this the 8th day April 2019, the Commissioners Court of Colorado County, Texas met in Closed Session at 10:07 A.M., in their regular meeting place at the Colorado County Courthouse, County Courtroom, 400 Spring Street, in the City of Columbus, Texas.

The Following Members were present, to wit:

| | |
|----------------------------------|---------------------------------|
| Honorable Ty Prause | County Judge |
| Honorable Doug Wessels | Commissioner Precinct #1 |
| Honorable Darrell Kubesch | Commissioner Precinct #2 |
| Honorable Tommy Hahn | Commissioner Precinct #3 |
| Honorable Darrell Gertson | Commissioner Precinct #4 |

DELIBERATE AND CONSIDER ACTION ON THE FOLLOWING ITEMS:

__1. Agenda as posted.

Motion by Commissioner Wessels to approve Agenda; seconded by Commissioner Kubesch; 5 ayes 0 nays; motion carried, it was so ordered.

(See Attachment)

**MINUTES OF THE COLORADO COUNTY
COMMISSIONER'S COURT CLOSED SESSION MEETING
APRIL 8, 2019**

COLORADO COUNTY COMMISSIONERS COURT
NOTICE OF OPEN MEETING

FILED FOR RECORD
COLORADO COUNTY, TX

2019 APR -5 AM 9:09

DATE OF MEETING: April 8, 2019 – 10:00 A.M.
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STREET LOCATION: 400 Spring Street
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KIMBERLY MENKE
COUNTY CLERK

M.D.

Pursuant to the authority granted under Government Code, Chapter 551, the Commissioners Court may convene in a closed meeting to discuss, deliberate and take action on any of the agenda items listed below. Immediately before any closed session, the specific section or sections of Government Code, Chapter 551, which provides statutory authority, will be announced.

DELIBERATE AND CONSIDER ACTION ON THE FOLLOWING ITEMS:

1. Agenda as posted.
2. **CLOSED SESSION:** Pursuant to Section 551.071 and 551.129, Texas Government Code, to conduct a private consultation with the County's attorney regarding contemplated litigation, and to authorize any required, necessary or possible action deemed to serve the best interests of Colorado County, Texas.
3. **OPEN SESSION:** Pursuant to Section 551.102, Texas Government Code, to take final action, decision, or vote on the matter(s) deliberated in the closed meeting of Colorado County Commissioners Court.
4. Adopt Resolution Authorizing Exercise of Enforcement Power Pursuant to Chapter 7, Texas Water Code.
5. Adjourn.

The Colorado County Courthouse is wheelchair accessible and accessible parking spaces are available

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- __2. **CLOSED SESSION:** Pursuant to Section 551.071 and 551.129, Texas Government Code, to conduct a private consultation with the County's attorney regarding contemplated litigation, and to authorize any required, necessary or possible action deemed to serve the best interests of Colorado County, Texas.

The Court went into Closed Session.

- __3. **OPEN SESSION:** Pursuant to Section 551.102, Texas Government Code, to take final action, decision, or vote on the matter(s) deliberated in the closed meeting of Colorado County Commissioners Court.

Judge Prause announced at 10:56 A.M., Court is back in Open Session.

- __4. Adopt Resolution Authorizing Exercise of Enforcement Power Pursuant to Chapter 7, Texas Water Code.

Motion by Commissioner Wessels to approve to adopt Resolution Authorizing Exercise of Enforcement Power Pursuant to Chapter 7, Texas Water Code; seconded by Judge Prause; 5 ayes 0 nays; motion carried, it was so ordered.

(See Attachment)

**MINUTES OF THE COLORADO COUNTY
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**Resolution Authorizing Exercise Of Enforcement Power
Pursuant To Chapter 7, Texas Water Code**

WHEREAS, Section 7.351 of the Texas Water Code, authorizes a local government, such as Colorado County, Texas (also called "County"), to institute civil suits in a district court by its own attorney under Subchapter D of Chapter 7 of the Texas Water Code in the same manner as the Texas Commission on Environmental Quality, for violations or threats of violations of various provisions of the Texas Water Code and the Texas Health and Safety Code, or rules adopted or orders or permits issued under those chapters or provisions, that have occurred or are occurring in the jurisdiction of a local government; and

WHEREAS, Section 7.352 of the Texas Water Code provides that a local government may not exercise the enforcement power described in Section 7.351 of the Texas Water Code, in the case of a violation of Chapter 26 of the Texas Water Code or Chapter 382 of the Texas Health and Safety Code unless the governing body of the local government has adopted a resolution authorizing the exercise of the enforcement power; and

WHEREAS, Chapter 26 of the Texas Water Code contains laws designed to maintain and improve water quality, including laws governing waste discharges; and

WHEREAS, The Commissioner's Court of Colorado County finds it is in the public interest to adopt a resolution authorizing the Colorado County Judge to use all statutory enforcement authority for water quality protection pursuant to Sections 7.351 and 7.352 of the Texas Water Code for violations of Chapter 26 of the Texas Water Code or Chapter 382 of the Texas Health and Safety Code within the statutory boundaries of the County as deemed necessary by the Commissioner's Court of Colorado County;

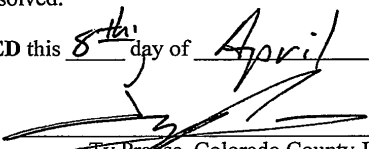
NOW THEREFORE, BE IT RESOLVED THAT the Commissioner's Court of Colorado County hereby authorizes the exercise of the enforcement power provided to local governments under Subchapter D of Chapter 7 of the Texas Water Code, as specifically authorized by Sections 7.351 and 7.352 of the Texas Water Code; and

BE IT FURTHER RESOLVED THAT these enforcement powers shall authorize actions respecting past, existing, and future violations, in addition to the local government's other enforcement powers to protect the environment; and


BE IT FURTHER RESOLVED THAT the Colorado County Judge is hereby authorized to take all actions necessary to exercise the enforcement power provided in Subchapter D of Chapter 7 of the Texas Water Code, including to pursue and institute civil suits for violations or threatened violations of Chapters 26, Texas Water Code and Chapter 382, Texas Health and Safety Code, and to seek injunctive relief, or civil penalty, or both, as authorized by Chapter 7 against the person who committed, is committing, or is threatening to commit the violation; and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately from and after its passage, and it is accordingly so resolved.

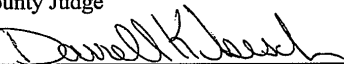
PASSED and APPROVED this 8th day of April, 2019.



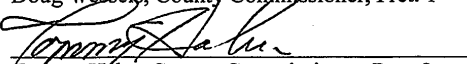
Ty Prause, Colorado County Judge



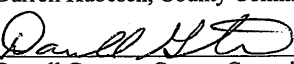
Doug Wessels, County Commissioner, Prct. 1



Darrell Kubesch, County Commissioner, Prct. 2



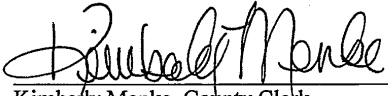
Tommy Hahn, County Commissioner, Prct. 3



Darrell Gertson, County Commissioner, Prct. 4

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ATTEST:



Kimberly Menke, County Clerk



**MINUTES OF THE COLORADO COUNTY
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__5. Adjourn.

Motion by Judge Prause to adjourn; seconded by Commissioner Hahn.

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Minutes were taken and prepared by Kimberly Menke, County Clerk on the 8th day of April, 2019 with Judge Ty Prause presiding.

I, KIMBERLY MENKE, COUNTY CLERK AND EX-OFFICIO OF THE COMMISSIONERS COURT IN AND FOR COLORADO COUNTY, TEXAS do hereby certify that the foregoing is a true and correct copy of the minutes of the Commissioner Court in session on the 8th day of April, 2019.

Given under my hand and official seal of office this date April 8, 2019.

