

COUNTY COMMISSIONERS:

9. Receive and file the proposed Public Nuisance policy as authorized under Chapter 343 of the Texas Health and Safety Code. **SEE ATTACHED PAGES 104-105**

Motion: Commissioner Domingue
Second: Commissioner Hallmark
Action: Approved

10. Consider and possibly approve Resolution for the Jefferson County Victims' Assistance Center's VOCA Grant Application for funding from the Criminal Justice Division of the Office of the Governor for \$80,000. The grant will be for the 2008-2009 fiscal year.
SEE ATTACHED PAGE 106

Motion: Commissioner Domingue
Second: Commissioner Hallmark
Action: Approved

11. Consider and possibly approve re-appointing Mr. Paul Beard, Mr. C.L. "Sonny" Sherman, Mr. Rick Lewis, Mr. Joe Johnson and Mr. Kenneth Duhon as Commissioners to the Sabine- Neches Navigation District of Jefferson County, Texas.

Motion: Commissioner Domingue
Second: Commissioner Hallmark
Action: Approved

12. Consider and possibly approve Jefferson County Tourism Commission Hotel Occupancy Tax allocation recommendation for: Boomtown Film and Music Festival/promotion
Spindletop Basketball/bid fees and promotion.

Motion: Commissioner Domingue
Second: Commissioner Hallmark
Action: Approved

13. Consider and possibly approve Resolution of The Jefferson County Housing Finance Corporation relating to the issuance of Bonds for the Park Shadows Apartments Multifamily Housing Revenue Bonds. **SEE ATTACHED PAGES 107-115**

Motion: Commissioner Domingue
Second: Commissioner Hallmark
Action: Approved

JAN 14 2008

Agenda Item No. 9 Public Nuisance Policy for Jefferson County, Texas

I. Authority to Abate Nuisance

A county may abate a nuisance under Chapter 343 of the Texas Health and Safety Code by demolition or removal or, in the case of certain nuisances, by prohibition or control of access to the premises, if the county adopts abatement procedures consistent with the general purpose of Chapter 343 and that conform thereto. Therefore, Jefferson County hereby adopts the following abatement procedures in accordance with Chapter 343.

II. Abatement Procedures

A. The abatement procedures adopted herein are to be administered by the Head of Jefferson County's Environmental Control Department.

B. Prior to Abating a Public Nuisance, Written Notice Shall Be Given To:

1. the owner, lessee, occupant, agent or person in charge of the premises; and
2. the person responsible for causing a public nuisance on the premises when:
 - a. that person is not the owner, lessee, occupant, agent or person in charge of the premises; and
 - b. the person responsible can be identified.

C. The Written Notice Shall State the Following:

1. the specific condition that constitutes a nuisance;
2. that the person receiving notice shall abate the nuisance before the:
 - a. 31st day after the date on which the notice is served, if the person has not previously received a notice regarding a nuisance on the premises; or
 - b. 10th business day after the date on which the notice is served if the person has previously received a notice regarding a nuisance on the premises;
3. that failure to abate the nuisance may result in:
 - a. abatement by the county;

- b. assessment of costs to the person responsible for causing the nuisance when that person can be identified;
 - c. a lien against the property on which the nuisance exists, if the person responsible for causing the nuisance has an interest in the property;
 4. that the county may prohibit or control access to the premises to prevent a continued or future nuisance described in Section 343.011(c)(1), (8) or (9); and
 5. that the person receiving notice is entitled to submit a written request for a hearing before the:
 - a. 31st day after the date on which the notice is served, if the person has not previously received a notice regarding a nuisance on the premises; or
 - b. 10th business day after the date on which the notice is served, if the person has previously received a notice regarding a nuisance on the premises.
- D. The Notice Must Be Given:
 1. by service in person or by registered or certified mail, return receipt requested; or
 2. if personal service cannot be obtained or the address of the person to be notified is unknown, by posting a copy of the notice on the premises on which the nuisance exists and by publishing the notice in a newspaper with general circulation in the county two times within 10 consecutive days.
- E. If requested, a hearing must be had prior to the county abating the public nuisance. This hearing may be conducted before the commissioners court or any board, commission, or official designated by the commissioners court. The commissioners court may designate a board, commission or official to conduct each hearing.