

THE STATE OF TEXAS

COUNTY OF KENDALL BE IT REMEMBERED, that the Commissioners' Court of Kendall County, Texas, was begun and held at a Regular Meeting at the Courthouse in Boerne, Texas, and via Zoom on the 27th day of March 2023.

Present: SHANE STOLARCZYK, COUNTY JUDGE
CHRISTINA BERGMANN, COMMISSIONER, PCT. #1
ANDRA WISIAN, COMMISSIONER, PCT. #2
RICHARD CHAPMAN, COMMISSIONER, PCT. #3
CHAD CARPENTER, COMMISSIONER, PCT. #4
PAULA PFEIFFER, DEPUTY COUNTY CLERK

1. Call to Order – 9:06 a.m. _____

2. Pledges of Allegiance to the United States and Texas flags.

3. Comments from the bench to share items of community interest as allowed under and limited by Texas Government Code Section 551.0415.
Commissioner Christina Bergmann, Precinct 1, Commissioner Andra Wisian, Precinct 2, Commissioner Chad Carpenter, Precinct 4 and Shane Stolarczyk, County Judge

4. Declarations of Conflict of Interest

5. Consent Agenda:
Items on the Consent Agenda are considered to be of a routine nature and may require only limited discussion. All items under the Consent Agenda are heard and acted upon collectively unless opposition is presented. Any member of the Commissioners Court may request that an item be removed from the Consent Agenda and considered separately for the purpose of discussion and voting.
 - a. Minutes for March 13 and 16, 2023
 - b. Consideration and action on the approval of amending the FY 2023 budget through regular budget adjustments (attached)
 - c. Consideration and action on the approval of accounts payable claims for purchases, services, and vendors
 - d. Consideration and action on the Fees of Office Report for February 2023
 - e. Consideration and action on accepting the list of donations on behalf of Kendall County as per Local Government Code 81.032 (attached)
 - f. Consideration and action regarding the acceptance of the Fiscal Year 2022 Annual Audit
 - g. Presentation and discussion regarding the Sales Tax Report
 - h. Consideration and action regarding the approval of the cash summary at Frost Bank for February 2023 (attached)
 - i. Presentation and discussion of Road and Bridge operations for February 2023 (attached)
 - j. Presentation and discussion of Road and Bridge road work for February 2023 (attached)

5-1. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to remove item f and item j from the Consent Agenda and to be discussed after public comments.

Motion was made by Commissioner Chapman, seconded by Commissioner Carpenter, and carried by a vote of 5-0.

5-2. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve Consent Agenda Items: a, b, c, d, e, g, h, i.

Motion was made by Commissioner Wisian, seconded by Commissioner Bergmann, and carried by a vote of 5-0.

5A. PUBLIC COMMENTS: Andres Garcia, Lisa Sallick, Jana Carmack, Teresa South, Christy Mitchell, Peggy Hedrick, Eleanor Van Wagner, Nancy Dockery, Oscar Alvarado, Sr., Patrick Mayo, Mike Luckey, Maxie Zinsmeister and Linda Bannister

(The following agenda item #5 was addressed out of sequence.)

5-3-B. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to accept the Fiscal Year 2022 Annual Audit and the outside auditors Neffendorf & Blocker, PC will return on April 10, 2023 to give a presentation. (Agenda Item #5)

Motion was made by Commissioner Chapman, seconded by Commissioner Carpenter, and carried by a vote of 5-0.

(The following agenda item #5 was addressed out of sequence.)

5-3-C. The summary of Road & Bridge road work for February 2023. (attached) (Agenda Item #5)

6. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to proclaim April 2023 as Child Abuse Prevention Month in Kendall County (attached).

Motion was made by Commission Carpenter, seconded by Commissioner Chapman, and carried by a vote of 5-0.

7. No action was taken on lifting the burn ban. It is still on.

8. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the County Auditor, Financial Advisor, and Bond Counsel to move forward with the issuance of the County's General Obligation Bond approved by the voters on November 8, 2022 regarding Proposition A.

Motion was made by Commissioner Chapman, seconded by Commissioner Wisian, and carried by a vote of 5-0.

9. Erica O'Neill, Director of PT Services gave a presentation on the Pre-Trial Services 2022 Annual Report.

10. No action taken concerning the purchase of a vehicle for the County Facilities Manager.

11. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve amending the January 1, 2020 Order regulating food establishments in Kendall County pursuant to Chapter 437 Texas Health and Safety Code. This item is to update dates and fees reflected in the Order.

Motion was made by Commissioner Chapman, seconded by Commissioner Wisian, and carried by a vote of 5-0.

12. No action was taken concerning a request for a variance from the Kendall County Flood Damage Prevention Order concerning Property ID 21360, Abstract number 515145, for the proposed replacement of a single-wide mobile home with a double-wide mobile home (Armando G. Martinez).
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13. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Preliminary Plat of Cordillera Ranch, Unit 305, in accordance to the 1997 Kendall County Development Rules and Regulations. The proposed residential subdivision would create 42- lots out of 158.599- acres for an average density of 3.77- acres per lot, 7,701 linear feet of private roadway. The proposed subdivision would be served by central water and individual on-site-sewage facility.

Motion was made by Commissioner Chapman, seconded by Commissioner Wisian, and carried by a vote of 5-0.

14. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the plat revision of Comfort Lot 113A filed in Volume 8, Page 152 of the plat records of Kendall County, Texas. The proposed plat would create a 0.22-acre lot (Lot 113A-1) and a 0.385-acre lot (Lot 113A-2). A public hearing was held on 2/13/23, but no one was present to speak. (James P. Jenkins and Lisa R. Jenkins)

Motion was made by Commissioner Carpenter, seconded by Commissioner Chapman, and carried by a vote of 4-1 with Judge Stolarczyk voting against.

At 11:43 a.m. the Court recessed Open Session, and went into Executive Session:

- I. Pursuant to Texas Government Code, Section 551.071 (Attorney Consultation) and 551.072 (Real Property), to deliberate the purchase, exchange, lease or value of real property. (Note: deliberation in an open meeting would have a detrimental effect on the position of Kendall County in negotiations with a third person.)
 1. Discussion regarding a lease agreement for Precinct 2 Justice of the Peace and other personnel
- II. Pursuant to Texas Government Code, Section 551.071 (Attorney Consultation) and 551.074 (Personnel Matters), consultation with legal counsel to seek the advice of attorney(s) representing the County, concerning pending and/or threatened litigation, settlement offers and/or matters in which the duties of the attorney(s) under the Texas Rules of Professional Conduct of the State Bar of Texas require confidential communications.
 1. Extra-Territorial Jurisdiction Agreement between City of Boerne and Kendall County
 2. County fire protection and firefighter services
 3. Matthew Dietz vs. Kendall County Sheriff Al Auxier, Kendall County Sheriff's Office, and Kendall County, Texas

- III. Pursuant to Texas Government Code Section 551.071 (Attorney Consultation), to deliberate and seek legal advice on the appointment, employment, evaluation, reassignment, duties, or dismissal of a public officer or employee; or to hear a complaint or a charge against an officer or employee.**
- 1. Discussion and update upon the hiring of In-House General Counsel**
 - 2. Discussion and update regarding personal and sexual harassment policies and procedures**

At 1:33 p.m. the Court closed Executive Session.

At 1:34 p.m. the Court resumed Open Session.

Being no further business, the meeting was adjourned at 1:34 p.m.

EXAMINED AND APPROVED THIS 10TH DAY OF APRIL 2023.

 /s/ Shane Stolarczyk
COUNTY JUDGE
KENDALL COUNTY, TEXAS

ATTESTED: /s/ Denise Maxwell
COUNTY CLERK
KENDALL COUNTY, TEXAS

The Court reserves the right to adjourn, by majority vote, into Executive Session at any time during the course of this meeting to discuss any of the matters listed in this agenda, in the order deemed appropriate, as authorized by Chapter 551, Open Meetings, Texas Government Code, Sections 551.071, 551.072, 551.073, 551.074, 551.0745, 551.075, 551.076, 551.087, and 551.089 or to seek the advice of its attorney and/or other attorneys representing Kendall County on any matter in which the duty of the attorney to the Commissioners Court under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with chapter 551 of the Texas Government Code or as otherwise may be permitted under chapter 551. Action, if any, will be taken in the open session.

This agenda has been reviewed and approved by the Court's legal counsel. This paragraph is intended to constitute a legal opinion of the Court's legal counsel that the presence of any subject in and Executive Session portion of the agenda is properly noticed pursuant to the Texas Open Meetings Act. This constitutes an interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by that attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to that attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.