

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 24th day of July 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
MARIA CANO, DEPUTY COUNTY CLERK

1. Call to Order - 9:01 a.m.
2. Pledge 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 Bergmann Precinct 1, Commissioner Wisian Precinct 2, Commissioner Chapman Precinct 3, Commissioner Carpenter Precinct 4, and Shane Stolarczyk County Judge
4. Declarations of Conflict of Interest – none
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. Consideration and action to approve the minutes for July 10, 2023 Commissioners Court Regular Session and the July 11-13, 2023 Budget Workshops:
 - b. Consideration and action to approve June 2023 Fee Office Reports
 - c. Consideration and action on the approval of amending the FY2023 budget through certification of new revenue and regular budget adjustments: (attached)
 - d. Report Progress of Road Work: (attached)
 - e. Summary of Operations for June 2023: (attached)

THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Consent Agenda items for July 24, 2023.

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

6. June 2023 Service Awards:

Virginia (Diane) Elliott	CDA	5 Years
Lorisa Hill	Sheriff	5 Years
Debby Hudson	JP 3	40 Years
7. Recognize the 4-H Members that competed at the Texas 4-H State Round Up Contest and State 4-H Dog Show:
Lillian Rime, Allie Esser, Hannah Dufresne, Will Muck, Emma Zoeller, Turner Matkin, Madison Carr, Anna Haffelfinger, Elizabeth McFarland.

8. **THE STATE OF TEXAS**

COUNTY OF KENDALL It is ordered by the Commissioners' Court to adopt the resolution recognizing the passage of HB 3765 and Day One Bag's efforts to secure this legislation for foster youth throughout the State of Texas and in Kendall County. (attached)

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

9. **THE STATE OF TEXAS**

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve moving forward with the renovations to the second-floor courtroom with San Antonio Sound and Light for the amount of \$38,523.00 subject to General Counsels draft and approval.

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

10. **PUBLIC COMMENTS: Jack Baker, Earl Smith, Donald Schwartz, Lisa Covington, Alex Rudd, Len White, Edward Rogers, Leon Brimhall.**

The following person spoke on item #14: Len White spoke.

The following people spoke on item #17: Kay Rankin Williams, Denise Dever, Wanda McCarthy and Mike Luckey.

The following person spoke during item # 22: Earl Smith

11. **No action taken on lifting the Burn Ban. It is still on.**

12. **THE STATE OF TEXAS**

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County to approve the accounts payable claims for purchase, services and vendors with the exception of Hyde Kelley LLP two invoices.

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

13. **THE STATE OF TEXAS**

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to record the Order for the Auditor's Salary in the Commissioners' Court minutes as read. (attached)

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

14. **The following item was tabled until following executive session to appoint Richard Chapman, Commissioner Pct. 3 as a board member of the Kendall County Public Safety Corporation.**

15. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve and enter a license agreement with Market Days Management and allow the County Courthouse parking lot to be used for the October 14-16, 2023 Market Days Event.

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

16. STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the two month contract for \$415.84 with Inspiron Logistics to start the countywide WENS Alert System immediately.

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

17. The Court discussed a proposed amended Extra Territorial Jurisdiction agreement with the City of Boerne.

18. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to add a Second Amendment to the Kendall County EMS Agreement for Ambulance Transport Billing and Collection Services for Ground Ambulance reporting pending General Counsel's approval of the contract.

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

19. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to change the charity care policy from 150% to 400% of the federal poverty level as outlined by Chief Webb.

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

20. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve for Kendall County to enter into an agreement with South Texas Blood and Tissue Center for Low Titer O Whole Blood to be used in the Kendall County EMS Whole Blood Program.

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

21. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve applying for the LCRA's Community Development Partnership Program Grant.

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

22. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve General Counsel to draft an agreement between TXDOT and Kendall County to allow for the sharing of Personnel and Equipment on an as needed basis while staying within the limits of the law and allowing the County Judge to sign such agreement when complete with ratification at the next Commissioners Court meeting.

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

23. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to award the Seal Coat Bid #2023-04-Alternate Bid only in the amount of \$1,299,049.16 to DIJ Construction for the FY23 Seal Coat Process.

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

24. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve amending the cash deposit agreement for Miralomas Unit 2 financial guarantee.

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

25. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the plat revision of Deer Lake Subdivision Lots 19 and 20 as recorded in Volume 1 page 66 and Volume 1 page 91 of the Kendall County Plat Records in accordance with the Kendall County Development Regulations.

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

At 11:35 a.m. the Court recessed Open Session.

At 1:06 p.m. the Court went into Executive Session.

- I. Pursuant to Texas Government Code § 551.071 (Attorney Consultation) and Texas Government Code § 551.072 (Real Property) the deliberation of the purchase, exchange, or lease or value of real property. (Note: the 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 the purchase of office/warehouse/and other space for the county

- II. Pursuant to Texas Government Code § 551.071 (Attorney Consultation) and Texas Government Code § 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. County fire protection and firefighter duties, responsibilities, and service
 2. Cause No. 23-063 Waring Land Investments, LLC v. Kendall County, in the 451st Judicial District Court
 3. Cause No. 23-079, Scott Harrison v. Barbara Christman et al., in the 451st Judicial District Court
 4. CA No. 5:22-cv1073; Chris Kniffin v. Kendall County, in the United States District Court for the Western District of Texas, San Antonio Division
 5. Opioid Litigation
 6. Extra-Territorial Jurisdiction Agreement between City of Boerne and Kendall County
 7. Violation of flood plain regulations regarding 216 FM 473, Comfort, TX
 8. Employee exit interviews and policies
 9. Kendall County Assistance District Rules, Regulations, and Policies
 10. Kendall County's representation on the BKCEDC board of directors
 11. Security and public safety regarding the upcoming Eclipse event
 12. Duties and responsibilities of County Engineer
 13. Duties and responsibilities of the Facilities Manager
 14. Duties and responsibilities of the Fire Marshall
 15. Miscellaneous County Rules and Regulations

At 4:46 p.m. the Court closed Executive Session, resumed Open Session.

14. No action was taken to appoint Richard Chapman, Commissioner Pct. 3 as a board member of the Kendall County Public Safety Corporation.
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26. THE STATE OF TEXAS

II-5 COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to Approve the Opioid settlement and authorize the County Judge to sign on behalf of Commissioners' Court.

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

Being no further business, the meeting was adjourned at 4:47 p.m.

EXAMINED AND APPROVED THIS 14TH DAY OF AUGUST 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.