

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 11th day of September 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 Christina Bergmann, Precinct 1, Commissioner Richard Chapman, Precinct 3, Commissioner Chad 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 August 28, 2023 Regular Meeting and September 7, 2023 Special Called Meeting
 - b. Consideration and action on the approval of amending the FY2023 budget through certification of new revenue and regular budget adjustment (attached)
 - c. Consideration and action on accepting the list of donations received in August 2023 on behalf of Kendall County per Local Government Code § 81.032 (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 as presented.

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

6. THE STATE OF TEXAS

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

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

7. PUBLIC COMMENTS: Jeffery Fincke, DonL Evans
The following people spoke during item #12: Len White, Brian Webb, Al Auxier
The following person spoke during item #13: Al Auxier

8. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve accounts payable claims for purchases, services, and vendors in the amount of \$751,085.60.

Motion was made by Commissioner Chapman, 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 grant permission for the Kendall County Youth Agriculture & Equestrian Center to sell beer and wine at the Family Ranch Rodeo event on October 7, 2023 and the Kendall County Wild Game Dinner on October 21, 2023 with the provision that servers are in accordance with the laws of the State of Texas and the policies of the Texas Alcoholic Beverage Commission.

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

10. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the proposed 2024 Kendall County Holiday Calendar by removing January 2, November 27, and December 26.

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

11. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve setting the Boerne Star as the official newspaper for fiscal year 2024.

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

12. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to allow Judge Shane Stolarczyk on behalf of Kendall County to sign the Business Associates Agreement with STRAC (Southwest Texas Regional Advisory Council) for eRMS (electronic Fire Records Management System). (attached)

Motion was made by Commissioner Chapman, seconded by Commissioner Carpenter, 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 accept the existing fees for 2024 as per Local Government Code § 188.131 with the modification of the cost of feed for cattle, horses, mules, goats, sheep and hogs to go up \$5.00 for each category. (attached)

Motion was made by Commissioner Wisian, seconded by Commissioner Bergmann, 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 Interlocal Agreement for Mental Health and Psychoactive Medication Hearings at Kerrville State Hospital and Hill County Crisis Stabilization Unit Court Order No. 9112023 upon the review of item #7.1 by General Counsel and make any changes as needed. (attached)

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

15. No action was taken on the nomination of Deborah Grandjean as Kendall County representative to the Boerne Kendall County Economic Development Corporation (EDC) Board of Directors.

16. No action was taken regarding High Garden Subdivision's request for relief from Section 301.1100.7(3) of the 2010 Kendall County Development Rules and Regulations to reduce the required gallons per day for each connection from 360 gallons per day to 230 gallons per day.

At 10:23 a.m. the Court recessed open session, took a break and 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. Security and public safety regarding the upcoming Eclipse event
 2. Updates to law library
 3. Duties and responsibilities of Proposition A Committee
 4. Legal advice on personnel policies
 5. Kendall County Development Rules and Regulations
 6. TXDOT plan to perform a study to widen FM 3351
 7. Legal advice regarding public health emergencies

At 1:13 p.m. the Court closed Executive Session, and resumed Open Session.

Being no further business, the meeting was adjourned at 1:13 p.m.

EXAMINED AND APPROVED THIS 25TH DAY OF SEPTEMBER 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.