

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 25th 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 Andra Wisian, Precinct 2, 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 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 September 11, 2023 Regular Meeting and September 14, 2023 Special Called Meeting
 - b. Consideration and action on the approval of the cash summary at Frost Bank for July and August 2023 (attached)
 - c. Consideration and action on the approval of amending the FY2023 budget through certification of new revenue and regular budget adjustments (attached)
 - d. Consideration and action to approve August Fees of Office Reports
 - e. Consideration and action to declare the attached list as surplus and salvage property and to proceed with disposition through an online county auction (attached)
 - f. Consideration and action to approve Summary of Operations for August 2023 (attached)
 - g. Consideration and action to approve Summary of Road Work for August 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 the September 25, 2023 agenda.

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

6. September 2023 Service Awards

Joshua Conley	Sheriff Office	5 Years
Lisa Dusek	Sheriff Office	5 Years
Evan Profeta	Sheriff Office	5 Years
Staci Decker	Elections	20 Years

7. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the proclamation declaring October 1-7, 2023 as National 4-H week in Kendall County. (attached)

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

**8. PUBLIC COMMENTS: Mike Montgomery, and Robert Ligon.
The following person spoke during item #11: Jeffrey Fincke
The following person spoke during item # 17: Jeffrey Fincke**

9. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to update as presented and extend the local drought disaster declaration dated August 7, 2023 until drought conditions subside. (attached)

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

At 9:36 September 25, 2023 a.m. the disaster declaration has been extended as worded.

10. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the accounts payable claims for purchases, services, and vendors as presented.

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

11. Christie Wiley, Volunteer CWPP Project Manager and Doug Meckel, Volunteer Project Coordinator, gave updates and recommendations on the County Wildfire Protection Plan (CWPP).

12. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Interlocal Fire Protection Agreement with the City of Boerne for the fiscal year 2023-2024. (attached)

Motion was made by Commissioner Bergmann, seconded by Commissioner Chapman, 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 adopt the Proposed Commissioners Court Calendar for 2024 as submitted. (attached)

Motion was made by Judge Stolarczyk, seconded by Commissioner Carpenter, 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 contract with the Hill Country Dispute Resolution. (attached)

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

15. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to appoint American Fidelity to serve as Kendall County's Section 125 Plan Service Provider.

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

16. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve renewing the preventative maintenance agreement for jail kitchen equipment with Commercial Kitchen. (attached)

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

17. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to appoint Matthew Grove as a designated agent to operate and approve purchases up to \$50,000 in the case of a declared emergency.

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

18. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to adopt the Kendall County resolution supporting TxDOT as read. (attached)

Motion was made by Commissioner Wisian, seconded by Commissioner Chapman, 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 exempt the competitive bid process for Butler-Cohen as authorized by the Texas Local Government Code § 262.024(a)(2), (3), and (4) for the purchase of HVAC installation and repair services at the Kendall County Jail and Sheriff Administration Offices in an amount not to exceed \$3,658,516.81 and will be funded from tax note Fund: 2022, also include the authorization for County Judge Shane Stolarczyk to sign the contract upon approval from General Council.

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

At 10:45 a.m. the Court recessed Open Session, took a small 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. Duties and responsibilities of Proposition A Committee
 - 3. Legal advice on personnel policies
 - 4. Kendall County Development Rules and Regulations
 - 5. Floodplain issues throughout the County
 - 6. Legal advice regarding public health emergencies
 - 7. Updates on pending litigation
 - 8. Facilities Manager Interviews
 - 9. Legal advice regarding transportation issues throughout the County
 - 10. County parking lot renovations

Commissioner Chad Carpenter left Commissioners' Court at approximately 2:30 p.m.

At 4:27 p.m. the Court closed Executive Session and resumed Open Session.

Being no further business, the meeting was adjourned at 4:27 p.m.

EXAMINED AND APPROVED THIS 10TH DAY OF OCTOBER 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.