

**NOTICE OF REGULAR MEETING  
OF THE KENDALL COUNTY COMMISSIONERS COURT**



**NOTICE** is hereby given that a regular meeting of the above named Commissioners Court will be held on the **25<sup>th</sup>** day of **February, 2013** at **9:00 a.m.** in the **Kendall County Courthouse, Third Floor Assembly Room**, 201 E. San Antonio, Boerne, Texas, at which time the following will be discussed and appropriate action taken; pursuant to V.T.C.A. Government Code Chapter 551, Open Meetings Act, including all Subchapters and Sections:

All matters listed on the following Agenda may be discussed in executive session at the option of the Kendall County Commissioners Court and following verbal announcement, if an appropriate exception to the open meeting requirement of the Texas Open Meetings Act is applicable.

**NO CELL PHONES, AUDIBLE PAGERS, AND/OR BEEPERS SHALL BE USED WHILE COURT IS IN SESSION**

Pledge of allegiance to the United States Flag  
Pledge of allegiance to the Texas Flag

1. Call to Order - 9:00 a.m.  
Comments from the bench: Darrel L. Lux, County Judge Pro Tem
2. Presentation of Service Awards to:  
  
**10 years      Ramon Eslora      Sheriff's Department**
3. Recognition of former Employee Daryl Van Slycke: Darrel L. Lux, County Judge Pro Tem
4. Consideration and action on approval of minutes for February 11, 2013:  
Sally Peters, Deputy Clerk
5. Consideration and action on approval of Monthly Reports for January, 2013:  
Corinna Speer, County Auditor
6. Consideration and action on approval of claims for purchases, services, and vendors: Cindy Silva, Assistant County Auditor

7. Consideration and Action to approve Cash Balances for December 2012: Sheryl D'Spain, Treasurer
8. Presentation of Sales Tax report for February 2013: Sheryl D'Spain, Treasurer.
9. Presentation of Investment report for First Quarter 2013: Sheryl D'Spain, Treasurer.
10. **PUBLIC COMMENTS**— opportunity for the general public to address the Court on any matter. The Court may not discuss any presented issue, nor may any action be taken on any issue at this time. Please limit comments to 3 minutes.
11. Discussion and Action if appropriate pertaining to Kendall County's position on the possible re-alignment of the 216<sup>th</sup> District Court: Darrel L. Lux, County Judge, Pro Tem
12. Discussion regarding Kendall County's position on HB 958 regarding state contributions to the employee retirement plans, and to take appropriate action: Gene Miertschin, Commissioner Precinct 2.
13. Present summary of activities by Road and Bridge during January, 2013 to Commissioners Court: Ricky Pfeiffer, Road Superintendent.
14. Consideration and action to approve if appropriate the General Victim Assistance Act Grant Resolution for grant year 2013-2014: Don Allee, Kendall County Attorney.
15. Consideration and action if appropriate of request for reimbursement for lodging in an adjoining county by Justice of the Peace Precinct 2 for mandatory 20 hour seminar from 1-22-2013 to 1-25-2013: Judge Leon Brimhall, Justice of the Peace, Precinct 2.
16. Consideration and action on the burn ban (Authority Section 352.081, Texas Local Government Code): Jeffery Fincke, Fire Marshal.
17. Consideration and action on a request for relief for Lerin Hills Unit 1 Subdivision to allow a cul-de-sac to have a straight run length of 30 ft instead of 300 ft required by subsection 103.0500 of the 1997 Development Guidelines and Regulations Rule Book: Mike Fincke, Commissioner Precinct 1 /Terry Anderson, County Engineer.
18. Discuss and take necessary action to extend the agreement with Bickerstaff, Heath, Delgado, Acosta, LLP, first entered into on February 22, 2010 for the purpose of moving a portion of citizens in voting precinct 2120 to voting precinct 2020: Gene Miertschin, Commissioner Precinct 2 / Staci Decker, Elections Administrator.

19. Discussion and action as necessary regarding making a notary application to Texas State Notary Bureau for County Judge's administrative assistant: Darrel L. Lux, County Judge, Pro Tem.
20. Presentation opposing increase in truck weights or lengths operating on Federal, State and County local roads: Kenneth M. Rusch, Commissioner Precinct 4.
21. Discuss and take action as necessary to appoint a committee to update the county policy manual for Commissioners Court approval: Gene Miertschin, Commissioner Precinct 2.
22. Discussion and action to approve Deer Oaks EAP Services as Kendall County's provider of EAP services: Juanita Espino, Human Resources Director/ Michelle Lux, Benefits Coordinator
23. Discussion and Action regarding items left from previous auction: Robert Kinsey, Facility Manager/ Darrel L. Lux, County Judge, Pro Tem
24. Presentation and discussion of Racial Profiling Reports from Sheriff Auxier and constables tendered to County Judge and Commissioners for Annual Year 2012 pursuant to Art. 2.132 Tex. Code Crim. Pro. Law enforcement policy on racial profiling, and action as necessary: Darrel L. Lux, County Judge Pro Tem.

**BREAK**

**EXECUTIVE SESSION (Closed to public)**

**Pursuant to Chapter 551 of the Texas Government Code:**

- I. **The Court will meet in Executive Session pursuant to Section 551.074 to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee:**
  1. **Duties and Responsibilities of Human Resources Director.**
  2. **Duties and Responsibilities of Sheriff's Office personnel.**
- II. **Commissioners Court will meet in Executive Session pursuant to Section 551.071 to seek the advice of the County Attorney and / or attorney(s) representing the County, concerning pending and / or threatened litigation, settlement offers and / or matters in which the duties of the attorney under the Texas Rules of Professional Conduct of the State Bar of Texas requires confidential communications. Specific topics to be discussed are as follows:**

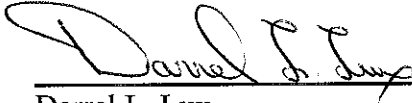
1. County authority concerning subdivisions, county roads, and bridges.
  2. EEOC Complaints
- III. The Court will meet in Executive Session pursuant to Section 551.085 to deliberate the matters involving:
1. Medical records of an individual applicant for benefits.
- IV. The Court will meet in Executive Session pursuant to Section 551.072 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. Right-of-way / easements for Herff Road Project

**RESUME OPEN SESSION AND TAKE ANY NECESSARY ACTION  
RESULTING FROM EXECUTIVE SESSION DELIBERATIONS**


25. Discuss and take action to allow employees to donate sick leave hours to another employee: Juanita Espino/Human Resources Director

**ADJOURNMENT**

Dated this the 21<sup>st</sup> day of February, 2013. *AM*

  
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Darrel L. Lux  
Kendall County Judge Pro Tem

I, the undersigned County Clerk, do hereby certify NOTICE of Regular meeting of the above named Commissioners Court is a true and correct copy of said Notice and that I have caused said Notice to be posted on the door at the Courthouse of Kendall County, Texas located at 201 E. San Antonio Street on the 21<sup>st</sup> day of February, 2013.

  
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Darlene Herrin  
County Clerk

Posted at 10 A.M. P.M. on the 21<sup>st</sup> day of February, 2013- *AM*

NOTE: The Kendall County Commissioners Court complies with A.D.A. requirements. If you have an impairment and wish to appear at a meeting, please call (830)249-9343, 48 hours in advance to make arrangements.