

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, on the 8th day of April 2013.

Present: DARREL L. LUX, JUDGE PRO-TEM (COMMISSIONER, PCT. #3)

MIKE FINCKE, COMMISSIONER, PCT. #1

KENNETH M. RUSCH, COMMISSIONER, PCT. #4

SALLY W. PETERS, DEPUTY COUNTY CLERK

Absent: GAYLAN L. SCHROEDER, COUNTY JUDGE

GENE MIERTSCHIN, COMMISSIONER, PCT. #2

1. The meeting was called to order at 9:00 a.m. with the Pledge of Allegiance to the United States and Texas flags.

2. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Minutes for March 25, 2013.

Motion was made by Commissioner Fincke, seconded by Commissioner Rusch, and carried by a vote of 3-0.

3. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Claims as submitted (on file).

Motion was made by Judge Pro-Tem Lux, seconded by Commissioner Rusch, and carried by a vote of 3-0.

4. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Resolution declaring April 8, 2013 as Shriners Hospitals for Children Day.

Motion was made by Judge Pro-Tem Lux, seconded by Commissioner Fincke, and carried by a vote of 3-0.

5. PUBLIC COMMENTS: No one spoke.

6. No action was taken on the Waukesha Planned Maintenance Agreement for jail generators.

7. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to table this agenda item which pertains to the purchase of right-of-way for Herff Road.

Motion was made by Judge Pro-Tem Lux, seconded by Commissioner Rusch, and carried by a vote of 3-0.

8. THE STATE OF TEXAS
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve Kendall County Order No. 04-08-2013A to abandon a portion of Farm to Market Road 1621 (formerly Comfort-Waring County Road). The contiguous property owners are Nadine Saur, Lacey Miller, and Cheryl Zoeller Rainey (attached).

Motion was made by Commissioner Rusch, seconded by Commissioner Fincke, and carried by a vote of 3-0.

10. No action was taken regarding a cell phone for the new Facilities Maintenance employee.

11. THE STATE OF TEXAS
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to correct the title of the drug and alcohol policy approved in the March 25, 2013 meeting to "Policy on Drugs and Alcohol for Commercial Motor Vehicle Drivers."

Motion was made by Judge Pro-Tem Lux, seconded by Commissioner Rusch, and carried by a vote of 3-0.

12. THE STATE OF TEXAS
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the contract with Pinnacle Medical Management for alcohol and drug testing pending approval of the County Attorney's office.

Motion was made by Judge Pro-Tem Lux, seconded by Commissioner Fincke, and carried by a vote of 3-0.

13. THE STATE OF TEXAS
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve Kendall County Order No. 04-08-2013B lifting the burn ban (attached).

Motion was made by Judge Pro-Tem Lux, seconded by Commissioner Rusch, and carried by a vote of 3-0.

At 9:26 a.m. the Court closed Open Session, took a break and at 9:37 a.m. went into Executive Session:

- I. 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 County Auditor
 2. Duties and responsibilities of County Court at Law Judge and County Attorney
 3. Duties and responsibilities of Human Resources Director
- II. 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:
 1. County authority concerning subdivisions, County roads, and bridges
 2. EEOC complaints

- III. Pursuant to Section 551.0785 to deliberate the matters involving:
 - 1. Medical records of an individual applicant for benefits
- IV. 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 the Herff Road Project

Judge Schroeder took the bench after Executive Session commenced.

At 12:01 p.m. the Court closed Executive Session and resumed Open Session where the following motions were made:

14. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to allow County employees to donate sick leave hours to an employee in the Tax Office for up to a total of 200 hours.
Motion was made by Commissioner Lux, seconded by Commissioner Rusch, and carried by a vote of 4-0.

9. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve Kendall County Order No. 04-08-2013C abandoning the portion of River Bend Road that is also known as Seidensticker Crossing (attached).
Motion was made by Commissioner Lux, seconded by Commissioner Fincke, and carried by a vote of 3-0-1 with Commissioner Rusch abstaining.

Being no further business, the meeting was adjourned at 12:09 p.m.

EXAMINED AND APPROVED THIS 22nd DAY OF April A.D., 2013

ATTESTED: DARLENE HERRIN
COUNTY CLERK
KENDALL COUNTY, TEXAS


COUNTY JUDGE PRO-TEM
KENDALL COUNTY, TEXAS

BY: Denise Pendley
Denise Pendley, Deputy