

**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 22<sup>nd</sup> day of April 2013.

**Present:**           **DARREL L. LUX, JUDGE PRO-TEM (COMMISSIONER, PCT. #3)**  
                          **MIKE FINCKE, COMMISSIONER, PCT. #1**  
                          **GENE MIERTSCHIN, COMMISSIONER, PCT. #2**  
                          **KENNETH M. RUSCH, COMMISSIONER, PCT. #4**  
                          **SALLY W. PETERS, DEPUTY COUNTY CLERK**

**Absent:**           **GAYLAN L. SCHROEDER, COUNTY JUDGE**

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

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2.     **A Service Award for 10 years of service was presented to Michael Barron, Road & Bridge.**

**Sheriff Auxier presented a Commendation Award to Deputy Glen Duty for saving the life of a Comfort resident by administering CPR until EMS arrived.**

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3.     **THE STATE OF TEXAS**

**COUNTY OF KENDALL**       **It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Minutes for April 8, 2013 as submitted.**

**Motion was made by Commissioner Miertschin, seconded by Commissioner Rusch, and carried by a vote of 4-0.**

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6.     **THE STATE OF TEXAS**

**COUNTY OF KENDALL**       **It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Budget Adjustments with the following line item corrections: 10-512-56072 (+270) and 10-512-54290 (-270) (corrected report attached).**

**Motion was made by Judge Pro-Tem Lux, seconded by Commissioner Fincke, and carried by a vote of 4-0.**

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4.     **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 Commissioner Miertschin, seconded by Commissioner Fincke, and carried by a vote of 4-0.**

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5.     **THE STATE OF TEXAS**

**COUNTY OF KENDALL**       **It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Monthly Reports for March 2013 as submitted (on file).**

**Motion was made by Commissioner Miertschin, seconded by Commissioner Rusch, and carried by a vote of 4-0.**

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7. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Cash Balances for February 2013 as submitted (attached).

Motion was made by Commissioner Miertschin, seconded by Commissioner Rusch, and carried by a vote of 4-0.

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8. PUBLIC COMMENTS: No one spoke at this time. Several people requested to speak later for Item #17.

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9-1. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize disbursement of three checks from the Herff Road Project Fund #71: \$97,585.00 (parcel 7), \$112,597.00 (parcel 8), and \$29,592.00 (parcel 11) for the purchase of right-of-way from the Friends of Cibolo Wilderness.

Motion was made by Commissioner Miertschin, seconded by Commissioner Fincke, and carried by a vote of 4-0.

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9-2. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize Commissioner Gene Miertschin as the Kendall County representative to sign the closing documents for the purchase of property and disbursement of funds for the Herff Road Project.

Motion was made by Judge Pro-Tem Lux, seconded by Commissioner Fincke, and carried by a vote of 4-0.

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10. Kendall County AgriLife Extension Agent Stephen Zoeller reported on the success of the 4-H Livestock shows and sales in Kerrville, Fort Worth, San Antonio, San Angelo, Houston, and Austin. Extension Agent Jana Osbourn reported on the 25<sup>th</sup> Annual Outdoor Family Fair that was held March 16<sup>th</sup> on the Boerne Main Plaza.

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11. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Preliminary Plat of Cordillera Ranch, Units 301A, 301B, 301C, 301D, and 301E.

Motion was made by Judge Pro-Tem Lux, seconded by Commissioner Rusch, and carried by a vote of 4-0.

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12. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Amending Plat of Town of Comfort, Lots 16A, 17, 18, and Outlot 49A into Lot 18A.

Motion was made by Commissioner Rusch, seconded by Judge Pro-Tem Lux, and carried by a vote of 4-0.

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13. The summary of activities for Road & Bridge for March 2013 was received by the Court (attached).

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14. No action was taken on reinstating the burn ban. It is still lifted.

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15. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to proclaim the week of May 19-25, 2013 as Emergency Medical Services Week.

Motion was made by Judge Pro-Tem Lux, seconded by Commissioner Rusch, and carried by a vote of 4-0.

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At 9:40 a.m. the Court closed Open Session and went into Executive Session pursuant to:

- I. 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 Elections Administrator
  2. Duties and responsibilities of County Attorney
  3. Duties and responsibilities of County Development Manager's Office
  4. Duties and responsibilities of County Indigent Health Coordinator's Office
- II. 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 require confidential communications. Specific topics to be discussed:
  1. County authority concerning subdivisions, county roads, and bridges
  2. EEOC complaints
- III. 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

At 11:25 a.m. the Court closed Executive Session and resumed Open Session.

16. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to employ the law firm of Davidson Troilo Ream & Garza to represent Kendall County in obtaining rights-of-way and easements for the Herff Road Project.

Motion was made by Commissioner Miertschin, seconded by Commissioner Fincke, and carried by a vote of 4-0.

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At 11:32 a.m. the Court recessed.

At 1:32 p.m. the Court resumed Open Session.

Public Comments regarding Item #17:

- Jonathan Cluck spoke in favor of a new District Court for Kendall County.
- Joe Davis spoke in favor of a new District Court for Kendall County.
- Frank Hill spoke against a new District Court for Kendall County.
- Bill Palmer spoke in favor of a new District Court for Kendall County.
- Andrew Hix spoke in favor of a new District Court for Kendall County.

17. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the County Attorney's office to prepare proposed legislation to create a new District Court for Kendall County and distribute the proposed legislation to all interested parties. The proposed legislation will be considered by the Court on April 29<sup>th</sup> at 10:00 a.m.

Motion was made by Commissioner Miertschin, seconded by Commissioner Fincke, and carried by a vote of 4-0.

Being no further business, the meeting was adjourned at 2:28 p.m.

EXAMINED AND APPROVED THIS 13<sup>th</sup> DAY OF MAY A.D., 2013.

ATTESTED:



COUNTY CLERK  
KENDALL COUNTY, TEXAS



COUNTY JUDGE PRO-TEM  
KENDALL COUNTY, TEXAS