

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 28<sup>th</sup> day of May 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.        The following Service Awards were presented:

- 15 years of service: Gene Sparks, Road & Bridge Department
- 10 years of service: Charlie Williams, Brush Site
- 5 years of service: Clifford Thompson, Solid Waste Department

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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 May 13, 2013.

Motion was made by Judge Pro-Tem Lux, seconded by Commissioner Rusch, 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 Budget Adjustments as submitted (attached).

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

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5.        This agenda item was addressed later in the meeting after agenda item #13.

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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 Claims for purchases, services and vendors 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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7. **PUBLIC COMMENTS:**

- Jim Westermeier, a member of the Kendall County Genealogical Society, reported that the fundraising BBQ on May 25<sup>th</sup> at The Family History Place was a success.
  - Andrew McCall spoke in favor of a special called election to fill the County Judge's vacant seat.
  - Matt McCall asked for more detail on the agenda regarding budget adjustments and he spoke in favor of a special called election to fill the County Judge's vacant seat.
  - Tana Kehoe asked the Court if the hearing on Upper Cibolo Creek Road had been scheduled.
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8. Commissioner Miertschin reported on the status of the realignment of Voting Precincts 2020 and 2120 (letter from U.S. Department of Justice attached).

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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 untable the agenda item #13 from the May 13, 2013 meeting pertaining to the Waukesha Planned Maintenance Agreement for jail generators.

Motion was made by Judge Pro-Tem Lux, seconded by Commissioner Miertschin, 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 approve the Waukesha Planned Maintenance Agreement for jail generators.

Motion was made by Judge Pro-Tem Lux, seconded by Commissioner Rusch, and carried by a vote of 3-1 with Commissioner Miertschin voting against.

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10. Cindy Arledge, President of the Kendall County Women's Shelter, gave a report on the success of the shelter and the impact it has had on the lives of the affected women and children.

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11. This agenda item was delayed until after Executive Session.

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12. No action was taken pertaining to the transfer of funds for the purchase of two VHF radios.

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13. **THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to enter into an agreement with CACC Inc. to conduct an audit of the County's telephone system pending approval of the agreement by the County Attorney's office.

Motion was made by Commissioner Miertschin, seconded by Judge Pro-Tem Lux, 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 April 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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14. The Road Superintendent presented a summary of activities for Road & Bridge for April 2013 (attached).

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

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16. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Revised Kendall County Homeland Security and Emergency Management Policy and Procedure National Incident Management System (NIMS) Compliance Training and National Incident Management System Compliance Assistance Support Tool (NIMSCAST) Reporting.

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

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17. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the payment for Emergency Call Out for Road & Bridge.

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

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18. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize Deer Oaks as Kendall County's Employee Assistance Plan (EAP) services provider.

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

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19. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve up to \$6,100.00 from Fund 13 for the purchase of six Tasers and a screening wand for the Sheriff's Office for security at the Courthouse.

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

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20. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve Resolution No. 05-28-2013 adopting guidelines and criteria for tax abatements (attached).

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

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21. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the tax abatement for Albany Engineered Composites, Inc. for tax year 2013 (attached).

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

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Judge Pro-Tem Lux read the letter of resignation from Judge Schroeder dated May 28, 2013.

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22. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to accept the letter of resignation of Kendall County Judge Gaylan L. Schroeder (attached).

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

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Judge Pro-Tem Lux expressed his thanks to Judge Schroeder by reading his comments (attached).

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At 10:03 a.m. the Court closed Open Session, took a break, and at 10:17 a.m. went into Executive Session pursuant to Chapter 551 of the Texas Government Code:

- 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 Human Resources Director
- 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. Pursuant to Section 551.0785 to deliberate matters involving:
  1. Medical records of an individual applicant for benefits
- IV. 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 11:50 a.m. the Court closed Executive Session and resumed Open Session:

11. No action was taken pertaining to new membership rolls for the Kendall County Child Services Board.
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IV-1. THE STATE OF TEXAS


COUNTY OF KENDALL      It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize publishing a notice announcing a public hearing pertaining to a piece of property owned by the City of Boerne for the Herff Road Project.


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

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Being no further business, the meeting was adjourned at 11:55 a.m.

EXAMINED AND APPROVED THIS 10<sup>th</sup> DAY OF JUNE A.D., 2013.

ATTESTED:   
COUNTY CLERK  
KENDALL COUNTY, TEXAS

  
COUNTY JUDGE PRO-TEM  
KENDALL COUNTY, TEXAS