

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 July 2013.

Present: **DARREL L. LUX, COUNTY JUDGE**
 MIKE FINCKE, COMMISSIONER, PCT. #1
 GENE MIERTSCHIN, COMMISSIONER, PCT. #2
 RICHARD J. CHAPMAN, COMMISSIONER, PCT. #3
 KENNETH M. RUSCH, COMMISSIONER, PCT. #4
 SALLY W. PETERS, DEPUTY COUNTY CLERK

1. **The meeting was called to order at 9:00 a.m. with the Pledges of Allegiance to the United States and Texas flags.**
Judge Lux welcomed new Commissioner, Precinct, 3, Richard J. Chapman, to the Court.

2. **THE STATE OF TEXAS**
COUNTY OF KENDALL **It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Minutes for June 24, 25, 26, 27, and July 1, 2013.**
Motion was made by Commissioner Fincke, seconded by Commissioner Miertschin, and carried by a vote of 5-0.

3-1. **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 5-0.

3-2. **This agenda item was addressed after Executive Session.**

4. **A Public Hearing was held regarding the increase in the Records Archive Fee in the County Clerk's office for the preservation and restoration of records. The following person spoke:**
 • **Darlene Herrin, County Clerk, explained the fee and how it will preserve records that are used by the public and in need of repair.**

5. **THE STATE OF TEXAS**
COUNTY OF KENDALL **It is ordered by the Commissioners' Court of Kendall County, Texas, to approve and adopt the County Clerk's Records Archive Fee and Plan per LGC 118.025.**
Motion was made by Commissioner Rusch, seconded by Commissioner Chapman, and carried by a vote of 5-0.

6. **PUBLIC COMMENTS:** No one spoke.

7. **THE STATE OF TEXAS**

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the purchase of upgraded software for the air conditioning system at the Courthouse.

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

8. **THE STATE OF TEXAS**

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Final Plat for Cordillera Ranch, Unit 206A-2.

Motion was made by Commissioner Miertschin, seconded by Judge Lux, and carried by a vote of 5-0.

9. **THE STATE OF TEXAS**

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Letters of Credit for construction at Cordillera Ranch, Unit 206A-2, for roads and drainage structures in the amounts of \$418,880.00 (water distribution lines) and \$241,599.00 (sanitary sewers).

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

10. **THE STATE OF TEXAS**

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to grant relief to Lerin Hills Subdivision to allow a 6-inch height and 8-inch width limestone curb in lieu of the 7-inch height and 9-inch width concrete curb required by Rule 620.

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

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

12. **THE STATE OF TEXAS**

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the new voting precinct boundaries for Kendall County pending approval by the Texas Secretary of State.

Motion was made by Judge Lux, seconded by Commissioner Rusch, 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 untable the agenda item #11 from the June 24, 2013 meeting pertaining to a request to the Attorney General of the State of Texas for an opinion regarding the Comal County Emergency Service District and Library District taxes being assessed to Kendall County residents on certain services provided by Guadalupe Valley Telephone Cooperative.

Motion was made by Commissioner Miertschin, seconded by Commissioner Fincke, 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 authorize the County Attorney's office to send a letter to the State of Texas Comptroller's Office to support and approve the amended rules that would effectively eliminate the Emergency Service District (ESD) tax being assessed on Kendall County residents by Guadalupe Valley Telephone Cooperative for Comal County services.

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

At 9:30 a.m. the Court closed Open Session, took a break and at 9:45 a.m. went into Executive Session pursuant to Chapter 551 of the Texas Government Code:

- 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 the Indigent Health and Welfare office
 2. Duties and responsibilities of the County Judge
 3. Duties and responsibilities of the Elections Administrator

- 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
 3. Guy James Gray vs. Kendall County

- III. 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

At 11:10 a.m. the Court closed Executive Session and at 11:15 a.m. resumed Open Session where the following motion was made:

3-2. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve amending the motion to approve the claims to include the late bill for Veterans Services.

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

Being no further business, the meeting was adjourned at 11:17 a.m.

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

ATTESTED: *Dalene Harrison*
COUNTY CLERK
KENDALL COUNTY, TEXAS

D. L. L.
COUNTY JUDGE
KENDALL COUNTY, TEXAS