

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 14th day of January 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**

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 December 21, 2012.

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

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

4. **THE STATE OF TEXAS**

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Cash Balances for September 2012.

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

5-1. **PUBLIC COMMENTS:**

- Sheriff Al Auxier introduced his command staff: Gary Miller, Chief Deputy; Larry Ripley, Lt. Operations; Rey Lujan, Lt. Jail Administration; and Thomas Matjecka, Sgt. Criminal Investigation Division.
 - Judge Pro-Tem Lux introduced the new Commissioner for Precinct 1, Mike Fincke, and thanked Commissioner Reissig for her eight years of service to Kendall County as Commissioner, Precinct 1.
 - Carolyn Best introduced Angela Moore, who will be her replacement as Assistant to the County Judge.
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6. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the reward for the 5th Annual Weight Loss Challenge for Kendall County employees in the manner of one day off each for the man and woman who achieve the highest weight loss and the man and woman who achieve the highest percentage of weight loss.

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

7. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the roster list of 31 names for the 2013-2014 Historical Commission.

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

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

9. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize Jeff Fincke, Emergency Management Coordinator, to appoint members to the National Incident Management System (NIMS) Policy and Procedure Committee.

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

10. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the new Field Agreement with the Texas Wildlife Services Program (TWSP) concerning Wildlife Damage Management Services in Kendall County.

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

11. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Memorandum of Understanding with Indigent Healthcare Solutions to extend the current contract.

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

12. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to reinstate the original fee of \$10.00 per bucket load of outgoing mulch at the County Brush Site.

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

13. 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.

14. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve overtime pay to a Road & Bridge employee for work at the County Brush Site.

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

15. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to grant relief from the yellow centerline marking requirement in the 1990 Subdivision Regulations, Subsection 410.10, for Cordillera Ranch Subdivision, Di Lusso Site 2, for the subdivision street named Bella Collina.

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

16. The Court heard a presentation and comments by members of the Kendall County Bar Association: Frank Hill, John Bakke and Dennis Bujnoch, and via letters read in Court: Chris Wallendorf and Mason Standley; all against Kendall County creating its own District Court and removing the current Court at Law. They expressed their support and confidence in the current court structure and in District Judge Keith Williams and County Court-at-Law Judge Bill Palmer.

17-1. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to untable the agenda item #15 from the December 21, 2012 meeting pertaining to the Charge Master Service (CMS) directive for EMS billing of Kendall County residents.

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

17-2. 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 draft a letter for the County Judge to sign to Intermedix rescinding the Charge Master Service Directive for EMS billing and also stating that Kendall County residents will continue to not be liable for more than their insurance carrier will pay.

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

5-2. PUBLIC COMMENTS:

- Bob Reinarz cautioned against accepting the use of projected population numbers and asked the Court to consider tabling agenda item #18 for further review.

18-1. The Court heard a presentation from Alamo Area Council of Governments (AACOG) representative, Travis Nedrick, regarding Texas State Data Center's projected population totals for Kendall County.

18-2. 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 Texas State Data Center's projection of county population growth.

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

At 11:35 a.m. the Court closed Open Session and went into Executive Session:

- I. Pursuant to Section 551.076 to deliberate the deployment, or specific occasions for implementation of security personnel or devices; or a security audit.
II. Pursuant to Section 551.074 to deliberate the duties and responsibilities of:
1. Sheriff's Office personnel
2. EMS personnel
III. 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 and/or matters in which the duties of the attorney(s) under the Texas Rules of Professional Conduct of the State Bar of Texas require confidential communications. Specific topics to be discussed are:
1. County authority concerning subdivisions, County roads, bridges and County property
2. EEOC complaints
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 Herff Road Project

At 12:15 p.m. the Court closed Executive Session and resumed Open Session and being no further business, the meeting was adjourned at 12:17 p.m.

EXAMINED AND APPROVED THIS 28th DAY OF JANUARY A.D., 2013

ATTESTED: Darlene Herrin
COUNTY CLERK
KENDALL COUNTY, TEXAS

COUNTY JUDGE PRO-TEM
KENDALL COUNTY, TEXAS