

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 25th day of February 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 following Service Award was presented:**
 - **10 years of service: Ramon (Jimmy) Eslora, Sheriff's Office**

3. **Daryl Van Slycke was recognized for his eight years of service with Kendall County. He had previously been an employee with the Road & Bridge Department until being in a serious motorcycle accident.**

4. **THE STATE OF TEXAS**

COUNTY OF KENDALL **It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Minutes for February 11, 2013.**

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

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 January 2013 (on file).**

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

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 (on file).**

Motion was made by Commissioner Rusch, seconded by Commissioner Fincke, 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 Cash Balances for December 2012 (attached).

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

8. The County Treasurer presented the Sales Tax Report for February 2013.

9. The County Treasurer presented the Investment Report for the first quarter of 2013 (attached).

14. **THE STATE OF TEXAS**

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the General Victim Assistance Act Grant Resolution for Grant Year 2013-2014 (attached).

Motion was made by Judge Pro-Tem Lux, seconded by Commissioner Rusch, 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 approve the request for reimbursement by Justice of the Peace, Precinct 2, for lodging in an adjacent county due to the schedule of a required training class.

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

10-1. **PUBLIC COMMENTS:**

- Earl Smith expressed his agreement with the County's stance on #11 after listening to the discussion.
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11. **THE STATE OF TEXAS**

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the County Judge to send a letter to Kendall County's representatives in the Texas State Legislature stating the County's position regarding the realignment of the 216th District (attached).

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

10-2. **PUBLIC COMMENTS:**

- Earl Smith expressed his agreement on the County's stance on #12 after listening to the discussion.
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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 Resolution 02-25-2013B stating Kendall County's opposition to Texas House Bill 958 which pertains to the annual interest rate of the Texas County and District Retirement System (TCDRS) (attached).

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

13. The Road Superintendent presented a summary of activities for Road & Bridge for January 2013 (attached).

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

17-1. 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 request for relief for Lerin Hills Subdivision, Unit 1, to allow a cul-de-sac to have a 30-foot straight run length instead of the required 300 feet.

Motion was made by Commissioner Fincke, but died for lack of a second.

17-2. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to deny the request for relief for Lerin Hills Subdivision, Unit 1, which would have been to allow a cul-de-sac to have a 30-foot straight run length instead of the required 300 feet.

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

18. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve extending the agreement with Bickerstaff, Heath, Delgado, Acosta, LLP, in order to move a portion of the citizenry in the River Mountain Ranch Subdivision from voting precinct 2020 to voting precinct 2120.

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

19. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize an application to the Texas State Notary Bureau for the County Judge's Administrative Assistant.

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

20-1. The Court heard a presentation from Emily Traiforos, Field Director for the Coalition Against Bigger Trucks.

20-2. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve Resolution 02-25-2013C opposing an increase in truck size or truck weight (attached).

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

21. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve creating a Policy Manual Review Committee to consist of a representative from the County Attorney's office, the Human Resources Director, the County Auditor, County Commissioner for Precinct 1, and County Commissioner for Precinct 2.

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

22. 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 Employee Assistant Program (EAP) Services to Kendall County.

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

23. 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 items left from the previous auction.

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

24. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to accept the Racial Profiling Reports received from the Sheriff's Office; Constable, Precinct 2; Constable, Precinct 3; and Constable, Precinct 4 (attached).

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

At 11:15 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 Human Resources Director
 2. Duties and responsibilities of Sheriff's Office personnel
- 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 551.0785 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 1:50 p.m. the Court closed Executive Session and resumed Open Session where the following motions were made:

III-1. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to extend an employee's leave without pay for 30 days as discussed in Executive Session.

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

25. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to allow County employees to donate up to 200 hours of sick leave for an employee in the Sheriff's Office.

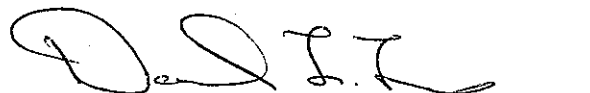
Motion was made by Commissioner Rusch, seconded by Commissioner Fincke, and carried by a vote of 4-0.

Being no further business, the meeting was adjourned at 1:52 p.m.

EXAMINED AND APPROVED THIS 11th DAY OF MARCH A.D., 2013.

ATTESTED:


COUNTY CLERK
KENDALL COUNTY, TEXAS


COUNTY JUDGE PRO-TEM
KENDALL COUNTY, TEXAS