



FILED this 7th day of Oct 2010
3:30 P M

NINA S. SELLS
COUNTY CLERK CALDWELL COUNTY, TEXAS
By Brettaugh Cowan Deputy

Notice of Meeting

Commissioners Court of Caldwell County, Texas

Notice is hereby given that a meeting of the Caldwell County Commissioners Court will be held on the 11th day of October, 2010 at 9:00 A.M. in the Commissioners Courtroom located at 110 South Main Street, Lockhart, Texas at which time the following subject will be discussed, considered, passed or adopted, to Wit:

Agenda

Call Meeting to order.

1. Approve Minutes of Previous Meeting.
2. Citizen's comments: at this time any person with business before the Commissioners Court, not scheduled on the agenda, may speak to the Commissioners Court. Comments will be limited to three (3) to (5) minutes per person.
3. Approve the Caldwell County Reports for the month:
 - A. Veteran Service Report for the months of Aug. & Sept. 2010-Anna Wagner.
 - B. Tax Collection Report for September 2010.
4. Discussion/Action concerning proposals prepared by Broaddus & Associates and Alpha Building Corporation for repairs of the Judicial Center and the repairs to the Caldwell County Courthouse-Commissioner Cyrier.
5. **EXECUTIVE/CLOSED SESSION:** A closed meeting will be held pursuant to Section 551.071 of the Texas Government Code in order for the Caldwell County Commissioners Court to consult with and seek advice from its attorney pursuant to and within the attorney/client privilege and the confidential attorney/client relationship, as defined by the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, Rule 503 of the Texas Rules of Evidence, and other authority, regarding the following matter, same being a matter in which the duty of the attorney to the governmental body under the aforesaid authority clearly conflicts with Chapter 551 of the Texas Government Code: term of appointment of County Judge Ronnie Duesterheft, timing and qualification of Commissioner for Precinct 1, including procedures and substantive legal principles and statutes related thereto.
6. Pay Bills.

*Public meeting
next week*

*table for
next week*

Adjourn

As authorized by the Texas Government Code, the Commissioners' Court of Caldwell County, Texas reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed above as they may relate to Texas Government Code Section 551.071(1) (Consultation with Attorney about pending or contemplated litigation or settlement offers); Texas Government Code Section 551.071(2) (Consultation with Attorney when the Attorney's obligations under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas conflicts with Chapter 551 of the Texas Government Code); Texas Government Code Section 551.072 (Deliberations About Real Property); Texas Government Code Section 551.073 (Deliberations about Gifts and Donations); Texas Government Code Section 551.074 (Personnel Matters), Texas Government Code Section 551.0745 (Deliberations about a County Advisory Body); Texas Government Code Section 551.076 (Deliberations about Security Devices); and Texas Government Code Section 551.087 (Economic Development Negotiations)

In the event that the Court adjourns into Executive Session, unless otherwise specified on the agenda, the Court will announce any other parties who are authorized to be present during the deliberations in Executive Session and will announce under what section of the Texas Government Code the Commissioner's Court is using as it's authority to enter into an Executive Session.

The meeting facility is wheelchair accessible and accessible parking spaces are available. Request for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the County Judge's office at 512 398-1808 for further information.

COMMISSIONERS COURT MINUTES

Regular Meeting on September 27, 2010

RONNIE DUESTERHEFT County Judge
NINA S. SELLS County Clerk

JOHN P. CYRIER Commissioner Pct 1
CHARLES BULLOCK Commissioner Pct 2
NETO MADRIGAL Commissioner Pct 3
JOE IVAN ROLAND Commissioner Pct 4

Call to order.

The meeting was called to order at 9:00 A.M. County Judge Duesterheft began the meeting with a moment of silence in remembrance of Gilbert McHaney, Caldwell County Unit Road employee, who passed away this past week.

A-1

Approve Minutes of Previous Meeting.

Motion made by Commissioner Bullock, seconded by Commissioner Madrigal, to approve the minutes of the Regular meeting on September 10, 2010. Motion carried unanimously.

A-2

Citizens' Comment: (At This Time Any Person With Business Before the Commissioners Court, Not Scheduled On The Agenda, May Speak To The Commissioners Court. Comments Will Be Limited to Three (3) To Five (5) Minutes Per Person.

Nancy McDonald of the Clean Air Force of Central Texas informed Commissioners Court that the E P A will announce their new air standards after the November election.

A-3

Approve the Caldwell County Reports

A. Bank Reconciliation reports for months ending June 30, 2010 and July 30, 2010 – Lori Rangel Pompa.

Caldwell County Treasurer Lori Rangel Pompa presented her reports. Motion made by Commissioner Roland, seconded by Commissioner Madrigal, to approve the Bank Reconciliation Reports for the months ending June 30, 2010 and July 30, 2010. Motion carried unanimously.

B. Texas Agrilife Extension Service Report for the month of August 2010 – Jeff Watts and Carissa Wilhelm.

Texas Agrilife Extension Service Agents Jeff Watts and Carissa Wilhelm presented their reports. Motion made by Commissioner Bullock, seconded by Commissioner Madrigal, to approve the Texas Agrilife Extension Service Reports for the month of August 2010. Motion carried unanimously.

C. Caldwell County Tax Collection Report for August 2010 – Judge Duesterheft.

The Caldwell County Tax Collection Report was reviewed. Motion made by Commissioner Roland, seconded by Commissioner Bullock, to approve the Caldwell County Tax Collection Report for August 2010. Motion carried unanimously.

D. Environmental Control Operator report for the August 2010 – Michael Bittner.

Environmental Control Officer Mike Bittner presented his report. Motion made by Commissioner Madrigal, seconded by Commissioner Bullock, to approve the Environmental Control Officers Report for the month of August 2010. Motion carried unanimously.

E. Maintenance Report for the month of August 2010 Curtis Weber.

Maintenance Director Curtis Weber presented his report. Motion made by Commissioner Roland, seconded by Commissioner Madrigal, to approve the Maintenance Report for the month of August 2010. Motion carried unanimously.

F. Indigent Health Care and Indigent Burial Reports for the month of August 2010.

Indigent Health Care Coordinator Rhoda Chavira presented the Indigent Health Care and the Indigent Burial Reports for the month of August 2010. Motion made by Commissioner Madrigal, seconded by Commissioner Bullock, to

COMMISSIONERS COURT MINUTES

Regular Meeting on September 27, 2010

approve both the Indigent Health Care Report and the Indigent Burial Report for the month of August 2010. Motion carried unanimously.

A-4

Discussion/Action concerning Caldwell County Indigent Health Care eligibility and service standards criteria – Rhoda Chavira.

Indigent Health Coordinator Rhoda Chavira read the Caldwell County Indigent Health Care eligibility and service standards criteria. Motion made by Commissioner Roland, seconded by Commissioner Madrigal, to approve the guidelines presented for the Caldwell County Indigent Health Care eligibility and service standards criteria.

A-5

Discussion/Action to consider Outdoor Burning Ban for Caldwell County – Judge Duesterheft

Motion made by Commissioner Roland, seconded by Commissioner Madrigal, to leave the Outdoor Burning Ban off for Caldwell County. Motion carried unanimously.

A-8

Discussion/Action to approve a resolution to grant Combined Community Action \$1300 to be used between the 1st of February, 2010 and the 31st of January 2011 – Judge Duesterheft.

Motion made by Commissioner Madrigal, seconded by Commissioner Bullock, to approve the Resolution to grant Combined Community Action \$1300 to be used between the 1st of February, 2010 and the 31st of January, 2011. Motion carried unanimously. This will help fund the Meals on Wheels program and will be part of the non profit organization funding in the Caldwell County 2010/2011 budget.

A-9

Discussion/Action to approve Resolution No. 15-2010 to enter into an Interlocal Agreement with the City of Niederwald for maintenance of a portion of Schuelke Road – Commissioner Madrigal.

Motion made by Commissioner Madrigal, seconded by Commissioner Roland, to approve the Interlocal Agreement with the City of Niederwald for the maintenance of a portion of Schuelke Road. Motion carried unanimously.

A-10

Discussion/Action concerning a Proclamation setting October 4-8, 2010 as “Lawsuit Abuse Awareness Week” – Judge Duesterheft.

Motion made by Commissioner Madrigal, seconded by Commissioner Roland, to approve the Proclamation setting October 4-8, 2010 as “Lawsuit Abuse Awareness Week.” Motion carried unanimously.

A-11

Discussion/Action to approve resolution No. 16-2010 to apply for the Indigent Defense Grant and to appoint County Judge as the designated Program Director, contact person and the County Auditor as the Financial Officer for the grant – Judge Duestereheft.

Motion made by Commissioner Bullock, seconded by Commissioner Roland, to approve the Resolution No. 16-2010 to apply for the Indigent Defense Grant and to appoint County Judge as the designated Program Director, Contact Person and the County Auditor as the Financial Officer for the grant. Motion carried unanimously.

A-20

Discussion/Action to approve a Proclamation to designate the Week of October 4-9, 2010 as 4-H Week/Judge Duesterheft/Carissa Wilhelm.

Motion made by Commissioner Madrigal, seconded by Commissioner Bullock, to approve the Proclamation to designate the Week of October 4-9, 2010 as 4-H Week. Motion carried unanimously.

A-13

Discussion/Action to approve a new 5 year agreement for mutual aid for fire protection between the following entities jointly and individually: Mid County Volunteer Fire Department, Southeast Caldwell County

COMMISSIONERS COURT MINUTES

Regular Meeting on September 27, 2010

Volunteer Fire Department, Tri-Community Volunteer Fire Department, Martindale Volunteer Fire Department, McMahan Volunteer Fire Department, Dale Volunteer Fire Department, Delhi Volunteer Fire Department, Caldwell Hays Emergency Services District No. 1 (and Chisholm Trail Fire Rescue), and Caldwell County Emergency Services District No 2 (Maxwell Volunteer Fire Department) – Judge Duesterheft.

Motion made by County Judge Duesterheft, seconded by Commissioner Roland, to table this item A-13 to get a ruling on paragraph number 1 concerning personal liability. Motion carried unanimously.

A-14

Discussion/Action to approve Rural Fire Protection Service Contract between Caldwell County and all the incorporated Volunteer Fire Department – Judge Duesterheft.

This Rural Fire Protection Service Contract between Caldwell County and all the incorporated Volunteer Fire Departments was considered and discussed. Motion made by County Judge Duesterheft, seconded by Commissioner Madrigal, to approve the Rural Fire Protection Service Contract between Caldwell County and all the incorporated Volunteer Fire Departments. Motion carried unanimously.

A-15

Discussion/Action concerning a variance request to divide 2.773 acres out of 32.773 acres located on St. Johns Road (CR 169) – Commissioner Joe Roland/Cynthia Caka.

Property owner Cynthia Caka and her real estate agent Gordon Withers were present to explain this variance request. The 32.773 acres have been on the market for sale for a while. Ms. Caka hopes to sell either the house on 2.773 acres or the rest of the 30 acres by this division. The concensus of Commissioners Court is that the variance can be approved when Ms. Caka brings back the survey of the 2.773 acres where the house is located. Ms. Caka was hoping to get a contract on the property before the survey because a prospective purchaser of the house may want more than the 2.773 acres. Ms. Caka was told that Commissioners Court would hold off action on this variance request until a buyer was found and the amount of acreage in the division of this property was known so a survey could be obtained for presentation to Commissioners Court. No action taken.

A-16

Information on Overtime Hours for Caldwell County for the month of August 2010 895.77 – Judge Duesterheft.

Overtime Hours for Caldwell County for the month of August 2010 were examined.

A-17

Discussion/Action to approve preliminary plan for the proposed Cottage Creek Subdivision located on Plant Road – Commissioner Bullock/Kasi Miles.

Motion made by Commissioner Bullock, seconded by Commissioner Madrigal, to approve the preliminary plan for the proposed Cottage Creek Subdivision located on Plant Road with the changes proposed by Mr. Charles Scheler. Motion carried unanimously.

A-18

Discussion/Action regarding a correction on Resolution No. 14-2010 authorizing the preparation and submission of a 2011/2012 (PY) Texas Community Development Block Grant (TXCDBG) Application to the Texas Department of Rural Affairs (TDRA) for funding under the Texas Community Development Block Grant Program (TXCDBG) – Judge Duesterheft/Philip Ruiz.

Motion made by Commissioner Roland, seconded by Commissioner Madrigal, to approve the amendment to this Resolution No. 14-2010 authorizing the preparation and submission of a 2011/2012 (PH) Texas Community Development Block Grant (TXCDBG) Application to the Texas Department of Rural Affairs (TDRA) for funding under the Texas Community Development Block Grant Program (TXCDBG) with the correct amount of \$27,500 instead of \$27,000. Motion carried unanimously.

A-19

COMMISSIONERS COURT MINUTES

Regular Meeting on September 27, 2010

Discussion/Action to approve a Proclamation declaring Tuesday, October 6, 2010 as "National Night Out" in Caldwell County – Judge Duesterheft.

Sheriff Deputy Paul Cowan presented plans for the National Night Out to be held Tuesday, October 5, 2010.

Motion made by Commissioner Roland, seconded by Commissioner Madrigal, to approve the Proclamation Declaring Tuesday, October 5, 2010 as "National Night Out" in Caldwell County. Motion carried unanimously.

A-6

Discussion/Action to adopt the proposed 2010/2011 budget of Caldwell County – Judge Duesterheft/Sonny Rougeou.

Motion made by Judge Duesterheft, seconded by Commissioner Madrigal, to ratify the tax rate of .6910 as reflected in the Caldwell County proposed budget of 2010/2011. Motion carried unanimously.

Motion made by Judge Duesterheft, seconded by Commissioner Madrigal, to adopt the Caldwell County budget for 2010/2011 as presented. Motion carried unanimously.

A-7

Discussion/Action to adopt proposed tax rate FY 2010-2011 for Caldwell County – Judge Duesterheft/Sonny Rougeou.

Motion made by Commissioner Madrigal, seconded by Commissioner Roland, to adopt the tax rate of .6910 for 2010/2011. Motion carried unanimously.

A-22

Pay Bills.

Motion made by Commissioner Roland, seconded by Commissioner Madrigal, to approve bills totaling \$408,064.04. Motion carried unanimously.

A-12

Budget Workshop.

No budget workshop was held.

Commissioners Court recessed the Regular meeting to take a short break and go into Executive Session at 10:15 A.M..

A-21

Executive Session: The Commissioners Court will take up for Discussion and possible action regarding Katharina Harper v. Caldwell County; Cause Number 1:10-CV-00631 in the United States District Court for the Western District of Texas, Austin Division. The Court may consider the matter in closed session pursuant to the Texas Government Code Title 5, Subchapter D, Section 551.071 i.e. Consultation with Attorney regarding pending litigation.

Executive Session: 551.072 to deliberate the purchase, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

Discussion/Action resulting from the Executive meeting regarding litigation matters.

Adjourn.

The meeting was ordered adjourned.

Ronnie Duesterheft, County Judge

Report to Commissioners Court AUG 2010
Caldwell Co. Veterans Service Officer

# Persons seeking assistance	28
# House Calls	1
# Nursing Home Visits	5
# Vets/Pensioners in Caldwell Co. Nursing Homes (still awaiting a: by name & branch of service list, from Chisholm Trail NH, Hillcrest NH)	29
# Nursing Home Residents Assisted	4
Total persons Seen/Assisted	38
Total Mileage this month	Approx 50
Total In/Out phone calls	23

Report to Commissioners Court SEP 2010
Caldwell Co. Veterans Service Officer

# Persons seeking assistance	49
# House Calls	2
# Nursing Home Visits	3
# Vets/Pensioners in Caldwell Co. Nursing Homes (still awaiting a: by name & branch of service list, from Chisholm Trail NH, Hillcrest NH)	29
# Nursing Home Residents Assisted	5
Total persons Seen/Assisted	59
Total Mileage this month	Approx 50
Total In/Out phone calls	37

CALDWELL COUNTY COMMISSIONERS

Tax Collection Report

SEPTEMBER 2010

	October	Year to Date	TOTAL	PRIOR YEAR
2009 Tax Collection	\$45,291.96	\$9,699,819.27	\$9,745,111.23	\$9,491,814.58
2008 & Prior Collection	\$45,727.80	\$620,946.81	\$666,674.61	\$537,579.17
Total Tax Collection =	\$91,019.76	\$10,320,766.08	\$10,411,785.84	\$10,029,393.75

note: Above figures include penalties and interest collected
2009 Original Levy \$10,240,529.73

September 30, 2010 Percent of 2009 Tax Collected 94.86%
September 30, 2009 Percent of 2008 Tax Collected 94.64%
September 30, 2008 Percent of 2007 Tax Collected 94.83%

September 30, 2010 - Balance of Delinquent Tax \$968,414.06
September 30, 2009 - Balance of Delinquent Tax \$925,837.36
September 30, 2008 - Balance of Delinquent Tax \$840,433.66

Corrections made to Current Tax Roll (\$2,342.82)

Corrections made to Delinquent Tax Roll (\$6,013.79)

NOTE:

Caldwell County Appraisal District has collected and disbursed Attorney Fees in the amount of \$12,123.66

Submitted by:



Carlton R. Pape
Chief Appraiser
Caldwell County Appraisal District

CALDWELL COUNTY

Balance Sheet

SEPTEMBER 2010

DEPOSITS

Date	Amount		CHECK #
	M & O	I & S	
(1) 9-Sep-10	\$24,783.55	\$2,811.52	5895
(2) 16-Sep-10	\$20,198.69	\$2,517.99	EFT
(3) 23-Sep-10	\$7,450.94	\$836.65	EFT
(4) 1-Oct-10	\$29,209.01	\$3,211.41	EFT
(5)	\$0.00	\$0.00	
(6)	\$0.00	\$0.00	
(7)	\$0.00	\$0.00	
(8)	\$0.00	\$0.00	
(9)	\$0.00	\$0.00	
(10)	\$0.00	\$0.00	
(11)	\$0.00	\$0.00	
(12)	\$0.00	\$0.00	
(13)	\$0.00	\$0.00	
(14)	\$0.00	\$0.00	
(15)	\$0.00	\$0.00	
(16)	\$0.00	\$0.00	
(17)	\$0.00	\$0.00	
(18)	\$0.00	\$0.00	
(19)	\$0.00	\$0.00	
(20)	\$0.00	\$0.00	
(21)	\$0.00	\$0.00	
(22)	\$0.00	\$0.00	
(23)	\$0.00	\$0.00	
(24)	\$0.00	\$0.00	
(25)	\$0.00	\$0.00	
Subtotals	<u>\$81,642.19</u>	<u>\$9,377.57</u>	
TOTAL ALL DEPOSITS	<u><u>\$91,019.76</u></u>		

CALDWELL COUNTY

Balance Sheet

SEPTEMBER 2010

Collections

	FARM TO MARKET M & O		GENERAL FUND	
			M & O	I & S
Current Tax	\$11.44		\$34,102.51	\$3,460.90
Current P & I	\$2.03		\$7,004.12	\$710.96
Delinquent Tax	\$20.77		\$31,664.33	\$4,068.83
Delinquent P & I	\$7.03		\$8,821.68	\$1,136.88
		Subtotals	\$81,592.64	\$9,377.57
TOTAL FTM	\$41.27	TOTAL GCA	\$90,970.21	
	ROAD & BRIDGE M & O		STATE TAX M & O	
Current Tax	n/a		n/a	
Current P & I	n/a		n/a	
Delinquent Tax	\$2.35		\$0.00	
Delinquent P & I	\$5.93		\$0.00	
TOTAL RAB	\$8.28	TOTAL STX	\$0.00	
TOTAL COUNTY COLLECTIONS			\$91,019.76	

NOTE:

Caldwell County Appraisal District has collected and disbursed Attorney Fees in the amount of \$12,123.66

Attorney Fees Detail

FTM		\$4.68
GCA		\$12,117.74
RAB		\$1.24
STX		\$0.00

**BROADDUS
& ASSOCIATES**
INNOVATIVE PROJECT MANAGEMENT AND PLANNING

*Next wk (2 meetings)
for approval.*

September 14, 2010

Honorable John P. Cyrier
Commissioner, Precinct One
Caldwell County
Courthouse Room 210
110 South Main Street
Lockhart, TX 78644

Reference: Proposal for Planning and Project Management Services
For Capital Improvement Projects for Caldwell County

Dear Commissioner Cyrier:

Thank you for the opportunity to provide you our proposal for additional services to Caldwell County. We enjoyed working with you, the Judicial staff, the facilities representatives, and other County staff on the needs assessment and facilities condition assessment, which were approved by the Court on July 26, 2010. As you continue to address the facilities requirements of Caldwell County, both in short-term critical needs as well as long-term planning for capital improvement projects, it is our hope that the following information will be useful to you.

Our understanding is that your concerns include:

- Immediate critical maintenance and repairs to the existing Judicial Center
- Immediate functional space and provisions for future space
- Construction of a new Judicial Center
- Deferred maintenance and repairs to the historic Courthouse

The Facilities Condition Assessment, as well as subsequent incidents of water infiltration at the Judicial Center, resulted in our recommendations that some immediate repairs and maintenance be considered separately from a more complete renovation of the facility. The Needs Assessment determined that the existing Judicial Center was not adequately providing stakeholders with appropriate space, configured to allow for proper workflow and security. The possibility of upgrading and expanding these facilities to accommodate future needs is minimal, at best.

Further recommendations were that new facilities be constructed for the judicial functions addressed within the report. This recommendation is based upon the following findings:

- The condition of the existing buildings housing the judicial functions would require an investment of up to \$1.5 million just to bring the facilities up to current codes and to repair deficient building systems. This is a significant investment given the age of the facilities and the extent of renovation that would be required to accommodate the stakeholders' needs. It is important to note that this investment would do little to accommodate the space needs, which were discussed in the Needs Assessment.
- Assuming that space would be available for expansion adjacent to the existing facilities, the County would need to invest significant funds to expand those facilities. The investment would be larger than that required for a new facility, given the complexities of connecting new structures

to existing, within tightly constrained construction areas. The County would still need to renovate significantly the existing facilities to accommodate the necessary operational functions.

- With the possible exception of the Adult Probation Department's spaces, none of the existing facilities can be expanded to accommodate the demand for space for current needs. Continuing to use these buildings for the current stakeholders would require splitting departments across additional facilities, beyond those they already occupy. This would compromise the functional adjacencies between key offices (e.g., County Clerk and County Court at Law, District Courts; and the District Attorney and the District Clerk) which are important to the efficient operation. Even if the County were able immediately to obtain sufficient space to accommodate the identified space needs, it would still find itself using facilities for functions that were not intended when those facilities were designed and built. This is particularly troublesome for stakeholders with specific workflow or security requirements.

You have requested that B&A provide some preliminary analysis and submit a proposal for additional services that would support a more comprehensive plan, to include critical repairs to the Judicial Center, renovation of the Judicial Center, maintenance and repairs to the Courthouse, as well as a new Judicial Center.

Because of uncertainty regarding the extent of repairs required as part of any renovation project, the first step for the existing Judicial Center and the historic Courthouse will be to conduct more thorough testing and inspection to define the full scope of repairs, replacements, and construction that will be required. This will allow us to provide a better estimate of what our own scope of work and the scope of work for an eventual construction contractor. We have done our best to provide you with our best guess for our fee estimates for the proposed work. We will work closely with you and the Court as we go through each phase of the work, and we will assist you as you make decisions about the Capital Improvement Project plan. If additional services are required beyond those described here or above the allowances indicated, our hourly rates, included as part of the TXMAS Contract, will be used. We will not initiate any work without approval of the Court. We can assure you our project execution plan will provide the most cost-effective result for the County.

We understand you are nearing the end of your budget considerations and that you need fee estimates that could be included in the approved budget for 2011. To that end, I am providing more detail below.

It is important to note that the Scope of work described is a series of phases that are independent of each other, both in work required and in fee. There would be benefit to the County, both tangible and intangible, to take them as a whole, which would reduce programming and project management fees, reduce the time invested by Commissioners' Court and County staff, and reduce the construction cost of the projects.

Proposal #1 – Judicial Center

Immediate Needs – Based on the results of the facilities condition assessment, there are maintenance and repairs that should be completed quickly. No formal programming is required for this task. The overall scope of services required is:

1. Confirmation of Scope– Current assumptions of required tasks include:
 - a. Quality Testing and monitoring
 - b. Environmental testing plus remediation if required
2. Procurement (Buy Board, TXMAS, or Request for Qualifications)
3. Provision of Temporary Space
 - a. Identify quantity, proximity requirements, and availability
4. Execute Construction Phase for immediate repairs, waterproofing, and stabilization:

Total Fee... \$59,600, plus estimated expenses of \$1,000

Proposal #2 – Historical Courthouse Repairs and Maintenance – This fee assumes the following scope of construction work:

- a. Minor roof Repairs and waterproofing
- b. Replacement/upgrades to selected HVAC equipment
- c. Resolve bird-nesting problems
- d. Repair/replace hardware at Main entry doors
- e. Painting of exterior trim and windows
- f. Cleaning and possible sealing of limestone.

Construction work on the Courthouse will require Texas Historical Commission involvement for possible review and approval. An allowance of 10 hours is included for this task.

The work outlined for this facility requires no formal programming. The scope of services consists of the following tasks:

1. Scope Definition
2. Procurement
3. Construction Phase

Total Fee \$36,000, plus estimated expenses of \$700

Proposal #3 – New Judicial Center

PROJECT PLANNING PHASE

1. Prepare facility space program, define building specific design criteria and scope of work
2. Conduct meetings with stakeholders
3. Define all required space, adjacencies and develop stacking diagrams, building layout
4. Identify furniture, fixture and equipment needs
5. Identify any special issues related to the site and off-site utilities
6. Develop standards and design guidelines

Fee for Project Planning Phase: \$26,862.00 plus estimated expenses of \$1,500

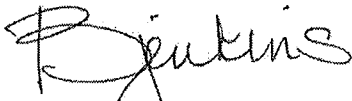
Procurement

1. Prepare Requests for Qualifications (RFQ's) and Requests for Proposals (RFP's)
2. Specific activities for this phase include:
 - a. Drafting Agreement/Contract
 - b. Establishing selection criteria
 - c. Receiving and evaluating qualifications
 - d. Developing a short list of the most qualified candidates

- e. Requesting Proposals (RFP) from the short-list
- f. Receiving and evaluating proposals
- g. Conducting interviews of proposers with County
- h. Negotiating contract with selected firm (if possible, otherwise going to second ranked firm, etc.)
- i. Finalizing contract and preparing presentation material for County approval

Fee for Procurement Phase: \$65,000, plus estimated expenses of \$750

Sincerely,



Brenda Jenkins
Vice President, Austin-Central Texas Area Manager

Cryier/Mendez election:

(1) The person who wins this race is entitled to take office after the winner receives a certificate of election(Certification of election not issued until after the completion of the local canvass - See Sec. 67.016 (a) of the Election Code). This is a special election for the unexpired term of Commissioner from Precinct 1.

(2) The reason the winner takes office right away is because the election is for the last two years of a 4 year term to which Cryier was appointed and there is no reason to wait until January 1, 2011 to allow the winner to take office..

Bonn/Alexander election:

(1) Judge Duesterheft's appointment is until the winner of the election is qualified. Pursuant to Opinion M-742 the winner is not qualified until January 1, 2011.

(2) Unless there was a death or resignation in the office of County Judge prior to January 1, 2011 the Commissioners Court is without power to appoint anybody because there is no vacancy in the office.

(3) The reasoning is that there should not be another appointee between the general election on November 2, 2010 and January 1, 2011. The winner of the race has won the 4 year term that starts on January 1, 2011 and runs until January 1, 2015. The appointed officer's term runs until January 1, 2011.

Canvassing of vote of November 2, 2010 general election:

(1) Pursuant to Sec. 67.003(a) of the Election Code the canvass cannot occur prior to 8 days following the election (Nov. 10th) nor later than the 11th day after the election (Nov.13th). Because the 13th falls on a Saturday the returns have to be canvassed on November 15th, 2010 (Monday).



**THE ATTORNEY GENERAL
OF TEXAS**

**CRAWFORD C. MARTIN
ATTORNEY GENERAL**

AUSTIN, TEXAS 78711

See H-220

December 7, 1970

Honorable Ted Butler
Criminal District Attorney
Bexar County Courthouse
San Antonio, Texas 78204

Opinion No. M- 742

Re: Who fills the office of Justice of the Peace between the date of certification of the winner at the general election on November 3, 1970, and January 1, 1971, where the office was held by one appointed under Article 2355, Vernon's Civil Statutes, and related questions.

Dear Mr. Butler:

In your recent letter to this office you stated that on October 1, 1969, Charles Bond was appointed by the Commissioners Court to the office of Justice of the Peace for Place Two of Precinct One of Bexar County. The appointment was to fill a vacancy in such office created by the appointment of the then Justice of the Peace, John Benavides, to the office of Judge of the 187th District Court.

At the primary election held on May 2, 1970, Mike Hernandez defeated Charles Bond for the nomination as the candidate of the Democratic Party for the office of Justice of the Peace, Place Two, Precinct One, and Mr. Hernandez was unopposed for this office at the general election on November 3, 1970.

Based upon these facts, you have requested the opinion of this office upon the following questions:

"1. Who is the Justice of the Peace for Precinct One, Place Two for Bexar County, Texas, during the 'interim' period between: 1) the certification of the official canvass of the returns of the General Elections which were held on Tuesday, November 3, 1970; and 2) the swearing and qualifying of the winner of the 4 year term on January 1, 1971?

"2. Is Mr. Mike Hernandez to take the oath

and be qualified upon receipt of his certification of election, or must he wait until January 1, 1971 to take office?

"3. If your answer to number two is in the negative, is the Commissioners Court of Bexar County entitled to appoint another to serve as Justice of the Peace Precinct One, Place Two, to hold office from the time of certification of the results of the general election until January 1, 1971?

"4. If your answer to number two above is in the negative, does the Commissioners Court of Bexar County have a duty to appoint a Justice of the Peace to hold office from receipt of certification of the general election until January 1, 1971?"

Section 18 of Article V of the Texas Constitution states that each Justice of the Peace ". . . shall hold his office for four years and until his successor shall be elected and qualified;"

Section 65 of Article XVI of the Texas Constitution establishes a system of staggered terms for various district, county, and precinct officers and pursuant to this provision the person elected to the office of Justice of the Peace, Place Two, Precinct One, Bexar County, Texas, at the 1966 election and the 1970 election were elected for a term of four years.

The beginning date of the term of office of Justices of the Peace and the date upon which a person elected to that office may qualify and assume office are fixed by Article 17, Vernon's Civil Statutes, which reads as follows:

"The regular terms of office for all elective state, district, county and precinct offices of the State of Texas, excepting the offices of Governor, Lieutenant Governor, State Senator, and State Representative, shall begin on the first day of January next following the general election at which said respective offices are regularly filled, and those who are elected to regular terms shall qualify and assume the duties of their respective offices on the first day of January following their election, or as soon thereafter as possible. Persons

elected to unexpired terms in the various state, district, county and precinct offices shall be entitled to qualify and assume the duties of their respective offices immediately upon receiving a certificate of election, which certificate shall be issued immediately following the official canvass of the results of the election at which they were elected, and they shall take office as soon thereafter as possible."

Based upon the foregoing provisions of the Constitution and statute, John Benavides was elected to and was serving a term of four years which began on January 1, 1967, and extended through December 31, 1970. At the November 3, 1970, election Mike Hernandez was elected to the same office for a term of four years beginning on January 1, 1971, and ending on December 31, 1974.

It is true that under the provisions of Article 8.36, Texas Election Code, Mr. Hernandez was entitled to a certificate of election to the office of Justice of the Peace, Place Two, Precinct One, immediately after the canvass of the election results on November 9, 1970. However, this does not entitle Mr. Hernandez to qualify and enter that office prior to January 1, 1971. He was elected to a four-year term which begins on that date; he was not elected to any portion of the term which ends on December 31, 1970. Article 17, Vernon's Civil Statutes, fixes the beginning date of his term of office and time for qualifying as January 1, 1971. He has no right to the office prior to that time. Ex parte Sanders, 147 Tex. 248, 215 S.W.2d 325 (1948); Anderson v. Parsley, 37 S.W.2d 358 (Tex.Civ.App. 1931, error ref.). This is made clear by the fact that Article 17 also provides for a person elected to an unexpired term to ~~qualify and assume office immediately upon receiving a certificate of election.~~

When John Benavides qualified for the office of District Judge he vacated the office of Justice of the Peace. Biencourt v. Parker, 27 Tex. 562 (1864); State v. Brinkerhoff, 66 Tex. 45, 17 S.W. 109 (1886). The power to fill vacancies in the office of Justice of the Peace is conferred upon the commissioners court by Section 28 of Article V of the Texas Constitution in the following language:

"Sec. 28. Vacancies In Offices Of Judges Of Superior Courts To Be Filled By The Governor.

"Vacancies in the office of judges of the Supreme Court, the Court of Criminal Appeals, the Court of Civil Appeals and the District Courts shall be filled by the Governor until the next succeeding General Election; and vacancies in the offices of County Judge and Justices of the Peace shall be filled by the Commissioners Court until the next succeeding General Election."
(Emphasis added.)

In furtherance of that authority the Legislature has enacted Article 2355, Vernon's Civil Statutes, which reads:

"The Court shall have power to fill vacancies in the office of: County Judge, County Clerk, Sheriff, County Attorney, County Treasurer, County Surveyor, County Hide Inspector, Assessor of Taxes, Collector of Taxes, Justices of the Peace, Constables, and County Superintendent of Public Instruction. Such vacancies shall be filled by a majority vote of the members of said Court, present and voting, and the person chosen shall hold office until the next general election."
(Emphasis added.)

Upon performing the acts necessary to qualify for Justice of the Peace and assuming the duties of that office, Charles Bond became a de jure officer. State v. Jordan, 28 S.W.2d 921 (Tex.Civ. App. 1930, error dismissed); see Hamilton v. State, 51 S.W. 217 (Tex.Crim. 1899). If the language of Section 28 of Article V, Texas Constitution, and Article 2355, Vernon's Civil Statutes, be taken literally, Judge Bond's tenure in such office would apparently end with the general election held on November 3, 1970. However, for the reasons which follow, we are of the opinion that Judge Bond is entitled to hold his office through December 31, 1970, and thereafter until such time as Mr. Hernandez has qualified for that office.

The primary purpose and intent of those provisions of Section 28 of Article V and Article 2355, which specify that persons appointed to vacancies in the offices named therein shall serve until the next general election, was not to vacate the office upon that date but rather to establish the policy that the people shall fill the office by election at the earliest opportunity. This becomes clear when we consider the recent

history of amendments to this constitutional provision. Prior to 1958, Section 28 of Article V provided that "vacancies in the office of County Judge and justices of the peace shall be filled by the Commissioners Court until the next general election for such offices." When Sections 64 and 65 of Article XVI of the Texas Constitution were added in 1954, the terms of office of certain officers, including County Judge and Justices of the Peace, were changed from two to four years effective with the 1954 general election. Thereafter it was held that where a Justice of the Peace who was elected to a four-year term at the 1954 general election resigned in 1955, the person appointed to fill the vacancy was entitled to hold the office until the 1958 general election and that the office was not subject to being filled by election in 1956. Rawlins v. Drake, 291 S.W.2d 349 (Tex.Civ.App. 1956, no writ). Subsequent to this holding, Section 28 of Article V was amended to its present form.

In facilitating the return of those offices that have been filled by appointment to the choice of the electorate, the Legislature has provided for the nomination for and election to unexpired terms of office which extend beyond the first day of January following the election. Art. 13.12a, Texas Election Code. It has further specified that persons elected to unexpired terms shall be entitled to qualify and assume the duties of office immediately upon receiving a certificate of election. Art. 17, Vernon's Civil Statutes. The Legislature has not provided for the nomination for and election to unexpired terms which do not extend beyond the first day of January following the election. There being no provision for such an election, none can be held, for there is no inherent right to hold an election, and one held without authority is void. Countz v. Mitchell, 120 Tex. 324, 38 S.W.2d 770 (1931); Trustees of Ind. School Dist. v. Elbon, 223 S.W. 1039 (Tex.Civ.App. 1920, no writ). The wisdom of this omission becomes apparent when we consider the very short period to which one would be elected and the fact that there would be two changes in the office within a two-month period. While these same reasons speak against the proposition that the appointing power should again come into play during this interim, that proposition is foreclosed by the fact that other provisions of our Constitution and statutes make provision for the status of the office and its incumbent appointee during the period in question.

Section 17 of Article XVI of the Texas Constitution provides that "All officers within this State shall continue to perform the duties of their offices until their successors shall

be duly qualified." Acting pursuant to this provision the Legislature has provided in Article 18 of Vernon's Civil Statutes that "Each officer, whether elected or appointed under the laws of this State, . . . shall hold his office for the term provided by law and until his successor is elected or appointed and qualifies" The effect of these provisions was explained in State v. Jordan, 28 S.W.2d 921 (Tex.Civ.App. 1930, error dismissed at pages 923-924:

" . . . The practical effect of a constitutional provision directing that public officials should hold over until their successors are qualified is that a public office does not become vacant, in the sense that there is no incumbent to fill it, except in the case of death." (Emphasis added.)

We think this applies with equal force whether the incumbent be elected or appointed.

In Ex parte Sanders, 147 Tex. 248, 215 S.W.2d 325 (1948) it was contended that the tenure of office of a District Judge appointed to fill a vacancy terminated on the day of the general election and that a contempt order entered by him thereafter was void because he was no longer the judge of that court. In rejecting this contention the court held that the holdover provisions of Section 17 of Article XVI must be construed with Section 28 of Article V in order to preserve the orderly process of government and that one appointed as District Judge under Section 28 of Article V was an officer within this State who is continued in office by Section 17 of Article XVI until his successor shall be duly qualified. Our Court of Criminal Appeals reached the same result in Hamilton v. State, 51 S.W. 217 (Tex.Crim. 1899) where the authority and actions of an appointed District Judge were challenged as being void where he continued to exercise the duties of that office in the succeeding term when no one was elected to that term of office at the preceding general election. In our opinion these holdings apply to the situation presented by your request.

Accordingly, your questions are answered as follows:

First, the incumbent appointee Charles Bond is the Justice of the Peace of Precinct One, Place Two, of Bexar County for the period of time between the general election held on November 3, 1970 and January 1, 1971.

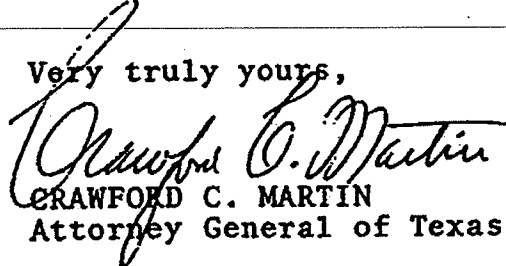
Second, having been elected to a term of office which begins upon January 1, 1971, Mike Hernandez cannot qualify for office prior to that time even though he has received a certificate of election.

Third and fourth, in the absence of the death or resignation of Judge Bond prior to January 1, 1971, the Commissioners Court of Bexar County has neither the power nor the duty to appoint anyone to the office of Justice of the Peace of Precinct One, Place Two, of Bexar County, because there will be no vacancy in that office.

S U M M A R Y

Where a vacancy in the office of Justice of the Peace occurred during the term which runs through December 31, 1970, the person appointed to that office pursuant to Section 28 of Article V, Texas Constitution, on October 1, 1969, is entitled, by virtue of Section 17 of Article XVI, Texas Constitution, to hold his office during the period between the general election held on November 3, 1970, and January 1, 1971. The Commissioners Court has no power or duty to appoint anyone to that office during such period because there is no vacancy in the office. The person elected to such office at the general election November 3, 1970, for the term beginning on January 1, 1971, cannot qualify and enter into office prior to January 1, 1971, even though he has a certificate of election. Art. 17, Vernon's Civil Statutes.

Very truly yours,


CRAWFORD C. MARTIN
Attorney General of Texas

by W. O. Shultz
Assistant Attorney General

APPROVED:
OPINION COMMITTEE

Kerns Taylor, Chairman
W. E. Allen, Co-Chairman
William J. Craig
James Quick
Dick Choate
Steve Hollahan

MEADE F. GRIFFIN
Staff Legal Assistant

ALFRED WALKER
Executive Assistant

NOLA WHITE
First Assistant

thereafter as practicable. At 7 p.m. **presiding judge** furnishes county clerk with tabulation of vote count up to that time in contested statewide races and certain district races. Secs. 68.032(a), 68.033, and 68.034(b); Secs. 66.053(a) and 87.063.

Marked early voting mail ballot must arrive at address on carrier envelope before 7 p.m. Sec. 86.007. However, see entry for November 8, 2010, for exception for ballot cast from outside United States.

November 2, 2010. Counting ballots, reporting election results, and delivering returns and other records for general election, precinct level.

1. In all precincts, except precincts using ballots counted at central counting station, ballots are to be counted and returns prepared in time for delivery not later than 2 hours after 7 p.m. or after the last person voted, whichever is later, or as soon thereafter as practicable. Sec. 68.032(a). Immediately after final results are ascertained, **presiding judge** delivers returns, other records, etc. to the proper authorities. Secs. 66.053(a) and 68.032(a).
2. In precincts using electronic system ballots counted at central counting station, **precinct presiding judge** delivers ballots to counting station not later than 2 hours after 7 p.m. or after last person voted, whichever is later, or as soon thereafter as practicable, and delivers other records, etc. to the proper authorities. Secs. 68.032(b), 121.001, and 127.067.
3. **Presiding judge of central counting station** delivers copy of returns for each precinct to county clerk immediately after returns are prepared. Sec. 68.032(b). Delivers voted ballots and other records to proper authorities as provided for precincts using paper ballots. Sec. 127.132.
4. **County clerk** begins partial count of electronic voting system ballots not later than 72 hours (November 5) after polls close unless requirement waived by secretary of state. Count must be completed not later than November 23. Sec. 127.201; see that section for details.

November 2, 2010. Reporting and tabulating unofficial results of general election, county and state levels.

County clerk tabulates results and makes periodic announcements on status of the count. Sec. 66.056.

Beginning at 7 p.m., **county clerk** transmits to secretary of state periodically, by telephone or other electronic means, county results in contested races for statewide offices and for district offices listed in Sec. 68.001. Sec. 68.034.

Beginning at 7 p.m., **secretary of state** tabulates the unofficial returns received from the county clerks and makes periodic announcement of the vote count. Sec. 68.004. After results are complete, **secretary of state** prepares a final report. Sec. 68.005.

November 5, 2010. **County clerk** begins partial count of electronic voting system ballots for general election not later than 72 hours after polls close unless waived. Count must be completed not later than November 23. See entry for November 2, 2010, and Sec. 127.201.

November 8, 2010. **Marked early voting mail ballot** that arrives after regular deadline of 7 p.m. on general election day but not later than this date must be counted if cast from outside United States and carrier envelope was placed for delivery before regular deadline. Sec. 86.007; see that section for details.

November 8, 2010. On this date, or under certain circumstances earlier, **early voting ballot board** convenes to count mail ballots cast from outside United States described by Sec. 86.007(d) at time set by **presiding judge**. Sec. 87.125; see that section for details.

November 9, 2010. Not later than this date, **early voting ballot board** verifies and counts the provisional ballots. See Sec. 65.051 et seq. for details and especially see the following **secretary of state** rules:

For **secretary of state's** rule on **provisional voting procedures for paper ballots**, see 1 Tex. Admin. Code Sec. 81.172.

For **secretary of state's** rule on **provisional voting procedures for electronic voting system using optical scan precinct ballot counters**, see 1 Tex. Admin. Code Sec. 81.173.

For **secretary of state's** rule on **provisional voting procedures for electronic voting system using ballots tabulated at central counting station**, see 1 Tex. Admin. Code Sec. 81.174.

For **secretary of state's** rule on **provisional voting procedures for direct recording electronic voting systems (DRE's)**, see 1 Tex. Admin. Code Sec. 81.176.

November 10-15*, 2010. Not earlier than November 10 or later than November 15*, at time set by **county judge, commissioners court** meets and canvasses returns of general election. Sec. 67.003(a).

Not later than time of local canvass, **county clerk** delivers to **commissioners court** the precinct early voting vote report. Sec. 87.1231.

- Sec. 67.007. County election returns
- Sec. 67.008. Separate county returns for governor and lieutenant governor
- Sec. 67.009. Forms and instructions for county returns
- Sec. 67.010. County returns canvassed by governor
- Sec. 67.011. County returns canvassed by legislature
- Sec. 67.012. Time for canvass by governor
- Sec. 67.013. Procedure for canvass by governor
- Sec. 67.014. Determining official result of election canvassed at state level
- Sec. 67.015. State election register
- Sec. 67.016. Certificate of election
- Sec. 67.017. Reporting precinct results to secretary of state

Sec. 67.001. Applicability of chapter. This chapter applies to each general or special election conducted in this state.

Definition of "general election," see Sec. 1.005(6); of "special election," see Sec. 1.005(18).

Canvass of primary elections, see Sec. 172.116 et seq.

Sec. 67.002. Canvass of precinct returns. (a) Except as otherwise provided by law, the precinct election returns for each election shall be canvassed by the following authority:

- (1) for an election ordered by the governor or by a county authority, the commissioners court of each county in which the election is held; and
- (2) for an election ordered by an authority of a political subdivision other than a county, the political subdivision's governing body.

(b) The canvass of precinct returns shall be conducted in accordance with this chapter except as otherwise provided by this code.

Definition of "law," see Sec. 1.005(10); of "political subdivision," see Sec. 1.005(13).

Canvass of precinct returns in primary election, see Sec. 172.116.

Sec. 67.003. Time for local canvass. (a) Except as provided by Subsection (b), each local canvassing authority shall convene to conduct the local canvass at the time set by the canvassing authority's presiding officer not earlier than the eighth day or later than the 11th day after election day.

(b) For an election held on the uniform election date in May, the local canvass must occur not later than the 11th day after election day and not earlier than the later of:

- (1) the third day after election day;
- (2) the date on which the early voting ballot board has verified and counted all provisional ballots, if a provisional ballot has been cast in the election; or
- (3) the date on which all timely received ballots cast from addresses outside of the United States are counted, if a ballot to be voted by mail in the election was provided to a person outside of the United States.

Local canvassing authority, see Sec. 67.002.

Definition of "local canvass," see Sec. 1.005(11).

May uniform election date, see Sec. 41.001.

Verifying and counting provisional ballots, see Sec. 65.051 and notes thereunder.

Counting overseas ballots, see Sec. 87.125.

Time for local canvass of primary election, see Sec. 172.116.

Time for local canvass of special election for legislature or congress, see Secs. 203.012, 204.005, and 204.021.

Sec. 67.004. Procedure for local canvass. (a) At the time set for convening the canvassing authority for the local canvass, the presiding officer of the canvassing authority shall deliver the sealed precinct returns to the authority. The authority shall open the returns for each precinct and canvass them as provided by this section. Two members of the authority constitute a quorum for purposes of canvassing an election.

(b) The canvassing authority shall prepare a tabulation stating for each candidate and for and against each measure:



BUILDING CORPORATION
First Choice For Facilities Renovation & Construction

Date: 4/19/2010

**PROPOSAL FOR JUDICIAL CENTER
 ALTERNATE: ADDITION TO BUILDING**

Mr. John Cyrier
 Caldwell County Commissioner, Precinct 1
 Mr. Curtis Webber
 Supervisor
 Caldwell County Building Maintenance
 405 East Market Street
 Lockhart, Texas 78644

TX-MAS-8-560150

Re: CALDWELL COUNTY JUDICIAL CENTER - ADDITION TO BUILDING

Subject:

This Proposal is presented according to the following Statement of Work as detailed and attached.

- a. All work to be performed in accordance with requirements of Caldwell County Commissioners and County Supervisor
- b. Assumptions:
 - 1. Full access to Building and work space.
 - 2. Parking spaces with in 150 LF of Building
- c. Exclusions:
 - 1.No handling or disposal of hazardous materials.
 - 2.Fire alarms and fire sprinklers
- d. Responsibilities:
 - Inspections required by County

CONTRACT AMOUNT		
		\$ 217,248
5% ENGINEERING FEE		<u>\$ 10,862</u>
	SUBTOTAL	\$ 228,110
TXMAS FEE @ .75%		\$ 1,711
TXNIC FEE @ 1.5228%		\$ 3,474
BOND 2.5%		<u>\$ 5,832</u>
TOTAL	\$ -	<u>\$239,127</u>

- Attachments:
- 1. Statement of Work- ATTACHED
 - 2. Tentative Schedule- TBD
 - 4. NPI Quotes - N/A

STATEMENT OF WORK- PRELIMINARY JOINT SCOPE

Date: 4/19/10

Project: JUDICIAL CENTER – ADDITION TO BUILDING

Location: CALDWELL COUNTY, LOCKHART, TEXAS

CONTACT: CURTIS WEBER, SUPERVISOR

Alpha
PROJ. MGR: DARREL DUSSETSCHLEGER

JOB WALK: 1/19/10

General Conditions

1. Prior to any work commencing, an Asbestos Survey must be produced and presented by the Owner to the General Contractor on the exterior plaster material.
2. Clean up jobsite on daily basis.
3. No access to roof is available. Access will have to be provided via scaffold and restraint systems while roof work is performed.

Statement of Work:

ALTERNATE, ADDITION TO BUILDING:

Design and construct a two story addition on the North Side of the Building to include the following considerations:

1. Match design and finishes of existing building.
2. Remove teller window, receiving deck and wall at drive through location.
3. Addition to contain 2 stories as designed and drawn by engineer, approved by Owner for construction.
4. First story to have complete interior finish.
5. No fire alarm or sprinkler has been included in the initial scope for the addition.

Cleanup

1. Perform cleanup daily, keeping the work area free of debris and in a safe working condition.
2. Final cleanup will occur after all work has been accomplished.

3. Restore, to similar condition, areas disturbed by site work and perform final clean up.

Exclusions:

- **No handling or disposal of Hazardous Materials**
- **Fire Marshall approval of work methods(to occur when awarded contract)**
- **No overtime or premium time included in this scope of work.**

Tex MAS



First Choice For Facilities Reparatoin & Construction

PROPOSAL FOR JUDICIAL CENTER

Date: 4/19/2010

Mr. John Cyrier
Caldwell County Commissioner, Precinct 1
Mr. Curtis Webber
Supervisor
Caldwell County Building Maintenance
405 East Market Street
Lockhart, Texas 78644

TX-MAS-8-560150

PLEASE SEND PURCHASE ORDERS TO:
ddussetschleger@alphabuilding.com
and
mgermany@alphabuilding.com

Re: CALDWELL COUNTY JUDICIAL CENTER

Subject:

This Proposal is presented according to the following Statement of Work as detailed and attached.

- a. All work to be performed in accordance with requirements of Caldwell County Commissioners and County Supervisor
- b. Assumptions:
 - 1. Full access to Building and work space.
 - 2. Parking spaces within 150 LF of Building
- c. Exclusions:
 - 1.No handling or disposal of hazardous materials.
 - 2.Fire alarm, fire sprinklers.
- d. Responsibilities: Inspections required by County, City

CONTRACT AMOUNT	
JOB COST INCLUDING BOND FOR LISTED ITEMS BELOW:	
FIELD PERSONNEL/OVERHEAD	\$ 10,534
DEMOLITION (STUCCO)	\$ 11,529
STONE/STUCCO REPAIRS, POWER WASH, PAINTING, WINDOWS	\$ 72,413
ROOFING AND ENCLOSURE	\$ 207,422
HVAC, ELECTRICAL, FENCING	\$ 63,485
	SUBTOTAL \$ 365,383
	PLUS 5% ENGINEERING FEE \$ 18,269
	SUBTOTAL \$ 383,679
	LESS 1% DISCOUNT: \$ (3,837)
	SUBTOTAL \$ 379,842
TXMAS FEE @ .75%	\$ 2,849
TXNIC FEE @ 1.5228%	\$ 5,784
	\$ 388,475
BOND @ 2.5%	\$ 9,712
	PROPOSAL TOTAL \$398,187

- Attachments:
- 1. Statement of Work- ATTACHED
 - 2. Tentative Schedule- TBD
 - 4. NPI Quotes - N/A



First Choice For Facilities Renovation & Construction

Date: 2/10/2010

REVISED PROPOSAL

Mr. Curtis Webber
Supervisor

TX-MAS-8-560150

Caldwell County Building Maintenance
405 East Market Street
Lockhart, Texas 78644

PLEASE SEND PURCHASE ORDERS TO:

dsnyder@alphabuilding.com
&
mgermany@alphabuilding.com

Re: PROPOSAL TO RENOVATE EXTERIOR FINISHES AND PROVIDE PIGEON
DETERRENTS AT THE CALDWELL COUNTY COURTHOUSE

Subject:

This Proposal is presented according to the attached Statement of Work dated 1/12/10:

- a. All work to be performed in accordance with requirements of Caldwell County Commissioners and County Supervisor
- b. Assumptions:
 - 1. Full access to Building and work space.
 - 2. Parking spaces within 150 LF of Building.
- c. Exclusions:
 - 1. No handling or disposal of hazardous materials.
- d. Responsibilities:
 - Inspections required by County and/or City
- e. Revision note:
 - Proposal revised due to clerical error on Proposal dated 1/12/2010

CONTRACT AMOUNT:	
RS MEANS L.I. ESTIMATE	\$ 430,593
NPI - PIGEON DETERRENT	\$ 90,855
	\$ 521,448
ALPHA DISCOUNT FOR PROJECT OVER \$200K = <3%>	\$ 15,559
PROPOSAL SUBTOTAL:	\$513,891
BOND 2.5%	\$ 12,850
TXMAS FEE @ .75%	\$ 3,855
TXNIC FEE @ 1.5228%	\$ 11,882
	\$ 542,378
PROPOSAL TOTAL:	\$ 542,378

- Attachments:
- 1. Statement of Work - ATTACHED
 - 2. Line Item Estimate - ATTACHED
 - 3. Tentative Schedule - TBD
 - 4. NPI Quotes - PIGEON DETERRENT

Estimate prepared by:

MSALISBURY

Estimate reviewed by:

DSNYDER