

COMMISSIONERS COURT MINUTES

Regular Meeting on June 21, 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.

A-1

Approve Minutes of Previous Meeting.

Motion was made by Commissioner Bullock, seconded by Commissioner Cyrier, to table approval of the minutes of the Regular meeting on June 14, 2010 until next week. 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.

The 104th Juneteenth Celebration was held this past weekend with a record turnout.

"Night to Salute America" will be held on July 2, 2010 at 7:30 P.M. at Eagle Field in Luling.

A-3

Approve the Caldwell County Reports

A. Environmental Officer Report for the month of May – Mike Bittner.

Environmental Officer Mike Bittner gave his report. Motion made by Commissioner Madrigal, seconded by Commissioner Roland, to approve the Environmental Officer Report for the month of May, 2010. Motion carried unanimously.

A-4

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-5

Discussion/Action concerning a variance request to divide a 9 acre tract into 2 lots located on Borchert Loop (CR 108) – Commissioner Cyrier/Roland Hernandez.

Motion made by Commissioner Cyrier, seconded by Commissioner Roland, to approve the variance request by Roland Hernandez to divide an 18 acre tract of land into 2 lots of 9 acres each located on Borchert Loop (CR 108). Motion carried unanimously.

A-6

Discussion/Action concerning adoption of Order concerning pay cycles for certain law enforcement personnel to assist Human Resources Department in proper implementation of the Fair Labor Act – Ron Heggemeier.

Motion made by Commissioner Madrigal, seconded by Commissioner Cyrier, to approve Executive Order # 0001 that instructs how employees are classified under the Fair Labor Standards Act. Motion carried unanimously.

A-7

Discussion/Action concerning proposals submitted for professional services from engineering firms concerning redrafting subdivision regulations and professional services from legal firms concerning drafting Taking Impact Assessments concerning subdivision regulations – Ron Heggemeier.

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Assistant District Attorney Ron Heggemeier explained the proposals from Loomis and R W Armstrong for redrafting the subdivision regulations and drafting Taking Impact Assessments concerning subdivision regulations. Motion made by Commissioner Madrigal, seconded by Commissioner Cyrier, to start negotiations for a proposals with Loomis Partners, Inc. as the engineering firm to redraft the subdivision regulations and to draft Taking Impact Assessments concerning subdivision regulations and come up with a cost estimate for these services. Motion carried with Commissioner Cyrier, Commissioner Madrigal, Commissioner Roland and Judge Duesterheft voting "Aye" and Commissioner Bullock voting "No."

A-8

Discussion/Action to appoint a Commissioner to meet with City of Lockhart concerning EMS and Animal Services budgetary meeting – Judge Duesterheft.

Motion made by Commissioner Bullock, seconded by Commissioner Roland, to appoint Commissioner Madrigal to meet with and sit in on the City of Lockhart EMS and Animal Services budgetary meetings. Motion carried unanimously.

A-9

Discussion/Action to review proposed budget for the Caldwell County Appraisal District for the year January 1, 2011 through December 31, 2011.

After brief discussion concerning the raises and line items in the proposed budget for the Caldwell County Appraisal District for the year January 1, 2011 through December 31, 2011, motion made by Commissioner Cyrier, seconded by Commissioner Roland, to have Judge Duesterheft contact the Appraisal District to let them know that Commissioners Court does not approve their budget as presented. Motion carried unanimously.

A-10

Discussion/Action concerning renewal contract in the amount of \$22,000 with City-County Benefits Services for consulting fees – Sonny Rougeou/Robert Treacy.

Robert Treacy with City-County Benefits Services and Auditor Sonny Rougeou presented the renewal contract for \$22,000 (increase of \$2000 over last year) to Commissioners Court. Judge Duesterheft explained that he is in favor of a human resources department (employee insurance) to take over these needs for Caldwell County. Mr. Treacy stated that the insurance industry is a very volatile industry and it is possible Caldwell County would need City-County Benefits Services even with a human resources department. He agreed to renew the contract at \$20,000. Auditor Rougeou explained that Mr. Treacy is already in negotiations with insurance carriers and it takes time to get the proposals out. Motion was made by Commissioner Cyrier, seconded by Commissioner Madrigal, to approve the contract with City-County Benefits Services for consulting fees at \$20,000 subject or conditioned to the revision or changes to remove the caveat on the contract or take out the 5% clause. Motion carried with Commissioner Cyrier, Commissioner Madrigal, and Commissioner Roland voting "Aye" and Commissioner Bullock and Judge Duesterheft voting "No."

A-11

Discussion/Action to set public hearing for the proposed Spanish Oaks Estates Subdivision located on FM 713 – Commissioner Madrigal.

Motion made by Commissioner Madrigal, seconded by Commissioner Bullock, to table this item until the first meeting in July, 2010. Motion carried unanimously.

A-12

Discussion/Action to approve a contract with NetData and Graves Humphries Stahl, LTD,(GHS), to provide software for all the JP Offices – Commissioners Cyrier/Commissioner Madrigal.

Commissioner Cyrier explained that he and Commissioner Madrigal have met with the vendors and research has been done on the software and the right thing to do is to go with NetData for the JP's software. NetData uses Graves Humphries Stahl, LTD and edoc uses Geselka Bragg and Allen for their collection process. The contract for Geselka Bragg and Allen will need to be reviewed, as well as all three other contracts before the switch is made. Motion made by Commissioner Cyrier, seconded by Commissioner Madrigal, to approve the contract with NetData

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and Graves Humphries Stahl, LTD (GHS) based on Assistant District Attorney Ron Heggemeier reviewing all four contracts to make the switch of vendors for software for all four Justice of the Peace offices. Motion carried unanimously.

A-13

Discussion/Action on Resolution # 09-2010 authorizing the preparation and submission of a 2009/2010 (PY) Housing Preservation Grant (HPG) Application to the United States Department of Agriculture (USDA) for funding under the Housing Preservation Grant Program.

Philip Ruiz presented information concerning this grant application. He presented options to make the application for the grant more competitive and attractive. The last grant Caldwell County received was for approximately \$125,000 and helped install approximated 7 new septic systems in Caldwell County. The target area for this grant application will be precinct 3 and precinct 4 north of Lockhart. Motion was made by Commissioner Roland, seconded by Commissioner Madrigal, to approve the Resolution # 09-2010 authorizing the preparation and submission of a 2009/2010 (PY) Housing Preservation Grant (HPG) Application to the United States Department of Agriculture (USDA) for funding under the Housing Preservation Grant Program. Motion carried unanimously.

A-14

Pay Bills.

Motion made by Commissioner Roland, seconded by Commissioner Roland, seconded by Commissioner Madrigal, to approve bills totaling \$191,775.67. Motion carried unanimously.

Commissioners Court recessed the Regular meeting and went into Executive Session.

A-15

EXECUTIVE/CLOSED SESSION Pursuant to Section 571.71 concerning legal advice of procedural and substantive issues concerning vehicle insurance liability claims for County grant vehicles and/or lease vehicles.

A-17

EXECUTIVE/CLOSED SESSION Pursuant to Section 551.71 concerning advice of procedural and substantive issues concerning payroll issues related to law enforcement personnel and update concerning litigation Cause # 1:10-CV-281 in the District Court for the Western District of Texas styled Stacia Obermeyer vs. Caldwell County et al.

Commissioners Court adjourned the Executive Sessions and went back into Regular meeting at 11:27 A.M.

A-16

Discussion/Consideration of Potential Action concerning vehicle insurance liability claim involving County Task Force grant vehicle involved in accident in Martindale.

Moton made by Commissioner Madrigal, seconded by Commissioner Roland, to have the Auditor and Assistant District Attorney settle this claim. Motion carried unanimously.

A-18

Discussion, Consideration or Potential Action related to payment of overtime and employment of extra personnel related to law enforcement personnel overtime.

Motion made by Judge Duesterheft, seconded by Commissioner Cyrier, that Commissioners Court allow Assistant District Attorney Ron Heggemeier to talk to the attorneys that represent Stacia Obermeyer to work on a settlement in the case (Cause # 1:10-CV-281 in the District Court for the Western District of Texas styled Stacia Obermeyer vs. Caldwell County et al.) Motion carried unanimously.

Motion made by Commissioner Madrigal, seconded by Commissioner Bullock, that Commissioners Court correct the mistake on the computer error on issuing of paycheck of a county employee in the amount of \$350 and to get further information to see if it is in writing or verbal. Motion carried with Commissioner Bullock,

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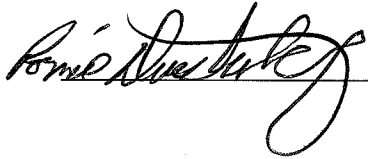
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Commissioner Madrigal, Commissioner Roland and Judge Duesterheft voting "Aye" and Commissioner Cyrier voting "No."

Motion made by Commissioner Roland, seconded by Commissioner Cyrier, to instruct the County Auditor and Human Resources to pay overtime as necessary to FSLA to correct this error. Motion carried unanimously.

Adjourn.

Motion made at 11:35 A.M. by Commissioner Bullock, seconded by Judge Duesterheft, to adjourn. Commissioners Court was ordered adjourned.



Ronnie Duesterheft, County Judge