

**CALDWELL COUNTY
COMMISSIONERS COURT MINUTES
1403 Blackjack Street, Lockhart, Texas
Regular Meeting November 12, 2013 9:00 a.m.**



TOM D. BONN County Judge
CAROL HOLCOMB County Clerk

ALFREDO MUÑOZ Commissioner Pct. 1
FRED F. BUCHHOLTZ Commissioner Pct. 2
NETO MADRIGAL Commissioner Pct. 3
JOE IVAN ROLAND Commissioner Pct. 4

Call Meeting to order.

2013.11.12.01 **Invocation.** Caldwell County Christian Ministries.
John Griffin opened the meeting with prayer.

2013.11.12.02 **Pledge of Allegiance to the Flags.** (Texas Pledge: Honor the Texas flag; I
pledge allegiance to thee, Texas, one state under God, one and indivisible).
Judge Bonn led all present in the pledge to both Flags.

2013.11.12.03 **Announcements:** Items or comments from Court Members or Staff.
Judge Bonn said that he and Commissioner Muñoz had met on this past
Saturday with the Construction Manager, Architect and the representative
from Data-Com. It seemed to be a successful meeting. He also attended the
Veterans luncheon and commended the Chamber of Commerce for taking
care of it. About 160 people were in attendance on the Courthouse Lawn. Maj.
General Jimmy Wells was the chief speaker.
Commissioner Roland said that Thursday night, he attended two meetings at
the State Park clubhouse. One was a question and answer with Green Group
Holdings LLC. There was also a report with Nick Dornak concerning the Hays-
Caldwell HogOut. Commissioner Roland was very impressed with the extent
of information provided. Commissioner Madrigal thanked all of the Unit Road
employees, the volunteers from the community and all of the emergency
rescue teams that were involved in the Halloween flood in our County. Judge
Bonn gave an overview of the emergency in the Dove Trail Community on CR
161 and recognized the cooperation of the entities and the volunteers that
were involved.

**Update on Emergency Disaster Declaration for Caldwell County as
presented by Judge Bonn, Jimmy Parker and Martin Ritchey.**

Martin Ritchey prepared and presented an overview of the tragedy and the
cooperation between the different entities, himself and explained the
beginning of the cleanup process and the FEMA updates for Caldwell County.
He showed slides beginning with the alerts of the National Weather Service and
ending with pictures of some of the aftermath. He thanked all those that were there to help, from
the Emergency teams to anyone that brought food or encouragement.

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Brought forward

2013.11.12.25 **Discussion/Action** to approve and continue with the Declaration of Local Disaster issue on November 4, 2013 due to the severe damage resulting from a major rain and flooding event in Caldwell County on October 31, 2013. Motion made by Commissioner Madrigal, second by Commissioner Muñoz to approve and extend, through November 18, 2013 with the Declaration of Local Disaster issued on November 4, 2013 due to the severe damage resulting from a major rain and flooding event in Caldwell County on October 31, 2013. All Voting "Aye"

Return to correct order

2013.11.12.04 **Citizens' Comments:** At this time any person may speak to Commissioners Court if they have filled out a Caldwell County Commissioners Court Participation Form. Comments will be limited to four (4) minutes per person. No action will be taken on these items and no discussion will be had between the speaker(s) and members of the Court. The Court does retain the right to correct factual inaccuracies made by the speakers. (If longer than 30 minutes, then the balance of comments will continue as the last agenda item of the day).

Commissioner Madrigal read a letter sent to him by Diane Ohlendorf Peach that explained her view on the landfill and explains that she has kept her mind open and is in favor of the Host Agreement for the County and GreenGroup LLC.

Jimmy Bertram asked the Commissioners to work expeditiously on passing an ordinance against landfills and to protect Caldwell County. He asked that they not sign the Host Agreement with GreenGroup. Texas Government Code will protect the County. The Host Agreement is not going to make any difference.

Frank Sugrue spoke against the landfill and the Host Agreement. He spoke in support of the support of an immediate ordinance against all new landfills. He feels that the spread of contamination is spread thru rodents, and ground species. He said that he attended the same meeting that Commissioner Roland was at and comments that with the rapid breeding with the hogs that the contamination that will be spread by them.

Sue Hemphill is very concerned with the transfer of not only air toxins but noting that she has extreme concerns with the water runoff and contamination to livestock, in particular the horses that she raises and trains. She provided an e-mail from Linda Brown, a PhD in Watershed Restoration & Ecology. It advised the Commissioners to do more research concerning ground barriers and ground water contamination.

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- 2013.11.12.05 Commissioners Court Minutes.** Approval of October 28, 2013 Minutes. Motion made by Commissioner Buchholtz, second by Commissioner Roland to approve minutes dated October 28, 2013. All Voting "Aye"
- 2013.11.12.06 Consent Agenda.** (Any member of the Court may request that an item within the Consent Agenda to be moved to the Regular Agenda for further discussion and action).
- A.** Pay Bills in the amount of \$156,644.11.
 - B.** To approve Budget Amendments #18, 19, 20, 21, 22, and 23 for the fiscal year of 2012-2013 attached by County Auditor, Larry Roberson.
 - C.** To approve the Certificate of successful completion of forty hours of continuing Education for Constables by Constable Zapata.
 - D.** To approve Continuation Certificate Bond No. 15530860 for Court Clerk, Jenifer Watts, for Caldwell County in the amount of One Thousand for the term beginning December 11, 2013 and ending December 11, 2014.
 - E.** To approve the Certificate of successful completion of continuing Judicial Education program for Probate Judges for County Judge Tom Bonn. Motion made by Commissioner Muñoz, second by Commissioner Buchholtz to approve Consent Agenda. All Voting "Aye"

2013.11.12.07 Reports.

Septic and Subdivision – Kasi Miles, Sanitation Officer
No report was given for Sanitation Department.

Federal Inmate Report , Sales Tax , Tax Collection Report October 2013
General Fund Operating Statement
Larry Roberson, County Auditor presented the reports listed above and spoke to the Court concerning the General Fund and will prepare a report for them showing historical data for collections.

Treasurer's Report Month Ending September 30, 2013
Lori Rangel-Pompa, County Treasurer presented the report for September 2013.

Caldwell County Sheriff Department Accident Reports.
Captain Mike Lane spoke to the court about the two recent collisions and the update on vehicles. Both were considered a total loss, since the airbag deployed in both. One was covered on insurance and one was not.

- 2013.11.12.08 Special Presentations. None.**

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(ALL OTHER AGENDA ITEMS)

- 2013.11.12.09** **Discussion** on Safety Training and Driver Training completed by all peace officers.
Captain Mike Lane reported that there were eight deputies signed up for Safety Training and Driver Training for December. He is continuing to research more availability for training in the local area.
- 2013.11.12.10** **Discussion/Action** to approve spending \$2,100 for engineering report on the roof of the Luling Annex.
Motion made by Commissioner Buchholtz, second by Commissioner Muñoz to approve \$2,100.00 from 2010 Certificate of Obligation Funds for engineering report on the roof of the Luling Annex. All Voting "Aye" (Commissioner Madrigal stepped out during discussion but returned for the vote)
- 2013.11.12.11** **Discussion/Action** concerning approval of the 2014 Caldwell County Employee Holiday Calendar.
Motion made by Commissioner Muñoz, second by Commissioner Madrigal to approve the 2014 Caldwell County Employee Holiday Calendar. All Voting "Aye"
- 2013.11.12.12** **Discussion/Action** to approve cancellation of the November 25, 2013 Commissioners Court due to time constraints occurring because of the Thanksgiving Holiday.
Motion made by Commissioner Buchholtz, second by Commissioner Muñoz to approve cancellation of the November 25, 2013 Commissioners Court due to time constraints occurring because of the Thanksgiving Holiday. All Voting "Aye"
- 2013.11.12.13** **Discussion/Action** to approve cancellation of the December 23, 2013 Commissioners Court due to time constraints occurring because of the Christmas Holiday.
Motion made by Commissioner Roland, second by Commissioner Buchholtz to approve cancellation of the December 23, 2013 Commissioners Court due to time constraints occurring because of the Christmas Holiday. All Voting "Aye"
- 2013.11.12.14** **Discussion/Action** to approve allowing the County Auditor to pay necessary bills for November and December as a result of cancellation of the November 25, 2013 and December 23, 2013 meetings because of time constraints for Thanksgiving and Christmas Holidays.
Motion made by Commissioner Roland, second by Commissioner Madrigal to approve allowing the County Auditor to pay necessary bills for November and December as a result of cancellation of the November 25, 2013 and December 23, 2013 meetings because of time constraints for Thanksgiving and Christmas Holidays. All Voting "Aye"

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- 2013.11.12.15** **Discussion/Action** to approve lease of 9675 State Highway 142 in Maxwell for Pct. 3 Justice of the Peace and Precinct 3 Constable offices. Motion made by Commissioner Madrigal, second by Commissioner Muñoz to approve a lease for 9675 State Highway 142 in Maxwell for Precinct 3 Justice of the Peace and Precinct 3 Constable offices at a cost of \$800 per month for five years. All Voting "Aye"
- 2013.11.12.16** **Discussion/Action** to approve order conveying water filtering system to Tri Community Water Supply Corp. under Interlocal agreement to administer state grant for water filtration project. Tommy Forester, Operations Manager told the Court that they had been in production since March of 2013 and he turned one well off when the flood occurred and after restart, the tests were perfect. Motion made by Commissioner Madrigal, second by Commissioner Buchholtz to approve order conveying water filtering system to Tri Community Water Supply Corp., under Interlocal agreement to administer state grant for water filtration project. All Voting "Aye" Commissioner Madrigal thanked the Tri-Community group.
- 2013.11.12.17** **Discussion/Action** to approve revised Interlocal agreement for subdivision regulation in Uhland ETJ. Motion made by Commissioner Madrigal, second by Commissioner Muñoz to approve revised Interlocal agreement for subdivision regulation in Uhland ETJ. All Voting "Aye"

Recess: 10:35

Executive Session began: 10:40 a.m.

- 2013.11.12.18** **EXECUTIVE SESSION** pursuant to section 551.071 of the Texas Government Code for consultations with attorney regarding proposed landfill in Caldwell County and regarding landfill siting ordinance. No action will be taken in executive session.

Discussion on 2013.11.12.18 ended-11:16 a.m.

Began 2013.11.12.19- 11:18

- 2013.11.12.19** **EXECUTIVE SESSION** pursuant to section 551.071 of the Texas Government Code for consultations with attorney regarding contract with Tyler Technologies for software for county clerk. No action will be taken in executive session.

Executive Session Ended- 11:27 a.m.

Meeting Reconvened-11:29 a.m.

- 2013.11.12.20** **Discussion/Action** regarding proposed landfill in Caldwell County and regarding landfill siting ordinance. Motion made by Commissioner Roland, second by Commissioner Madrigal to direct our Attorney to come back next week on November 18, 2013 with an ordinance that can be published. All Voting "Aye"

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2013.11.12.21 **Discussion/Action** regarding contract with Tyler Technologies for software for county clerk.
Motion made by Judge Bonn, second by Commissioner Muñoz to direct Mack Harrison to check the contract for correspondence billing that has occurred to see if Tyler is in compliance. All Voting "Aye"

2013.11.12.22 **Workshop** discussion on the supervisory authority of the Commissioners Court by placing non-elected county department heads under supervision of individual members of the Commissioners Court as follows:

County Judge: Emergency Management and Veterans Services
Commissioner Pct. 1: Human Resources
Commissioner Pct. 2: 911
Commissioner Pct. 3: Unit Road and Code Inspector
Commissioner Pct. 4: Maintenance

Departments not assigned: IT, Indigent Burials, Sanitation, Engineer and Elections

Judge Bonn reminds everyone that at the last meeting held at Zedler Mill, he asked the Commissioners to please write down what department that they would like to be in charge of and why. He hands out a sheet with his preferences to each of the Commissioners. Commissioner Madrigal reminds everyone about the position of Unit Road, but would like to be correspondent for them, also for the Code Inspector and Sanitation Department.

Commissioner Roland said that he would like the Maintenance Dpt. since he had managed them in the past. Judge Bonn believes that the maintenance should remain with the Judge due to any crisis and decisions needed on any county property. Commissioner Buchholtz would like to see the Commissioners work on projects as needed, not to be assigned to one department. Commissioner Madrigal reminds him that this is not to be an authority over a department. This is to help to run the County together.

Workshop ends-11:47 a.m.

2013.11.12.23 **Discussion/Action** to delegate the supervisory authority of the Commissioners Court by placing non-elected county department heads under supervision of individual members of the Commissioners Court.
Motion made by Commissioner Muñoz, second by Commissioner Roland to place the following non-elected county department heads under supervision of individual members of the Commissioners Court.

County Judge: IT, Emergency Management, Veterans Service Officer
Commissioner Pct. 1: Human Resources
Commissioner Pct. 2 County Engineer, Indigent Burial
Commissioner Pct. 3: Code Inspector & Sanitation, contact person for Unit Road including Vehicle Maintenance
Commissioner Pct. 4: Maintenance

Roll Vote: Commissioner Muñoz-Yes, Commissioner Buchholtz-Yes, Commissioner Madrigal-Yes, Commissioner Roland-Yes, Judge Bonn-No
Motion Passed.

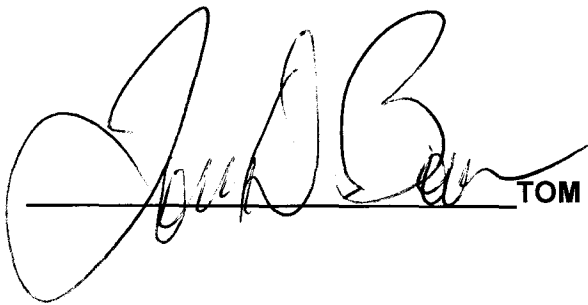
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2013.11.12.24 Discussion/Action to pay out Joy Pardo from the Elections Office for 80 Hours (of her 180 Comp Hours) she has on the books. **Cost:** \$1,410.37
Motion made by Commissioner Muñoz, second by Commissioner Buchholtz to table this item until November 18, 2013, or until a policy is in place concerning this. All Voting "Aye"

Citizen Comment (If longer than 30 minutes, then the balance of comments will continue as the last agenda item of the day).

W. G. Bledsoe spoke to the court with concerns about paving the road or having a bridge built. He has only lived in the area about five years but has seen the road wash away before. He also asked about any testing for health concerns from the ground matter that washes up on the road and through that area when it rains.

2013.11.12.26 Adjournment
Motion made by Commissioner Buchholtz, second by Commissioner Roland to adjourn. All Voting "Aye"



TOM D. BONN, County Judge