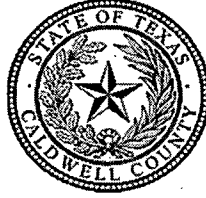


COMMISSIONS COURT MINUTESE
110 S Main St. 2nd Floor, Lockhart, Texas
Commissioners Court June 9, 2020 9:00 a.m.



HOPPY HADEN County Judge
TERESA RODRIGUEZ County Clerk

B.J. WESTMORELAND Commissioner Pct. 1
BARBARA SHELTON Commissioner Pct. 2
ED THERIOT Commissioner Pct. 3
JOE IVAN Commissioner Pct. 4

Call Meeting to Order

Judge Haden calls meeting to order at 9:00 a.m.

Invocation.

Reverend Ryan M. Lozano opens meeting in prayer

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 Haden leads all present in the pledge to both flags

Announcements. Items or comments from Court members or staff.

Commissioner Roland mentioned on June 19, 2020 the U.S. Senator Michael Cloud will be visiting Caldwell County.

Dennis Engelke reported that on June 2, 2020 confirmation was received of acceptance from TCEQ for the Criminal Justice Center contract, the final report closing the grant. When COVID-19 protocols will allow, the monthly clean ups will continue. Also reported Census updates for the county. Made aware that the Cyber Security Course is mandatory and that Ezzy Chan will be keeping records of completed trainings. Also on the behalf of the Texas General Land Buyout grant letters were sent to varies tribes inviting them to serve as a consulting party. On May 26, 2020 JJ Wells submitted form 1023 and payment submitted to IRS to seek evaluation for a Caldwell County Community Service Foundation Grant. Also Luling Economic Corporation will meet to evaluate small business grants.

- 29. Discussion / Action** concerning approval of the Final Plat for Grizzly Estates Subdivision to include 5 lots on approximately 6.09 acres located on State Highway 80 and Stairtown Loop (CR 118) **Speaker: Commissioner Shelton/ Kasi Miles; Cost: None; Backup: 23**

Kasi Miles requests approval of Final Plat for Grizzly Estates Subdivision. Motion made by Commissioner Shelton, second by Commissioner Westmoreland. All voting "Aye".

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). Citizens' Comments may be submitted to the Court at:

<http://www.co.caldwell.tx.us/page/caldwell.CommissionersCourtForm>

Pursuant to Executive Order GA-26 access to the 2nd Floor Courtroom will be limited to the County Judge, Commissioners, essential staff, and one (1) other person at a time. These measures are necessary to abide by the Governor's Executive Order and are intended to facilitate communication between members of the public and public officials. Participants and speakers will be allowed to enter the courtroom when the Court takes up their respective item on the agenda. The meeting will be broadcast over the internet and may be viewed at <http://www.co.caldwell.tx.us/page/caldwell.CommissionersCourtLive-OnDemand>

Judge Haden reminded everyone of rules, there will be no derogatory or derisive comments.

21 Citizens that live and work in Caldwell County attended and a few that signed up spoke about the Confederate Monument that stands on the Court House grounds. Many opinions of removal and relocating the Statue were addressed. Discussions with quotes, books, history information as well as personal experience and feelings were shared.

10. Discussion Regarding the Confederate Soldiers monument. Speaker: Judge Haden/ James Kimbell; Cost: None; Backup: 1

Cody James Kimball resident and business owner in Lockhart, member of the Lockhart Downtown Business Association, distributed handouts to the court regarding the Confederate Monument. Mr. Kimball has concerns with the Confederate Monument and seeking a peaceful solution. He feels if the monument is not removed it will be ruined. Judge Haden would like a recommendation from the Historical Commission Society. There was discussion on relocating the monument and forming a Citizen Advisory Committee.

Judge Haden requested a short recess at 10:37 a.m.
Court resumes at 10:48 a.m.

27. Discussion/Action regarding the administration and procedures relating to public nuisance enforcement under the Texas Health and Safety Code. Speaker: Commissioner Theriot; Cost: None; Backup: 12

Commissioner Theriot spoke on overview of code enforcement and procedures understanding the process when a citation is issued and procedures relating to public nuisance enforcement. JJ Wells reported that we do have abatement ordinance in place. Commissioner Shelton made a motion to table Item 27, second by Commissioner Theriot, Judge Conley and Judge Kiely discussed the importance of having a procedure. Commissioner Shelton made a motion to table Item agenda #27, second by Commissioner Theriot. All voting "Aye".

- 11. Discussion/Action** Consideration and approval of a resolution by the Commissioners Court of Caldwell County, Texas Authorizing and approving publication of Notice of Intention to issue Certificates of Obligation; Complying with the requirements contained in securities and exchange Commission rule 15C2-12; and proving and effective date. **Speaker: Judge Haden/ Barbara Gonzales; Cost: None; Backup: 5**

Stephanie Liebe request approval of resolution to authorize publication of Notice of Intent to issue Certificate of Obligation for energy savings and improvements for various county facilities. Judge Haden reads the resolution. Commissioner Theriot so moved to adopt Resolution, second by Commissioner Westmoreland. All voting "Aye".

- 25. Discussion/Action** to approve the annual financial audit report for the fiscal year ending September 30, 2019. **Speaker: Judge Haden/ Barbara Gonzales; Cost: None; Backup: 97**

Debra Frazer with Armstrong and Associates performed external audit, issued handouts to court. Reported updates on the Financial Audit Report for fiscal year ending September 30,2019. Ms. Frazer discussed issues regarding material weakness and deficiency. Judge Haden requests approval of annual financial audit report. So moved by Commissioner Westmoreland, second by Commissioner Shelton all voting "Aye".

Judge Haden requested recess at 11:55 a.m.
Judge Haden resumed court at 11:59 a.m.

CONSENT AGENDA. (The following consent items may be acted upon in one motion).

- 1. Approve payment of County invoices and County Purchase Orders in the amount of \$316,501.24; Backup: 26**
- 2. Ratify re-occurring County Payments**
 - A. \$317,732.23 (Payroll 5/10/2020 – 5/23/2020)**
 - B. \$95,884.53 (Payroll Tax 5/10/2020 – 5/23/2020)**
 - C. \$275,214.48 DMV Remittance**
- 3. Accept the renewal bond #69735930 for Chief Deputy Treasurer, Darlene Morris; Backup: 2**
- 4. Accept the ratification of \$1,711.05 to Fleetcor; Backup: 3**
- 5. Accept the May 2020 County Extension Agent Report from Wayne Morse; Backup: 2**
- 6. Accept the May 2020 Environmental Code Enforcer Report from Mike Bittner; Backup: 3**
- 7. Accept the Caldwell/Hays Emergency Services District No. 1 Financial Statements year ended September 30, 2019; Backup: 26**
- 8. Accept the Emergency Services District No. 2 Compiled Financial Statement for the year ended December 31, 2019; Backup: 7**

Commissioner Shelton questioned Item 4 and was explained by Barbara Gonzales. Motion made by Commissioner Shelton to approve Consent Agenda, second by Commissioner Westmoreland all voting "Aye".

AGENDA ACTION ITEMS

- 9. Discussion/Action** regarding the burn ban. **Speaker: Judge Haden / Hector Rangel; Backup: None; Cost: None**

Judge Haden reported Hector Rangel was assisting military with checking on nursing homes. Motion made by Commissioner Roland to leave burn ban off. Second by Commissioner Theriot. All voting "Aye".

12. **Discussion/Action** to consider prohibiting or restricting certain fireworks in unincorporated areas of Caldwell County. **Speaker: Judge Haden; Cost: None; Backup: 3**

Commissioner Roland made a motion to restrict fireworks with fins. Second by Commissioner Shelton. All voting "Aye".

13. **Discussion/Action** to approve the Capital Area Rural Transportation System (CARTS) FY 2021 donation request of \$3,000. **Speaker: Judge Haden; Cost: Not to exceed \$3,000; Backup: 3**

Commissioner Shelton made motion to approve the donation to CARTS, second by Commissioner Theriot. All voting "Aye".

14. **Discussion/Action** to approve the ratification of MOU between Texas State Tubes, LLC, RKY Ltd., Don's Fish Camp (DFC) and Caldwell County. **Speaker: Judge Haden/ JJ Wells; Cost: None; Backup: 9**

JJ Wells read Memorandum of Understanding for river outfitters, with change of adding a slight pay raise to officers on duty. Judge Haden requested approval of ratification of MOU. So moved by Commissioner Theriot, second by Commissioner Westmoreland. All voting "Aye".

15. **Discussion/Action** to approve Resolution 21-2020 extending and continuing the State of Disaster within Caldwell County. **Speaker: Judge Haden; Cost: None; Backup: 2**

Judge Haden reads Resolution 21-2020, extending and continuing the State of Disaster within Caldwell County to June 23rd at 11:59 p.m. So moved by Commissioner Roland, second by Commissioner Westmoreland. All voting "Aye".

16. **Discussion/Action** to approve Resolution 22-2020 approving the pursuit of \$37,014.73 allocation to Caldwell county from the "Help America Vote Act" Grant (a part of the CARES Act), with a \$7,402.95 local match. The grant supports enhancements to voting processes, staffing, security and training, communications and supplies. **Speaker: Judge Haden/ Pamela Ohlendorf/ Dennis Engelke; Cost: \$7,402.95; Backup: 3**

Dennis Engelke read and requests approval of Resolution 22-2020 "Help America Vote Act" grant. Pamela Ohlendorf, Elections Administrator requests to purchase DS450 Ballot Reader. Judge Haden reads Item # 16 Resolution 22-20, Item #17 Resolution 23-2020 and Item# 18 Resolution 24-2020. Dennis Engelke reads Resolution 23-2020, Resolution 24-2020.

Judge Haden reads Item #16 Resolution 22-2020 for approval. So moved by Commissioner Theriot, second by Commissioner Westmoreland. All voting "Aye".

17. **Discussion/Action** to approve Resolution 23-2020 approving the pursuit of a \$40,000 allocation to Caldwell County from the 2018 Election Security Funding Grant, with no local match. The grant supports: upgrades to voting equipment, election auditing, voter registration enhancements, cybersecurity features and communications to the public regarding election security protocols. **Speaker: Judge Haden/ Pamela Ohlendorf/ Dennis Engelke; Cost: None; Backup: 3**

Judge Haden reads Item #17 Resolution 23-2020 to approve \$40,000.00 dollars allocation with no match. So moved by Commissioner Westmoreland, second by Commissioner Shelton. All voting "Aye"

18. **Discussion/Action** to approve Resolution 24-2020 approving the pursuit of a \$80,000 allocation to Caldwell County from the 2020 Election Security Funding Grant, with a \$16,000 local match. The grant supports: upgrades to voting equipment, election auditing, voter registration enhancements, cybersecurity features and communications to the public regarding election security protocols. **Speaker: Judge Haden/ Pamela Ohlendorf/ Dennis Engelke; Cost: \$16,000; Backup: 3**

Judge Haden reads Item #18 Resolution 24-2020 to approve \$80,000.00 dollars allocation with a \$16,000.00 dollar match. So moved by Commissioner Roland, second by Commissioner Theriot. All voting "Aye". Judge Haden called up speaker Linda Hinkle a resident of Lockhart, explaining the importance of the people to get out and vote.

Judge Haden read Item #19, Dennis Engelke asked court to skip to Item #21.

21. **Discussion/Action** to approve a \$75,000 grant from the Fund for Veterans' Assistance Program to help eligible Caldwell County veterans with food, utility, transportation, documentation fees and housing needs. **Speaker: Judge Haden/ Dennis Engelke/ Al Dos Santos; Cost: None; Backup: 4**

Dennis Engelke and Al Dos Santos presented grant from Veterans Assistance Program in the amount of \$75,000.00 dollars. Judge Haden approves the grant from the Fund for Veterans' Assistance Program. So moved by Commissioner Shelton, second by Commissioner Westmoreland. All voting "Aye"

19. **Discussion/Action** to approve the ratification of a contract with the Meadows Mental Health Policy Institute for Texas (MMHPI) to implement the Sequential Intercept Model (SIM) Mapping Instrument for Caldwell County which is funded by a grant of \$8,350 from the Texas Judicial Commission on Mental Health. **Speaker: Judge Haden/ Dennis Engelke; Cost: None; Backup: 6**

Dennis Engelke requests the approval of ratification of contract with Meadows Mental Health Policy Institute for Texas. So moved by Commissioner Theriot, second by Commissioner Roland. All voting "Aye".

20. **Discussion/Action** to approve a \$234,487 grant from the Coronavirus Relief Fund Program. **Speaker: Judge Haden/ Dennis Engelke; Cost: None; Backup: 14**

Dennis Engelke requests the approval of a \$234,487.00 grant from Coronavirus Relief Fund Program. So moved by Commissioner Westmoreland, second by Commissioner Shelton. All voting "Aye".

22. **Discussion/Action** to approve Budget Amendment #41 to receive United Way Census Grant money to appropriate revenue and expenses line item. **Speaker: Judge Haden/ Dennis Engelke; Cost: Net Zero; Backup: 5**

Dennis Engelke requests approval of Budget Amendment #41 from United Way Census Grant. So moved by Commissioner Westmoreland, second by Commissioner Shelton. All voting "Aye"

23. **Discussion/Action** to approve Budget Amendment #42 for COVID-19 supplies (8 Thermometers/ 1 Disinfectant Cases/ 2 Sanitizer Cases/ 12 Sanitizer & Cleaner/ 22 Sanitizer Stations). **Speaker: Judge Haden/ Barbara Gonzales/ Danie Blake; Cost: Net Zero; Backup: 13**

Danie Blake, Purchasing Agent requests approval on budget Amendment #42 for COVID-19 supplies. So moved by Commissioner Theriot, second by Commissioner Westmoreland. All voting "Aye".

24. **Discussion/Action** to approve Budget Amendment #43 to fund overtime for jailers, due to turnover. **Speaker: Judge Haden/ Barbara Gonzales; Cost: Net Zero; Backup: 2**

Judge Haden requests approval of Budget Amendment #43 to fund overtime for jailers. Motion made by Commissioner Roland, second by Commissioner Shelton. All voting "Aye".

26. **Discussion/Action** to review and approve the Caldwell County Statement of Financial Goals and Policies. **Speaker: Judge Haden/ Barbara Gonzales; Cost: None; Backup: 20**

Barbara Gonzales requests approval of Caldwell County Statement of Financial Goals and Policies. Commissioner Shelton made a motion to table Item #26 to review, second by Commissioner Theriot. All voting "Aye".

28. **Discussion/Action** to accept public improvements in Forister Ranch Subdivision Sections 4 & 5 for permanent county maintenance and to release the maintenance bond posted by Aus - Tex Parts & Services, LTD as security against damages or defected work for public improvements in Forister Ranch Subdivision Sections 4 & 5 as provided by subsections 3.8.5(G) and 3.8.5(H) of the Caldwell County Development Ordinance. **Speaker: Commissioner Roland/ Donald LeClerc; Cost: None; Backup: 4**

Kasi Miles requests to accept public improvements in Forister Ranch Subdivision Sections 4 & 5. Motion made by Commissioner Roland, second by Commissioner Westmoreland. All voting "Aye".


30. **Discussion/Action** to approve the changes made to Budget since 5/26/2020 report. **Speaker: Judge Haden/ Ezzy Chan; Cost: None; Backup: 3**

Ezzy Chan requested to approve changes made to budget by departments that have been met with. Judge Haden reminded everyone this is a proposed budget and workshops will be scheduled to discuss the progress. Motion made by Commissioner Shelton, second by Commissioner Westmoreland. All voting "Aye".

31. Adjournment.

Motion made by Commissioner Shelton, second by Commissioner Westmoreland that we adjourn. All voting "Aye". Court adjourns at 1:08 p.m.

I, TERESA RODRIGUEZ, COUNTY CLERK AND EX OFFICIO CLERK OF THE COMMISSIONERS' COURT, do hereby certify that the foregoing contains a true and accurate record of the proceedings had by the Caldwell County Commissioners' Court on June 9, 2020


TERESA RODRIGUEZ, COUNTY CLERK AND EX OFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
CALDWELL COUNTY, TEXAS

