

COMMISSIONERS COURT MINUTES  
110 S. Main St. 2<sup>nd</sup> Floor, Lockhart, Texas  
Regular Meeting August 24, 2015 9:00 a.m.



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KEN SCHAWÉ	County Judge	ALFREDO MUÑOZ	Commissioner Pct. 1
CAROL HOLCOMB	County Clerk	EDDIE MOSES	Commissioner Pct. 2
		NETO MADRIGAL	Commissioner Pct. 3
		JOE IVAN ROLAND	Commissioner Pct. 4

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**Call Meeting to Order.** Meeting called to order by Judge Schawe at 9:01 a.m. All members of the Court were present.

**2015.08.24.01 Invocation.** Lockhart Ministerial Alliance.

Commissioner Madrigal opened the meeting with prayer.

**2015.08.24.02 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 Schawe led all present in the Pledge of both flags.

**2015.08.24.03 Announcements.** Items or comments from Court Members or Staff.

Commissioner Moses announced he attended a great fundraiser in McNeil to benefit a local cemetery. He also watched a performance at the Baker Theater and recommended others attend. Commissioner Roland announced he attended the groundbreaking for the Alma Brewer Strawn Elementary School in Lytton Springs which had a great turnout of people. Commissioner Madrigal reminded others about the burn ban and to be very cautious during this time. Jordan Powell addressed the Court to give an overview as to how today's meeting will go. She asked the Court to refrain from asking legal questions at this time.

**2015.08.24.04 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).

**Randy Laney** asked the Court to have an open mind when discussing the landfill. He does not want Lytton Springs left in the dark.

**Debbie Sanders** described a memo that was sent by Darla Law to the employees at the Tax Assessors Office which stated the need for a 30%-35% cut of the budget including eliminating a position. She asked the Court if other departments were asked to cut their budgets as well and questioned who employees are to go to if there is no County Administrator and HR is unavailable.

**Alan Fielder** urges the Court to consider authorizing civil counsel and outside counsel to review proposed host agreement. Stated he believes Green Group would be a good corporate partner for the County and the community. Commissioner Madrigal asked if he were the realtor selling this property where the proposed landfill is to be in which he replied no.

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**Kathy Haigler** said she supports the idea of having legal counsel review the proposed Host Agreement. She also stated she is in favor of keeping all options on the table to find what is best for citizens of the County.

**Lou MacNaughtin** expressed the importance of looking at all available options when it comes to the Host Agreement. She explained the issues Waste Management Inc. and its partners are responsible for since they've been operating.

**James (Jim) Henderson** thanked Alfredo Muñoz for bringing this item on the agenda. He requested the Court allow counsel to start making negotiations in regards to a Host Agreement. He mentioned receiving support for charity from Green Group.

**Robert D. Kohler** stated the need for a Host Agreement and mentioned the issues Waller County is facing.

**Jessica Neyman** expressed her dismay and confusion for the actions the Court is taking in regards to a Host Agreement. She also mentioned the current issues Waller County is facing. She also stated Green Group is not worth it for the County. She thanked Commissioner Roland and Commissioner Madrigal for their dedication to the matter.

**Jimmy Frederick** stated Green Group had paid for a few kids from his church to attend summer camp this year. He wanted the Court to be aware of something positive achieved by Green Group.

**Jodie Friedrich** asked the Court to be careful when it comes to Green Group. She shared her concern that Green Group will have many good things to say as well as promises but the Court must do what's in the best interest of the County.

**Byron Friedrich** expressed his concerns about the proposed Host Agreement as well as Green Group. He stated the Host Agreement only looks good but should be seen as too good to be true for he believes it will harm the residents of this County.

**Hoppy Haden** asked the Court to use this time to negotiate safe guards of protection for the County.

**2015.08.24.05**

**Consent Agenda.** (The following consent items may be acted upon in one motion. Any member of the Court may request that an item within the Consent Agenda be pulled for separate discussion and/or action).

**A.** Pay county invoices in the amount of \$387,771.30.

Motion made by Commissioner Madrigal, second by Commissioner Moses to approve Consent Agenda items A. All Voting "Aye"

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**2015.08.24.06**

**Special Presentation.**

Presentation by Green Group Holdings/130 Environmental Park regarding a proposed host agreement.

Vice President of Green Group Holdings, David Green addressed the Court as a parent company of 130 Environmental Park which is the entity that has pursued the landfill project. He explained more about what is in the Host Agreement and clarified some questions and concerns from Citizen Comments. A power point presentation was given explaining what Green Group can assist with and provide to the County. Also explained were landfill limitations as well as benefits and services. Financial contributions include Green Group paying \$1.00 per ton "host fees" to Caldwell County and an additional \$0.25 per ton "host fees" split among the cities in the County. David Green states they estimated this project to last 44 years with an estimated 450,000 tons collected.

**(ALL OTHER AGENDA ITEMS)**

**2015.08.24.07**

**Discussion/Action** regarding the burn ban for Caldwell County.

Martin Richey addressed the Court explaining the County is still in a critical position and recommends leaving the burn ban on.

Motion made by Commissioner Roland, second by Commissioner Madrigal to leave the burn ban on. All Voting "Aye". Commissioner Munoz was absent during vote.

**2015.08.24.08**

**Discussion/Action** to consider accepting the Caldwell County Juvenile Probation Department's request for local funding.

Chief Juvenile Probation Officer, Jay Monkerud addressed the Court by first sending well wishes to those beginning school. He stated the Caldwell County Juvenile Board met August 18 to approve of a budget for the 2016 Fiscal year totaling \$483,691

Motion made by Commissioner Muñoz, second by Commissioner Moses to accept the Caldwell County Juvenile Probation Department's request for local funding of \$43,691 to bring a total of \$483,691. All Voting "Aye".

**2015.08.24.09**

**Discussion/Action** to consider Caldwell County entering into a Memorandum of Understanding and adopting resolution number 09-2015, supporting a collaboration of multiple agencies and groups to provide data collection equipment for the Blanco River Basin and rivers downstream, and authorize the County Judge to enter into letters of agreement for support, operational functionality and implementation of this project.

Martin Richey stated he had met with several stakeholders in the area for the purpose of coming up with a strategy of developing an early warning system to alert residents. This memorandum will not cost the County any funds. Caldwell County will be recipients of the data with the equipment being placed by Hays County. Martin Richey requested entering into this Memorandum of Understanding and adopting resolution. Civil Attorney, Jordan Powell stated the documents looked good to go.

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Motion made by Commissioner Madrigal, second by Commissioner Muñoz to enter into a Memorandum of Understanding and adopting resolution number 09-2015, supporting a collaboration of multiple agencies and groups to provide data collection equipment for the Blanco River Basin and rivers downstream, and authorize the County Judge to enter into letters of agreement for support, operational functionality and implementation of this project. All Voting "Aye".

**2015.08.24.10**

**Discussion/Action** authorizing the County Judge to execute an Interlocal Cooperative Agreement between Caldwell County and Hays County related to jail transfers.

Civil Attorney, Jordan Powell stated the document looked fine in regards to the ratifying of emergency transfers during floods and the housing of inmates but cannot confirm actual rates or the number of inmates being housed. The Agreement would also serve for future jail transfers from Hays County. Chief Deputy, David Brent stated this document authorizes Caldwell County to house Hays County inmates. He then explained we can only house inmates if space is available and the County charges a federal rate of \$45.00 per day. He also stated that Hays County would be responsible for the actual transporting of inmates, as well as for medical expenses incurred during those inmates' stay in the Caldwell County Jail.

Motion made by Commissioner Madrigal, second by Commissioner Roland to authorize the County Judge to execute an Interlocal Cooperative Agreement between Caldwell County and Hays County related to jail transfers. All Voting "Aye".

**2015.08.24.11**

**Discussion/Action** to: (1) select broker(s), pursuant to responses for Request for Proposal #2015-01 and Request for Proposal #2015-02, for purposes of selling County owned properties located at 201 E. San Antonio Street and 100 E. Market Street; and (2) to authorize the County Judge to execute contract(s), once finally approved by counsel, with the broker(s).

Civil Attorney, Jordan Powell explained that a committee was created to discuss this matter. The committee included Commissioner Muñoz, County Auditor Debra French, and herself as voting members along with Judge Schawe as a non-voting member. Twelve to fourteen companies were notified about these two properties with several responding that they were interested. The committee narrowed it down to the top two candidates and held interviews. It was a 3-0 vote for Countywide to use its broker services for RFP #2015-01 which is the county building located at 201 E. San Antonio Street. She then stated it was a 2-1 vote to use Harrison for their broker services regarding RFP #2015-02, the old tax office building located at 100 E. Market Street. Commissioner Munoz explained he had the privilege of taking both companies on a tour of both buildings and believes they will provide the best service.

Motion made by Commissioner Muñoz, second by Commissioner Moses to approve selecting RFP #2015-01 located at 201 San Antonio Street to Countywide and RFP #2105-02 to Harrison Properties located at 100 E. Market Street and for the Judge to enter into a contract with both companies.

Judge Schawe stated he abstains from voting due to his real estate affiliation. He clarified the contract being entered is a Listing Agreement. Commissioner Roland also stated he abstains for the purpose of not wanting to sell the Old Judicial Center property located at 201 E. San Antonio Street.

Commissioner Muñoz, Commissioner Moses and Commissioner Madrigal voting "Aye".

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- 2015.08.24.12**      **Discussion/Action** to consider changing the Veterans Service Officer position from a full-time position to a part-time position and proceed with the application process.
- Commissioner Madrigal stated it would be most productive to have the Veterans Service Officer position work full days on Mondays, Wednesday, and Fridays only making this a part time position.
- Motion made by Commissioner Madrigal, second by Commissioner Muñoz to make the Veterans Service Officer position part time and working full days every Monday, Wednesday and Friday. All Voting "Aye".
- 2015.08.24.13**      **Discussion/Action** to approve setting the county contribution rate to the county retirement plan.
- County Auditor, Debra French explained that the County currently has in the budget as well as the proposed budget a 4% matching contribution for employee retirement. She stated the Court had voted the prior year to leave this contribution at 4%.
- Motion made by Commissioner Muñoz, second by Commissioner Moses to keep the county contribution rate at 4%. All Voting "Aye".
- 2015.08.24.14**      **Discussion/Action** to consider creating a temporary paid full-time position in Constable Precinct 4's Office to assist in handling business related to the vacancy in Constable Precinct 3's Office.
- Judge Schawe stated he had not been able to review this item and requested it be tabled until next meeting. Commissioner Madrigal shared his concerns for Precinct 3 and the need for more assistance.
- Motion made by Commissioner Roland, second by Commissioner Muñoz to table this item. All Voting "Aye".
- 2015.08.24.15**      **Discussion/Action** to approve Budget Amendment 2014-20 in the amount of \$1,000.00 to cover travel expenses for Carissa Wilhelm, Extension Agent.
- County Auditor, Debra French stated this is a request to transfer fund from one transportation line item to another.
- Motion made by Commissioner Muñoz, second by Commissioner Moses to approve Budget Amendment 2014-20 in the amount of \$1,000.00 to cover travel expenses for Carissa Wilhelm, Extension Agent. All Voting "Aye".
- 2015.08.24.16**      **Discussion/Action** to approve out of state travel for County Extension Agent, Carissa Wilhelm, to West Virginia in November for a national annual meeting with the National Extension Association of Family and Consumer Sciences.
- County Extension Agent, Carissa Wilhelm asked the Court to approve the use of funds for out-of-state travel. She stated she had been appointed to be on the National Board for Family and Consumer Sciences and a board meeting in West Virginia will be held in November. Funds are already in the budget, no additional funds are required. County Auditor, Debra French asked for clarification from which budget the transportation funds will be taken from. Carissa Wilhelm explained she will put in a request to have airfare and registration to come out of this year's budget and hotel expenses out of next year's budget. Debra French announced there is \$1,700.00 currently left in her transportation funds.

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Motion made by Commissioner Muñoz, second by Commissioner Moses to approve of out of state travel for County Extension Agent, Carissa Wilhelm to West Virginia in November for a national annual meeting with the National Extension Association of Family and Consumer Sciences. All Voting "Aye".

**2015.08.24.17**

**Discussion/Action** to: (1) consider authorizing civil counsel and outside counsel to review and make recommendations and suggested changes to the proposed host agreement regarding 130 Environmental Park; (2) to authorize civil counsel and outside counsel to present those recommendations and changes to the Court at a special meeting on Tuesday, September 8, 2015; and (3) schedule a workshop at a special meeting on Tuesday, September 8, 2015 regarding recommendations and proposed changes to the host agreement.

Judge Schawe clarified dates to hold a meeting in regards to this matter while Civil Attorney, Jordan Powell explained the purpose of this workshop and stated another group may be interested in giving a presentation.

Motion made by Commissioner Madrigal, second by Commissioner Muñoz to authorize civil counsel and outside counsel to review and make recommendations and suggested changes to the proposed host agreement regarding 130 Environmental Park and present those changes on Tuesday, September 21, 2015 along with a workshop to follow regarding recommendations and proposed changes to the host agreement.

**2015.08.24.18**

**Executive Session** pursuant to Sections 551.071 and 551.076 of the Texas Government Code: consultation with counsel and deliberation regarding the deployment or implementation of security personnel or devices, or a security audit, to include deliberation regarding Caldwell County's Threat and Hazard Identification and Risk Assessment (THIRA). Possible action may follow in open court.

Executive Session beginning at 10:54 a.m.

Persons present in the executive session were: Commissioner Muñoz, Commissioner Moses, Commissioner Madrigal, Commissioner Roland, Judge Schawe, Martin Ritchey, and Civil Attorney, Jordan Powell.

Executive Session ended at 12:02 a.m.

Judge Schawe announces back in session at 12:07 a.m.

No action was taken in open or closed court.

**2015.08.24.19**

**Discussion/Action** to approve the 2015-2016 Caldwell County Proposed Budget as required by Section 111.008(a) of the Local Government Code. Pursuant to Section 111.008(b), the Commissioners Court may make any changes in the proposed budget that it considers warranted by the law and required by the interest of the taxpayers.

County Auditor, Debra French reviewed the proposed changes that were discussed last meeting in regards to this year's proposed budget. Judge Schawe stated he received some updated numbers and explained the changes he made to the proposed budget. Commissioner Muñoz received clarification on the increase in funds towards Contingency. Judge Schawe mentioned a meeting he has with Time Warner to discuss the option of using fiber in order to save on cost. He also requested a line item transfer from the County Clerk to the Records Management in the amount of \$982.00 with an explanation by County Clerk, Carol Holcomb. Judge Schawe stated no additional funds are required and that this is only a transfer of funds.

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Motion made by Commissioner Muñoz, second by Commissioner Roland to table this item. All Voting "Aye".

**2015.08.24.20**

**Adjournment.** Motion made by Commissioner Muñoz, second by Commissioner Moses to adjourn. All voting "Aye" Meeting adjourned at 12:18 a.m.

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I, CAROL HOLCOMB, COUNTY CLERK AND EXOFFICIO 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 August 24, 2015.



*Carol Holcomb*

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CAROL HOLCOMB, COUNTY CLERK AND EXOFFICIO  
CLERK OF THE COMMISSIONERS' COURT OF  
CALDWELL COUNTY, TEXAS