

COMMISSIONERS COURT MINUTES  
110 S. Main St. 2<sup>nd</sup> Floor, Lockhart, Texas  
Regular Meeting November 13, 2017 9:00 a.m.



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KEN SCHAWÉ	County Judge	HOPPY HADEN	Commissioner Pct. 1
CAROL HOLCOMB	County Clerk	EDDIE MOSES	Commissioner Pct. 2
		ED THERIOT	Commissioner Pct. 3
		JOE IVAN ROLAND	Commissioner Pct. 4

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**Call Meeting to Order.**

Judge Schawe calls the meeting to order at 8:59 a.m. Commissioner Theriot is absent.

**Invocation.** Lockhart Ministerial Alliance

Pastor James Greene from First Presbyterian Church opens the 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 Schawe leads all present in the pledge to both flags.

**Announcements.** Items or comments from Court members or staff.

**Commissioner Haden** attended a Time Keeping Committee meeting regarding an automated time keeping system for County employees and a Board Meeting at Luling's Foundation Farms.

**Commissioner Moses** congratulates the Luling Cross Country team on their State Championship. He attended Foundation Farms' Quarterly Meeting and Safety Day as well as a Plum Creek Watershed Workshop. He met with Martin Ritchey regarding Zedler Mill erosion and potential emergency training for local churches. He attended a breakfast in McMahan, the American Legion Veterans' Day celebration in Luling, a project show Texas State put on at the Watermelon Thump Pavilion, and a CAPCOG meeting for the aging. He says congratulations to Luling's football team.

**Commissioner Roland** says he traveled the roads in his precinct and spoke to Unit Road about some needed repairs.

**Judge Schawe** says Commissioner Theriot will not be in court today because he is out of the country.

**Martin Ritchey** attended Safety Day at Foundation Farms, an event put on by sixth graders across the County. He says the FEMA Disaster Recovery Center has closed but they can be contacted by phone or online. He reviews the estimated amount of damage caused by Hurricane Harvey and how much has been paid out so far. He and the Emergency Management Office have begun helping county churches create Emergency Response Plans.

**Judge Schawe** says he went to his normal meetings and that the Clean Air Coalition appreciated the donations.

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**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).

**Marcia Frey** owns property near Compostela Subdivision. She lists safety concerns with construction that have already been discussed and adds that if the subdivision is approved traffic increases will worsen road conditions. She questions if the County or Compostela Subdivision will pay for repairs.

**Frank Sughrue** is a Lockhart resident. He says that procedures and protocols should be followed. He reads from the Development Ordinance regarding pre conferences saying that per protocol Green Group should meet with Commissioner Roland, Kasi Miles, and County Engineers to confirm the use of their land outside of the landfill's permit.

**Andrew Mc Clish** is a Prairie Lea resident. He gives the court a handout and a photograph (no copies were provided for the minutes). He says the stop signs installed in his neighborhood do more harm than good and do not meet United States Department of Transportation regulations.

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

1. **Approve payment of County invoices in the amount of \$ 427,184.49.**
2. **Ratify re-occurring County payments in the amount of:**
  - A. **\$ 274,134.70 (Payroll)**
  - B. **\$132,064.96 (Department of Motor Vehicle Fees collected from 10/02/17 to 10/21/17)**
  - C. **\$ 263,166.61 (Texas Motor Vehicle Sales/Use Tax and Surcharge Report)**
3. **Accept the Cost Allocation for 2018 Appraisal District and Collection Budgets for each taxing entity.**
4. **Accept the October 2017 Tax Collection Report submitted by the Caldwell County Appraisal District.**
5. **Accept and approve payment of Continuation Certificate for Melanie Bowden, Court Clerk, Justice of the Peace, Precinct One, Surety Bond # 14771315, for term November 21, 2017 – November 21, 2018.**

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6. **Accept and approve payment Renewal Certificate for Tax Assessor Deputies, Surety Bond #CBB2116051 for term November 2, 2017 – November 2, 2018.**
7. **Accept and approve the Chapter 59 Asset Forfeiture Audit Report for the Criminal District Attorney’s Office for FY September 1, 2016 – August 31, 2017.**

**Approve Budget Amendment(s) #18 (Transfers within Departments):**

001-2120 County Treasurer	001-6640 Code Investigator
001-2130 County Auditor	001-6510 Non-Departmental
001-2140 Tax Assessor	001-6610 Information Technology
001-2150 County Clerk	001-6520 Building Maintenance
001-3200 District Attorney	001-6550 Elections
001-3240 County Court at Law	001-6560 Commissioner’s Court
001-3220 District Clerk	001-6580 Human Resources
001-3230 District Judge	001-8700 County Agent
001-3251 JP Pct 1	001-6570 Veterans Service Officer
001-3252 JP, Pct 2	001-6600 Engineer/Subdivision
001-3253 JP, Pct 3	001-7610 Sanitation
001-3254 JP, Pct 4	001-7600 Animal Control Expenses
001-4300 County Sheriff	003-3000 Records Preservation
001-4310 County Jail	008-2000 Records Management
001-4321 Constables, Pct 1	001-4325 Highway Patrol
001-4322 Constables, Pct 2	001-4330 Driver License Office
001-4323 Constables, Pct 3	
001-4324 Constables, Pct 4	

Judge Schawe explains that the Consent Agenda is items 1-7A. Motion made by Commissioner Moses, second by Commissioner Haden to accept Consent Agenda items 1-7A. All present voting “Aye”.

**SPECIAL PRESENTATION**

**Martin Ritchey: National Transportation Safety Board (NTSB) Final report on the Balloon Crash of July 30, 2016**

Emergency Management Coordinator Martin Ritchey hands out a packet detailing his presentation. He reviews last year’s events surrounding the balloon crash through photographs, details of first responders’ actions, and the notifications and communications involved. The investigation is finished and he shares the conclusions of the hearing. Details can be found on the NTSB (National Transportation Safety Board) website.

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**ACTION AGENDA ITEMS**

8. **Discussion/Action** regarding the burn ban.  
**Cost: None; Speaker: Judge Schawe/Martin Ritchey; Backup: None.**

Martin Ritchey explains that people have to attend control burns until they are extinguished. Otherwise they could face fines or even arson charges if structures catch fire. He does not recommend the burn ban at this time. Motion made by Commissioner Roland, second by Commissioner Haden to leave the burn ban off. All present voting "Aye."

9. **Discussion/Action** to approve the addition of an intern for the Office of Homeland Security and Emergency Management. **Cost: None; Speaker: Judge Schawe/Martin Ritchey; Backup: None.**

Martin Ritchey would like the internship to be an open ongoing position so that authorization does not have to come from the court every time an intern is hired. The position would be treated like a non-paid employee. He introduces the current intern. Motion made by Commissioner Roland, second by Commissioner Moses to approve item nine. All present voting "Aye".

10. **Discussion/Action** to introduce Lelton Wayne Morse, Assistant Ag Agent. **Cost: None; Speaker: Judge Schawe/Julie Zimmerman; Backup: None.**

Julie Zimmerman introduces Lelton Wayne Morse and explains how his position is funded. Commissioner Moses asks about the number of participants and Julie Zimmerman says that for roundup last year there were eight and this year thirty-seven have signed up. 4H Coordinator Elsie Lacy elaborates on Lelton Morse's work. No action is taken.

11. **Discussion/Action** regarding canvassing of the November 7, 2017 Constitutional Election. **Cost: None; Speaker: Judge Schawe; Backup: None.**

Judge Schawe explains the item cannot be addressed today and confirms with the court that Monday November 20<sup>th</sup> at 9:00 a.m. would be a good time for a Special Meeting for the item. No action taken.

12. **Discussion/Action** to grant the County Auditor approval to transfer funds within departmental budgets. **Cost: None; Speaker: Judge Schawe; Backup: None.**

County Auditor Barbara Gonzales reviews the request, related Government Code, and that the County Judge and County Auditor have been authorized for these types of transfers in the past. Judge Schawe elaborates the types of transfers involved. Commissioner Haden and Barbara Gonzales discuss a "not-to-exceed" amount of \$1,000.00. Motion made by Commissioner Haden, second by Commissioner Moses that we do this with a not-to-exceed amount of \$1,000.00. All present voting "Aye".

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17. **Discussion/Action** concerning Budget Amendment #19 for the Unit Road Department. **Cost: None; Speaker: Judge Schawe/Barbara Gonzales; Backup: To be distributed in court.**

First, Barbara Gonzales explains what line items within the Unit Road Department are being cleaned up and why. Second, Commissioners Court on July 10, 2017 motioned for FEMA reimbursement funds to go to Unit Road and those funds need to be transferred from the 2016/2017 Budget to the 2017/2018 Budget to assist with overages. She adds that Unit Road Administrator Donald LeClerc will come to court to re-designate the funds.

Judge Schawe says he is looking for a motion to accept budget amendment #19 for the Unit Road Department. So moved by Commissioner Haden, second by Commissioner Moses. All present voting "Aye".

13. **Discussion/Action** to accept a donation of a computer from the Texas Veterans Commission to the Veterans Services Office. **Cost: None; Speaker: Judge Schawe/Dr. Al Dos Santos; Backup: 1.**

Motion made by Commissioner Haden, second by Commissioner Moses that we accept the donation of a computer to the Texas Veterans Services Office. All present voting "Aye".

14. **Discussion/Action** to accept a donation of equipment for patrol vehicle from Jesse Gonzalez to the Constables Office, Precinct Two. **Cost: None; Speaker: Judge Schawe; Backup: 1.**

Judge Schawe reads the agenda item. So moved by Commissioner Roland, second by Commissioner Moses. Commissioner Moses confirms the intended use of the vehicle. All present voting "Aye".

15. **Discussion/Action** to accept a donation of office equipment and patrol vehicle equipment from James W. Wheelis to the Constables Office, Precinct Two. **Cost: None Speaker: Judge Schawe; Backup: 1.**

Judge Schawe reads the agenda item. So moved by Commissioner Moses, second by Commissioner Haden. All present voting "Aye".

16. **Discussion/Action** to accept a donation of a printer from Tom Will to the Constables Office, Precinct Two. **Cost: None Speaker: Judge Schawe; Backup: 1.**

Judge Schawe reads the agenda item. So moved by Commissioner Haden, second by Commissioner Moses. All present voting "Aye".

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18. **Discussion/Action** concerning approval of an Order authorizing the filing of a Final Plat (Short Form Procedure) for Seawillow Acres located off Seawillow Road (CR 205). **Cost: None; Speaker: Commissioner Haden/ Kasi Miles; Backup: 12.**

Kasi Miles reviews details about the plat and is requesting approval from the court. Motion made by Commissioner Haden, second by Commissioner Moses that we approve filing of a final plat for Seawillow Acres. All present voting "Aye".

19. **Discussion/Action** concerning approval of a re-plat of Buddy & Pete Baker Subdivision located off FM 713. **Cost: None; Speaker: Commissioner Moses/Kasi Miles; Backup: 13.**

Kasi Miles explains the re-plat details in the backup. She says the fees have been collected and she is looking for approval. She and Commissioner Moses further discuss the details and need for the re-plat. So moved by Commissioner Moses, second by Commissioner Haden. All present voting "Aye".

20. **Discussion/Action** to consider granting an extension on the preliminary plat for Compostela Subdivision located on Williamson Road (CR 177). **Cost: None; Speaker: Commissioner Roland/Kasi Miles; Backup: 2.**

Kasi Miles reviews why the extension for 180 days was requested and that Civil Engineer Tracy Bratton and she recommend a ninety-day extension. Motion made by Commissioner Roland that they get a ninety day extension on the preliminary plat. Motion dies for lack of second. Judge Schawe says the extension is not approved. Commissioner Roland and Kasi Miles discuss what steps the Subdivision developer will have to take to move forward. No action taken.

21. **Discussion/Action** regarding the proposals for a new Employee Assistance Program (EAP). **Cost: TBD; Speaker: Judge Schawe; Backup: 1.**

Judge Schawe explains the program and its budget source. So moved by Commissioner Haden, second by Commissioner Moses. All present voting "Aye".

22. **Discussion/Action** to approve the Lease Amendment for the Department of Agriculture Farm Service Agency's Caldwell County USDA Service Center, 1400 FM 20 East, Suites A & D. **Cost: None; Speaker: Judge Schawe; Backup: 1.**

Judge Schawe explains the amendment details, the negotiated lease payment, and provides an additional backup document. Motion made by Commissioner Haden, second by Commissioner Roland that we accept the negotiated amount. All present voting "Aye".



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23. **Discussion/Action** to adopt Resolution 13-2017 resolving the approval by the Commissioners Court of the Caldwell County appraisal roll with tax amounts due totaling \$16,202,822.95 for the year 2017 and confirming the tax amounts entered by the assessor for the tax year 2017. **Cost: None; Speaker: Judge Schawe; Backup: 8.**

Judge Schawe reads the agenda item. So moved by Commissioner Moses, second by Commissioner Haden. All present voting "Aye".

24. **Discussion/Action** to adopt Resolution 14-2017 resolving the approval by the Commissioners Court of the Farm to Market appraisal roll with amounts due totaling \$2,117.55 for the year 2017 is approved and confirming the tax amounts entered by the assessor for the tax year 2017. **Cost: None; Speaker: Judge Schawe; Backup: 8.**

Judge Schawe reads the agenda item. So moved by Commissioner Haden, second by Commissioner Roland. All present voting "Aye".

25. **Discussion/Action** to adopt Resolution 15-2017 regarding the voting ballot for candidates to the Caldwell County Appraisal District Board of Directors. **Cost: None; Speaker: Judge Schawe; Backup: 3.**

Judge Schawe explains the item. Commissioner Haden and Judge Schawe would like to come back to this at the next meeting. Motion made by Commissioner Roland, second by Commissioner Haden to table item 25. All present voting "Aye".

26. **Adjournment.**

Judge Schawe asks for a motion to adjourn. So moved by Commissioner Haden, second by Commissioner Moses. All present voting "Aye".

Adjournment at 10:22 a.m.

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I, CAROL HOLCOMB, 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 November 13, 2017.



*Carol Holcomb*  
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CAROL HOLCOMB, COUNTY CLERK AND EX OFFICIO  
CLERK OF THE COMMISSIONERS' COURT OF  
CALDWELL COUNTY, TEXAS

