

COMMISSIONERS COURT MINUTES
Regular Meeting June 20, 2011



TOM D. BONN County Judge
CAROL HOLCOMB County Clerk

JOHN P. CYRIER Commissioner Pct 1
FRED F. BUCHHOLTZ Commissioner Pct 2
NETO MADRIGAL Commissioner Pct 3
JOE IVAN ROLAND Commissioner Pct 4

Call Meeting to order

1 Pledge of Allegiance to the Flags.

Judge Bonn led the Pledge to the United States and Texas Flag.

2. Approve Minutes of Previous Meetings (June 13, 2011).

Minutes approved by Commissioners. All voting "Aye". MOTION PASSED

3. Citizen's comments: 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 (5) minutes per person.

The following citizens have signed up to speak, Barbara Decker, Linda Hinkle, Lori Rangell-Pompa, Bernadette Cutshall, Susan Madrall, Kathy and Larry Sellers.

Linda Hinkle speaks of concerns of Ordinance changes. She is on Agenda item #16. She addressed the court on the public workshop that was discussed at last weeks Commissioners Court meeting

Susan Madrall thanks Commissioner Buchholtz and Commissioner Roland for attending the meeting this past Friday evening. She also announced that Commissioner Parker from Comal County was there. She spoke about an Executive Order for Municipalities. It sets parameters and guidelines for those in rural areas.

Commissioner Buchholtz reminds and invites everyone to come to the Luling Watermelon Thump. He announces changes of entrance fees from former years.

4. Presentation on Caldwell County Annual Financial Report for the year ended September 30, 2010-Wayne Beyer/Sonny Rougeou.

Wayne Beyer gave presentation on Caldwell County Annual Financial Report for the year ended September 30, 2010. He presented the Commissioners and Judge Bonn a full report with observations of Findings and Recommendations for consideration. Caldwell County Auditor Sonny Rougeou also assisted in answering questions concerning the Annual Financial Report and the status of various accounts.

5. Presentation on Group Medical Plan for Caldwell County Employees for the year 2011-2012-Bob Treacy, City County Benefits Service.

Bob Treacy gave presentation on Group Medical Plan for Caldwell County Employees for the year 2011-2012. He spoke about the present plan and answered questions from the Judge and Commissioners concerning future insurance premiums and policies.

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6. Approve the Caldwell County Reports for the month of May 2011:

A. Environmental Investigator Report -Mike Bittner

Environmental Investigator Mike Bittner gave his report and answered questions from the Court concerning violations and citations issued. He has done some research for Hazardous Waste disposal and is following up with more information.

B. Texas Agrilife Extension Service Report -Carissa Wilhelm

Carissa Wilhelm gave the Texas Agrilife Extension Service Report for May-2011. Included in the busy itinerary was the Water Fair at Navarro Elementary, Nutrition Programs and Information presented on Diabetes.

C. Veterans Officer report -David Francis

Veteran Service Officer David Francis gave his report for May, 2011. He let the Court know that the numbers are beginning to increase at the Luling location.

D. Building Maintenance report -Curtis Weber

No report at this time.

E. Emergency Management report -Jimmy Parker

Emergency Management Coordinator Jimmy Parker gave the monthly report for May 2011. He attended the Hurricane Evacuation Training Conference in Austin. Commended not only the citizens of the county for the awareness of fire conditions but also the hard work of the volunteer fire departments in keeping control of fires when they happen.

F. 911 Addressing Coordinator -Darla Law

Darla Law 911 Coordinator gave report for May 2011 that included 23 new addresses. They were for new residents of the County.

G. Sanitation Officer monthly report -Kasi Miles

Kasi Miles gave the Sanitation Department report for May 2011. She explained the reasons for citations and let the court know that Constable Zapata had accompanied her to issue them and most of the citizens were in process of complying or had already resolved the problems.

H. Indigent Health Care and Indigent Burial-Rhoda Chavira

Rhoda Chavira gave the report for Indigent Health Care May 2011.

I. Caldwell County Unit Road Systems Report -Dwight Jeffrey

Dwight Jeffrey Unit Road Administrator gave a detailed report for May 2011. He also reported that TXDOT has delivered the annual allotment of base to them for this year. It was 1500 tons of material. Bernadette Cutshall asked about the cleanup process for the gravel and road supplies left on the corner of County Roads 713 & 86.

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J. Caldwell County Tax Collection Report

Caldwell County Tax Collection Report was prepared by Chief Appraiser, Carlton Pape; it was read by Judge Bonn.

K. Caldwell County Bank Reconciliation Report (January 31, 2011)

Caldwell County Bank Reconciliation Report was given by Caldwell County Treasurer, Lori Rangel-Pompa.

Motion made by Commissioner Cyrier, seconded by Commissioner Madrigal to approve the above listed reports except the Building Maintenance Report (D) that was not given. All voting "Aye". MOTION PASSED.

7. Update from counsel concerning extension of fireworks ban contained in Judge Bonn's Declaration of Local Disaster-Ron Heggemeier.

A letter from Governor Rick Perry was read by Ron Heggemeier. The request for the extension of the Declaration of Local State of Disaster for Caldwell County, Texas and Order Restricting the Sale, Use or Possession of Fireworks, issued by Tom D. Bonn, County Judge of Caldwell County, on June 13, 2011 has been granted and extends through 7a.m. on July 5, 2011. Commissioner Madrigal acknowledges the request from Judge Bonn to be a favorable one for Caldwell County. The drought is very serious and asks the public to please consider the effects.

8. Discussion/Action concerning replacement of existing burn ban with a newly drafted burn ban for the unincorporated areas of Caldwell County-Judge Bonn/Ron Heggemeier. Combined with #9.

9. Discussion/Action to consider Outdoor Burning Ban for Caldwell County-Judge Bonn. These agenda items will be combined.

Howard Berg asks about the necessity to contact both Caldwell County Emergency Management Office and the Caldwell County Sheriff's Office. This is located pg. 2 Item (D). It is clarified for Leslie Lawson that these restrictions are only during the burn ban. Motion made by Commissioner Cyrier, seconded by Commissioner Roland to approve the newly drafted burn ban with the following changes,

(1) Removal of "Caldwell County Emergency Management Office" from pg 2, (D), and pg 3. (C).(2)Correction of Pct. Number for Commissioner Cyrier. All voting "Aye". MOTION PASSED

10 Discussion/Action concerning Dale Volunteer Fire Department Financial Reporting for the year 2010 as stated in the Rural Fire Protection Service Contract-Judge Bonn.

Alexa Locklear submitted the financial report for the Dale Volunteer Fire Department. Motion made by Commissioner Roland, seconded by Commissioner Cyrier to approve the Financial Reports for Dale Volunteer Fire Department. All voting "Aye". MOTION PASSED.

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11. **Discussion/Action concerning McMahan Volunteer Fire Department Financial Reporting for the year 2010 as stated in the Rural Fire Protection Service Contract-Judge Bonn.**

Bernadette Cutshall, Treasurer from McMahan Volunteer Fire Department asks court to consider revision of deadline or document changes listed in the Rural Fire Protection Service Contract. She submits copies of annual and monthly treasure reports, along with copies of bank statements to be reviewed. Motion made by Commissioner Buchholtz, seconded by Commissioner Madrigal to approve the documents submitted for the year 2010 as stated in the Rural Fire Protection Service Contract. All voting "Aye". MOTION PASSED

12. **Discussion/Action concerning approval of a motion to approve a Family Land Grant exception to platting concerning property located on Green Acres Drive (A portion of William H. Killen Survey A-167)-Kasi Miles/Joe Domingo/Thomas Martinez.**

Kasi Miles and Linda Hinkle give background information for the Martinez family explaining the property description and situation involving the splitting of property. Motion made by Commissioner Roland, seconded by Commissioner Madrigal to approve a Family Land Grant as presented with the variance of not requiring a 60 foot roadway for each of the parcels and that they pay the fee for the variance and the Family Land Grant. Also a Road Maintenance agreement has to be done and approved by Kasi Miles. Commissioner Cyrier voting "Aye". Commissioner Buchholtz voting "No". Commissioner Madrigal voting "Aye". Commissioner Roland voting "Aye". Judge Bonn voting "Aye". MOTION PASSED

13. **Discussion/Action concerning the speed limit on County Road 253(WhizzervilleRoad).Update from counsel concerning legal requirements for changing speed limits-Commissioner Buchholtz/Ron Heggemeier.**

Motion made by Commissioner Buchholtz, seconded by Commissioner Cyrier to reduce the speed limit of 55mph to 30 because road conditions make 55mph unreasonable and unsafe because of curve in road and affecting sight distance. All voting "Aye". MOTION PASSED

14. **Discussion/Action to approve Certificate of continuing Judicial Education for Judge Bonn for the year 2011-Judge Bonn.**

Motion made by Commissioner Roland, seconded by Commissioner Cyrier to approve Certificate of Continuing Judicial Education for Judge Bonn for the year 2011. All voting "Aye". MOTION PASSED

15. **Discussion/Action to approve Certificate of Continuing Judicial Education for Carol Holcomb for the year 2011-Judge Bonn/Carol Holcomb.**

Motion made by Commissioner Cyrier, seconded by Commissioner Madrigal to approve Certificate of Continuing Judicial Education for Carol Holcomb for the year 2011. All voting "Aye". MOTION PASSED

16. **Discussion/Action concerning revisions to the Caldwell County Development Ordinance adopted January 18, 2011-Commissioner Fred Buchholtz.**

Motion made by Commissioner Cyrier, seconded by Judge Bonn to table this item until after a workshop. All voting "Aye". MOTION PASSED

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17. **Discussion/Action to approve Resolution No. 14-2011 to support the Circuit of the Americas F-1 Track (COTA) that will be located within 5 miles of the Caldwell County line-Commissioner Cyrier.**

Resolution read by Commissioner Cyrier. Barbara Decker asks where the twenty five million dollars a year comes from that the State of Texas is offering? Commissioner Madrigal comments that he feels the F-1 Track will be good for Caldwell County. Motion made by Commissioner Cyrier, seconded by Judge Bonn to approve Resolution No. 14-2011 to support the Circuit of the Americas F-1 Track (COTA) that will be located within 5 miles of the Caldwell County line. All voting "Aye". MOTION PASSED

18. **Discussion concerning a request from Caldwell County Fire Chief's Association to increase the County's funding for the Volunteer Fire Departments-Judge Bonn/Chuck Cutshall.**

Bernadette Cutshall reads letter requesting consideration for an increase in the county funds for the County Volunteer Fire Departments.

19. **BUDGET AMENDMENT NO. 16 to provide funding for the purchase of Voyager Mobile Web System as presented on June 13, 2011 Commissioners Court meeting.**

Line transfer from line 501.6510.486 to line 501.4323.311 in the amount \$450.00 to provide funding for the purchase of Voyager Mobile Web System as presented on June 13, 2011 Motion made by Commissioner Madrigal, seconded by Commissioner Buchholtz to provide funding for the purchase of Voyager Mobile Web System as presented on June 13, 2011. All voting "Aye". MOTION PASSED

20. **BUDGET AMENDMENT NO. 17 provide funding for clerk to attend TCDRS conference in Austin, TX, June 27-29, 2011. Amount includes registration fee and per diem amount for meals and mileage.**

Motion made by Judge Bonn, seconded by Commissioner Cyrier to provide funding for clerk to attend TCDRS conference in Austin, TX, June 27-29, 2011. Amount includes registration fee and per diem amount for meals and mileage. Commissioner Cyrier voting "Aye". Commissioner Buchholtz voting "No". Commissioner Madrigal voting "No". Commissioner Roland voting "No". Judge Bonn voting "Aye". Motion denied.

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21. **BUDGET AMENDMENT NO.18** recognizing additional new income from fees and fines of all four (4) Justice of the Peace Courts and allocation of such revenue to the Commissioners Court miscellaneous account.

The Commissioners Court has received information indicating that the revenue from fines for all of the 4 Justice of the Peace Courts thru May 31st, 2011 now exceeds the total amount of fines and fees budgeted for the entire 2010-2011 fiscal year and wishes to recognize this unexpected income and budget for the same. The amount of revenue the Commissioners Court is recognizing at the present time is the following

JP - Pct. 1	\$10,000.00 - Revenue Line item 0042
JP - Pct. 2	\$10,000.00 - Revenue Line item 0043
JP - Pct 3	\$10,000.00 - Revenue Line item 0044
JP - Pct 4	\$10,000.00 - Revenue Line item 0045

The total revenue of \$40,000.000 that is being recognized is being budgeted and allocated to the Commissioners Court Miscellaneous Account - line item 0485.

Motion made by Commissioner Cyrier, seconded by Commissioner Madrigal that total revenue of \$40,000.00 is recognized is to be budgeted and to be allocated to the Commissioners Court Miscellaneous Account - line item 0485. All voting "Aye". MOTION PASSED

22. **Discussion/Action concerning entering into a Consulting Contract with CACC for telephone audit-Liz Mundine/Ron Heggemeier.**

Motion made by Commissioner Buchholtz, seconded by Commissioner Madrigal to enter into a Consulting Contract with CACC for telephone audit. All voting "Aye". MOTION PASSED

23. **Pay Bills**

Motion made by Commissioner Roland, seconded by Commissioner Buchholtz to Pay Bills in the amount of \$20,469.79. This includes Total Indigent Defense in the amount of \$9,225.47. All voting "Aye". MOTION PASSED

24. **Discussion/Action to consider revising the Commissioners Certification Report-Commissioner Buchholtz.**

Motion made by Commissioner Cyrier, seconded by Commissioner Buchholtz to work with Caldwell County Auditors office to revise Commissioners Certification Report so that it is easier to read. All voting "Aye". MOTION PASSED

25. **Recess for a lunch break**

Recess at 12:20 p.m.

26. **Reconvene at 12:41 p.m.**

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- 27. **Consultation with redistricting legal counsel regarding redistricting standards and development of new commissioners and justice precincts redistricting plan(s).**
- 28. **Presentation by redistricting counsel of draft redistricting plans and discussion with the Court-Sid Falk**
- 29. **Redistricting plan map-drawing session with redistricting legal counsel.**
- 30. **Discussion and possible action to designate one or more draft redistricting plans as Illustrative Plan(s) to be proposed for public consideration and comment.**

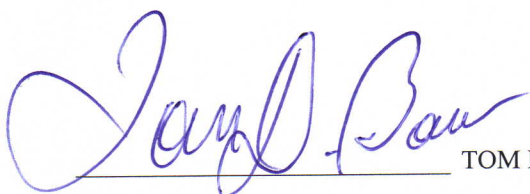
Sid Falk gave overview of percentages and imbalance of the current districts. He presented the Commissioners and Judge Bonn with 2 different plans that would be available for Caldwell County to choose when enabling them to stay within the 10% deviation required. Question from Kathy Sellers and Larry Sellers about Gary Job Corp being included in the 2010 census was addressed by Sid Falk. His response was that they were included in the redistricting process because they were counted as residents in Caldwell County at that time. The numbers include the actual population and total voting population too. Motion made by Commissioner Madrigal, seconded by Commissioner Cyrier to designate both plans offered for consideration. All voting "Aye". MOTION PASSED

- 31. **Discussion and possible action to schedule one or more public hearings at which to receive comments on designated redistricting Illustrative Plan(s) from members of the public.**

After receiving the copies of both maps an advertisement will be posted in the paper letting the public know that both maps for consideration will be posted at the County Courthouse and the Scott Annex. A time for the Public Hearing will be decided upon and posted.

ADJOURN

Motion made by Commissioner Cyrier, seconded by Commissioner Roland to adjourn. All voting "Aye". MOTION PASSED



TOM D. BONN, County Judge