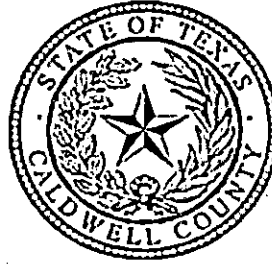


COMMISSIONERS COURT MINUTES
110 S Main St. 2nd Floor, Lockhart, Texas
Commissioners Court March 8, 2022 9:00 a.m.



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 ROLAND Commissioner Pct. 4

Call Meeting to Order

Judge Haden calls meeting to order at 9:00 a.m. Commissioner Roland is not present.

Invocation.

Judge Haden 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 Shelton reports the Harwood Covert project was completed and announces the loss of David Gieser of Luling Texas.

Commissioner Theriot and Judge Haden congratulate all that participated in the Livestock show.

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 by using the form found at:
<http://www.co.caldwell.tx.us/page/caldwell.CommissionersCourtForm>

COMMISSIONERS COURT MINUTES
Regular Meeting March 8, 2022, 9:00 a.m.

Andrew McClish and James Samson, residents of Prairie Lea spoke on the safety study conducted on St. Joseph and River Street in Prairie Lea.

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

1. **Approve payment of County invoices and County Purchase Orders: \$253,380.49**
2. **Ratify re-occurring County Payments:**
 - A. **\$339,689.74 Payroll (01/30/2022 – 02/12/2022)**
 - B. **\$100,889.36 Payroll Tax (01/30/2022 – 02/12/2022)**
3. **To approve February 2022 Indigent Burial Report.**
4. **To accept the 2021 Racial Profiling report from Caldwell County Constable Pct. 3**
5. **To accept Commissioner B.J. Westmoreland Education Certificate of Completion for 2021**
6. **To accept Commissioner Barbara Shelton Education Certificate of Completion for 2021**

Motion made by Commissioner Shelton, seconded by Commissioner Westmoreland to approve Consent Agenda. All voting "Aye".

MOTION APPROVED.

SPECIAL PRESENTATION

AG/CM Present Delivery Methods

Abby Shaver Business Development Manager and Ryan Rosborough CCM-Vice President discuss delivery methods on construction projects and provide a presentation. Handouts provided to court.

DISCUSSION/ACTION ITEMS:

7. **Discussion/Action** regarding the burn ban. **Speaker: Judge Haden/ Hector Rangel; Backup: 3; Cost: None.**

Hector Rangel Chief EMC recommends keeping the Burn Ban off.

Motion made by Commissioner Theriot, seconded by Commissioner Westmoreland. All voting "Aye".

MOTION APPROVED.

8. **Discussion/Action** to consider Resolution 27-2022, approving an Interlocal Cooperation Agreement between Caldwell County and the Sheriff's Combined Auto Theft Task Force for an agreed forfeiture schedule, and authorizing the Caldwell County District Attorney to execute and manage the Interlocal Cooperation Agreement on behalf of the County. **Speaker: Judge Haden/ Chase Goetz; Backup: 4; Cost: TBD**

Resolution 27-2022 is read.

Motion made by Commissioner Shelton, seconded by Commissioner Westmoreland to approve Resolution 27-2022, approving an Interlocal Cooperation Agreement between Caldwell County and the Sheriff's Combined Auto Theft Task Force for an agreed forfeiture schedule, and authorizing the Caldwell County District Attorney to execute and manage the Interlocal Cooperation Agreement on behalf of the County. All voting "Aye".

MOTION APPROVED.

9. Discussion/Action to discuss the creation of a Library District for Precinct 3. **Speaker: Judge Haden/ Ashley Guerrero; Backup: 11; Cost: None**

Ashley Guerrero Director of Martindale Community Library provides a presentation for the creation of a Library District for Precinct 3, a petition and sales tax information will be prepared and presented at next Commissioners Court. Motion made by Commissioner Theriot, seconded by Commissioner Westmoreland to table Item 9. All voting "Aye".

MOTION TO TABLE APPROVED.

10. Discussion/Action to consider the Budget Amendment #31 to transfer money from (001-6520-4510) Building Maintenance's Repair & Maintenance to (001-6520-3550) Building Maintenance's Judicial Center-Lockhart for Braune Air Conditioning. **Speaker: Judge Haden/ Curtis Weber/ Mayra Castillo; Backup: 5; Cost: Net Zero**

Motion made by Commissioner Westmoreland, seconded by Commissioner Theriot to approve Budget Amendment #31 to transfer money from (001-6520-4510) Building Maintenance's Repair & Maintenance to (001-6520-3550) Building Maintenance's Judicial Center-Lockhart for Braune Air Conditioning. All voting "Aye".

MOTION APPROVED.

11. Discussion/Action to consider approval of REQ01424 for payment to Braune Air Conditioning in the amount of \$3,457.00. **Speaker: Judge Haden/ Mayra Castillo/ Carolyn Caro; Backup: 4; \$3,457.00**

Motion made by Commissioner Shelton, seconded by Commissioner Theriot to approve REQ01424 for payment to Braune Air Conditioning in the amount of \$3,457.00. All voting "Aye".

MOTION APPROVED.

12. Discussion/Action to consider the approval of payment for REQ01424 Braune Air Conditioning in the amount of \$3,457.00. **Speaker: Judge Haden/ Mayra Castillo/ Carolyn Caro; Backup: 4; Cost: \$3,457.00**

Motion made by Commissioner Theriot, seconded by Commissioner Westmoreland to approve payment for REQ01424 Braune Air Conditioning in the amount of \$3,457.00. All voting "Aye".

MOTION APPROVED.

13. Discussion/Action to consider the Budget Amendment #33 to transfer money from (019-1000-5169) Broadband to (019-1000-5164) Kologik – Law Enforcement) to cover Kologik Invoice #7021704 for Caldwell County Constable Pct. 1. **Speaker: Judge Haden/ Mayra Castillo; Backup: 22; Cost: Net Zero**

Motion made by Commissioner Westmoreland, seconded by Commissioner Theriot to approve Budget Amendment #33 to transfer money from (019-1000-5169) Broadband to (019-1000-5164) Kologik – Law Enforcement) to cover Kologik Invoice #7021704 for Caldwell County Constable Pct. 1. All voting "Aye".

MOTION APPROVED.

COMMISSIONERS COURT MINUTES
Regular Meeting March 8, 2022 9:00 a.m.

- 14. Discussion/Action** to consider the Budget Amendment #34 to transfer money from (001-4300-1091) Victim Coordinator, (001-4300-1035) Patrol Deputies, and (001-4300-1036) Other Deputies to create two (2) new Animal Control deputies and two (2) new Corporal positions in the Sheriff Office Department. **Speaker: Judge Haden/ Mike Lane/ Jon Craigmile; Backup: 3; Cost: Net Zero**

Motion made by Commissioner Theriot, seconded by Commissioner Shelton to table Item 14. All voting "Aye".

MOTION TO TABLE APPROVED.

- 15. Discussion/Action** to consider the Budget Amendment #35 for the donation to Constable Pct.2 from night in Old Luling Bingo Proceeds. **Speaker: Judge Haden/ Dennis Engelke/ Mayra Castillo; Backup: 7; Cost: Net Zero**

Motion made by Commissioner Shelton, seconded by Commissioner Westmoreland to table Item 15. All voting "Aye".

MOTION TO TABLE APPROVED.

- 16. Discussion/Action** to consider the Budget Amendment #36 to transfer money from (001-3000-0225) Capital Murder Trail to (010-3200-4958) Capital Murder Trail – Medical Cost and (010-3200-4959) Capital Murder Trail – Psychological for the Capital Murder Trail Invoice. **Speaker: Judge Haden/ Mayra Castillo; Backup: 9; Cost: None**

Motion made by Commissioner Westmoreland, seconded by Commissioner Theriot to approve Budget Amendment #36 to transfer money from (001-3000-0225) Capital Murder Trail to (010-3200-4958) Capital Murder Trail – Medical Cost and (010-3200-4959) Capital Murder Trail – Psychological for the Capital Murder Trail Invoice. All voting "Aye".

MOTION APPROVED.

- 17. Discussion/Action** to consider giving a \$50.00 donation to the Luling Lions Club Flag Rental Program. **Speaker: Judge Haden; Backup: 4; Cost: \$50.00**

Motion made by Commissioner Shelton, seconded by Commissioner Theriot to approve \$50.00 donation to the Luling Lions Club Flag Rental Program. All voting "Aye".

MOTION APPROVED.

- 18. Discussion/Action** to consider REQ01534 in the amount of \$454,250.04 for Doucet & Associates Inc. for services through February 20, 2022, on Project R1911-004 Caldwell Co. Evacuation Center. **Speaker: Judge Haden/ Carolyn Caro; Backup: 2; Cost: \$454,250.04**

Commissioner Theriot recused himself.

Motion made by Commissioner Westmoreland, seconded by Commissioner Shelton to approve REQ01534 in the amount of \$454,250.04 for Doucet & Associates Inc. for services through February 20, 2022 on Project R1911-004 Caldwell Co. Evacuation Center. All voting "Aye".

MOTION APPROVED.

Commissioner Theriot returns to courtroom.

- 19. Discussion/Action** to consider enrollment in Texas Association of Counties' Cybersecurity Course for year 2022. **Speaker: Judge Haden; Backup:3; Cost: None**

Motion made by Commissioner Westmoreland, seconded by Commissioner Shelton to approve enrollment in Texas Association of Counties' Cybersecurity Course for year 2022. All voting "Aye".
MOTION APPROVED.

- 20. Discussion/Action** to consider the approval of the Affordable Care Act Report and Tracking Service (ARTS) renewal information from Texas Association of Counties (TAC). **Speaker: Judge Haden/ Bob Bush; Backup: 5; Cost: None**

Motion made by Commissioner Westmoreland, seconded by Commissioner Theriot to approve the Affordable Care Act Report and Tracking Service (ARTS) renewal information from Texas Association of Counties (TAC). All voting "Aye".
MOTION APPROVED.

- 21. Discussion/Action** discussion about the concerns with Prairie Lea Traffic Study. **Speaker: Judge Haden/ Pistil Granthem; Backup: 1; Cost: None**

Pistol Grantham Prairie Lea resident and Commissioners discuss timing of Prairie Lea Traffic Study conducted. Judge Haden will contact Structure Point to re-do the traffic study at their expense during the peak time for accurate data.

Motion made by Commissioner Westmoreland, seconded by Commissioner Theriot to approve Judge Haden to contact Structure Point to re-conduct the traffic study at an appropriate time at their expense. All voting "Aye".
MOTION APPROVED.

- 22. Discussion/Action** ratifying a Right of Entry License between the County and the property owners of 2205 Burdette Wells Road. **Speaker: Judge Haden/ Chase Goetz/ Neil Kucera; Backup: 3; Cost: None**

Motion made by Commissioner Theriot, seconded by Commissioner Shelton to table Item 22. All voting "Aye".
MOTION TO TABLE APPROVED.

- 23. Discussion/ Action** to consider the approval of the Preliminary Plat for Oakmont Estates consisting of 12 single residential on approximately 31.28 acres on FM 672. **Speaker: Commissioner Roland /Kasi Miles. Backup: 22; Cost: None**

Motion made by Commissioner Shelton, seconded by Commissioner Westmoreland to approve Preliminary Plat for Oakmont Estates consisting of 12 single residential on approximately 31.28 acres on FM 672. All voting "Aye".
MOTION APPROVED.

24. EXECUTIVE SESSION

Judge Haden opens Item 24 Executive Session at 10:03 a.m. Item 24 Executive Session attended by Commissioner Westmoreland, Commissioner Shelton, Judge Haden, Commissioner Theriot and Chase Goetz.

- Pursuant to Texas Government Code Section 551.071(1): Consultation with counsel regarding pending or contemplated litigation or settlement offers, involving a criminal defendant. **Speaker: Judge Haden / Chase Goetz; Backup: 1; Cost: None**

No action taken.

- Pursuant to Texas Government Code Section 551.071(1): Consultation with counsel regarding pending or contemplated litigation or settlement offers, as part of the statewide opioid litigation. **Speaker: Judge Haden/ Gabe Ortiz. Backup: 1; Cost: None**

Will be taken up on Item 26,27 & 28.

- Pursuant to Texas Government Code Section 551.071(1): Consultation with counsel regarding pending or contemplated litigation or settlement offers, involving No. 21-O-272 in the 421st District Court. **Speaker: Judge Haden / Chase Goetz; Backup: 1; Cost: None**

No action taken.

- Pursuant to Texas Government Code Section 551.071(1): Consultation with counsel regarding pending or contemplated litigation or settlement offers, involving county-adjacent property. **Speaker: Judge Haden / Chase Goetz; Backup: 1; Cost: None**

No action taken.

- Pursuant to Texas Government Code Section 551.071(1): Consultation with counsel regarding pending or contemplated litigation or settlement offers, involving Frontier Communications. **Speaker: Judge Haden / Chase Goetz; Backup: 1; Cost: None**

No action taken.

25. Discussion/Action to consider taking action on Executive Session 551.071(1): Consultation with counsel regarding pending or contemplated litigation or settlement offers, involving a criminal defendant. **Speaker: Judge Haden / Chase Goetz; Backup: 1; Cost: None**

No action taken.

Executive Session closed at 10:36 a.m.

COMMISSIONERS COURT MINUTES
Regular Meeting March 8, 2022 9:00 a.m.

- 26. Discussion/Action** to consider Resolution 28-2022, adopting, approving, and accepting the Distributors Texas Settlement Agreement, authorizing the County Judge and Special Counsel to execute the Release of the Distributors' Texas Settlement Agreement and authorizing Special Counsel to execute and deliver same settlement agreement and to approve such terms and provisions for the full and final settlement agreement. **Speaker: Judge Haden/ Chase Goetz/ Gabe Ortiz; Backup: 5; Cost: None**

Resolution 28-2022 is read.

Motion made by Commissioner Shelton, seconded by Commissioner Theriot to approve Resolution 28-2022, adopting, approving, and accepting the Distributors Texas Settlement Agreement, authorizing the County Judge and Special Counsel to execute the Release of the Distributors' Texas Settlement Agreement and authorizing Special Counsel to execute and deliver same settlement agreement and to approve such terms and provisions for the full and final settlement agreement. All voting "Aye".

MOTION APPROVED.

- 27. Discussion/Action** to consider Resolution 29-2022, adopting, approving, and accepting the Teva Texas State-Wide Opioid Settlement and Consent Judgment, authorizing the County Judge and Special Counsel to execute the Release of the Teva Settlement, and authorizing Special Counsel to execute and deliver same settlement agreement and to approve such terms and provisions for the full and final settlement agreement. **Speaker: Judge Haden/ Chase Goetz/ Gabe Ortiz; Backup: 5; Cost: None**

Resolution 29-2022 is read.

Motion made by Commissioner Theriot, seconded by Commissioner Westmoreland to approve Resolution 29-2022, adopting, approving, and accepting the Teva Texas State-Wide Opioid Settlement and Consent Judgment, authorizing the County Judge and Special Counsel to execute the Release of the Teva Settlement, and authorizing Special Counsel to execute and deliver same settlement agreement and to approve such terms and provisions for the full and final settlement agreement. All voting "Aye".

MOTION APPROVED.

- 28. Discussion/Action** to consider Resolution 30-2022, adopting, approving, and accepting the Distributors Texas Settlement Agreement, authorizing the County Judge and Special Counsel to execute the Release of the Endo/Par Settlement, and authorizing Special Counsel to execute and deliver same settlement agreement and to approve such terms and provisions for the full and final settlement agreement. **Speaker; Judge Haden/ Chase Goetz/ Gabe Ortiz; Backup: 5; Cost: None**

Resolution 30-2022 is read.

Motion made by Commissioner Westmoreland, seconded by Commissioner Theriot to approve Resolution 30-2022, adopting, approving, and accepting the Distributors Texas Settlement Agreement, authorizing the County Judge and Special Counsel to execute the Release of the Endo/Par Settlement, and authorizing Special Counsel to execute and deliver same settlement agreement and to approve such terms and provisions for the full and final settlement agreement. All voting "Aye".

MOTION APPROVED.

COMMISSIONERS COURT MINUTES
Regular Meeting March 8, 2022 9:00 a.m.

29. Discussion/Action to consider taking action on Executive Session 551.071(1): Consultation with counsel regarding pending or contemplated litigation or settlement offers, involving No. 21-O-272 in the 421st District Court. **Speaker: Judge Haden / Chase Goetz; Backup: 1; Cost: None**

No action taken.

30. Discussion/Action to consider taking action on Executive Session 551.071(1): Consultation with counsel regarding pending or contemplated litigation or settlement offers, involving county-adjacent property. **Speaker: Judge Haden / Chase Goetz; Backup: 1; Cost: None**

No action taken.

31. Discussion/Action to consider taking action on Executive Session 551.071(1): Consultation with counsel regarding pending or contemplated litigation or settlement offers, involving Frontier Communications. **Speaker: Judge Haden / Chase Goetz; Backup: 1; Cost: None**

No action taken.

32. Discussion/Action to consider authorizing the County Judge to negotiate and execute contract between Caldwell County and Miles Smith as contract Public Information Officer. **Speaker: Judge Haden; Backup: 1; Cost: TBD**


Motion made by Commissioner Theriot, seconded by Commissioner Westmoreland to allow Judge Haden to negotiate a contract and bring to next Commissioners Court. All voting "Aye".
MOTION APPROVED.

33. Adjournment.

Motion made by Commissioner Shelton, seconded by Commissioner Westmoreland that we adjourn. All voting "Aye". Court adjourns at 10:55 a.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 March 8, 2022.




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