

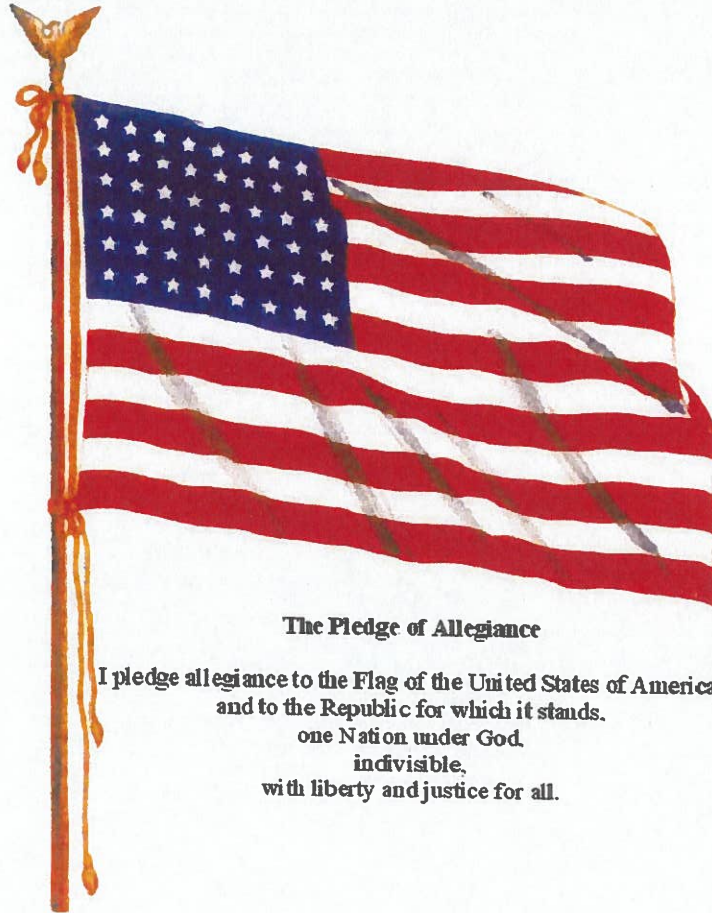
**SPECIAL
COMMISSIONER'S COURT
AGENDA**

Amended 8.28.21

September 1, 2021

Invocation

Pledge of Allegiance to the Flag.

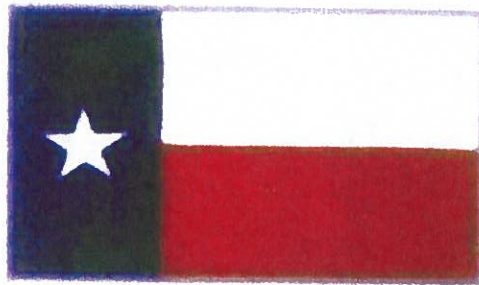


The Pledge of Allegiance

I pledge allegiance to the Flag of the United States of America,
and to the Republic for which it stands,
one Nation under God,
indivisible,
with liberty and justice for all.

**(Texas Pledge: Honor the Texas flag;
I pledge allegiance to thee, Texas, one
state under God, one and indivisible).**

Pledge to the Texas Flag



Honor the Texas
Flag; I pledge
allegiance to thee,
Texas, one state
under God, one and
indivisible

Announcements:

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

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 comment will continue as the last agenda item of the day).

- 1. Discussion/Action** to consider Resolution 42-2021, requiring executory contracts to be subject to statutory provisions regarding executory contracts for the conveyance of certain residential property. **Speaker: Judge Haden / JJ Wells; Backup: 2; Cost: None.**

Caldwell County Agenda Item Request Form

To: All Elected Officials and Department Heads – Hand deliver or scan & email to hoppy.haden@co.caldwell.tx.us and ezzy.chan@co.caldwell.tx.us . Deadline is 5:00 pm Tuesday before the Regular meetings, however, please submit this completed form ASAP. "Anything missing will cause the Agenda Item to be held over to the next Regular meeting," according to our Rules & Procedures.

AGENDA DATE: 09/01/2021

Type of Agenda Item

- Consent
- Discussion/Action
- Executive Session
- Workshop
- Public Hearing

What will be discussed? What is the proposed motion?

to consider Resolution 42-2021, requiring executory contracts to be subject to statutory provisions regarding executory contracts for the conveyance of certain residential property.

1. Costs:

Actual Cost or Estimated Cost \$ None

Is this cost included in the County Budget? _____

Is a Budget Amendment being proposed? _____

2. Agenda Speakers:

	Name	Representing	Title
(1)	Judge Haden		
(2)	JJ Wells		
(3)			

3. Backup Materials: None To Be Distributed 3 total # of backup pages (including this page)

4. 
Signature of Court Member

8/27/2021
Date



RESOLUTION 42-2021

RESOLUTION OF CALDWELL COUNTY COMMISSIONERS COURT

WHEREAS, rapid population growth in urban areas of Texas has led to the increasing subdivision of land in formerly rural areas to provide an ever-increasing number of residential lots for homes; and

WHEREAS, when this subdivision is accomplished through a contract in which the seller retains the deed to the property until the purchaser has made all payments, known as an executory contract for the conveyance of property, the purchaser may lose all equity that the buyer has accumulated in the land because of a single missed payment;

WHEREAS, previously, state restrictions on the use of executory contracts that would protect purchasers only presumptively apply to the conveyance of residential lots of one acre or less, but residential lots as large as 20 acres are frequently being sold under executory contracts;

WHEREAS, in its 87th Regular Session, the Texas Legislature enacted H.B. 4374, authorizing the commissioners courts of certain counties to adopt an order requiring certain executory contracts to be subject to statutory provisions regarding executory contracts for the conveyance of certain residential property;

WHEREAS, the Caldwell County Commissioners Court has determined that an order authorized by H.B. 4374 would benefit the County and its citizens by implementing statutory consumer protection safeguards relating to the use of executory contracts involving certain residential properties;

NOW THEREFORE, BE IT RESOLVED BY THE CALDWELL COUNTY COMMISSIONERS COURT THAT:

1. The Commissioners Court hereby adopts this Order requiring executory contracts for the conveyance of land used or to be used as a residence located in this county to be subject to subchapter D of the Texas Property Code, regarding Executory Contracts for Conveyance.
2. For the purposes of this Order:
 - a. a lot or tract measuring twenty (20) acres or less is presumed to be used or intended to be used as a residence; and
 - b. an option to purchase real property that includes or is combined or executed concurrently with a residential lease agreement, together with the lease, is considered to be a conveyance of land used or to be used as a residence.
3. If a tract described by Texas Property Code Section 5.0622(c)(2) ceases to be used primarily for agricultural use or for farm, ranch, wildlife management, or timber production use, or any part of the land is used as a residence, an executory contract for the conveyance of the land is included in this Order.
4. Any executory contract to which this order applies may not be used to purchase land for residential purposes unless the conversion authorized by Texas Property Code Section 5.081

is required to occur not later than three (3) years after the date the executory contract is entered into.

5. This Order shall become effective immediately.

ORDERED this the 1st day of September 2021.

Hoppy Haden
Caldwell County Judge

B.J. Westmoreland
Commissioner, Precinct 1

Barbara Shelton
Commissioner, Precinct 2

Ed Theriot
Commissioner, Precinct 3

Joe Ivan Roland
Commissioner, Precinct 4

ATTEST:

Teresa Rodriguez
Caldwell County Clerk

2. EXECUTIVE SESSION Pursuant to section 551.087 to the Texas Government Code; discussion of deliberation regarding economic development negotiations associated with Project Dynamo. Possible action may follow in open court. Speaker: Judge Haden; Backup: None; Cost: None

Caldwell County Agenda Item Request Form

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Type of Agenda Item

- Consent Discussion/Action Executive Session Workshop
 Public Hearing

What will be discussed? What is the proposed motion?

EXECUTIVE SESSION Pursuant to section 551.087 to the Texas Government Code; discussion of deliberation regarding economic development negotiations associated with Project Dynamo. Possible action may follow in open court.

1. Costs:

Actual Cost or Estimated Cost \$ None

Is this cost included in the County Budget? _____

Is a Budget Amendment being proposed? _____

2. Agenda Speakers:

	Name	Representing	Title
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(1) Judge Haden _____

(2) _____

(3) _____

3. Backup Materials: None To Be Distributed 1 total # of backup pages
(including this page)

4. 

Signature of Court Member

8/28/2021

Date

3. Adjournment.

As authorized by Chapter 551 of the Texas Government Code, the Commissioners Court of Caldwell County, Texas reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed above. The Court may adjourn for matters that may relate to Texas Government Code Section 551.071(1) (Consultation with Attorney about pending or contemplated litigation or settlement offers); Texas Government Code Section 551.071(2) (Consultation with Attorney when the attorney's obligations under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas conflicts with Chapter 551 of the Texas Government Code); Texas Government Code Section 551.072 (Deliberations about Real Property); Texas Government Code Section 551.073 (Deliberations about Gifts and Donations); Texas Government Code Section 551.074 (Personnel Matters); Texas Government Code Section 551.0745 (Deliberations about a County Advisory Body); Texas Government Code Section 551.076 (Deliberations about Security Devices); and Texas Government Code Section 551.087 (Economic Development Negotiations). In the event that the Court adjourns into Executive Session, the Court will announce under what section of the Texas Government Code the Commissioners Court is using as its authority to enter into an Executive Session. The meeting facility is wheelchair accessible and accessible parking spaces are available. Request for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the County Judge's office at 512-398-1808 for further information.