

**COMMISSIONERS COURT MINUTES**  
**110 S Main St. 2<sup>nd</sup> Floor, Lockhart, Texas**  
**Commissioners Court September 12, 2023, 9:00 a.m.**



**HOPPY HADEN** County Judge  
**TERESA RODRIGUEZ** County Clerk

**B.J. WESTMORELAND** Commissioner Pct. 1  
**RUSTY HORNE** Commissioner Pct. 2  
**ED THERIOT** Commissioner Pct. 3  
**DYRAL THOMAS** Commissioner Pct. 4

**Call Meeting to Order**

Judge Haden called the meeting to order at 9:00 a.m.

**Invocation**

Commissioner Thomas 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 Haden leads all present in the pledge to both flags.

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

Chase Goetz Assistant Criminal District Attorney-Civil, reminds Commissioners their list of nominees for the Appraisal District Election will need to be sent to Ezzy Chan or himself.

Ezzy Chan Executive Assistant thanks everyone for completing the Cyber Security Training.

**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:

Andrew McClish, a Prairie Lea resident, is dissatisfied with the handling of the second Traffic Safety Study conducted within his community and would like an update on the report.

<http://www.co.caldwell.tx.us/page/caldwell.CommissionersCourtForm>

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

1. **Approve payment of County Invoices and County Purchase Orders: \$506,502.19**
2. **Ratify re-occurring County Payments:**
  - A. **\$402,811.97 Payroll (08/13/2023 – 08/26/2023)**
  - B. **\$118,814.63 Payroll Tax (08/13/2023 – 08/26/2023)**
3. **To accept the August 2023 Indigent Burial Report**
4. **To approve budget amendment #66 from the Sheriff's Office to transfer from Professional Services and Detectives to cover the Overtime for the remainder of the FY 2022-2023.**
5. **To approve the July 2023 Collections Report from Caldwell County Appraisal District**
6. **To accept the Adopted 2024 Appraisal District Budget**
7. **To accept 7.50 management hours of training credit from training sponsored by the Juvenile Justice Association of Texas for Caldwell County Auditor, Danie Teltow**
8. **To approve an official name for a currently unnamed tributary, pursuant to a request by the U.S. Board of Geographic Names.**
9. **To accept of Juror Fees as regulated by HB 3474.**

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

**MOTION APPROVED.**

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

Hector Rangel, Chief EMC provides a fire update and recommends keeping the burn ban on.

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

**MOTION APPROVED.**

13. **Discussion/Action** to approve Supplemental Order 09-2023-C regarding the creation of ESD No. 5. **Speaker: Judge Haden; Backup: 4; Cost: None**

Order 09-2023-C is read.

Motion made by Commissioner Theriot, seconded by Commissioner Westmoreland to approve Supplemental Order 09-2023-C regarding the creation of ESD No. 5. All voting "Aye".

**MOTION APPROVED.**

14. **Discussion/Action** to approve Resolution 24-2023, regarding the assignment of private activity bond authority to the Texas Department of Housing and Community Affairs and authorizing the County Judge to execute the same. **Speaker: Judge Haden; Backup: 12; Cost: None**

Resolution 24-2023 is read.

Motion made by Commissioner Westmoreland, seconded by Commissioner Thomas to approve Resolution 24-2023, regarding the assignment of private activity bond authority to the Texas Department of Housing and Community Affairs and authorizing the County Judge to execute the same. All voting "Aye".

**MOTION APPROVED.**

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**15. Discussion/Action** to appoint Mrs. Diana Coker to the Caldwell County ESD2 Board of Commissioners. **Speaker: Commissioner Theriot; Backup: 2; Cost: None**

Motion made by Commissioner Theriot, seconded by Commissioner Horne to recommend the appointment of Mrs. Diana Coker to the Caldwell County ESD2 Board of Commissioners. All voting "Aye".

**MOTION APPROVED.**

**16. Discussion/Action** to accept Local Funding request from Juvenile Board for FY 2023-2024 funding. **Speaker: Judge Haden/Jay Monkerud/Danie Teltow; Backup: 3; Cost: None**

Motion made by Commissioner Horne, seconded by Commissioner Westmoreland to approve Local Funding request from Juvenile Board for FY 2023-2024 funding. All voting "Aye".

**MOTION APPROVED.**

**17. Discussion/Action** to approve budget amendment #67 to pay for hypochlorite cleanup in the amount of \$7,000.00 from Contingency 001-6510-4860. **Speaker: Judge Haden/Danie Teltow; Backup: 5; Cost: \$7,000**

Danie Teltow County Auditor states the request was from the Emergency Management Department.

Motion made by Commissioner Thomas, seconded by Commissioner Westmoreland to approve budget amendment #67 to pay for hypochlorite cleanup in the amount of \$7,000.00 from Contingency 001-6510-4860. All voting "Aye".

**MOTION APPROVED.**

**18. Discussion/Action** to request approval of budget amendment #68 for final animal shelter lease invoice for FY 22-23 amount of \$39,111.54 from Contingency. **Speaker: Judge Haden/Danie Teltow; Backup:**

Motion made by Commissioner Theriot, seconded by Commissioner Horne to approve budget amendment #68 for final animal shelter lease invoice for FY 22-23 amount of \$39,111.54 from Contingency. All voting "Aye".

**MOTION APPROVED.**

**19. Discussion/Action** to approve budget amendment #69 to pay Blue Layer invoices in the amount of \$28,562.05 from Contingency 001-6510-4860. **Speaker: Judge Haden/Danie Teltow; Backup: 4; Cost: \$28,562.05**

Motion made by Commissioner Horne, seconded by Commissioner Thomas to approve budget amendment #69 to pay Blue Layer invoices in the amount of \$28,562.05 from Contingency 001-6510-4860. All voting "Aye".

**MOTION APPROVED.**

**20. Discussion/Action** approval to pay Invoice #37755 to Blue Layer in the amount of \$42,565 for Meraki Switches. **Speaker: Judge Haden/Carolyn Caro; Backup: 2; Cost: \$42,565.00**

Motion made by Commissioner Thomas, seconded by Commissioner Horne to approve Invoice #37755 to Blue Layer in the amount of \$42,565 for Meraki Switches. All voting "Aye".

**MOTION APPROVED.**

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- 21. Discussion/Action** to approve budget amendment #70 to pay for emergency services for plumbing failure at the Sheriff's Office/ Jail facilities in the amount of \$90,000 from Jailers 001-4310-1052. As well as a \$17K increase in overtime from SCAAP line item. **Speaker: Judge Haden/Danie Teltow; Backup 3; Cost: \$107,000.00**

Motion made by Commissioner Westmoreland, seconded by Commissioner Horne to approve budget amendment #70 to pay for emergency services for plumbing failure at the Sheriff's Office/ Jail facilities in the amount of \$90,000 from Jailers 001-4310-1052. As well as a \$17K increase in overtime from SCAAP line item. All voting "Aye".

**MOTION APPROVED.**

Commissioner Theriot recused himself from the courtroom.

- 22. Discussion/Action** to approve REQ02556 and payment of invoice #2307160 for Doucet & Associates TWDB Project R1911-003 County FFP services in the amount of \$71,000.00. **Speaker: Judge Haden/Carolyn Caro; Backup: 6; Cost: \$71,000.00**

Motion made by Commissioner Thomas, seconded by Commissioner Horne to approve REQ02556 and payment of invoice #2307160 for Doucet & Associates TWDB Project R1911-003 County FFP services in the amount of \$71,000.00. All voting "Aye".

**MOTION APPROVED.**

Commissioner Theriot returns to the courtroom.

- 23. Discussion/Action** to approve awards for RFB 23CCP01B Road Materials, Flex Base, Fuel, & Oil/Lube for FY 2023-2024. **Speaker: Judge Haden/Carolyn Caro; Backup: 3; Cost: None**

Motion made by Commissioner Theriot, seconded by Commissioner Horne to approve awards for RFB 23CCP01B Road Materials, Flex Base, Fuel, & Oil/Lube for FY 2023-2024. All voting "Aye".

**MOTION APPROVED.**

- 24. Discussion/Action** to approve a modification to RFQ23CCP01Q, rescheduling the award date from September 12 to September 26. **Speaker: Judge Haden/Carolyn Caro; Backup: 2; Cost: None**

Carolyn Caro Purchasing Agent requests for more time to review proposals and certified letters have been sent out to vendors.

Motion made by Commissioner Thomas, seconded by Commissioner Horne to approve a modification to RFQ23CCP01Q, rescheduling the award date from September 12 to September 26. All voting "Aye".

**MOTION APPROVED.**

- 25. Discussion/Action** to approve 32 assets as salvage property for disposal and to authorize the Purchasing Agent to begin the auction process. **Speaker: Judge Haden/Carolyn Caro; Backup: 2; Cost: None**

Motion made by Commissioner Horne, seconded by Commissioner Theriot to approve 32 assets as salvage property for disposal and to authorize the Purchasing Agent to begin the auction process. All voting "Aye".

**MOTION APPROVED.**

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**26. Discussion/Action** to approve an agreement between the County and Futurity IT, Inc., for the use of Orion disaster mitigation software. **Speaker: Judge Haden/Hector Rangel/Hank Alex; Backup: 10; Cost: None**

Hector Rangel, Chief EMC spoke on the request of Orion software for the county that would give real-time data for floods, fires, or any disasters as well as damage assessments of roads and bridges within the county.

Chase Goetz Assistant Criminal District Attorney-Civil adds the cost for software is \$11,800.00.

Judge Haden questioned if it could be loaded to Web EOC, Commissioner Westmoreland questioned why two channels are needed for the same information, and Commissioner Horne would like to meet with Hector, Hank, and a salesman.

Motion made by Judge Haden to Table Item 26, seconded by Commissioner Horne. All voting "Aye".

**MOTION TO TABLE APPROVED.**

**PUBLIC HEARINGS @ 9:30 A.M.**

- **FY 2023-2024 Budget**

Public Hearing opens at 9:34 a.m. and closes at 9:35 a.m. There are no speakers.

- **FY 2023-2024 Tax Rate**

Public Hearing opens at 9:35 a.m. and closes at 9:37 a.m. There are no speakers.

**DISCUSSION/ACTION ITEMS:**

**11. Discussion/Action** to approve the amended FY 2023-2024 Budget by roll call. **Speaker: Judge Haden; Backup: 2; Cost: None**

Judge Haden handed a list of changes to the budget related to SB22 for equipment purchase, salary for positions created in the Sheriff's Department also the stiffen for the District Attorney's Office.

Ezzy Chan Executive Assistance also added donations to Travis Caldwell Soil, Lions Flag Club in Luling, Historical Commission, Texas Feeding Texans Program, and Utilities in the Building Maintenance Department.

Judge Haden stated that anything related to SB22 will be reviewed every two years.

Action requires a roll-call vote. Commissioner Westmoreland "Aye", Commissioner Horne "Aye", Commissioner Theriot "Aye", Commissioner Thomas "Aye" and Judge Haden "Aye". All voting "Aye".

**MOTION APPROVED.**

**12. Discussion/Action** to approve Order 11-2023 Order adopting the Tax Rate fiscal Year 2023-2024 by roll call **Speaker: Judge Haden; Backup: 7; Cost: None**

Order 11-2023 is read.

Motion made by Commissioner Westmoreland, seconded by Commissioner Horne.

Action requires a roll-call vote. Commissioner Westmoreland "Aye", Commissioner Horne "Aye", Commissioner Theriot "Aye", Commissioner Thomas "Aye" and Judge Haden "Aye". All voting "Aye". 5-0 vote to adopt the 2023-2024 Tax Rate.

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- 27. Discussion/Action** to accept the County Essential Services Grant of \$91,765 from the Office of the Governor for Capital Murder Trial expenses. **Speaker: Judge Haden/Dennis Engelke; Backup: 6; Cost: None**

Motion made by Commissioner Thomas, seconded by Commissioner Theriot to approve County Essential Services Grant of \$91,765 from the Office of the Governor for Capital Murder Trial expenses. All voting "Aye".

**MOTION APPROVED.**

- 28. Discussion/Action** to accept the State Automated Victim Notification Services (SAVNS) Fourth Contract Extension Grant, September 1, 2023-August 31, 2024, for \$18,030.39. **Speaker: Judge Haden/Dennis Engelke; Backup: 32; Cost: None**

Motion made by Commissioner Horne, seconded by Commissioner Theriot to approve State Automated Victim Notification Services (SAVNS) Fourth Contract Extension Grant, September 1, 2023-August 31, 2024, for \$18,030.39. All voting "Aye".

**MOTION APPROVED.**

- 29. Discussion/Action** to accept the Justice Benefits, Inc. State Criminal Alien Assistance Program (SCAAP) Grant of \$18,654.00. **Speaker: Judge Haden/Dennis Engelke; Backup: 3; Cost: None**

Motion made by Commissioner Theriot, seconded by Commissioner Thomas to approve the Justice Benefits, Inc. State Criminal Alien Assistance Program (SCAAP) Grant of \$18,654.00. All voting "Aye".

**MOTION APPROVED.**

- 30. Discussion/Action** to approve an interlocal cooperation agreement between the County and the City of Umland for the improvement of Rocky Road and authorizing the County Judge to execute the same. **Speaker: Judge Haden/Commissioner Theriot/Donald Leclerc; Backup: 8; Cost: \$34,280.34**

Motion made by Commissioner Theriot, seconded by Commissioner Thomas to approve an interlocal cooperation agreement between the County and the City of Umland for the improvement of Rocky Road and authorizing the County Judge to execute the same. All voting "Aye".

**MOTION APPROVED.**

- 31. Discussion/Action** to approve an amended and restated development agreement between the County and Johnson Trust Investments, LLC and Flintrock Office Suites, LLC, for an RV and boat storage facility and industrial park located at 5133 N US HWY 183. **Speaker: Commissioner Theriot/Chase Goetz; Backup: 16; Cost: None**

Motion made by Commissioner Theriot, seconded by Commissioner Westmoreland to approve an amended and restated development agreement between the County and Johnson Trust Investments, LLC and Flintrock Office Suites, LLC, for an RV and boat storage facility and industrial park located at 5133 N US HWY 183. All voting "Aye".

**MOTION APPROVED.**

- 32. Discussion/Action** to accept public streets and drainage in Sunset Oaks Section V Phase 1A as complete and ready to begin the two-year performance period of said public improvements as evidenced by a maintenance bond in the amount of \$784,977.92. **Speaker: Judge Haden/Commissioner Theriot/Donald Leclerc; Backup: 4; Cost: None**

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Motion made by Commissioner Theriot, seconded by Commissioner Horne to approve public streets and drainage in Sunset Oaks Section V Phase 1A as complete and ready to begin the two-year performance period of said public improvements as evidenced by a maintenance bond in the amount of \$784,977.92. All voting "Aye".

**MOTION APPROVED.**

- 33. Discussion/Action** to release back to Starlight Homes Texas, LLC the fiscal security construction bond in the amount of \$3,698,705.12 for Sunset Oaks, Section V, Phase 1A. **Speaker: Judge Haden/Commissioner Theriot/Donald Leclerc; Backup: 4; Cost: None**

Motion made by Commissioner Theriot, seconded by Commissioner Thomas to approve release back to Starlight Homes Texas, LLC the fiscal security construction bond in the amount of \$3,698,705.12 for Sunset Oaks, Section V, Phase 1A. All voting "Aye".

**MOTION APPROVED.**

- 34. Discussion/Action** to add two additional reserve constables to the Precinct 1 Constable's Office. **Speaker: Judge Haden/Clemente Verastegui; Backup: 3; Cost: TBD**

Motion made by Commissioner Westmoreland, seconded by Commissioner Horne to approve two additional reserve constables to the Precinct 1 Constable's Office. All voting "Aye".

**MOTION APPROVED.**

**Executive Session opens at 9:56 a.m. closes at 10:13 a.m.**

- 35. EXECUTIVE SESSION:** Pursuant to the Texas Government Code Section 551.071: Consultation with counsel regarding pending or contemplated litigation or settlement offers involving the county solid waste sitting ordinance. Possible action may follow in open court. **Speaker: Judge Haden; Backup: 1; Cost: None**

**NO ACTION WAS TAKEN.**

**36. Adjournment**

Motion made by Commissioner Westmoreland, seconded by Commissioner Horne to adjourn. All voting "Aye". The court adjourns at 10:14 a.m.

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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 August 8, 2023.



*Teresa Rodriguez*

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