

COMMISSIONERS COURT MINUTES
Regular Meeting on April 25, 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.

Record to show that Commissioner Cyrier, Commissioner Buchholtz, Commissioner Roland and Judge Bonn are present. Commissioner Madrigal is not present at this time.

1. **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 Bonn led those present in the Pledge of the U.S. and Texas Flags.

2. **Approve Minutes of Previous Meetings.**

Motion made by Commissioner Cyrier, seconded by Commissioner Buchholtz to approve the minutes dated April 11, 2011. Record to show that Commissioner Madrigal is now present and included in approval of minutes. 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 reserved the right to speak at other times during meeting. Tracy Forrester, Susan Madrall, Susan Stewart, Kathy Sellers and Barbara Decker.

4. **Approve the Caldwell County Reports for the month:**

A. Building Maintenance report for the month of March 2011-Curtis Weber.

Curtis Weber gave monthly report and updates for the Maintenance team. He spoke of the completion of the work stations at the Tax Office and satisfaction conveyed from Tax Assessor Vicki Gonzales.

B. Caldwell County Bank Reconciliation Report for the month ending November 30, 2010 & December 31, 2010-Lori Rangel-Pompa.

C. Caldwell County Quarterly Investment Report for quarter ending 3/31/11-Lori Rangel-Pompa.

Lori Rangel-Pompa gave the Caldwell County Bank Reconciliation Report for the month ending November 30, 2010 & December 31, 2010 and the Caldwell County Quarterly Investment Report for quarter ending 3/31/11.

Motion made by Commissioner Madrigal, seconded by Commissioner Roland to approve the Caldwell County Reports that were given today. All voting "Aye". MOTION PASSED

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- 5 Discussion regarding Capital Area Rural Transportation System (CARTS) request to be considered in the Caldwell County 2010-2011 Donation Allocations Budget-Commissioner Madrigal/ David Marsh.**

Edna Johnson presented an overview of CARTS. It stands for Capitol Area Rural Transit System. Formed in 1978, CARTS serves 9 counties in the central Texas area. The majority of the funding is State through TEXDOT and Federal and is based on a formula with various criteria. On May 11, 2011 there will be a CARTS VAN on the Courthouse property so that citizens can ask any questions and look at the transportation that is used. Susan Stewart asked Commissioner Madrigal what the percentage of funding comes from the ridership fees. His reply was that he would get information to her.

- 6. Discussion/Action entering into an Interlocal Agreement with Regional Public Defender for Capital Cases (RCPDO) for indigent representation of Defendants accused of capital crimes, pursuant to the Fair Defense Act, Texas Code of Criminal Procedure Article 26.044(b) and Texas Government Code Chapter 791, and providing letter of support for Lubbock County Multi-County Discretionary Grant Expansion-Judge Bonn/Judge Blomerth/Jack Stoffregen.**

Judge Todd Blomerth addresses the court on the topic of capital crimes concerning the trial costs and impact on the community. He introduced Jack Stoffregen to explain the Interlocal Agreement with Regional Public Defender for Capital Cases (RCPDO) for indigent representation of Defendants accused of capital crimes, pursuant to the Fair Defense Act, Texas Code of Criminal Procedure Article 26.044(b) and Texas Government Code Chapter 791, and providing letter of support for Lubbock County Multi-County Discretionary Grant Expansion. Caldwell County District Attorney Trey Hicks and District Judge Todd Blomerth both support the Interlocal agreement. Motion made by Commissioner Buchholtz, seconded by Commissioner Cyrier to enter into an Interlocal Agreement with Regional Public Defender for Capital Cases (RCPDO) for indigent representation of Defendants accused of capital crimes, pursuant to the Fair Defense Act, Texas Code of Criminal Procedure Article 26.044(b) and Texas Government Code Chapter 791, and providing letter of support for Lubbock County Multi-County Discretionary Grant Expansion. Kathy Sellers asked Mr. Stoffregen of the status of court case results, and receives his answer. All voting "Aye". MOTION PASSED

- 7. Discussion/Action to approve Time Warner Cable second amendment to dedicated access service agreement to upgrade (5) Circuits from 10 Mbps to 1,000 Mbps with one time installation fee of \$1,125. The initial Term of the Agreement is hereby extended to expire on August 31, 2016 at a monthly fee from \$2,195.00 per month to \$8,250.00-Judge Bonn/ Brian Beresford.**

Brian Beresford explains that special funding that is given to educational contracts has been placed in the contract for Caldwell County. It is called E-funding. Discussion and questions are answered by Mark Hinnenkamp concerning growth of the county and the importance and need of the upgrades. Before "Action " is made, a motion is made by Judge Bonn, seconded by Commissioner Cyrier to table this item and discuss #8 because they will intertwine. Then return to #7. Motion made by Commissioner Buchholtz, seconded by Commissioner Roland to approve the Time Warner second amendment to dedicated access service agreement to upgrade (5) Circuits from 10 Mbps to 1,000 Mbps with one time installation fee of \$1,125. The initial Term of the Agreement is hereby extended to expire on August 31, 2016 at a monthly fee from \$2,195.00 per month to \$8,250.00. All voting "Aye". MOTION PASSED.

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8. Discussion/Action to consider leasing or buying the DLINK Network Switch in connection with Time Warner Cable-Judge Bonn/Jeff Horne.

Discussion of decision to buy or lease the DLINK Network Switch leads to Recess of Court until Caldwell County Auditor Sonny Rougeou can attend the Court. Begins at 10:04 a.m. Court reconvenes at 10:17 a.m. Discussion continues. Mr. Rougeou provides answers to questions from Commissioners regarding budget. Motion made by Commissioner Buchholtz, seconded by Commissioner Madrigal to buy the DLINK Network Switch and equipment in the amount of \$50,458.21. All voting "Aye" MOTION PASSED

9. Update on Caldwell County Development Ordinance -Commissioner Buchholtz.

Commissioner Buchholtz gives the copies of updates and pending changes after approval. After discussion between the Commissioners, Susan Madrall speaks about the developer definition with Commissioner Cyrier. Susan Stewart also speaks on the "developer" term and thanks Commissioner Buchholtz for the time he has taken to do revisions.

10. Discussion/Action to consider Outdoor Burning Ban for Caldwell County-Judge Bonn.

Jimmy Parker gives recommendation to continue the Burn Ban. Weather conditions have not changed and ground conditions are drier by the day. Motion made by Commissioner Roland, seconded by Commissioner Madrigal to continue the Burn Ban." All voting "Aye" MOTION PASSED

11. Discussion/Action to nominate Judge Bonn to the Board of Trustees of Bluebonnet Trails Community Services for an interim term, May 2011 through August 2011 and for full term, September 2011 through August 2013-Judge Bonn.

Motion made by Commissioner Roland, seconded by Commissioner Buchholtz to nominate Judge Bonn to the Board of Trustees of Bluebonnet Trails Community Services for an interim term, May 2011 through August 2011 and for full term, September 2011 through August 2013. All voting "Aye" MOTION PASSED

12. Discussion/Action to appoint new members to the County Road Study Committee-Commissioner Buchholtz.

Motion made by Commissioner Buchholtz, seconded by Commissioner Cyrier to appoint Lori Gillespie and Bruce Coates to the County Road Study Committee. They were at the first County Road Study Committee meeting and the Volunteer forms will be added to Minutes at this time. All voting "Aye" MOTION PASSED. A listing of the Caldwell County Advisory Road Committee was also given to all present.

13. Discussion/Action to allow the public use of portable scanners on Caldwell County Commissioners Court records and to set the fees for copying audio recordings of Commissioners Court Meetings-Commissioner Roland/Carol Holcomb.

County Clerk Carol Holcomb and Commissioner Roland have discussed and agree to allow portable scanners to be brought in and to be used to scan the Commissioner Court Records. Also to post the minutes and audio on the County Web site which would be of no cost to the citizens. The only cost to the public will be if the County Clerks office makes the copies of the minutes. County Clerk, Carol Holcomb reports that we will do our best to upload the audio recordings of Commissioner Court Minutes. Motion made by Commissioner Roland, seconded by Judge Bonn to allow the public use of portable scanners on Caldwell County Commissioners Court records. All voting "Aye" MOTION PASSED

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- 14. Budget Amendment #9 Tax Assessor and Collector: Transfer between line items to provide funding for mileage reimbursements and publications. This amendment does not require any additional appropriation.**

Motion made by Commissioner Roland, seconded by Commissioner Madrigal to transfer between line ending in 426, debit of \$400.00 and line 485, debit of \$150.00 to show a credit in the amount of \$550.00. This leaves a net amount of zero. All voting "Aye" MOTION PASSED

- 15. Budget Amendment #10 Commissioners Court Transfer between line items (to provided funding for network charges and state fees, one-time Time Warner Cable network installation charge and five months of D-Link network switch lease payment) and server repair. This amendment does not require any additional appropriation.**

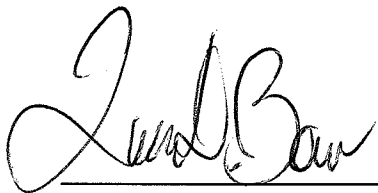
Motion made by Commissioner Buchholtz, seconded by Commissioner Cyrier to table this agenda item. All voting "Aye" MOTION PASSES

- 16. Pay Bills**

Motion made by Commissioner Roland, seconded by Commissioner Buchholtz to pay the bills in the amount of \$101,948.87. This total includes the Total Indigent Defense amount of \$12,958.84.

Adjourn

Motion made by Commissioner Buchholtz, seconded by Commissioner Roland to Adjourn. All voting "Aye" MOTION PASSES



TOM D. BONN County Judge