

COMMISSIONERS COURT MINUTES
Regular Meeting
March 26, 2012

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

Note: Commissioner Court Meeting packets are prepared several days prior to each meeting. This information is reviewed and studied by the Court members eliminating lengthy discussions to gain a basic understanding. Timely action and short discussion on agenda items does not reflect lack of thought or analysis on the part of the Court.

Start times for regular agenda items are tentative; some items may be held earlier or later than the scheduled time.

Commissioner Madrigal arrived at 9:05 a.m.

- 03.26.01 Invocation – Caldwell County Christian Ministries.**
Judge Bonn started the meeting with prayer and condolences for the loss of Commissioner Roland’s brother.
- 03.26.02 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).**
- 03.26.03 Announcements: Items or comments from Court Members or Staff.**
- 03.26.04 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).**

Susan Stewart expressed her concerns about land grants and deed restrictions with the Development Ordinance.

03.26.05 STAFF REPORTS/COMMENTS.

A. Overtime Report – February – Deborah Kortan, Human Resources

Deborah Kortan was present to give the Overtime Report for February.

03.26.06 CONSENT AGENDA.

A. Approval of Minutes – March 19, 2012

B. Acceptance of Internal Audit – Caldwell County Justice of the Peace, Pct. 1 Prepared by Caldwell County Auditor’s Office.

C. To add the renaming of Jolly Road to Jolley Road to the April 9, 2012 Public Hearing for renaming certain county roads.

D. To approve the County Elections Administrator’s numbering of the county election precincts which were adopted by March 19, 2012 Order of the Commissioners Court. Backup: 1

Judge Bonn called for the approval of the Consent Agenda. All voting “AYE” motion passed.

03.26.07 COUNTY ADMINISTRATOR REPORT/PRESENTATIONS. None

03.26.08 SPECIAL PRESENTATIONS. None

(ALL OTHER AGENDA ITEMS)

03.26.09 Discussion/Action concerning a Resolution relating to establishing the County’s intention to reimburse itself for the prior lawful expenditure of funds from the proceeds of tax-exempt obligations to be issued by the County for authorized purposes; authorizing other matters incident and related thereto; and providing an effective date. Note: This matter relates to expenditures by the County for the purchase of the old Wal-Mart building and its conversion into the new Caldwell County Judicial Center. Cost: None; Speaker: W. Jeffrey Kuhn and Clay Binford; Backup: 1.

W. Jeffrey Kuhn was present to explain and answer questions regarding this Resolution to the Court. Motion made by Commissioner Cyrier, seconded by Commissioner Buchholtz to approve a Resolution relating to establishing the County's intention to reimburse itself for the prior lawful expenditure of funds from the proceeds of tax-exempt obligations to be issued by the County for authorized purposes; authorizing other matters incident and related thereto; and providing an effective date. All voting "AYE" motion passed.

03.26.10 Discussion/Action concerning an Order by the Commissioners Court of Caldwell County, Texas authorizing the issuance of "Caldwell County, Texas Tax Notes, Series 2012", levying an annual ad valorem tax, within the limitations prescribed by law, for the payment of the notes; prescribing the form, term, conditions, and resolving other matters incident and related to the issuance, sale, and delivery of the notes; authorizing the execution of a Paying Agent/Registrar Agreement and a Purchase and Investment Letter; complying with the requirements of the depository trust company's letter of representations; and providing an effective date. Note: This matter relates to expenditures by the County for the purchase of the old Wal-Mart building and its conversion into the new Caldwell County Judicial Center. Cost: None; Speaker: W. Jeffrey Kuhn and Clay Binford; Backup: 3.

Motion made by Judge Bonn and seconded by Commissioner Buchholtz to postpone this agenda item. The Court then proceeded with this item. W. Jeffrey Kuhn and Jennifer Douglas were present to provide information and answer questions from the Court regarding the Caldwell County Texas Tax Notes, Series 2012.

Motion made by Commissioner Cyrier and seconded by Commissioner Buchholtz to accept the bid from The Independent Bankers Bank at 2.03% and to approve order No. 09-2012 Caldwell County, Texas Tax Notes, levying an annual ad valorem tax, within the limitations prescribed by law, for the payment of the notes; prescribing the form, term, conditions and resolving other matters incident and related to the issuance, sale, and delivery of the notes; authorizing the execution of a Paying Agent/Registrar Agreement and a Purchase and Investment Letter; complying with the requirements of the depository trust company's letter of representations; and providing an effective date. All voting "AYE" motion passed.

03.26.11 Discussion/Action to consider request of County Elections Administrator for additional funding for consultant and workers in order to comply with the requirements of Texas election Code. Cost: \$7,800.00; Speaker: County Elections Administrator, Pam Ohlendorf; Backup: 3.

Pam Ohlendorf, Elections Administrator, was present to request this item from the Court and explained that this is to fund three temporary positions including one Bickerstaff elections consultant due to redistricting changes.

Motion made by Commissioner Cyrier and seconded by Commissioner Madrigal to approve additional funding for consultant and workers in order to comply with the requirements of Texas Election Code not to exceed \$7,800.00. All voting "AYE" motion passed.

03.26.11a Discussion/Action to approve Budget Amendment No. 10 which transfers \$7,800.00 from the General Fund Reserve to line item 6550-0110 Elections, Temporary or Extra Help, for the purpose of hiring consultant and workers in order to comply with the requirements of Texas Election Code. Cost: \$7,800.00; Speaker: County Elections Administrator, Pam Ohlendorf; Backup: 1.

Motion made by Commissioner Buchholtz and seconded by Commissioner Cyrier to approve budget amendment No. 10 transferring \$7,800.00 from the General Fund Reserve to line item 6550-0110 of the elections budget with the option to recognize additional revenue received later in the year or to locate other funds to be used to reimburse the General Fund reserve for this transfer. All voting "AYE" except Commissioner Roland who voted "NO". Motion passed.

03.26.12 Discussion/Action to consider three bids on properties that previously were offered for sale at a public foreclosure auction:

**-Cause No. 10-T-8518/Account No. 26093, 111 Martin, Luling
Bid Received: \$1,500.00**

**-Cause No. 7712/Account No. 25669, 201 San Marcos Hwy, Luling
Bid Received: \$4,300.00**

**-Cause No. 6713/Account No. 27287, Plant Road, Prairie Lea
Bid Received: \$200.00**

Cost: None; Speaker: Judge Tom Bonn; Backup: 1.

As authorized by the Texas Government Code, the Commissioner's 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 as they may relate to Texas Government Code Section 551.0712(1) (Consultation with Attorney about pending or contemplated litigation or settlement offers); Texas Government Code Section 551.07(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, unless otherwise specified on the agenda, the Court will announce any other parties who are authorized to be present during the deliberations in Executive Session and will announce under what section of the Texas Government Code the Commissioner's 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 512-398-1808 for further information.

Motion made by Commissioner Buchholtz and seconded by Commissioner Roland to approve the three bids on properties that previously were offered for sale at a public foreclosure auction. All voting "AYE" motion passed.

- 03.26.13 Discussion/Action to adopt a policy of not disclosing bid amounts or fees for service until Commissioners Court is ready to receive bid or fee amounts in open meeting. Cost: None; Speaker: Commissioner Buchholtz; Backup: 0.**

Motion made by Commissioner Buchholtz and seconded by Commissioner Cyrier to refer this matter to the County Administrator to adopt a policy. All voting "AYE" motion passed.

- 03.26.14 Discussion/Action regarding proposed changes to the Caldwell County Development Ordinance. Cost: None; Speaker: Commissioner Roland; Backup: 2.**

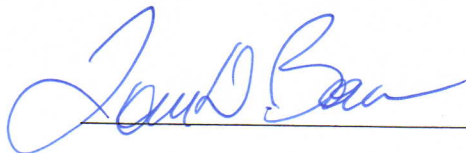
Motion made by Commissioner Roland and seconded by Commissioner Cyrier to table this agenda item until the next meeting. All voting "AYE" motion passed.

- 03.26.15 Discussion/Action to approve renewal of lease of 1400 FM 20 East, Suites A and D to United States government for Caldwell County USDA Service Center for five-year term. Cost: None; Speaker: Mack Harrison; Backup: 7.**

Motion made by Commissioner Madrigal and seconded by Commissioner Cyrier to table this agenda item until County Attorney, Mack Harrison, brings back for approval. All voting "AYE" motion passed.

- 03.26.16 Pay Bills** Motion made by Commissioner Cyrier and seconded by Commissioner Buchholtz to pay the bills in the amount of \$274,517.54. All voting "AYE" motion passed.

- 03.26.17 Adjournment** – Motion made by Commissioner Buchholtz and seconded by Commissioner Madrigal to adjourn. All voting "AYE" motion passed.



TOM D. BONN, COUNTY JUDGE