

**CALDWELL COUNTY  
COMMISSIONERS COURT MINUTES  
1403 Blackjack Street, Lockhart, Texas  
Regular Meeting May 20, 2013 9:00 a.m.**



**TOM D. BONN** County Judge  
**CAROL HOLCOMB** County Clerk

**ALFREDO MUÑOZ** Commissioner Pct. 1  
**FRED F. BUCHHOLTZ** Commissioner Pct. 2  
**NETO MADRIGAL** Commissioner Pct. 3  
**JOE IVAN ROLAND** Commissioner Pct. 4

**Call Meeting to order.**

Judge Bonn welcomed back Chief Deputy David Brent.

**05.20.01 Invocation.** Caldwell County Christian Ministries.

A member of Caldwell County Ministries opened the meeting in prayer.

**05.20.02 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).

Judge Bonn led all present in the Pledge to both flags.

**05.20.03 Announcements:** Items or comments from Court Members or Staff.

Judge Bonn announced that the Memorial Day Celebration will be held inside the Courthouse, except the honor guard, it will be on the street. A luncheon will be served after the ceremony. Commissioner Buchholtz added that it will begin at 11:00 a.m. Commissioner Muñoz had attended the CAMPO meeting on Friday in Austin. They are estimating that the population will reach five million in Austin by the year 2045 and discussed the overflow that would be in surrounding Counties. There was a lot of good information.

**05.20.04 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).

1. Norman Chambliss thanked Commissioner Roland for his road being dusted, if he was responsible for it. He described the material that Bastrop County uses on the part of the road that extends into their County and encourages the use of it.

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2. Steven Zunker asked how the Commissioners measure the priorities of the County. Is it a priority or emergency? His concerns were the safety of the citizens, the road conditions and the ratio of deputies to citizens in our county. He was concerned with them having the equipment and vehicles that they need. In his opinion, this is where the emergency exists.

3. Susan Stewart was concerned with the global financial stability and financial debt for our county. She spoke to the Court about funding with debt for the Judicial Center.

4. Hollis Burkland spoke to the Court about the incident in the County Court at Law jury room on Friday, May 17, 2013. He is very concerned with the safety of anyone in the Courthouse and explained the liability that the County could be held responsible for should someone get hurt. He asks for more security in the Courthouse.

5. Judge Bonn asked Commissioner Madrigal to read a letter from Ron Cherry, President of DALCAN Companies. He makes note of the progress that our County has made with the County Administrators office and the Human Resource Department and strongly suggests continuance of forward planning for greater growth.

Commissioner Buchholtz comments that he and Commissioner Muñoz have been looking into getting the Sheriff Dpt. new vehicles.

**05.20.05 Commissioners Court Minutes.** Approval of May 8, 2013 Minutes and May 13, 2013 Minutes.

Motion made by Commissioner Roland, second by Commissioner Buchholtz to approve the minutes for May 8, 2013 and May 13, 2013 with corrections discussed. All Voting "Aye"

**05.20.06 Consent Agenda.** (Any member of the Court may request that an item within the Consent Agenda be moved to the Regular Agenda for further discussion and action).

Commissioner Buchholtz would like to remove "A" from Consent Agenda. No objections.

**B.** Approval of active list of members to the Caldwell County Historical Commission which is required biannually per the Commission's bylaws.

**C.** Approval of Continuation Certificate for Darlene Morris, Chief Deputy Treasurer, Bond Number 69735930 in the sum of \$15,000.00 made payable to Caldwell County for a term of one year commencing on the 23<sup>rd</sup> day of June, 2013.

**D.** Approval of continuation of bonding for Magan Renee Moore, Court Clerk JP Precinct #2, Bond Number 24776853 in the sum of \$1,000.00 made payable to Caldwell County for a term of one year commencing on the 9<sup>th</sup> day of June, 2013.

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- E. Approval of continuation of bonding for Alexis Jennings, Deputy Court Clerk, Precinct #4, in the sum of \$1,000.00 made payable to Caldwell County for a term of one year commencing on the 28<sup>th</sup> day of June, 2013.
- F. To approve Final Plat (short form procedure) for re-plat of Kelley Ranches Lot 13 and Lot 14 (Pablo Martinez Survey A-181).
- G. To approve moving Commissioners Court from May 27, 2013 to May 28, 2013, due to the Memorial Day holiday.  
Motion made by Commissioner Muñoz, second by Roland to approve Consent Agenda, with "A" removed. All Voting "Aye"

**05.20.07 County Administrator Report/Presentation.** Tax Collection Report County Administrator Ron Heggemeier gave the Tax Collection Report and reported that the County is on track for the yearly amount budgeted.

**05.20.08 Special Presentations.** None

**Return to Consent Agenda item that was removed**

- A. Approval of addendum to contract with Steinbomer Bramwell & Vrazel, Architects modifying design fee for new Judicial Center to \$575,000 to reflect additional cost of construction. **Cost:** \$324,260 more than original agreement.  
Motion made by Commissioner Roland, second by Commissioner Muñoz to approve consent agenda "A". Commissioner Muñoz, Commissioner Madrigal, Commissioner Roland, Judge Bonn Voting "Aye". Commissioner Buchholtz voting "No", Motion Passed.

**(ALL OTHER AGENDA ITEMS)**

**05.20.09 Discussion/Action** concerning flood damaged Borchert Loop (CR 108) Bridge.  
Greg Malatek, P.E., District Engineer, Texas Department of Transportation spoke to the court concerning the structural stability of the bridge on Borchert Loop and discussed the weather conditions that it should withstand. Judge Bonn and Commissioners discussed the conditions surrounding the flooding in January. No action was taken.

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**05.20.10 Discussion/Action** to approve a proclamation declaring the week of May 19<sup>th</sup> through May 25<sup>th</sup> Emergency Medical Service Week in Caldwell County. Judge Bonn read the proclamation. Executive Director Glen Germer was present to accept it. Motion made by Commissioner Buchholtz, second by Commissioner Madrigal to approve a proclamation declaring the week of May 19<sup>th</sup> through May 25<sup>th</sup> Emergency Medical Service Week in Caldwell County. All Voting "Aye"

Recess 10:05 a.m.- 10:13 a.m.

**05.20.16 Discussion/Action** consideration and approval of an order by the Commissioners Court of Caldwell County, Texas authorizing the issuance of "Caldwell County, Texas Tax Notes, Series 2013", levying an annual ad valorem tax, within the limitations prescribed by law, for the payment of the notes; prescribing the form, terms, 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.

Motion by Commissioner Buchholtz, seconded by Commissioner Roland that the Commissioners Court adopt an order authorizing the issuance of "Caldwell County Texas Tax Notes, Series 2013" in the principal amount of \$4,500,000.

Roll Call Vote: Commissioner Muñoz-Yes, Commissioner Buchholtz-Yes, Commissioner Madrigal-Yes, Commissioner Roland-Yes, Judge Bonn-Yes. Motion passes unanimously.

**05.20.17 Discussion/Action.** Concerning amendment of the Commissioners Court reserve policy changing the requirement to 2.5 months' worth of reserves. **Cost:** None; **Speaker:** Judge Bonn/Ron Heggemeier; **Backup:** Attached. No action taken.

**05.20.18 Discussion/Action** concerning the use of \$2,000,000 worth of reserves for the remodeling of Wal-Mart into a new Judicial Center. **Cost:** \$2,000,000; **Speaker:** Judge Bonn/Ron Heggemeier; **Backup:** None. No action taken.

Recess 10:25 a.m. -10:40 a.m.

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**05.20.11 Discussion/Action** concerning implementation of video recording of Commissioners Court meetings and posting of the link on the County Website for full transparency of meetings. **Cost:** \$8,535.00-\$10,507.00 plus \$750 per month.

David Owusu with Swagit Productions spoke to the court explaining the costs, benefits and any changes that they may incur when moving cameras or equipment. Commissioner Roland said that he would rather see the money used for the repair of County Roads. He feels the roads come first. Motion made by Judge Bonn, second by Commissioner Munoz to go with the one (1) camera system with Swagit Productions. Commissioner Muñoz, Commissioner Buchholtz, Commissioner Madrigal, and Judge Bonn voting Yes. Commissioner Roland voting "No". Motion Passed.

**05.20.12 Discussion/Action** concerning salaries of non-elected employees which will be included in the 2013-2014 proposed budget and are derived from year two of the Employee Salary Plan proposed by the Human Resources Department and approved by the Commissioners Court on August 6, 2012. Motion made by Commissioner Muñoz, second by Commissioner Roland to table this item until June 10, 2013. Judge Bonn reminds the court that there are 230 county employees waiting to know if they will get a raise this year.

Commissioner Muñoz, Commissioner Buchholtz, Commissioner Madrigal, Commissioner Roland voting "Aye". Judge Bonn voting "No". Motion Passed.

**05.20.13 Discussion** with Deborah Kortan from the Human Resource Department concerning Personnel Policies for Caldwell County.

Commissioner Madrigal asked Debra Kortan to explain section 3.00 Hiring Practices of the Personnel Policies for Caldwell County. Also section 1.05 on page 4, employment at will. Debra Kortan said that since she was one of the departments that he wanted to get rid of, she wasn't the right person to advise him. He should consult his attorney.

**05.20.14 Discussion/Action** concerning replacement of transport vehicle for Sheriff's Office. Insurance proceeds in the amount of \$13,925.00 have been received and replacement cost of the new vehicle is \$25,896.25 (\$25,496.25+\$400.00). Difference of \$11,971.25 to come out of non-department contingency.

Motion made by Judge Bonn second by Commissioner Buchholtz to approve replacement of transport vehicle for Sheriff's Office. Insurance proceeds in the amount of \$13,925.00 have been received and replacement cost of the new vehicle is \$25,896.25 (\$25,496.25+\$400.00). The difference of \$11,971.25 to come out of non-department contingency. All Voting "Aye"

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**05.20.15 Discussion/Action** to approve sealed bid procedure for sale or lease of real estate owned by Caldwell County.

Motion made by Commissioner Buchholtz, second by Judge Bonn to approve sealed bid procedure, using a licensed real estate for sales and a disinterested party when leasing. All Voting "Aye"

**05.20.19 Discussion/Action** regarding Burn Ban.

Motion made by Commissioner Roland, second by Commissioner Muñoz to leave the burn ban off. All Voting "Aye"

Executive Session begins: 10:50 a.m.

**05.20.20 EXECUTIVE SESSION.** Relating to personnel matters pursuant to Texas Government Code § 551.074 regarding Rhoda Chavira. No action will be taken.

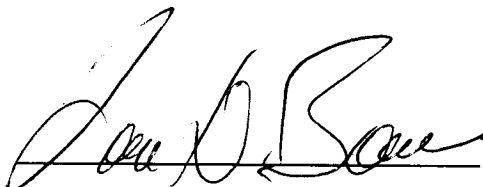
Executive Session ends: 12:24 p.m.

**05.20.21 Discussion/Action** concerning a reduction in force, pursuant to Section 13.04 of the Caldwell County Personnel Policies, for Rhoda Chavira due to lack of work remaining in the Indigent Health Department. The lack of work has come about because of the contract entered into with Seton Healthcare for indigent health care services.

Motion made by Commissioner Muñoz, second by Commissioner Roland to separate Rhoda Chavira from the Indigent care department due to a lack of work effective May 31, 2013 and to ask that a budget amendment prepared by staff, to shift any remaining funds in the department to pay Seton Health Care for Indigent Health services and the budget be amended to attain the necessary funds to fully fund Seton for the 2012/2013. Judge Bonn asks for acceptance of a friendly amendment for settlement package to pay through the end of fiscal year, pay and benefits to allow her to seek employment without working. Commissioner Muñoz declines as a precedent may be set. Commissioner Buchholtz offers friendly amendment to change date from May 31 to June 30, 2013 and this is accepted by Commissioner Muñoz and Commissioner Roland. Roll Call Vote: Commissioner Muñoz-Yes, Commissioner Buchholtz-Yes, Commissioner Madrigal-Yes, Commissioner Roland-Yes, Judge Bonn-No. Motion Passed

**05.20.22 Adjournment**

Motion made by Commissioner Buchholtz, second by Commissioner Muñoz to adjourn. All Voting "Aye"



TOM D. BONN, County Judge