

COMMISSIONERS COURT MINUTES  
110 S. Main St. 2<sup>nd</sup> Floor, Lockhart, Texas  
Regular Meeting August 28, 2017 9:00 a.m.



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KEN SCHAWÉ	County Judge	HOPPY HADEN	Commissioner Pct. 1
CAROL HOLCOMB	County Clerk	EDDIE MOSES	Commissioner Pct. 2
		ED THERIOT	Commissioner Pct. 3
		JOE IVAN ROLAND	Commissioner Pct. 4

**Call Meeting to Order.**

Judge Schawe calls the meeting to order at 9:00 a.m.

**Invocation.** Lockhart Ministerial Alliance

Judge Schawe 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 Schawe leads all present in the pledge to both flags.

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

**Commissioner Haden** attended a Subdivision Committee Meeting, a Lockhart Economic Development Meeting with Rob Tobias, a CAMPO Policy Board Meeting, two Host Agreement Committee Meetings, and met with 130 Concession Group. He is thankful to all the emergency responders for their work over the weekend. **Commissioner Moses** joined a FEMA floodplain group reviewing area maps, and participated in a conference call about Plum Creek Watershed. In September Commissioner Moses will begin hosting Coffee with a Commissioner at Mama's Front Porch in Luling from 9:00-10:00 a.m. on the second Saturdays of each month. He is also thankful to all of the emergency responders. **Commissioner Theriot** thanks all first responders for the weekend. He says the Subdivision Committee will meet Tuesday at 2:00 p.m. and that Schuelke Road was inspected. He and Commissioner Haden will be meeting with CAMPO about route studies. He recommends everyone be familiar with the floodplain maps mentioned by Commissioner Moses, they are with County Engineer Jacque Thomas. **Commissioner Roland** says he attended a legislative conference. He is thankful Harvey has calmed down. **Judge Schawe** wants to echo the appreciation for all first responders.

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**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).

**Robert Kohler** owns a farm in Dale and thanks Commissioner Haden for drafting the Host Agreement the way he has. He details emails from 2013 regarding the landfill's original permit, the siting ordinance and the floodplain changes potentially impacting the landfill.

**Eric Allmon** is representing EPICC and passes out documents to the court. He reviews why it is possible that TCEQ will not approve the permit and reviews concerns about the landfill potentially being within the floodplain.

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

- 1. Approve payment of County invoices in the amount of \$400,586.56.**
- 2. Accept and approve the new officers of the Caldwell County Historical Commission to replace three vacancies on the board.**
- 3. Approve the appointment of Jacquelyn Thomas, County Engineer, as the Primary Voting Member to the CAMPO Technical Advisory Committee and Commissioner Ed Theriot as the Alternate Voting Member.**
- 4. Approve the Continuation Certificate for Bond # 69735930 for Chief Deputy Treasurer, Darlene Morris.**
- 5. Approve Budget Amendment #13 for the Veteran Services Officer transferring remaining funds from Line Item 001-6570-3120 (Postage) and 001-6570-4260 (Transportation) to provide additional funds in Line Item 001-6570-3110 (Office Supplies).**

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6. **Accept Financial Reporting Statements and/or Form 990 for the year ending 2016 from the following Volunteer Fire Departments as required by Paragraph 8 of the Rural Fire Protection Service Contract with Caldwell County: Southeast Volunteer Fire Department Internal Revenue Service Form 990EZ.**
  
7. **Accept Financial Audit Reports of Emergency Services Districts pursuant to Section 775.082 of the Health and Safety Code for year ending September 2016: ESD # 3 (Martindale VFD).**

Judge Schawe asks for approval of items 1-6, excluding 7. \*Commissioner Roland exits. So moved by Commissioner Theriot, second by Commissioner Haden. All present voting "Aye".

**ACTION AGENDA ITEMS**

8. **Discussion/Action regarding the burn ban. Cost: None; Speakers: Judge Schawe/Commissioner Theriot/Martin Ritchey; Backup: None.**

\*Commissioner Roland returns. Martin Ritchey explains that Judge Schawe lifted the burn ban last week and he recommends that it is left off. Motion made by Commissioner Roland, second by Commissioner Haden to leave the burn ban off. All voting "Aye".

9. **Discussion/Action regarding Hurricane Harvey response. Cost: TBD; Speaker: Commissioner Theriot; Backup: None.**

Commissioner Theriot turns it over to Martin Ritchey. He asks that the court votes for a sixty day extension on the Judge's Declaration of Disaster. He reviews the current state of the area regarding Harvey's effects. He emphasizes that the danger is not over and that recovering from the effects will be a long process. He details some of the steps that will have to be taken to repair Caldwell County.

\*Commissioner Roland exits. Martin Ritchey asks the court to extend the Declaration of Disaster for sixty days. So moved by Commissioner Haden, second by Commissioner Moses. All present voting "Aye". \*Commissioner Roland returns.

Joyce Buckner with Bluebonnet Electric says there are 39 members without power and they are unable to get to them because of flooding. They will get to them as soon as the water recedes.

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- 24. PUBLIC HEARING AT 9:30AM** regarding the proposed tax rate. **Cost: TBD;**  
**Speaker: Judge Schawe; Backup: 1.**

Judge Schawe opens the Public Hearing at 9:51 a.m. There are no speakers. Public Hearing closes at 9:51a.m.

- 25. PUBLIC HEARING AT 9:30AM** regarding the 2017-2018 Proposed Annual Budget. **Cost: TBD; Speaker: Judge Schawe; Backup: 1.**

Judge Schawe opens the Public Hearing at 9:51 a.m. There are no speakers and the Public Hearing is closes at 9:51 a.m.

- 10. Discussion/Action** to approve the reappointment of Judge Schawe and Commissioner Roland to Capital Area Council of Governments (CAPCOG) General Assembly and to renew annual membership for the year 2018. **Cost: None; Speaker: Judge Schawe; Backup: 4.**

Judge Schawe reads the agenda item. So moved by Commissioner Theriot, second by Commissioner Moses. All voting "Aye".

- 11. Discussion/Action** to approve adding the position of Docent for the Caldwell County Jail Museum as a part-time County employee and accept salary reimbursement to the County by the Caldwell County Historical Commission. **Cost: Not to exceed \$600.00; Speakers: Judge Schawe/ Coyle Buhler; Backup: None.**

Judge Schawe reviews what the cost would be to the County. Motion made by Commissioner Theriot, second by Commissioner Roland to approve adding the position of the docent to the Caldwell County Jail Museum. All voting "Aye".

- 12. Discussion/Action** to approve a donation to CARTS in an amount not to exceed \$3,000.00. **Cost: Not to exceed \$3,000.00; Speaker: Commissioner Moses; Backup: 1.**

Motion made by Commissioner Moses, second by Commissioner Theriot to donate \$1,000.00 to CARTS. All voting "Aye". Judge Schawe reviews the remainder of funds in the donation budget.

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- 13. Discussion/Action** to authorize and fund a donation for the Texans Feeding Texans – Home Delivered Meal Grant Program in an amount not to exceed \$1,700.00. **Cost: Not to exceed \$1,700.00; Speaker: Judge Schawe; Backup: 1.**

Judge Schawe reviews the agenda item and asks Molly Cole, Judicial & Administrative Assistant, what donations are pending for this fiscal year and she goes over the list. Motion made by Commissioner Moses, second by Commissioner Theriot we give the \$1,700.00 to the Home Meals Grant Program. All voting “Aye”.

- 14. Discussion/Action** regarding the 2018 Sheriffs’ and Constables’ Fees. **Cost: None; Speakers: Judge Schawe/Carol Holcomb; Backup: 1.**

Judge Schawe recommends leaving the fees as they are. So moved by Commissioner Roland, second by Commissioner Haden. All voting “Aye”.

- 15. Discussion/Action** to nominate a candidate to fill the vacancy on the Caldwell County Appraisal District Board of Directors. **Cost: None; Speaker: Judge Schawe; Backup: 3.**

Judge Schawe asks if anyone has a nominee. Commissioner Moses is waiting to hear from Luling City Counsel, but he would like to nominate Art Davis. He and Judge Schawe discuss the nomination and appointment process. Motion made by Commissioner Moses, second by Commissioner Theriot to nominate Art Davis. All voting “Aye”.

**Citizens’ Comments Continued:**

**Sandra Billingsley** owns Lone Star Gun Range and says the condition of the roads is impacting her livelihood and the livelihood of her employees. She asks that the County repair the roads following the hurricane.

**Cindy Jordan** is a Lockhart resident who says the culverts on her road have not been maintained resulting in conditions that require her to ride with someone who owns a four wheel drive vehicle. She is unable to use her car. She asks that the culverts are put back and maintained.

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- 16. Discussion/Action** regarding the recommendations of the Host Agreement Committee in relation to a possible host agreement with Green Group Holdings. **Cost: None; Speaker: Commissioner Haden; Backup: To be distributed in court.**

\*Judge Schawe exits. Commissioner Theriot, District Attorney Fred Weber, and Commissioner Haden discuss Commissioner Theriot's participation in discussion and action regarding the Host Agreement. \*Judge Schawe returns. Commissioner Haden reviews the agenda item. He would like the court to discuss the document he sent them. Commissioner Roland has a problem with an agreement between the County and Green Group and Judge Schawe has not had a chance to review the document. Commissioner Haden explains this step is only approving the document to be sent to Green Group and is not a final approval of the document. He understands everyone needing a chance to review it and that the hurricane prohibited opportunities to look it over. Judge Schawe asks Commissioner Theriot if he will make a motion to table and Commissioner Theriot says yes, second by Commissioner Moses. All voting "Aye".

- 17. Discussion/Action** regarding the approval of Early Voting Locations and Hours and Election Day Polling Locations for the November 7, 2017 Constitutional Elections. **Cost: None; Speakers: Judge Schawe/Pamela Ohlendorf; Backup: 3.**

Judge Schawe says Elections Administrator Pam Ohlendorf was unable to make court. He reviews voting locations and potentially reducing their number. Commissioner Moses recommends location changes/consolidation. Judge Schawe says he is looking for approval of the locations except for precincts 201, 202, 203, and 206 all being located in the Luling Civic Center and no longer using the Southside Clubhouse. So moved by Commissioner Moses, second by Commissioner Haden. All voting "Aye".

- 18. Discussion/Action** regarding the discontinuation of the Employee Long-Term Disability Benefit Policy. **Cost: TBD; Speaker: Judge Schawe; Backup: None.**

Judge Schawe asks for a motion. Moved by Commissioner Theriot, second by Commissioner Haden to discontinue the Long-Term Disability Benefit with the condition that the funds currently being applied to that benefit by the County be retained and targeted to some other benefit to the employees. All voting "Aye".

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- 19. Discussion/Action** to approve payment of invoice for Michael Aulick in the amount of \$1,125.00 for 9 hours billed. **Cost: TBD; Speaker: Commissioner Roland; Backup: 4.**

County Consultant Michael Aulick is requesting approval of his final invoice and details some of the projects he assisted with. Commissioner Roland reviews the project from the current invoice. Motion made by Commissioner Roland, second by Commissioner Theriot that we pay Mr. Aulick. Martin Ritchey and Commissioner Haden discuss project cost assistance and Judge Schawe says that discussion will need to be a separate agenda item. All voting "Aye".

- 20. Discussion/Action** to execute the Interlocal Cooperative Agreement for County Jail Functions between Hays County and Caldwell County. **Cost: None; Speakers: Commissioner Theriot/Chief Deputy Mike Lane; Backup: 6.**

Sheriff Law explains he brought the contract to the court because the people who signed it are no longer with the County and the profit rate has increased. So moved by Commissioner Moses, second by Commissioner Haden. All voting "Aye".

- 21. Discussion/Action** to adopt a new Development Permit Fee Schedule. **Cost: None; Speaker: Commissioner Theriot; Backup: 2.**

Commissioner Theriot reviews the fee schedule revisions. Recommended by Commissioner Theriot, second by Commissioner Haden to approve the revised fee schedule. Judge Schawe confirms the change will be in effect as soon as the court approves the motion. All voting "Aye".

- 22. Discussion/Action** regarding the report from the Caldwell County Elections Commission concerning the August 21, 2017 meeting to evaluate the operations, equipment, personnel, and overall functionality of the Caldwell County Elections Office. **Cost: None; Speakers: Commissioner Theriot/Judge Schawe; Backup: None.**

Judge Schawe explains the agenda item and overviews the discussions from the meetings of the Caldwell County Elections Commission and the Caldwell County Elections Board. He will bring additional information to the next meeting. No action is taken.

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**23. Discussion/Action** regarding the selection and purchase of election equipment.  
**Cost: TBD; Speaker: Judge Schawe; Backup: 5.**

Judge Schawe says the item needs to be passed on because a request for bids has to be sent out. No action is taken.

\*Commissioner Haden exits.

**26. Discussion/Action** regarding approval of the salaries, expenses or other allowances for elected county and precinct officials pursuant to §152.013(a) of the Local Government Code. **Cost: TBD; Speaker: Judge Schawe; Backup: 1.**

Judge Schawe says he has not made any changes from the recommendations and asks District Attorney Fred Weber if changes can be made after the notice was published stating pay would not exceed a certain amount.

\*Commissioner Haden returns, Commissioner Roland exits and Judge Schawe calls a five minute recess.

Court reconvenes at 10:58 a.m. with all members present. Judge Schawe explains that to change the amount it would have to be reposted and addressed at another meeting. Commissioner Haden asks about the salary increases for the County Judge and the County Sheriff. The court confers about tabling the item until after the budget is discussed.

**27. Discussion/Action** to approve the 2017-2018 Proposed Annual Budget. **Cost: TBD; Speaker: Judge Schawe; Backup: None.**

Sheriff Law discusses the Sandra Bland Act and answers questions from the court. The court discusses funding the Act.

Motion made by Commissioner Haden, second by Commissioner Theriot to increase revenues to offset the twenty-four hour coverage on Dr. Chudleigh. All voting "Aye".



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The court discusses specific requests from County offices and increasing the salaries of the County Judge and County Sheriff. Judge Schawe will have to publish the salary changes and meet with the Auditor to find the money for any increase.

Judge Schawe moves back to item 26 and is asking for a motion to table. So moved by Commissioner Roland, second by Commissioner Haden to table. All voting "Aye".

Judge Schawe moves back to item 27 and requests the item is tabled. So moved by Commissioner Haden, second by Commissioner Theriot to table. Judge Schawe reviews the changes he is planning to make to the proposed budget. Commissioner Moses, Judge Schawe, and Sheriff Law discuss the budget request for the Sheriff's Office. All voting "Aye".

**28. Adjournment.**

So moved by Commissioner Haden, second by Commissioner Moses to adjourn. All voting "Aye". Meeting adjourned at 12:55 p.m.

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I, CAROL HOLCOMB, 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 28, 2017.

*Carol Holcomb*

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CAROL HOLCOMB, COUNTY CLERK AND EX OFFICIO  
CLERK OF THE COMMISSIONERS' COURT OF  
CALDWELL COUNTY, TEXAS

