

COMMISSIONERS COURT MINUTES
110 S. Main St. 2nd Floor, Lockhart, Texas
Regular Meeting March 13, 2017 9:00 a.m.



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 9:01 a.m.

Invocation. Lockhart Ministerial Alliance

Judge Schawe opens the meeting with 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 says he and Commissioner Theriot along with CAMPO and Hays County Commissioners met with TxDot for further discussions on Highway 21 improvements. The District Engineer is optimistic we will get enough funds for a super two from Bastrop to San Marcos but not until 2019. He and some other community leaders had a brainstorming session with GSMP who will do media outreach on their behalf. He attended a CAMPO policy board meeting discussing Yarrington Road, 150, and Luling Bypass being added to the tip of their work plan. Commute Solutions, now part of CAPCOG and looped in from CAMPO is becoming a clearing house of information from counties interested in commuting. He addresses his campaign finance report not being filed because his treasurer was out of town and he was busy learning to be a Commissioner. It was written that that was a summary report of the whole cycle, but he clarified he deposited \$200.00 and spent about \$400.00 over that period and has a copy of the report. **Commissioner Moses** reminds everyone that McMahan's chili cook-off is from 5pm-7pm on the 25th at the Community Center. He attended the Caldwell County Stock Show where they awarded Commissioners Court with a plaque for their years of support. Buster Roberts of the Luling Track Team broke a thirty-six year record held by his coach. Wednesday he met with Victor Garza of Greater San Marcos Partnership regarding funding for a gas-line out to their industrial park. It is necessary for businesses so they will get the money together. **Commissioner Theriot** has no comments.

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Commissioner Roland says good morning and reports he went to the Junior Livestock Show and Rodeo and the kids there did a great job and he shows some thank you cards that came from Luling and Lockhart children. He says he is against the landfill and is thinking of the kids and the legacy it will leave because most of us will be gone. He reads emails from supporters who are thankful he is fighting against the dump. He asked CAPGOG to speak and give possible solutions to illegal tire dumping. **Judge Schawe** encourages the public to reach out to the Court. He appreciates them reaching out and letting him know their view. That is what he is looking for, however, a lot of information is not correct a lot of times and he tries to correct it and clear it up. If you are unsure please contact a one of them. He has seen discrepancies out there like not signing a Host Agreement that we have and we don't have a Host Agreement at this point in time. There are a lot of things out there. He can go back to where in the front page of the Austin American Statesman back at the beginning or end of last year that had a picture in there quoting him that said "I am taking a supplement," he states he is not. There are so many things, it's all over Facebook but he does not try to reach back out and clarify all the false information. He was told he should get on Facebook and he may consider that even though he is not a fan but because there is so much on Facebook that might be a way to clarify some of the issues. Again, he appreciates everyone reaching out and wants people to continue to do that.

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.

R.W. Gratham is a citizen of Prairie Lea and wants the stop signs that were taken down to be put back up. He is concerned about safety for the children because of how people drive through the area.

Linda Lloyd is a Lockhart resident who spent her life savings for 12 acres of fresh air, sunrises, and sunsets. She is threatened by living in the shadow of the valley of the dump. She is dead against the dump and wants the Commissioners to fight for their citizens. It is personal for her and will make it her mission to campaign against the Court Members who propose the dump.

Lisa Alexander is a Lockhart resident who was a victim of 287 tires being dumped on her property and she has been told she has to pay \$25.00 a tire to have them cleaned up. She says she cannot get help from the county or TCEQ and will not pay because she was a victim of a crime. She asks the court what to do and if they think it's fair.

Web Sphar is employed in Caldwell County. His wife recently left a position in the Judge's office and her vacation check was considerably less than her pay. He contacted the Auditor, Debra French, and the Treasurer, Lori Rangel, who both indicated their system deducts 25% of fringe benefit pay, authorized by Judge Schawe. He contacted Judge Schawe but has not heard back from him or any other office involved. He thinks the offices are unwilling to resolve the situation. He would like the Court to create an agenda item for the next Commissioners Court. He exceeds the four minute time limit and requests another minute but is denied and the bailiffs escort him away from the podium.

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

1. **Approve payment of County invoices in the amount of \$404,647.73.**
2. **Accept and approve the February 2017 Tax Collection Report submitted by the Caldwell County Appraisal District.**
3. **Accept and approve the 2016 Certificates of Compliance (Continuing Education for Certification as County Treasurer and Public Funds Investment Training) from the County Treasurers' Association of Texas for County Treasurer, Lori Rangel.**

So moved by Commissioner Moses, second by Commissioner Haden to accept consent agenda items one through three. All voting "Aye".

SPECIAL PRESENTATIONS

4. **Angela Rawlinson & Ashley Flores, Lockhart and Luling Chamber of Commerce: Caldwell County Leadership Program**

Angela Rawlinson is President of Lockhart Chamber of Commerce and her partner in this venture is Ashley Flores, Director of Luling Chamber of Commerce, who cannot be here because she is not feeling well. Angela Rawlinson knows a committee will be formed to address monetary requests (from the County's Economic Development Fund) and will be presenting to the committee requesting support to defray tuition of their county wide leadership program.

5. **Ken May, CAPCOG (Illegal tire dumping)**

Ken May works with Capitol Area Planning Council of Governments. They are responsible for regional planning including solid waste. He reviews the role of CAPCOG and the state's legislation regarding solid waste emphasizing illegally dumped tires. They can facilitate elected officials getting together and determining the best policies for their areas but have no political affiliation and cannot lobby legislation. He goes over the organization's point of contact, Mike Bittner for Caldwell County, and services they provide along with options for disposing of illegally dumped tires.

ACTION AGENDA ITEMS

6. **Discussion/Action** regarding a Proclamation recognizing the anniversary of Caldwell County. **Cost: None; Speaker: Judge Schawe; Backup: 1.**

Human Resources Coordinator Bob Bush reads the Proclamation. So moved by Commissioner Theriot, second by Commissioner Roland to accept the Proclamation. All voting "Aye".

7. **Discussion/Action** regarding the burn ban. **Cost: None; Speaker: Judge Schawe/Martin Ritchey; Backup: None.**

Martin Ritchey says there has been a lot of precipitation and though a dry spell is expected he currently recommends the burn ban stay off. Motion made by Commissioner Roland, second by Commissioner Theriot to leave the burn ban off. All voting "Aye".

8. **Discussion/Action** to increase the number of Deputy Constables in Precinct One from four positions to five positions. **Cost: None; Speaker: Judge Schawe/Constable Terrell; Backup: None.**

Precinct 1 Constable Smitty Terrell explains his need for an additional position. Constable Terrell answers questions from the court. Judge Schawe says he does not see a problem adding the position. So moved by Commissioner Haden, second by Commissioners Roland and Theriot to add the position. All voting "Aye".

9. **Discussion/Action** to set a public hearing regarding the installation of all-way stop signs in Prairie Lea, Precinct 2. **Cost: None; Speaker: Commissioner Moses; Backup: None.**

Commissioner Moses explains the need for stop signs in Prairie Lea to be reinstalled. He would like a Public Hearing to be placed on the next agenda. The court and Civil Attorney Jordan Powell discuss getting the item on the next agenda, the codes for replacing stop signs, as well as acclimating people to the stop signs. Motion made by Commissioner Moses, second by Commissioner Theriot to have a Public Hearing on the next agenda. All voting "Aye". Motion amended by Commissioner Moses, second by Commissioner Theriot to include both the Public Hearing and the Discussion/Action as items on the next agenda. All voting "Aye".

10. **Discussion/Action** to authorize Judge Schawe and Commissioner Haden to approve payments on an as-needed basis related to the Schuelke Road project, with the exception of final payment. **Cost: TBD; Speaker: Judge Schawe; Backup: None.**

Judge Schawe explains needing to approve payments to reduce the long delays between contractors' bills. Motion made by Commissioner Moses, second by Commissioner Roland to approve payments as-needed. Jordan Powell asks for clarification regarding payment approval and Judge Schawe says approval will require both Commissioner Haden and himself. He will not approve anything on his own. All voting "Aye".

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11. **Discussion/Action** regarding the Texas Notice of Audit Amount Due to the State Comptroller for court costs, fees and fines in the amount of \$468,691.99. Recommendation for payment or possible redetermination hearing. **Cost: TBD; Speaker: Judge Schawe; Backup: 1.**

Lori Rangel says she spoke with the external auditor who suggested she and Debra French meet as well as the other involved county offices to ensure their records match. Debra French recommends a redetermination hearing. Commissioner Theriot asks if it can be confirmed that the issues will not happen again. Debra French says she cannot confirm that and that the process needs refining. He then asks how they could get to the point that it will not happen again. Lori Rangel says the offices involved need to meet and work on matching codes. Commissioner Theriot and Judge Schawe would like the Treasurer and Auditor to bring the issues causing the problem as well as recommendations on correcting them back to the court. So moved by Commissioner Haden, second by Commissioner Theriot to have a redetermination hearing. All voting "Aye". Commissioner Theriot confirms a report is coming back to the court. Lori Rangel says she would like to meet with the Auditor as the external auditor Lewis Crain with Rutledge Crain & Company PC suggested. Debra French says the request for the redetermination hearing has to be made within two days or paying the amount billed will not be an option.

12. **Discussion/Action** to accept committee appointments from each Commissioner for the purpose of negotiating a possible Host Agreement with Green Group Holdings. **Cost: None; Speaker: Commissioner Haden; Backup: None.**

Commissioner Haden explains that the County has not withdrawn from the proceedings and that the original Host Agreement is not on the table and not being negotiated. Mr. Green is bringing forth another agreement. This item is to get a committee in place if a new agreement is put forward. The court members can chose if they want to appoint anyone to the committee. Commissioner Roland appoints Frank Sughrue, Commissioner Theriot appoints Linda Hinkle, Commissioner Moses appoints Kenwood Maeker, and Commissioner Haden appoints Oscar Fogle. Judge Schawe will appoint someone to create an odd number and will ask Ken Sneed if he would sit on the committee. Motion made by Commissioner Theriot, second by Commissioner Haden to approve the list made by the Commissioners and the Judge. All voting "Aye".

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13. **Discussion/Action** to dispose of salvage or surplus property located at the Caldwell County Justice Center, Fleet Maintenance Department, pursuant to Section 263.152 of the Texas Local Government Code and Article 2.21 of the Code of Criminal Procedure. **Cost: TBD; Speaker: Judge Schawe; Backup: 1.**

Judge Schawe explains what the property is and why it needs disposal. Captain Mike Lane clarified that unit 207 is still running and is a backup vehicle that should not be salvaged. Judge Schawe confirms it will be left off of the list and is looking for a motion. So moved by Commissioner Haden, second by Commissioner Moses. Jordan Powell asks that whoever disposes of the property ensures it is done by code 263.152 and that records of the transactions are retained. Martin Ritchey says that previously such vehicles have been donated to local volunteer firefighters to practice cutting and he would like that to be an option considered in this case. Commissioner Theriot asks who takes care of disposing of the property and Judge Schawe answers that his office does. All voting "Aye".

14. **Discussion/Action** to dispose of salvage or surplus property located at the Caldwell County Juvenile Probation Office, pursuant to Section 263.152 of the Texas Local Government Code and Article 2.21 of the Code of Criminal Procedure. **Cost: TBD; Speaker: Judge Schawe; Backup: None.**

Judge Schawe describes the content of the building to be salvaged and disposed of based on its condition. He says records are included and need special consideration. Jordan Powell clarifies that records will not fall under the same category as salvage because they have their own retention code. Judge Schawe and Jordan Powell confirm records will be a separate issue and placed on another agenda. Curtis Weber, Maintenance Supervisor, says they are out of room in the Caldwell County Juvenile Probation Office and would like them to remove what they can. Judge Schawe is looking for a motion. So moved by Commissioner Roland, second by Commissioner Moses. Jordan Powell again asks that whoever disposes of the property does so according to code 263.152 and 263.153. All voting "Aye".

15. **Executive Session** pursuant to Texas Government Code, Title 5, Subchapter D, Section 551.071 and 551.076 (Consultation with counsel and deliberation): regarding the deployment or implementation of security personnel or devices, or a security audit, to include deliberation regarding Caldwell County's Threat Hazard Identification and Risk Assessment (THIRA); and the county's Hazard Mitigation Planning. Possible action may follow in open court. **Cost: TBD; Speaker: Judge Schawe/Martin Ritchey; Backup None.**

Executive Session begins at 10:53 a.m. In attendance are Martin Ritchey, Emergency Management Coordinator, Judge Schawe, Commissioner Haden, Commissioner Moses, Commissioner Theriot, Commissioner Roland, and Civil Attorney Jordan Powell. Court is called back into session at 12:20 p.m. No action is taken.

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Adjournment.

So moved by Commissioner Moses, second by Commissioner Haden to adjourn. All voting "Aye". Adjourned at 12:21p.m.

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 March 13, 2017.

Carol Holcomb

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

