THE STATE OF TEXAS \* COMMISSIONERS’ COURT

COUNTY OF KENEDY \* OF KENEDY COUNTY, TEXAS

 On the 9th day of August, 2021, at 9:00 o'clock a.m., a regular meeting of the Commissioners Court of Kenedy County, Texas, was held in the Kenedy County Courthouse.

 **Commissioners present:**

 Charles E. Burns, County Judge

 Joe Recio, Commissioner, Precinct No. 1

 Israel Vela, Jr., Commissioner, Precinct No. 2

 Sarita Armstrong-Hixon, Commissioner, Precinct No. 3

 Gumecinda "Cindy" Gonzales, Commissioner, Precinct No. 4, by phone

 **Also present:**

 Veronica Vela, County & District Clerk

 Ruben Hernandez, Maintenance Supervisor

 Irma Longoria, County Tax Assessor/Collector

 Cynthia Salinas, County Treasurer, by phone

 Grace Salinas, Administrative Secretary

 Jennifer Cuellar, County Treasurer’s Office, by phone

 Jose E. Mendietta, Fire Chief

 Kevin O’Hanlon

 Dwight Thompson, Appraisal District

 JP Cecilia Schulz

 JP Patti Fain

 JP Jana Norrell

 Daniel Almeida

 Gilbert San Miguel, Sheriff’s Dept.

 Hector Castaneda, LNV

 Randy Maltby, Maltby Builders, Inc.

 Steve Zamora, Maltby Builders, Inc.

 Patrick Sparks, Engineer

 Luke Womack

 Robert Davila, GrantWorks, by phone

 Andy Garza, Kenedy County GD

 John Hubert, District Attorney

 **Absent**:

 Leo Villarreal, Administrative Assistant

 Allison Strauss, County Attorney

 Ramon Salinas, III, County Sheriff

1. **Pledge of Allegiance**.

Judge Charles E. Burns led the Commissioners Court in the Pledge of Allegiance.

1. **Receive Public Comments**.

 Ruben Meza with Foremost asked the Commissioners Court regarding the status of his request regarding his request for the County to construct a building for fiber optic internet.

1. **Discuss & Act on the Regular Minutes for July 12, 2021 and Special Minutes for July 6, 2021, July 19, 2021, and July 27, 2021**.

 Judge Charles E. Burns presented the Commissioners’ Court Minutes of the special July 6, regular July 12 and special July 19 and July 27 meetings.

 Commissioner Sarita Armstrong-Hixon moved and Commissioner Israel Vela, Jr. seconded the motion; the motion was unanimously passed that the minutes of the Minutes of the regular June 14, 2021 meeting and special June 21, 2021 meetings be accepted as presented.

1. **Read Governor’s Proclamation Renewing the Declaration of Disaster Concerning Covid-19**.

 Judge Charles E. Burns read to the Commissioners Court the Governor’s Proclamation Renewing the Declaration of Disaster Concerning Covid-19.

 Commissioner Sarita Armstrong-Hixon moved and Commissioner Joe Recio seconded the motion; the motion was unanimously passed that the Governor’s Proclamation Renewing the Declaration of Disaster Concerning Covid-19 be adopted as presented.

1. **Read Governor’s Proclamation Amending and Extending the Disaster Proclamation Concerning Border Security**.

 Judge Charles E. Burns read to the Commissioners Court the Governor’s Proclamation Amending and Extending the Disaster Proclamation Concerning Border Security.

 Commissioner Sarita Armstrong-Hixon moved and Commissioner Israel Vela, Jr. seconded the motion; the motion was unanimously passed that the Governor’s Proclamation Amending and Extending the Disaster Proclamation Concerning Border Security be adopted as presented.

1. **Receive Report of Kevin O’Hanlon’s Regarding the TxDot Drainage Issues and the Erosion from the East and West Side of the Overpass Created by the Highway Construction Within Kenedy County and Act If Necessary**.

 Kevin O’Hanlon reported to the Commissioners Court the status of the TxDOT drainage issues and the erosion from the east and west side of the overpass created by the highway construction within Kenedy County. Kevin O’Hanlon stated that the County could file an inverse-condemnation lawsuit; that private citizens could file a lawsuit under the Private Real Property Rights Preservation Act (PRPRPA); but recommended that a letter of representation be written to the Department to inform it that the O’Hanlon firm has been retained for a potential lawsuit against the Department; and that said letter needs to be sent before any legal action can take place.

 Commissioner Sarita Armstrong-Hixon moved and Commissioner Joe Recio seconded the motion; the motion was unanimously passed that Kevin O’Hanlon is authorized to write TXDot a letter regarding the TxDOT drainage issues and the erosion from the east and west side of the overpass created by the highway construction within Kenedy County and that a lawsuit be filed, if necessary.

1. **Discuss & Act on A Resolution and Order Terminating the 2011 Reapportionment plan & Establishing the 2021 Reapportionment Plan based on the 2020 County Census**.

 Judge Charles E. Burns presented the Commissioners Court with the proposed Resolution and Order Terminating the 2011 Reapportionment Plan and Establishing the 2021 Reapportionment Plan based on the 2020 County Census; however, Leo Villarreal had informed him that he needed more information from the U. S. Census Bureau before the Kenedy County Plan could be finalized for the U. S. Census report is not scheduled to be published until September 30, 2021.

 Commissioner Sarita Armstrong-Hixon moved and Commissioner Gumecinda "Cindy" Gonzales seconded the motion; the motion was unanimously passed that this item be tabled.

1. **Discuss & Act on Presenting Plaque to Tom Sanchez for Years of Service**.

 Judge Charles E. Burns read the Commissioners Court a letter of service addressed to Tomas Sanchez for his service to Kenedy County as Emergency Manager and if approved, a plaque would be prepared for him for his 26 years of service to Kenedy County as Emergency Management Coordinator.

 Commissioner Sarita Armstrong-Hixon moved and Commissioner Joe Recio seconded the motion; the motion was unanimously passed that the letter and plaque for Tomas Sanchez’ 26 years of service to Kenedy County as Emergency Management Coordinator be approved as presented.

1. **Discuss & Act on Treasurer’s Monthly Report and Transfers**.

 Judge Charles E. Burns presented the Treasurer's Monthly Report and Transfers for the month ending July 31, 2021.

 Commissioner Joe Recio moved and Commissioner Israel Vela, Jr. seconded the motion; the motion was unanimously passed that the Treasurer's Monthly Report and Transfers ending July 31, 2021, and transfers and investments be accepted as presented.

1. **Discuss & Act on Computer Software Contract for the Treasurer and Judge’s Office**.

 Judge Charles E. Burns informed the Commissioners Court that it was necessary that a computer software contract be purchased for the Treasurer and County Judge’s Offices; however, Cynthia Salinas, County Treasurer, informed the Commissioners Court that Allison Strauss needed to make changes to the contract.

 Commissioner Sarita Armstrong-Hixon moved and Commissioner Israel Vela, Jr. seconded the motion; the motion was unanimously passed that this item be tabled until the contract was revised by Allison Strauss, County Attorney.

1. **Receive Daniel Almeida and Act on the Sewer & Water System Monthly Report**.

 Daniel Almeida presented the Commissioners Court with his Sewer & Water System report.; he informed the Commissioners Court that he had purchased two pumps, had a couple of water leaks and recommended staying with regular meters because the new ones would glitch and stay under water with large amounts of rain.

 This being a report only, no vote was needed and none was taken.

1. **Discuss & Act on the Sheriff’s Monthly Report**.

 Deputy Gilbert San Miguel presented the Sheriff’s monthly report to the Commissioners’ Court for the month ending July 31, 2021.

 Commissioner Sarita Armstrong-Hixon moved and Commissioner Joe Recio seconded the motion; the motion was unanimously passed that that the Sheriff’s report be accepted as presented.

1. **Discuss & Act on Fire Chief’s Monthly Report**.

 Jose E. Mendietta, Fire Chief, presented the Fire District’s monthly report to the Commissioners’ Court for the month ending Jul 31, 2021.

 Commissioner Joe Recio moved and Commissioner Israel Vela, Jr. seconded the motion; the motion was unanimously passed that the Fire Chief’s Monthly Report be accepted as presented.

1. **Discuss & Act on the Maintenance Department Monthly Report**.

 Ruben Hernandez, Maintenance Supervisor, presented the Maintenance Department’s monthly report to the Commissioners’ Court for the month ending July 31, 2021.

 Commissioner Sarita Armstrong-Hixon moved and Commissioner Israel Vela, Jr. seconded the motion; the motion was unanimously passed that the Maintenance Department Monthly Report be accepted as presented.

1. **Discuss & Act on Courthouse Landscaping and Re-painting the Red Curbs**.

 Judge Charles E. Burns informed the Commissioners Court that of the need to landscape the Courthouse and repaint the red curbs.

 Commissioner Joe Recio moved and Commissioner Israel Vela, Jr. seconded the motion; the motion was unanimously passed that the Courthouse grounds be landscaped and that the curbs be painted red.

1. **Discuss & Act on Budget Amendment for the District Attorney’s Office Regarding the Assistant DA Supplement Line Item Which Was Lowered from $39,649.92 to $21,670.00**.

 John Hubert, District Attorney, informed the Commissioners Court of the need to amend the 2021 budget for the District Attorney’s Office regarding the Assistant DA supplement line item which was lowered from $39,649.92 to $21,670.00 and therefore, needed to amend the 2020 budget to be $50,658.88 and the 2021 Budget to be $50,787.69.

 Commissioner Sarita Armstrong-Hixon moved and Commissioner Joe Recio seconded the motion; the motion was unanimously passed that the District Attorney’s Office the 2020 budget be $50,658.88 and the 2021 budget be amended by increasing it to $50,787.69.

1. **Discuss & Act on Transferring $39,649.92 From District Attorney’s Asset Forfeiture Fund to the General Fund to Reimburse Kenedy County Regarding the Expected 2021 Expenditures of the Assistant DA Supplement**.

 John Hubert, District Attorney, informed the Commissioners Court of the need to transfer $39,649.92 from the District Attorney’s Asset Forfeiture Fund to the General Fund to reimburse Kenedy County regarding the expected 2021 expenditures of the Assistant DA Supplement.

 Commissioner Sarita Armstrong-Hixon moved and Commissioner Joe Recio seconded the motion; the motion was unanimously passed that $39,649.92 be transferred from the District Attorney’s Asset Forfeiture Fund to the General Fund to reimburse Kenedy County regarding the expected 2021 expenditures of the Assistant DA Supplement.

1. **Receive Report of Patrick Sparks, the Project Engineer’s Findings Regarding Courthouse Issues & Act If Necessary**.

 Judge Charles E. Burns informed the Commissioners Court that Patrick Sparks, an engineer, should be hired to determine the cause and repairs to the Courthouse windows and wall cracks.

 Commissioner Sarita Armstrong-Hixon moved and Commissioner Joe Recio seconded the motion; the motion was unanimously passed to hire Patrick Sparks, the engineer, to determine the cause and repairs to the Courthouse windows and wall cracks.

1. **Review & Act on the County’s Policies & Procedures for Covid-19**.

 Judge Charles E. Burns informed the Commissioners Court regarding the consideration of county’s future for the Covid-19 policies and procedures.

 Commissioner Sarita Armstrong-Hixon moved and Commissioner Joe Recio seconded the motion; the motion was unanimously passed that this item be tabled until the August 16, 2021 Special Meeting.

1. **Discuss & Act on Purchasing and Installing Plexiglass in County Offices**.

 Judge Charles E. Burns informed the Commissioners Court that it was necessary to purchase and install plexiglass in County Clerk, Treasurer and County Judge’s offices.

 Commissioner Sarita Armstrong-Hixon moved and Commissioner Joe Recio seconded the motion; the motion was unanimously passed that plexiglass be purchased and installed in all County offices and Ruben Hernandez is directed to check all county offices where plexiglass may be needed.

1. **Discuss & Act on Kenedy County Certification of 2021 No New Revenue Tax Rate and 2021 Voter Approval Tax Rate**.

 Irma Longoria, County Tax Assessor/Collector, provided the Commissioners Court with the Kenedy County Certification of 2021 No New Revenue Tax Rate and 2021 Voter Approval Tax Rate.

 Commissioner Sarita Armstrong-Hixon moved and Commissioner Joe Recio seconded the motion; the motion was unanimously passed that the Kenedy County Certification of 2021 No New Revenue Tax Rate and 2021 Voter Approval Tax Rate be approved as presented.

1. **Discuss & Act on Kenedy County Certification of 2021 Total Appraised Value, Total Assessed Value, Total Taxable Value and Total New Property Taxable Value**.

 Irma Longoria, County Tax Assessor/Collector, presented the Commissioners Court with the Kenedy County Certification of 2021 Total Appraised Value, Total Assessed Value, Total Taxable Value and Total New Property Taxable Value.

 Commissioner Sarita Armstrong-Hixon moved and Commissioner Joe Recio seconded the motion; the motion was unanimously passed that the Kenedy County Certification of 2021 Total Appraised Value, Total Assessed Value, Total Taxable Value and Total New Property Taxable Value be accepted as presented.

1. **Discuss & Act on Kenedy County Certification of 2021 Anticipated Collection Rate**.

 Irma Longoria, County Tax Assessor/Collector, presented the Commissioners Court with the Kenedy County Certification of 2021 Anticipated Collection Rate.

 Commissioner Sarita Armstrong-Hixon moved and Commissioner Joe Recio seconded the motion; the motion was unanimously passed that the Kenedy County Certification of 2021 Anticipated Collection Rate be accepted as presented.

1. **Receive Report Regarding the Construction Status of the Justice of the Peace Building & Act If Necessary**.

 Judge Charles E. Burns presented the Commissioners Court with the construction status of the Justice of the Peace Building and possible flooding issues, the foundation elevation height, landscaping and a sprinkler system.

 Commissioner Sarita Armstrong-Hixon moved and Commissioner Israel Vela, Jr. seconded the motion; the motion was unanimously passed that this item be tabled until the August 16, 2021 Special Meeting.

1. **Receive Report Regarding the Demolition and Removal of Non-Inhabitable Houses in Sarita**.

 Judge Charles E. Burns presented the Commissioners Court with Leo Villarreal’s count of demolition and removal of non-inhabitable houses in Sarita, the number of houses demolished and removed – the number of houses in the process of removal and the houses that needed to be condemned and removed.

 Commissioner Sarita Armstrong-Hixon moved and Commissioner Joe Recio seconded the motion; the motion was unanimously passed that the Court proceed with condemnation proceedings of the remaining houses.

1. **Receive Natalie Gonzalez and Act on GrantWorks Monthly Reporting on the Grant Status, Compliance and TxDOT Grant**.

 Robert Davila with GrantWorks, by phone, presented the Commissioners Court with GrantWorks monthly report on the grant statuses, compliance and TxDOT Grant.

 This being a report only, no vote was needed and none was taken.

1. **Discuss & Act on Opening and Accepting Proposals for Engineering Services Regarding the CTIF (County Transportation Infrastructure Fund) Grant**.

 Mary Mora informed the Commissioners Court that it was necessary to open and accept proposals for engineering services regarding the CTIF (County Transportation Infrastructure Fund) Grant that only one proposal had been received and it was from Ardurra.

 Commissioner Joe Recio moved and Commissioner Israel Vela, Jr. seconded the motion; the motion was unanimously passed that the proposals for engineering services regarding the CTIF (County Transportation Infrastructure Fund Grant be opened and that Ardurra be selected as the engineer.

1. **Discuss & Act on Selecting a Committee for the Scoring of the Engineering Proposals Regarding the CTIF (County Transportation Infrastructure Fund) Grant**.

 Judge Charles E. Burns informed the Commissioners Court that it was necessary to select a Committee for scoring of the engineering proposals regarding CTIF (County Transportation Infrastructure Fund) Grant.

 Commissioner Joe Recio moved and Commissioner Gumecinda "Cindy" Gonzales seconded the motion; the motion was unanimously passed that this item be tabled.

1. **Discuss & Act on Scoring the Engineering Proposals Regarding the CTIF (County Transportation Infrastructure Fund) Grant**.

 Judge Charles E. Burns informed the Commissioners Court that it was necessary to score the engineering proposals regarding the CTIF (County Transportation Infrastructure Fund) Grant.

 Commissioner Joe Recio moved and Commissioner Gumecinda "Cindy" Gonzales seconded the motion; the motion was unanimously passed that this item be tabled.

1. **Discuss & Act on Adopting A Resolution Designating an Engineering Service Provider to Include All Eligible Activities Regarding the CTIF (County Transportation Infrastructure Fund) Grant**.

 Judge Charles E. Burns informed the Commissioners Court that it was necessary to adopt a Resolution Designating an Engineering Service Provider to include all eligible activities regarding the CTIF (County Transportation Infrastructure Fund) Grant.

 Commissioner Gumecinda “Cindy” Gonzales moved and Commissioner Joe Recio seconded the motion; the motion was unanimously passed that this item be tabled.

1. **Consent Agenda**
2. **Approve Registration Expenses for Irma Longoria to attend the 2021 Legislative Virtual Conference on September 1st – 3rd, 2021. ($175.00 within budget)**
3. **Approve Additional Registration Expenses for Cecilia Schulz to attend the Legislative Update in McAllen, Tx on August 29 – 30, 2021. ($20.62 within budget)**

 Judge Charles E. Burns informed the Commissioners Court that it was necessary to approve Irma Longoria’s attendance of the 2021 Legislative Virtual Conference on September 1-3, 2021 and advance costs of $175.00 within budget and additional registration expenses for Cecilia Schulz to attend the Legislative Update in McAllen on August 29-30, 2021 ($20.62 within budget).

 Commissioner Sarita Armstrong-Hixon moved and Commissioner Israel Vela, Jr. seconded the motion; the motion was unanimously passed that the consent agenda be approved as presented.

1. **Receive Melissa Peros Report on the Cell Tower Project & Act If Necessary**.

 Melissa Peros was not present at the Commissioners’ Court; therefore, no report on the cell tower project was presented.

 Commissioner Sarita Armstrong-Hixon moved and Commissioner Israel Vela, Jr. seconded the motion; the motion was unanimously passed that this item be tabled.

1. **Discuss & Act on Surplus Distribution Payment from TAC**.

 Judge Charles E. Burns informed the Commissioners Court that he had received the 2021 surplus distribution payment from TAC in the amount of $34,699 and recommended that it be distributed equally among all of the employees. Cindy Salinas said she would process the checks.

 Commissioner Sarita Armstrong-Hixon moved and Commissioner Gumecinda "Cindy" Gonzales seconded the motion; the motion was unanimously passed that the surplus distribution payment from TAC be distributed equally to all employees.

1. **Discuss & Act on TAC HEBP County Choice Plus Retiree Program Renewal**.

 Judge Charles E. Burns informed the Commissioners Court that it necessary to act on TAC HEBP County Choice Plus Retiree Program renewal.

 Commissioner Sarita Armstrong-Hixon moved and Commissioner Joe Recio seconded the motion; the motion was unanimously passed that this item be tabled for more information and clarity and address it at the August 16, 2021 Special Meeting.

1. **Discuss & Act on 2021 Dates Regarding Kenedy County’s Annual Rabies Clinic for the Sarita Townsite and the Southern Part of the County**.

 Judge Charles E. Burns informed the Commissioners Court that it was necessary to designate 2021 dates regarding Kenedy County’s annual rabies clinic for the Sarita Townsite and the southern part of the county; that Dr. Underbrink will do the north end of the county and Judge Burns will contact Dr. John to do the south end of the county.

 Commissioner Sarita Armstrong-Hixon moved and Commissioner Israel Vela, Jr. seconded the motion; the motion was unanimously passed that a rabies clinic be held on September 19, 2021, at 1:00 to 2:30 p.m. at the Ed Lopez Building.

1. **Report Regarding the Federal ADA Voting Internet System and the Proposed Interlocal Agreement with Cameron County**.

 Judge Charles E. Burns read the report to the Commissioners Court that the Federal ADA Voting Internet System and the proposed Interlocal Agreement with Cameron County.

 This being a report only, no vote was needed and none was taken.

1. **Discuss & Act on Adopting an Order for General Election for November 2, 2021 Elections**.

 Judge Charles E. Burns informed the Commissioners Court that an Order for the General Election for November 2, 2021 be adopted as follows:

**ORDER OF GENERAL ELECTION**

*(ORDEN DE ELECCION GENERAL)*

An election is hereby ordered to be held on Tuesday, November 2, 2021 for the purpose of adopting or reject the proposed constitutional amendments.

(Por la presente se ordena que se llevará a cabo una elección el noviembre 2, 2021 de adoptar o rechazar las enmiendas constitucionales propuestas

Applications for ballot by mail shall be mailed to:

*(Las solicitudes para boletas que se votarán adelantada por correo deberán enviarse a:)*

Kenedy County Election Administrator *( Administrador de Elecciones de el Condado de Kenedy)*

P.O. Box 243 *(Direccion)*

Sarita, Texas 78385 *(Ciudad)* *(Zona Postal)*

Applications for ballots by mail must be received no later than the close of business on: Friday, October 22, 2021

*(Las solicitudes para boletas que se votaran adelantada por correo deberan recibirse para*

*el fin de las horas de negocio el:) (el día 22 de Octubre de 2021:)(fecha)*

Main Early Voting Location: Kenedy County Election Office, 150 N. Turcotte St., Sarita, TX. Early voting in personwill be conducted on Monday, October 18, 2021 and ending on Friday, October 29, 2021 from 8:30 to 4:30 and closed for Lunch from 12:00 to 1:30.

*Lugar principal de votación anticipada: Oficina de elecciones del condado de Kenedy, 150 N. Turcotte St., Sarita, TX. La votación anticipada en persona se llevará a cabo el lunes 18 de octubre de 2021 y finalizará el viernes 29 de octubre de 2021 de 8:30 a 4:30 y estará cerrado para el almuerzo de 12:00 a 1:30.*

Issued this the 9th day of August, 2021

*(Emitada este dia 8 de Agosto, 2021)*

 Commissioner Gumecinda "Cindy" Gonzales moved and Commissioner Sarita Armstrong-Hixon seconded the motion; the motion was unanimously passed that the Order for General Election for November 2, 2021, be adopted as follows:

**ORDER OF GENERAL ELECTION**

*(ORDEN DE ELECCION GENERAL)*

An election is hereby ordered to be held on Tuesday, November 2, 2021 for the purpose of adopting or reject the proposed constitutional amendments.

(Por la presente se ordena que se llevará a cabo una elección el noviembre 2, 2021 de adoptar o rechazar las enmiendas constitucionales propuestas

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Issued this the 9th day of August, 2021

*(Emitada este dia 8 de Agosto, 2021)*

1. **Discuss & Act on Paying Halo Flight the Requested Amount of $7,500**.

 Judge Charles E. Burns informed the Commissioners Court that it was necessary to consider paying Halo Flight the annual requested amount of $7,500.00.

 Commissioner Sarita Armstrong-Hixon moved and Commissioner Israel Vela, Jr. seconded the motion; the motion was unanimously passed that Halo Flight be paid $7,500.00.

1. **Discuss & Act on Creating an Interlocal Agreement to Allow the Kenedy County Central Appraisal District to Participate in Kenedy County’s Health and Dental Insurance at the Appraisal District’s Cost**.

 Judge Charles E. Burns informed the Commissioners Court that it was necessary to create an Interlocal Agreement to allow the Kenedy County Central Appraisal District to participate in Kenedy County’s Health and Dental Insurance at the Appraisal District’s cost.

 Commissioner Sarita Armstrong-Hixon moved and Commissioner Joe Recio seconded the motion; the motion was unanimously passed that an Interlocal Agreement be created to allow the Kenedy County Central Appraisal District to participate in Kenedy County’s Health and Dental Insurance at the Appraisal District’s cost.

1. **Discuss & Act on A Request to Purchase the Property at 250 S Garcia St**.

 Judge Charles E. Burns informed the Commissioners Court that a request to purchase the property at 250 S. Garcia St. had been received.

 Commissioner Israel Vela, Jr. moved and Commissioner Joe Recio seconded the motion; the motion was unanimously passed that this property not be sold at this time.

1. **Discuss & Act on Payment of Bills**.

 Judge Charles E. Burns informed the Commissioners Court of the need to pay the bills for the month ending July 31, 2021.

 Commissioner Sarita Armstrong-Hixon moved and Commissioner Joe Recio seconded the motion; the motion was unanimously passed that the bills be paid as presented.

1. **Adjournment**.

 There being no further business to come before the Commissioners’ Court, Commissioner Sarita Armstrong-Hixon moved and Commissioner Joe Recio seconded the motion; the motion was unanimously passed that the Kenedy County Commissioners’ Court be adjourned at 11:32 o'clock a.m.

 /s/ Charles E. Burns

 Charles E. Burns, County Judge

/s/ Veronica Vela

Veronica Vela, County Clerk