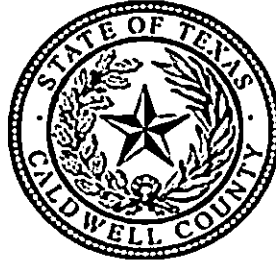


COMMISSIONERS COURT MINUTES
110 S Main St. 2nd Floor, Lockhart, Texas
Commissioners Court October 26, 2021 9:00 a.m.



HOPPY HADEN County Judge
TERESA RODRIGUEZ County Clerk

B.J. WESTMORELAND Commissioner Pct. 1
BARBARA SHELTON Commissioner Pct. 2
ED THERIOT Commissioner Pct. 3
JOE IVAN ROLAND Commissioner Pct. 4

Call Meeting to Order

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

Invocation.

Commissioner Roland opens 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 Haden leads all present in the pledge to both flags.

Announcements. Items or comments from Court members or staff,

Commissioner Shelton, Commissioner Westmoreland, Commissioner Roland and Judge Haden attended 99th Annual Judges and Commissioners Association conference. Commissioner Shelton received certificate of completion for the Advanced Study of County Government, she also attended Delhi Fire Department Fundraiser.

Judge Haden appreciates the Commissioners for attending the conference and congratulates Commissioner Shelton on completion.

No Staff Announcements.

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). Citizens' Comments may be submitted to the Court by using the form found at: <http://www.co.caldwell.tx.us/page/caldwell.CommissionersCourtForm>

No Citizens' Comments.

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

1. Approve payment of County invoices and County Purchase Orders: \$357,232.08
2. Ratify re-occurring County Payments:
 - A. \$329,372.02 Payroll (9/26/2021 – 10/09/2021)
 - B. \$98,501.13 Payroll Tax (9/26/2021 – 10/09/2021)
 - C. \$149,332.52 (DMV Remittance)
 - D. \$437,572.34 (DMV Comptroller)
 - E. \$4,848.88 (TPWD Comptroller)
3. To approve bond #65655919 for Rebecca Diaz, Deputy County Treasurer
4. To accept the Tax Collections Report from Caldwell County Appraisal District for September 2021
5. To accept the encumber FY 20-21 Maintenance Funds for Caldwell County Building Upgrades
6. To accept the blanket PO's
 - REQ01196 - City of Lockhart / Radios Systems
 - REQ01260 – City of Lockhart / Animal Shelter
 - REQ01209 - Tyler Technologies
 - REQ01223 - EWEAC
 - REQ01246 - AT&T
 - REQ01261 – Quadiant
 - REQ01263 – Spectrum

Motion made by Commissioner Shelton, seconded by Commissioner Westmoreland to approve Consent Agenda. All voting "Aye".

MOTION APPROVED.

SPECIAL PRESENTATION

Texas Attorney General's Office: Proposed Opioid Settlement

Jake Petri, Consumer Protection Division of the Office of the Attorney General provides information on the opioid settlement with opportunity for the County to participate and receive funding. January 2, 2022 is the deadline to join. Handouts and slideshow presentation provided.

DISCUSSION/ACTION ITEMS:

7. **Discussion/Action** regarding the burn ban. **Speaker: Judge Haden/ Hector Rangel; Backup: 3; Cost: None.**

Hector Rangel, Chief EMC provides fire update and recommends to keep the Burn Ban off.
Motion made by Commissioner Roland, seconded by Commissioner Theriot. All voting "Aye".
MOTION APPROVED.

8. **Discussion/Action** to consider Resolution 5-2022, for Caldwell County Appraisal roll with tax amounts entered by the assessor due totaling \$22,272,410.87 for the 2021 Tax Roll. **Speaker: Judge Haden; Backup: 10; Cost: None**

Resolution 5-2022 is read.

Motion made by Commissioner Westmoreland, seconded by Commissioner Shelton to approve Resolution 5-2022, for Caldwell County Appraisal roll with tax amounts entered by the assessor due totaling \$22,272,410.87 for the 2021 Tax Roll. All voting "Aye".
MOTION APPROVED.

9. **Discussion/Action** to consider Resolution 6-2022, for Farm to Market Road Appraisal roll with tax amounts entered by the assessor due totaling \$3,331.23 for the Farm to Market Road 2021 Tax Roll. **Speaker: Judge Haden; Backup: 10; Cost: None**

Resolution 6-2022 is read.

Motion made by Commissioner Theriot, seconded by Commissioner Roland to approve Resolution 6-2022, for Farm to Market Road Appraisal roll with tax amounts entered by the assessor due totaling \$3,331.23 for the Farm to Market Road 2021 Tax Roll. All voting "Aye".
MOTION APPROVED.

10. **Discussion/Action** to consider Resolution 7-2022, relating to a variance request to subdivide 9.740 acres into 2 tracts located on Spotted Horse Trail. **Speaker: Commissioner Roland/ Kasi Miles; Backup:12; Cost: None**

Resolution 7-2022 is read.

Motion made by Commissioner Roland, seconded by Commissioner Shelton to approve Resolution 7-2022, relating to a variance request to subdivide 9.740 acres into 2 tracts located on Spotted Horse Trail. All voting "Aye".
MOTION APPROVED.

11. **Discussion/Action** to consider a donation of \$5,000.00 to Caldwell County Animal Coalition for Spay/Neuter Clinic. **Speaker: Judge Haden/Suzy Falgout; Backup: 3; Cost: \$5,000.00**

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Suzy Falgout, with Caldwell County Animal Coalition request donation of \$5,000.00.

Motion made by Commissioner Theriot, not to provide \$5000.00 donation to the Caldwell County Animal Colation, however recommends that funding be pursued through the Caldwell County Community Service foundation with recommendation of support, seconded by Commissioner Westmoreland. All voting "Aye".

MOTION APPROVED.

- 12. Discussion/Action** to consider Budget Amendment #5 to transfer money from (001-6510-4860) Contingency to (001-6510-4425) Fax and Internet to complete REQ00585. **Speaker: Judge Haden/ Barbara Gonzales; Backup: 4; Cost: Net Zero**

Motion made by Commissioner Westmoreland, seconded by Commissioner Roland to approve Budget Amendment 5 to transfer money from (001-6510-4860) Contingency to (001-6510-4425) Fax and Internet to complete REQ00585. All voting "Aye".

MOTION APPROVED.

- 13. Discussion/Action** to consider the approval of REQ00585 for payment of Fax and Internet to Spectrum Business. **Speaker: Judge Haden/ Barbara Gonzales; Backup: 3; Cost: \$11,602.54**

Motion made by Commissioner Roland, seconded by Commissioner Westmoreland to approve REQ00585 for payment of Fax and Internet to Spectrum Business. All voting "Aye".

MOTION APPROVED.

- 14. Discussion/Action** to consider Budget Amendment #6 to transfer money from (001-6510-4860) Contingency to (005-1000-5910) Other Capital Outlay to complete REQ00607. **Speaker: Judge Haden/ Barbara Gonzales; Backup:4; Cost: Net Zero**

Motion made by Commissioner Shelton, seconded by Commissioner Theriot to approve Budget Amendment 6 to transfer money from (001-6510-4860) Contingency to (005-1000-5910) Other Capital Outlay to complete REQ00607. All voting "Aye".

MOTION APPROVED.

- 18. Discussion/Action** to consider the approval to pay Lexis Nexis invoice from REQ00607 Blanket PO. **Speaker: Judge Haden/ Barbara Gonzales; Backup: 3; Cost: \$430.00**

Motion made by Commissioner Shelton, seconded by Commissioner Westmoreland to approve to pay Lexis Nexis invoice from REQ00607 Blanket PO. All voting "Aye".

MOTION APPROVED.

- 15. Discussion/Action** to consider Budget Amendment #7 to transfer money from (001-6550-5310) Machinery and Equipment to (001-6550-3115) Ballot Supplies for Cleaning Supplies and other pending supplies for elections office. **Speaker: Judge Haden/ Barbara Gonzales; Backup:2; Cost: Net Zer**

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Motion made by Commissioner Westmoreland, seconded by Commissioner Roland to approve Budget Amendment 7 to transfer money from (001-6550-5310) Machinery and Equipment to (001-6550-3115) Ballot Supplies for Cleaning Supplies and other pending supplies for elections office. All voting "Aye".

MOTION APPROVED.

16. Discussion/Action to consider Budget Amendment #8 to transfer money from (001-4310-1052) Jailers to (001-4310-3130) Operating and (001-4310-4110) Professional Services line items to pay outstanding FY 2021 SHP invoices and outstanding bills in operating supplies. **Speaker: Judge Haden/ Barbara Gonzales/ James Shorts; Backup: 3; Cost: Net Zero**

Motion made by Commissioner Shelton, seconded by Commissioner Westmoreland to approve Budget Amendment 8 to transfer money from (001-4310-1052) Jailers to (001-4310-3130) Operating and (001-4310-4110) Professional Services line items to pay outstanding FY 2021 SHP invoices and outstanding bills in operating supplies. All voting "Aye".

MOTION APPROVED.

17. Discussion/Action to consider the approval to pay Tyler Technologies invoice from REQ01209 Blanket PO. **Speaker: Judge Haden; Backup: 5; Cost: \$19,602.80**

Motion made by Commissioner Roland, seconded by Commissioner Theriot to approve to pay Tyler Technologies invoice from REQ01209 Blanket. All voting "Aye".

MOTION APPROVED.

19. Discussion/Action to consider the approval of the purchase for Vista DPS Sweep for the use in voter registration. **Speaker: Judge Haden/ Kimber Daniel; Backup: 2; Cost: \$8,050.00**

Kimber Daniel, Elections Administrator reports that only 254 people have voted.

Motion made by Commissioner Shelton, seconded by Commissioner Westmoreland to approve the purchase for Vista DPS Sweep for the use in voter registration. All voting "Aye".

MOTION APPROVED.

20. Discussion/Action to consider the approval to pay Purchasing Dept. building rent for the entire year. **Speaker: Judge Haden/ Danie Blake/ Backup: 7; Cost: \$21,600.00**

Motion made by Commissioner Westmoreland, seconded by Commissioner Theriot to approve to pay Purchasing Dept. building rent for the entire year. All voting "Aye".

MOTION APPROVED.

21. Discussion/Action to consider the approval to award RFB 21CCP01B-1 Road Materials for Flex Base & Aggregate to Colorado Materials & Brauntex Materials. **Speaker: Judge Haden/ Danie Blake; Backup: 9; Cost: See Bid Tab**

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Motion made by Commissioner Shelton, seconded by Commissioner Westmoreland to approve award RFB 21CCP01B-1 Road Materials for Flex Base & Aggregate to Colorado Materials & Brauntex Materials. All voting "Aye".

MOTION APPROVED.

22. Discussion/Action to consider the approval of the non-compliant purchase made by Elections Department. **Speaker: Judge Haden/ Danie Blake; Backup: 3; Cost: \$1,052.96**

Motion made by Commissioner Theriot, seconded by Commissioner Theriot to approve the non-compliant purchase made by Elections Department. All voting "Aye".

MOTION APPROVED.

23. Discussion/Action to consider the engagement letter with Armstrong, Vaughan & Associates, P.C. for the audit and single audit as of September 30, 2021. **Speaker: Judge Haden/ Barbara Gonzales; Backup: 7; Cost: None**

Motion made by Commissioner Shelton, seconded by Commissioner Westmoreland to approve the engagement letter with Armstrong, Vaughan & Associates, P.C. for the audit and single audit as of September 30, 2021. All voting "Aye".

MOTION APPROVED.

24. Discussion/Action to consider renewing the lease agreement between Caldwell County, Texas and the State of Texas, acting by and through the Health and Human Services Commission, for and on behalf of the Health and Human Services Commissioner and Department of State Health Services. **Speaker: Judge Haden/ JJ Wells; Backup: 12; Cost: None**

Motion made by Commissioner Westmoreland, seconded by Commissioner Shelton to approve renewing the lease agreement between Caldwell County, Texas and the State of Texas, acting by and through the Health and Human Services Commission, for and on behalf of the Health and Human Services Commissioner and Department of State Health Services. All voting "Aye".

MOTION APPROVED.

25. Discussion/Action to consider renewal of the Interlocal Agreement between the Regional Public Defender Office Local Government Corporation ("RPDO"), and Caldwell County. **Speaker: Judge Haden/ JJ Wells; Backup: 14; Cost: \$9,242.00**

Interlocal Agreement read.

Motion made by Commissioner Theriot, seconded by Commissioner Roland to approve renewal of the Interlocal Agreement between the Regional Public Defender Office Local Government Corporation ("RPDO"), and Caldwell County. All voting "Aye".

MOTION APPROVED.

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- 26. Discussion/Action** the reappointment of Will Conley as Primary Voting Member and Commissioner Ed Theriot as Alternate Member to the 2022 CAMPO Technical Advisory Committee (TAC). **Speaker: Judge Haden; Backup: 4; Cost: None**

Motion made by Commissioner Roland, seconded by Commissioner Westmoreland to approve reappointment of Will Conley as Primary Voting Member and Commissioner Ed Theriot as Alternate Member to the 2022 CAMPO Technical Advisory Committee (TAC). All voting "Aye".
MOTION APPROVED.

- 27. Discussion/Action** to consider the appointment of Reagan McLearn to the Caldwell County Community Services Foundation Board of Directors upon the resignation of Danie Blake from the CCCSF Board. **Speaker: Judge Haden/ Dennis Engelke; Backup: 2; Cost: None**

Motion made by Commissioner Westmoreland, seconded by Commissioner Shelton to approve appointment of Reagan McLearn to the Caldwell County Community Services Foundation Board of Directors upon the resignation of Danie Blake from the CCCSF Board. All voting "Aye".
MOTION APPROVED.

- 28. Discussion/Action** to consider the acceptance of a CoMorbidity Phase 4 Grant from the Office of the Governor for \$89,410.00 in support of Residential Substance Abuse Treatment assistance of incarcerated personnel. **Speaker: Judge Haden/ Dennis Engelke; Backup: 5; Cost: None**

Motion made by Commissioner Westmoreland, seconded by Commissioner Shelton to approve the acceptance of a CoMorbidity Phase 4 Grant from the Office of the Governor for \$89,410.00 in support of Residential Substance Abuse Treatment assistance of incarcerated personnel. All voting "Aye".
MOTION APPROVED.

- 29. Discussion/Action** to consider the acceptance of the Bureau of Justice Assistance grant of \$4,956.00 awarded by the Patrick Leahy Bulletproof Vest Partnership (BVP) to fund 50% of the costs (\$9,912) of requested body armor vests. **Speaker: Judge Haden/ Dennis Engelke; Backup: 6; Cost: None**

Motion made by Commissioner Shelton, seconded by Commissioner Theriot to approve the acceptance of the Bureau of Justice Assistance grant of \$4,956.00 awarded by the Patrick Leahy Bulletproof Vest Partnership (BVP) to fund 50% of the costs (\$9,912) of requested body armor vests. All voting "Aye".
MOTION APPROVED.

- 32. Discussion/Action** to consider the approval of the Preliminary Plat for Meridian Estates consisting of 20 lots on approximately 42.8 acres located on Plant Road. **Speaker: Commissioners Shelton/ Kasi Miles; Backup: 19; Cost: None**

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Motion made by Commissioner Shelton, seconded by Commissioner Roland to approve of the Preliminary Plat for Meridian Estates consisting of 20 lots on approximately 42.8 acres located on Plant Road. All voting "Aye".

MOTION APPROVED.

30. Discussion/Action to consider the proposed Caldwell County Road District Policy. **Speaker: Judge Haden/ JJ Wells; Backup: 26; Cost: None**

J.J. Wells, Assistant Criminal District Attorney-Civil explains the general policies and procedures relating to road districts.

Motion to table item 30 made by Commissioner Theriot subject to amendments, seconded by Commissioner Shelton. All voting "Aye".

MOTION TO TABLE APPROVED.

31. Discussion/Action to consider moving Commissioners Court date from Tuesday November 9, 2021 to Monday November 8, 2021. **Speaker: Judge Haden; Backup: 1; Cost: None**

Motion made by Commissioner Shelton, seconded by Commissioner Westmoreland to approve moving Commissioners Court date from Tuesday November 9, 2021 to Monday November 8, 2021. All voting "Aye".
MOTION APPROVED.

Judge Haden announces this will be J.J. Wells, Assistant Criminal District Attorney-Civil, last Commissioners Court and will be greatly missed.

33. EXECUTIVE SESSION

Judge Haden opens Item 33 Executive Session at 10:30 a.m. and close at 11:32 am. Item 33 Executive Session attended by Commissioner Westmoreland, Commissioner Shelton, Judge Haden, Commissioner Theriot, Commissioner Roland, J.J. Wells, Mark Kamerlander and Emily Mathes.

- **EXECUTIVE SESSION** Pursuant to Texas Government Code Section 551.071(1): Consultation with counsel regarding pending or contemplated litigation or settlement offers. **Speaker: Judge Haden/Gabe Ortiz; Backup: 1; Cost: None**

Cancelled.

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- **EXECUTIVE SESSION** Pursuant to Texas Government Code Section 551.087, the discussion of deliberation regarding economic development negotiations associated with Project Iron Ore. Possible action may follow in open court. **Speaker: Judge Haden; Backup: 1; Cost: None**

Action to continue negotiations and offer incentives.

Motion made by Commissioner Theriot, seconded by Commissioner Westmoreland. All voting "Aye".
MOTION APPROVED.

- **EXECUTIVE SESSION** Pursuant to Texas Government Code Section 551.087, the discussion of deliberation regarding economic development negotiations associated with Project Exodus. Possible action may follow in open court. **Speaker: Judge Haden; Backup: 1; Cost: None**

No action taken.


- **EXECUTIVE SESSION** Pursuant to Texas Government Code Section 551.087, the discussion of deliberation regarding economic development negotiations associated with Project Evergreen. Possible action may follow in open court. **Speaker: Judge Haden; Backup: 1; Cost: None**

No action taken.

34. Adjournment.

Motion made by Commissioner Shelton, seconded by Commissioner Westmoreland that we adjourn. All voting "Aye". Court adjourns at 11:33 a.m.

I, TERESA RODRIGUEZ, 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 October 26, 2021


TERESA RODRIGUEZ, COUNTY CLERK AND EX OFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
CALDWELL COUNTY, TEXAS

