

COMMISSIONERS COURT MINUTES
110 S. Main St. 2nd Floor, Lockhart, Texas
Regular Meeting August 22, 2016 9:00 a.m.



KEN SCHAWÉ	County Judge	ALFREDO MUÑOZ	Commissioner Pct. 1
CAROL HOLCOMB	County Clerk	EDDIE MOSES	Commissioner Pct. 2
		NETO MADRIGAL	Commissioner Pct. 3
		JOE IVAN ROLAND	Commissioner Pct. 4

Call Meeting to Order. Meeting called to order by Judge Schawe at 9:00 a.m. Commissioner Madrigal present at 9:04 a.m.

2016.08.22.01 **Invocation.** Lockhart Ministerial Alliance.

Rob Clopton, Pastor of First United Methodist Church in Lockhart, opened the meeting with prayer.

2016.08.22.02 **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 Schawe led all present in the Pledge of both flags.

2016.08.22.03 **Announcements.** Items or comments from Court Members or Staff.

Commissioner Muñoz attended a meeting with the Austin/San Antonio Corridor Council where there was discussion of a regional airport and growth in the area. Commissioner Moses announced it was the first day of school and advised drivers to be cautious on the roads. He attended a park dedication event that was held in Luling, renaming the pocket park after Rafael Rios. He also went to an ice cream supper in McNeil and commented on the significant amount of rain in south Caldwell County. Commissioner Roland described the damaging effects of rainfall on the roads. Commissioner Madrigal said he was thankful for the citizen's participation and for the Unit Road Department for staying on top of repairs. He thanked members of law enforcement for their continuous help at the San Marcos River. Judge Schawe mentioned the upcoming FEMA deadline and asked that all damaged roads be reported to the Unit Road Department or the Commissioners. Commissioner Moses added he visited Alamo Industrial to look at equipment for the county.

2016.08.22.04 **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).

Linda Hinkle shared concern for the constable's salaries and requested an increase. She agreed that the county does need help with planning and engineering and asked that Kasi Miles in the Sanitation Department receive assistance. She spoke of issues pertaining to the repairs made to county roads.

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2016.08.22.05 **Consent Agenda.** (The following consent items may be acted upon in one motion. Any member of the Court may request that an item within the Consent Agenda be pulled for separate discussion and/or action).

- A. Approve payment of County invoices in the amount of \$193,397.93.
- B. Approve payment of bond for Teresa Rodriguez, Deputy Clerk.

Motion made by Commissioner Muñoz, second by Commissioner Madrigal to approve Consent Agenda items A-B. All voting "Aye".

(ALL OTHER AGENDA ITEMS)

2016.08.22.06 **Discussion/Action** regarding the burn ban for Caldwell County. **Speaker:** Judge Schawe/Martin Ritchey; **Cost:** None; **Backup:** None.

Martin Ritchey said the burn ban had already been lifted earlier this week because of the heavy saturation. He thanked first responders for their response to the rainfall and said there is no need for a burn ban at this time.

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

2016.08.22.07 **Discussion/Action** to approve Early Voting location and hours for the November 8, 2016 General Election. **Speaker:** Judge Schawe/Pamela Ohlendorf; **Cost:** None; **Backup:** 3.

Elections Administrator, Pam Ohlendorf said the Elections Board met last week and voted on early voting hours and locations for the November 8, 2016 General Election. They agreed on the Luling Civic Center and the Scott Annex Building in Lockhart. The locations would be open October 24 through October 28 from 8:00 a.m. to 5:00 p.m., October 29 from 7:00 a.m. to 7:00 p.m., October 30 from 10:00 a.m. to 3:00 p.m. and October 31 through November 4 from 7:00 a.m. to 7:00 p.m.

Motion made by Commissioner Muñoz, second by Commissioner Madrigal to accept the early voting locations and hours. All voting "Aye".

2016.08.08.08 **Discussion/Action** to approve the Official List of Early Voting Judges and Alternates for the November 8, 2016 General Election. **Speaker:** Judge Schawe/Pamela Ohlendorf; **Cost:** None; **Backup:** 1.

Elections Administrator, Pam Ohlendorf announced the judges, alternate judges and clerks for each voting location. For the Scott Annex Building, she announced Belinda Adams as Elections Judge and Maryvicky Gonzales as Alternate Judge. She named Henrietta Rodriguez, Gabriela Oliva, Arnulfo Alonzo and Juanita Perales as clerks for the Scott Annex Building. For the Luling Civic Center, she announced Hilda Wilt as Elections Judge and Rose Gibson as Alternate Judge. She also named Bennie Pullin and Beth Sustala as clerks as well as Mary Faye Barnes and Sharon Pratkanis as alternate clerks for the Luling Civic Center.

Motion made by Commissioner Muñoz, second by Commissioner Moses to approve the Official List of Early Voting Judges and Alternates for the November 8, 2016. All voting "Aye".

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2016.08.22.09

Discussion/Action to approve the Polling Locations for the General Election to be held on November 8, 2016 in Caldwell County. **Speaker:** Judge Schawe/Pamela Ohlendorf; **Cost:** None; **Backup:** 2.

Elections Administrator, Pam Ohlendorf said the Elections Board voted on 14 polling locations for this election. She noted that the McMahan Community Center of Precinct 204 is working on being compliant with ADA guidelines and that another location may be needed if the center is not ready by November 8. She said the elections board wants to have Precinct 303 at the Trinity United Annex if the center can get up to code on ADA guidelines. Commissioner Madrigal visited the Trinity United Annex and said a volunteer will be fixing the location in order to be compliant with code. He requested the polling location for Precinct 303 be changed from the Uhland Community Center to the Trinity United Annex.

Motion made by Commissioner Muñoz, second by Commissioner Moses to approve the polling locations for the General Election to be held on November 8, 2016 in Caldwell County. Roll Call Vote: Commissioner Muñoz, Yes; Commissioner Moses, Yes; Commissioner Madrigal, Yes; Commissioner Roland, Yes; Judge Schawe, Yes.

2016.08.22.10

Discussion/Action to approve the Resolution authorizing a county grant to Combined Community Action pursuant to the Texans Feeding Texans Home Delivered Meal Grant Program through the Department of Agriculture. **Speaker:** Judge Schawe/Kelly Franke; **Cost:** TBD; **Backup:** 1.

Kelly Franke, Executive Director of Meals on Wheels, gave information about the program and said the county must give .25 per senior in the area in order to qualify for a grant from the Department of Agriculture. She requested a total amount of \$1,700.

Motion made by Commissioner Muñoz, second by Commissioner Madrigal to approve the Resolution authorizing a county grant to Combined Community Action pursuant to the Texans Feeding Texans Home Delivered Meal Grant Program through the Department of Agriculture in the sum of 1,700. All voting "Aye".

2016.08.22.11

Discussion/Action regarding a formal request from Combined Community Action to include in the FY 2016-2017 Budget a donation to be used for the Senior Nutrition Program, "Meals on Wheels" and consider making a donation for the current budget year as requested by the organization. **Speaker:** Judge Schawe/Kelly Franke; **Cost:** TBD; **Backup:** 1.

Kelly Franke, Executive Director of Meals on Wheels, described the funding used for the program and said she is needing additional funds in order to break even. She requested a total amount of \$8,000 and said any amount the county can contribute would help. Judge Schawe received clarification that the donated amount can come out of next year's budget. He requested tabling this item in order to review the county's available funds for donations.

Motion made by Commissioner Muñoz, second by Commissioner Madrigal to table this item. All voting "Aye".

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2016.08.22.12 **Discussion/Action** to adopt the 2016-2017 Sheriffs and Constables fees. **Speaker:** Judge Schawe/Judge Brady; **Cost:** None; **Backup:** 1.

Judge Ben Brady of Justice of the Peace, Precinct 3 explained a bill passed by legislature that allows for order of retrievals. He requested a filing fee of \$80 and an order execution fee of \$150 be added to the sheriff and constable fees for this budget year.

Motion made by Commissioner Muñoz, second by Commissioner Madrigal to adopt the 2016-2017 Sheriffs and Constables fees with the two additions. All voting "Aye".

2016.08.22.13 **Discussion/Action** regarding the job description for the County/Unit Road Administrator. **Speaker:** Commissioner Munoz; **Cost:** None; **Backup:** 2.

Commissioner Muñoz mentioned issues with the posted county road administrator position. He said the description for this position states that the county road administrator will report to the county engineer, but that the court had already agreed to have a planner instead of an engineer. Commissioner Madrigal said the job description was copied from the transportation code. He said the county road administrator will report to Commissioners Court. Commissioner Roland expressed the need for someone that understands roads.

No action.

2016.08.22.14 **Discussion/Action** to approve a budget amendment for the purchase of additional phones and licenses. **Speaker:** Commissioner Munoz / Mark Hinnenkamp; **Cost:** \$6,000; **Backup:** None.

Mark Hinnenkamp, IT Director requested approval to purchase additional phones and licenses in order to finish several buildings in the county. He estimated the total to be approximately \$5,000. Judge Schawe suggested waiting on purchasing licenses and phones until the fiber is completely installed. Commissioner Roland received clarification that the licenses are a onetime cost. Commissioner Muñoz requested finishing the building at 405 E. Market by purchasing ten licenses and direct the maintenance department to connect the fiber cable to the remaining two buildings. He said the remaining phones and licenses may be purchased after the first building is completed and fiber is installed.

Motion made by Commissioner Muñoz, second by Commissioner Moses to finish 405 E. Market St. and the purchase of 10 licenses not to exceed \$1,000. All voting "Aye".

2016.08.22.22 **Call for Public Hearing at 9:30am** regarding the proposed 2016-17 budget. **Speaker:** Judge Schawe; **Backup:** None.

Judge Schawe opened the meeting at 9:54 a.m.

No comments

Judge Schawe closed the meeting at 9:55 a.m.

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2016.08.22.15

Discussion/Action to adopt the TCDRS contribution rate. **Speaker:** Judge Schawe; **Cost:** None; **Backup:** None.

Judge Schawe said he spoke with the county's retirement representative and recommended the county continue to match at 4% for retirement.

Motion made by Commissioner Muñoz stating "so moved", second by Commissioner Madrigal to continue matching employee retirement at a contribution rate of 4%. All voting "Aye".

2016.08.22.16

Discussion/Action to adopt the Blue Cross/ Blue Shield premiums. **Speaker:** Judge Schawe; **Cost:** None; **Backup:** None.

Judge Schawe stated that when the court decided on premiums, it was not discussed whether the county will pay for employee's dependents. He said the county currently pays a percentage for the dependents of 35 employees totaling \$14,231.00 per year. Judge Schawe shared concern for too many employees adding dependents to their healthcare and going over budget for the next fiscal year.

Motion made by Commissioner Muñoz, second by Commissioner Moses to continue paying for spouses and dependents. All voting "Aye".

2016.08.22.17

Discussion/Action to receive orders relating to the official court reporters of the 421st, 22nd, and the 207th Judicial District Courts. **Speaker:** Judge Schawe; **Cost:** None; **Backup:** 4.

Judge Schawe corrected the backup on this item. Civil Attorney, Jordan Powell stated there was an error to the proposed order with the incorrect year of 2017 which should state 2016.

Motion made by Commissioner Muñoz, second by Commissioner Moses to approve orders relating to the official court reporters of the 421st, 22nd, and the 207th Judicial District Courts. All voting "Aye".

2016.08.22.18

Discussion/Action to receive an order relating to the auditor of Caldwell County. **Speaker:** Judge Schawe; **Cost:** None; **Backup:** 2.

Commissioner Muñoz read the order and asked District Attorney, Fred Weber for clarification if the commissioner's court can object to the auditor's proposed salary. Fred Weber said the court may not object to the auditor's proposed salary if Judge Schawe accepts the state's supplement. He further stated the auditor's salary cannot be more than the highest paid county official. Judge Schawe said he is currently working on education classes regarding probate matters and has attended magistrations to prepare for these duties. Commissioner Muñoz suggested tabling this item to further discuss the Judge's authority to accept the state's supplement. Fred Weber said he spoke with Judge Jarrett who spends 10 to 12 hours per month on probate matters and holds probate court twice a month. He spoke with local attorneys who do not have any issues with Judge Jarrett. Civil Attorney, Jordan Powell agreed the court needs to know whether Judge Schawe will accept the state's supplement in order to approve of the auditor's salary. Fred Weber asked to further discuss this matter in item number 23 during the discussion of the 2016-2017 budget.

Motion made by Commissioner Muñoz, second by Commissioner Madrigal to table this item. All voting "Aye".

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2016.08.22.19

Discussion/Action to set the salaries, expenses and other allowances of all elected county and precinct officers pursuant to Section 152.013 of the Local Government Code. **Speaker:** Judge Schawe; **Cost:** None; **Backup:** 1.

Judge Schawe said the only change was to the sheriff's salary to be increased to \$60,000.

Motion made by Commissioner Muñoz to change the County Judge's salary from \$2,457 to \$1928.

Judge Schawe stated he did 5% for each elected officials salary. Commissioner Muñoz said he thought his was higher than 5% and withdrew his motion.

Motion made by Commissioner Madrigal stating "so moved", second by Commissioner Muñoz to accept the amounts. All voting "Aye".

2016.08.22.20

Discussion/Action regarding the proposed tax rate and to vote on the proposed tax rate for the 2016-2017 fiscal year. **Speaker:** Judge Schawe; **Cost:** None; **Backup:** None.

Judge Schawe said the item is for a vote on the proposed tax rate and not for approval.

Motion made by Commissioner Muñoz, second by Commissioner Madrigal to approve the proposed tax rate for the 2016-2017 fiscal year. All voting "Aye".

2016.08.22.21

Discussion/Action to schedule 2 public hearings regarding the proposed tax rate. **Speaker:** Judge Schawe; **Cost:** None; **Backup:** None.

Judge Schawe proposed a public meeting on September 6, 2016 at 9:00 a.m. and September 12, 2016 at 9:00 a.m regarding the proposed tax rate.

Motion made by Commissioner Madrigal stating "so moved", second by Commissioner Muñoz to set public hearings for the proposed tax rate for 2016-2017 fiscal year for September 6, 2016 and September 12, 2016 at 9:00 a.m.. All voting "Aye".

2016.08.22.23

Discussion/Action to adopt the 2016-2017 budget. **Speaker:** Judge Schawe; **Cost:** None; **Backup:** None.

Elections Administrator, Pam Ohlendorf expressed concern for the amount allocated for supplies in the proposed budget. She said the amount of \$19,000 will not cover this year's election. She requested an increase of \$16,000 be added to her supplies budget, totaling \$35,000. Commissioner Roland asked the court to raise the salary amounts of the employees in the Tax Assessors Office to \$30,000. The increase would cost the county \$1,500 for this year. Commissioner Madrigal said he received calls that the budget amendments have not been posted. He recommended tabling this item until September 6th. Judge Schawe explained he took 5% from the total of all employee salaries and distributed that amount evenly stating that 3% went to the employee and 2% went to department heads to distribute. Commissioner Muñoz requested having a flat 5% raise to each employee. District Attorney, Fred Weber stated not everyone in his office is receiving a 3% raise and said the insurance change was unexpected. Commissioner Muñoz requested the court leave the sheriff's office as is, and increase the remaining salaries by 5%. Commissioner Madrigal also requested a 5% increase to all employees equaling a set amount of \$1,700 to each. Commissioner Moses said employees from the District Attorney's office should be

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making more of an increase due to their higher salaries. He suggested totaling each department individually in order to figure a 5% raise. Fred Weber added that a 5% raise was given to each elected official based on their individual salary versus a totaled median amount. Judge Schawe said he could adjust the salaries of the District Attorney's office and leave all other employee salaries as is. Commissioner Madrigal and Commissioner Muñoz offered to decline their raise. Pam Ohlendorf received clarification on her position as non-exempt. Commissioner Moses received clarification that the budget amount for constables increased by \$20,000 to assist with additional help for services on the San Marcos River. Fred Weber spoke of the County Judge's judicial duties and clarified the legality issues of the County Judge accepting the state's supplement. Commissioner Muñoz said Judge Schawe is not qualified to accept the state's supplement. Fred Weber disagrees with Judge Schawe accepting the supplement. Judge Schawe said he is going to accept the state's supplement at this time.

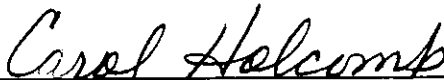
Motion made by Commissioner Madrigal, second by Commissioner Roland to table this item until September 6, 2016. All voting "Aye".

2016.08.22.24

Adjournment. Motion made by Commissioner Muñoz, second by Commissioner Moses to adjourn. All voting "Aye".

Meeting Adjourned at 10:52 a.m.

I, CAROL HOLCOMB, COUNTY CLERK AND EXOFFICIO 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 22, 2016.



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

