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COMMISSIONERS COURT MINUTES
110 S. Main St. 2nd Floor, Lockhart, Texas
Regular Meeting February 26, 2018 9:00 a.m.



KEN SCHAWÉ	County Judge	TERRY WRIGHT	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 9:02 a.m. Commissioner Roland is not present.

Invocation. Lockhart Ministerial Alliance

Pastor James Greene of First Presbyterian Church Lockhart opens 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 Wright reads an announcement regarding a Healthy County Program and says he will pass on comments due to the important agenda issues.

Commissioner Moses says the Caldwell County Livestock Show is coming up on March 3rd and that on March 10th Rajun' Cajun Fest and a Foundation Farms sale will be held in Luling along with Houston's Livestock show and Rodeo's Caldwell County Night.

Commissioner Theriot says that communications with companies considering development in the area are ongoing and look promising. He says the CAMPO projects are also doing well.

Judge Schawe asks that citizens' comments not include people who want to speak regarding the Public Hearing or Workshop topics.

Martin Ritchey says he will be attending a Texas Emergency Management Organization meeting to report on the hot air balloon crash from July 2017.

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).

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The names on the citizens' comment forms are called and individuals answer if they want to speak now or during the Public Hearing.

Linda Hinkle is a resident in Precinct 2 and says she is disappointed that Commissioners Court did not approve the Reserve Deputy for the Constable in Precinct 2 and would like the item approved today.

Frank Sughrue wants to recognize local youth who participated in the San Antonio Stock Show and Rodeo.

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

1. **Approve payment of County invoices in the amount of \$ 94,981.33.**
2. **Ratify re-occurring County payments in the amount of:**
 - A. **\$ 280,030.23 (Payroll)**
3. **Accept and approve the Continuing Education Transcript for the 2017 requirements for training for County Tax Assessor-Collector, Darla Law.**
4. **Accept and approve payment of the renewal of Surety Bond for Elections Administrator, Pamela Ohlendorf, Bond # 61287183.**
5. **Accept and approve payment of the renewal of Surety Bond for Court Clerk, Justice of Peace, Precinct One, Melanie Bowden, Bond # 71994140.**
6. **Accept and approve payment of the Surety Bond for Court Clerk, Justice of Peace, Precinct One, Adrianza Walker, Bond # 71994137.**

Motion made by Commissioner Moses, second by Commissioner Wright to accept consent agenda items 1-6. All present voting "Aye".

ACTION AGENDA ITEMS

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

Martin Ritchey recommends leaving the burn ban off. So moved by Commissioner Moses, second by Commissioner Theriot. All present voting "Aye".

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8. **Discussion/Action** to approve Resolution # 05-2018 appointing Commissioner Terry Wright to the Capital Area Council of Governments (CAPCOG) Central Texas Clean Air Coalition. **Cost: None; Speaker: Judge Schawe; Backup: 1.**

Judge Schawe explains the item, and is asking for approval to put Commissioner Wright on the board. So moved by Commissioner Theriot, second by Commissioner Moses. All present voting "Aye".

9. **Discussion/Action** to approve amending the pledged securities Depository Contract. **Cost: None; Speaker: Judge Schawe/Barbara Gonzales; Backup: 2.**

County Auditor Barbara Gonzales details the agenda item, discusses potential future agenda items related to the topic, and answers questions from Commissioner Wright. Judge Schawe says he is asking for a motion. Commissioner Wright says he will make a motion, second by Commissioner Moses. All present voting "Aye".

10. **Discussion/Action** to approve a Caldwell County Purchasing Policy. **Cost: None; Speaker: Judge Schawe/Barbara Gonzales; Backup: 50.**

Barbara Gonzales reviews the background leading up to the proposed Caldwell County Purchasing Policy and emphasizes that they are addressing compliance issues.

Commissioner Wright asks about local preference and is answered by Barbara Gonzales and Assistant Criminal District Attorney Amanda Montgomery (filling in for Civil Attorney Jordan Powell).

Commissioner Moses confirms changes are allowed to be made in the future and Judge Schawe asks if there is a motion. Commissioner Moses says he will make a motion, second by Commissioner Theriot. All present voting "Aye".

18. **PUBLIC HEARING at 9:30 AM** to receive public comments regarding the adoption of an Order Prohibiting the Discharge of Firearms on lots 10 acres or smaller located in the unincorporated area of the County, in a subdivision. **Cost: None; Speaker: Commissioner Theriot; Backup: 2.**

Public Hearing begins at 9:29 a.m. Commissioner Theriot explains the State of Texas' regulations related to the topic and that this is meant to be an opportunity for discussion. Judge Schawe asks that speakers be brief and acknowledges Commissioner Roland's arrival to court at 9:31a.m.

Tom Will gives examples of firearms being used unsafely verses safely on his own property and says that if a regulation is enacted it has to be enforced. The County should be pro-active not re-active.

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Hoppy Haden says he does not believe it is a 2nd Amendment issue because people in these areas can own as many firearms as they want. Rather, it is a property and safety and health issue.

Ronda Powers says she owns 5 acres, safe shooting practices are used and taught there, stupidity cannot be regulated, individual locations and scenarios should be considered, and it is a 2nd Amendment issue.

Kathy Haigler owns 4.38 acres in Precinct 3 and discusses responsible verses irresponsible gun ownership. She says regulations should not be passed for issues that are already covered by laws.

Lisa Alexander says she had a horse shot by one neighbor and others that shoot thousands of rounds at a time. She states that it is about education and if you are not educated on firearms you should not shoot.

Lou Mac Naughton says people should be able to protect themselves, but can go to a range or buy more land if they want to shoot, stating there are restrictions to freedom giving examples from free speech.

Tracy Forester who owns 9.4 acres says County regulations should not be based on a few complaints, subdivisions and HOAs should enforce gun safety, and lists death causes more likely than gun accidents.

Alicia Thornton from Dale says she recommends a regulation of 9 acres, states it is a safety not a 2nd Amendment issue, for people abusing laws, and that by approving it we are supporting law enforcement.

Grant Rostig owns 1.34 acres and says it is an Amendment issue, liberty is freedom with responsibility, shooting at people or across fence lines is illegal, and people can move to cities with regulations.

Anna Prusaitis Yabarra is a Lockhart resident who says she is a veteran trained that berms should be used when shooting, and that it is not about rights or amendments, but safety.

Warren Edwards lives in Precinct 2 and says that his neighbors shoot unsafely, but when they are confronted they claim to practice safe shooting.

Stuart Carter is a 4th generation rancher, he says as retired military he's seen countries regulate firearms out of existence, modern ranges are on less than an acre, and irresponsible firearm use is illegal.

Linda Hinkle owns 27 acres and says the public needs to be aware, educated, and take responsibility, adding the regulation's verbiage is bothersome because why and how firearms are used is what matters.

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Randy Laney, a Lytton Springs resident, says he fully supports the ordinance, that new people to the area are the problem, and tells about personally using the wrong ammo and causing a bullet to ricochet.

Bob Freeze says he does not want any change; there are sufficient laws in place.

Tom Will adds that Harris County has specific restrictions in their county.

Public Hearing closes at 10:17 a.m.

- 11. Discussion/Action** regarding consideration for approval and authorization to solicit and select a Grant Administrator via a request for proposal process for two Texas Capital Fund applications for the 2017-2018 Fiscal Year. **Cost: TBD; Speaker: Commissioner Theriot; Backup: 1.**

Commissioner Theriot summarizes the agenda item and recommends moving forward. Judge Schawe confirms with him that item 12 is intertwined with 11 and then combines items 11 & 12 into one motion. Recommendation made by Commissioner Theriot, second by Commissioner Wright for approval of items 11 and 12. All voting "Aye".

Commissioner Theriot asks to move to item 19.

- 12. Discussion/Action** regarding consideration for approval and authorization to solicit and select an Engineering Consultant via a request for proposal process for two Texas Capital Fund applications for the 2017-2018 Fiscal Year. **Cost: TBD; Speaker: Commissioner Theriot; Backup: 1.**

See item 11.

- 19. Discussion/Action** to adopt an Order Prohibiting the Discharge of Firearms on lots 10 acres or smaller located in the unincorporated area of the County, in a subdivision. **Cost: None; Speaker: Commissioner Theriot; Backup: 2.**

The court discusses their individual outlooks on the issue and Commissioner Theriot asks for time to meet with legal staff and draft a couple of options to be considered for a vote. Judge Schawe says he has a motion to table and come back with a couple of options. Motion made by Commissioner Theriot second by Commissioner Roland. All voting "Aye."

- 13. WORKSHOP:** to discuss the conversion of the County payroll cycle from 24 to 26 pay periods. **Cost: None; Speaker: Judge Schawe; Backup: 2.**

Judge Schawe calls for a recess at 10:40 a.m.

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Court is called back to order and the Workshop begins at 10:51 a.m.

Barbara Gonzales, Jan Bower, and Mayra Sanchez from the Auditor's Office give a slide show presentation regarding the payroll cycle change.

Chief Deputy Mike Lane discusses the payroll committee's input along with issues including pay shortages, overtime pay, compensation time, and possible monetary coverage while checks are lower.

District Clerk Tina Morgan Freeman speaks about a five month period when paychecks will be short and potential raises or bonuses to cover the shortage.

The court and county employees discuss the loss of income between June and November, the Time Keeping Committee's input and that they were not notified of the agenda item or Workshop. The necessity of 26 pay periods, treating hourly verses salary employees' time correctly on the ESS System, clarifying exempt or non-exempt positions, and job descriptions needing to reflect which is which are all discussed.

They also cover the meeting today being based on having to change as soon as possible to be in compliance with federal law, paying overtime, compensatory time, the option of waiting until October to change the pay periods, and holding a Workshop with department heads before the budgets are due.

Commissioner Theriot steps away and returns. The Workshop closes at 12:07 p.m.

- 14. Discussion/Action** to approve the conversion of the County payroll cycle from 24 to 26 pay periods beginning June 2018. **Cost: None; Speaker: Judge Schawe/Barbara Gonzales; Backup: 2.**

Motion made by Commissioner Roland, second by Commissioner Theriot to make it October 1st. Commissioner Wright would like to add to the motions, but Judge Schawe requests those items be addressed later because they do not pertain to the current agenda item. All voting "Aye".

- 15. Discussion/Action** to update the Workers' Comp Policy in Caldwell County Employee Handbook. **Cost: None; Speaker: Judge Schawe; Backup: 5.**

Judge Schawe explains that due to confusion regarding the policy it should be in written form and included in the Handbook for clarification and confirms that Jordan Powell had a copy to review. So moved by Commissioner Moses, second by Commissioner Wright. All voting "Aye".

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16. **Discussion/Action** to approve the addition of a fifth Reserve Deputy for Constable, Precinct # 2. **Cost: None; Speaker: Judge Schawe/Constable Tom Will; Backup: None.**

Tom Will, Constable for Precinct 2, reviews his request for a Reserve Deputy, confirms that the position is unpaid and bonded. Motion made by Commissioner Moses, second by Commissioner Theriot that we add the fifth Reserve Deputy. All voting "Aye".

17. **Discussion/Action** authorizing the County Judge to execute a Memorandum of Understanding (MOU) between the Office of the Attorney General (OAG) and Caldwell County for the purpose of installation, maintenance and repair of OAG equipment installed at the Caldwell County Justice Center. **Cost: None; Speaker: Judge Schawe; Backup: 3.**

Judge Schawe introduces the agenda item and Tina Morgan Freeman who explains the agenda item in detail. Motion made by Commissioner Wright, second by Commissioner Moses. All voting "Aye".

20. **EXECUTIVE SESSION** pursuant to Sections 551.071 and 551.072 of the Texas Government Code: consultation with counsel and deliberation regarding the purchase, exchange, lease, or value of real property. Possible action may follow in open court. **Cost: TBD; Speaker: Judge Schawe; Backup: None.**

Executive Session begins at 12:19 p.m. and court resumes at 12:37 p.m.

No action was taken

21. **Adjournment.**

Judge Schawe says he is looking for a motion to adjourn. Motion made by Commissioner Moses, second by Commissioner Theriot. All voting "Aye".

Meeting adjourns at 12:38 p.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 February 26, 2018.



Carol Holcomb

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

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