

THE STATE OF TEXAS

COUNTY OF KENDALL BE IT REMEMBERED, that the Commissioners' Court of Kendall County, Texas, was begun and held at a Regular Meeting at the Courthouse in Boerne, Texas, on the 12th day of November 2019.

Present: **DARREL L. LUX, COUNTY JUDGE**
 CHRISTINA BERGMANN, COMMISSIONER, PCT. #1
 RICHARD W. ELKINS, COMMISSIONER, PCT. #2
 RICHARD CHAPMAN, COMMISSIONER, PCT. #3
 DON DURDEN, COMMISSIONER, PCT. #4
 SALLY W. PETERS, DEPUTY COUNTY CLERK/ADMINISTRATIVE ASSISTANT

1. The meeting was called to order at 9:00 a.m.

Moment of silence.

Pledges of Allegiance to the United States and Texas flags.

Comments from the bench.

2. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Minutes for October 28, 2019.

Motion was made by Commissioner Elkins, seconded by Commissioner Chapman, and carried by a vote of 5-0.

3. City of Boerne Chief of Police Jim Kohler presented Letters of Commendation to Kendall County paramedics Shelly Jennings and Sarah Woodall for going above and beyond their duties in diffusing a crisis while assisting City of Boerne police officers.

4. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to proclaim that November 16, 2019 be recognized, honored and celebrated as Old Spanish Trail Centennial Celebration day in Kendall County (attached).

Motion was made by Judge Lux, seconded by Commissioner Bergmann, and carried by a vote of 5-0.

5. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the accounts payable claims for purchases, services, and vendors (on file).

Motion was made by Judge Lux, seconded by Commissioner Chapman, and carried by a vote of 5-0.

6. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to accept the list of donations on behalf of Kendall County as per Local Government Code 81.032 (attached).

Motion was made by Commissioner Durden, seconded by Judge Lux, and carried by a vote of 5-0.

7. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to allow the one-day closing of the Kendall County Brush site on November 30, 2019, the Saturday after the Thanksgiving holiday.

Motion was made by Commissioner Durden, seconded by Commissioner Chapman, and carried by a vote of 5-0.

8. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to leave the burn ban on.

Motion was made by Judge Lux, seconded by Commissioner Elkins, and carried by a vote of 5-0.

9. PUBLIC COMMENTS:

- Darlene Herrin – agenda item #19
 - Joanne Bradley – agenda item #19
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10. Commissioner Bergmann and Commissioner Chapman gave an update on issues surrounding the constitutional amendment to create the Flood Infrastructure Fund which the Texas Water Development Board would use to provide financing for flood drainage, mitigation, and control projects.

11. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the agreement to allow certain event activities on the Courthouse grounds for the City of Boerne's Dickens on Main event.

Motion was made by Judge Lux, seconded by Commissioner Bergmann, and carried by a vote of 5-0.

12-a. This agenda item concerning the proposed agreement with San Antonio Sound and Light audio/visual upgrades to the Kendall County District Court was addressed after Executive Session.

13. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the agreement with Stericycle for the disposal of biohazardous regulated medical waste and to authorize Lt. Robert Green to sign on behalf of Kendall County.

Motion was made by Judge Lux, seconded by Commissioner Durden, and carried by a vote of 5-0.

14. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the agreement with Crown Telephone to provide telephone service to Kendall County inmates and to authorize Lt. Robert Green to sign the contract on behalf of Kendall County.

Motion was made by Judge Lux, seconded by Commissioner Elkins, and carried by a vote of 5-0.

15. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the letter from the Kendall County Commissioners Court authorizing the Texas Commission on Environmental Quality (TCEQ) to contract with the Alamo Area Council of Governments (AACOG) for air quality planning funds.

Motion was made by Commissioner Durden, seconded by Judge Lux, and carried by a vote of 5-0.

16. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to declare a 1999 F150 truck in the EMS Department as surplus and transfer a 2009 F250 truck from Animal Control to Rural Fire.

Motion was made by Judge Lux, seconded by Commissioner Elkins, and carried by a vote of 5-0.

17. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve an early start date of November 18, 2019 for the Deputy District Clerk who is filling the position of Chief Deputy District Clerk before the current Chief Deputy Clerk retires on December 13, 2019.

Motion was made by Judge Lux, seconded by Commissioner Elkins, and carried by a vote of 5-0.

18. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the new job description for Mental Health Deputy with changes as discussed (attached).

Motion was made by Commissioner Elkins, seconded by Commissioner Chapman, and carried by a vote of 5-0.

19. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve leaving the salary committee as is.

Motion was made by Judge Lux, seconded by Commissioner Elkins, and carried by a vote of 5-0.

20. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to request the County Auditor to conduct an audit of the Criminal District Attorney's Chapter 59 Asset Forfeiture Report as required by Article 59.06 of the Code of Criminal Procedure.

Motion was made by Commissioner Elkins, seconded by Commissioner Bergmann, and carried by a vote of 5-0.

21. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to request the County Auditor to conduct an audit of the County Sheriff's Chapter 59 Asset Forfeiture Report as required by Article 59.06 of the Code of Criminal Procedure.

Motion was made by Commissioner Elkins, seconded by Commissioner Bergmann, and carried by a vote of 5-0.

22. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to award the construction contract to TTE LLC for the Texas Community Development Block Grant 7218260 for water system improvements at the Comfort WCID #1 contingent on the contribution of an additional \$22,100 by the Comfort WCID #1 and the approval of the Texas Commission on Environmental Quality (TCEQ).

Motion was made by Commissioner Durden, seconded by Commissioner Chapman, and carried by a vote of 5-0.

23. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the bids for Road & Bridge materials for fiscal year 2020 awarding to the low bidder except on Emulsified Asphalt, which did not meet specs, and on Econo-Pave, both products are to be re-bid.

Motion was made by Judge Lux, seconded by Commissioner Durden, and carried by a vote of 5-0.

24. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the updated contingent fee arrangement with Simon Greenstone Panatier, PC and Martin Walker, PC for a lawsuit on behalf of Kendall County, Texas vs. various drug manufacturers, developers, suppliers and others of a class of pharmaceutical class of drugs commonly referred to as opioids.

Motion was made by Judge Lux, seconded by Commissioner Elkins, and carried by a vote of 5-0.

At 11:17 a.m. the Court recessed Open Session, took a break and went into Executive Session pursuant to Chapter 551 of the Texas Government Code:

- I. The Court will meet in Executive Session pursuant to Section 551.071 to seek the advice of attorney(s) representing the County, concerning pending and/or threatened litigation, settlement offers and/or matters in which the duties of the attorney(s) under the Texas Rules of Professional Conduct of the State Bar of Texas require confidential communications.
 - 1. Opioid litigation
- II. The Court will meet in Executive Session pursuant to Section 551.072 to deliberate the purchase, exchange, lease or value of real property. (Note: Deliberation in an open meeting would have a detrimental effect on the position of Kendall County in negotiations with a third person.)

III. The Court will meet in Executive Session pursuant to Section 551.074, deliberations about officers and employees of the governmental body held in executive session to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or (2) to hear a complaint or a charge against an officer or employee.

- 1. District Clerk**
- 2. Justice of the Peace, Precinct 1**

At 11:26 a.m. the Court recessed Executive Session and resumed Open Session to address agenda item #12:

12-b. No action was taken concerning the proposed agreement with San Antonio Sound and Light audio/visual upgrades to the Kendall County District Court.

At 11:34 a.m. the Court recessed Open Session and resumed Executive Session.

At 1:07 p.m. the Court closed Executive Session and resumed Open Session where there being no further business, the meeting was adjourned at 1:08 p.m.

EXAMINED AND APPROVED THIS 25th DAY OF NOVEMBER 2019.

/s/ Richard W. Elkins
COUNTY JUDGE PRO-TEM
KENDALL COUNTY, TEXAS

ATTESTED: /s/ Darlene Herrin
COUNTY CLERK
KENDALL COUNTY, TEXAS