

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 Historic Courthouse in Boerne, Texas, on the 14th day of August, 2006.

Present: EDDIE J. VOGT, COUNTY JUDGE
ANN REISSIG, COMMISSIONER, PCT. #1
GENE MIERTSCHIN, COMMISSIONER, PCT. #2
DARREL LUX, COMMISSIONER, PCT. #3
RUSSELL C. BUSBY, COMMISSIONER, PCT. #4
SALLY W. PETERS, DEPUTY COUNTY CLERK

The meeting was called to order with the Pledge of Allegiance to the United States and Texas flags.

THE STATE OF TEXAS 9:01

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Minutes for the month of July, 2006, as presented.

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

THE STATE OF TEXAS 9:02

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Budget Adjustments as submitted by the Auditor's Office (attachment).

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

THE STATE OF TEXAS 9:05

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to make the adjustment on recurring bills as submitted by the Auditor's Office (attachment).

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

THE STATE OF TEXAS 9:07

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Claims as presented by the Auditor's Office with the exception of the reduction of the bill from Grant, Research, and Development (Linda Stone) from \$740.25 to \$714.25 (on file).

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

THE STATE OF TEXAS 9:12

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the new appraisal replacement values for Kendall County buildings for insurance purposes as presented by the Auditor's Office.

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

THE STATE OF TEXAS 9:15

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to accept the certification of the 2006 Appraisal Roll for Kendall County as submitted by the Kendall Appraisal District (attachment).

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

THE STATE OF TEXAS 9:20

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to place a proposal to adopt a tax rate of \$0.37 per \$100.00 value on the agenda of a future meeting as an action item. The current tax rate is \$0.37 per \$100 value.

Motion was made by Judge Vogt, seconded by Commissioner Busby, and carried by a vote of 5-0 with all members of the Court voting in favor—Judge Vogt, Commissioner Reissig, Commissioner Miertschin, Commissioner Lux, and Commissioner Busby.

THE STATE OF TEXAS 9:20

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to schedule two public hearings on the proposed tax rate and increase. The first public hearing will be at 9:30 a.m. on August 28, 2006 and the second public hearing will be at 6:00 p.m. on September 5, 2006.

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

The Court recognized Congressman Lamar Smith and he briefly spoke.

9:25

A Public Hearing was held for the proposed "No Parking/Tow Away Zones" on Bluebonnet Drive from the Interstate 10 Frontage Road to the intersection of Wagon Wheel Drive in Cascade Mobile Village. No one spoke for or against.

THE STATE OF TEXAS 9:27

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to table action on the proposed "No Parking/Tow Away Zones" on Bluebonnet Drive from the Interstate 10 Frontage Road to the intersection of Wagon Wheel Drive in Cascade Mobile Village.

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

THE STATE OF TEXAS 9:30

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the financial and investment reports for the third quarter of Fiscal Year 2006 as presented by the Treasurer (attachment).

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

9:33

The County Treasurer reported that at the July 12, 2006 Commissioners' Court it was discussed that she would be allowed to see the timesheets and other backup necessary to sign off on the payroll checks, but in fact she is not being allowed to see the timesheets. She stated that using original documentation was the only way for her to be sure that the checks that carry her signature are correct and proper. The only documentation she has at present is the computer-generated report that also generates the checks. She requested that she be allowed to see the timesheets that are signed by the employee and an elected official. There was discussion regarding personal information that an employee might put on a timesheet, but per the temporary head of Human Resources, timesheets are considered open records. The Judge stated that timesheets are checked at least four times: by the employee, the department head, Human Resources, and the Auditor. He questioned if one more level of checking is needed. The Treasurer answered that it was since it is her signature on the check. The Judge then quoted David Brooks, who the Judge said is an attorney in Austin who wrote the book on County Government, as saying that "except as otherwise provided, the County Treasurer disperses money in the manner directed by the Court. He or she is under a ministerial duty to endorse a form presented to him unless he has any doubt of the legality or propriety." The Judge questioned if the Treasurer doubted the legality or propriety of the paychecks. The Treasurer answered that she wanted to make sure the information was correct before she put her name on the check. She said if outside auditors had an issue with an incorrect check they would come to her because she is the one who signs the checks. The Judge said that the County Auditor also signs the checks, so there is a double signature, and they have been checked at least four times. The Judge asked again if the Treasurer felt it was necessary to have them checked one more time. The Treasurer answered that it was necessary for her to look at the original documentation that created the final paycheck, not to audit, change, or correct, just to review the timesheets.

The Judge questioned the temporary head of Human Resource, Juanita Espino, if the timesheets were public record and if the public had access to them. She answered yes. The Judge asked if Mrs. Espino had any problem with the Treasurer reviewing the timesheets prior to payroll being issued. Mrs. Espino said because employees make personal notations on the timesheets even though they have been instructed not to, she has a concern for the privacy of the employee and would like to eliminate them being handled by more than the people necessary.

Commissioner Miertschin asked if one more handling of the timesheets would have any effect on the timely issuing of the paychecks. Mrs. Espino replied that in the past there have been delays in the process of payroll. The Treasurer said that no employee had ever been paid late. The Judge asked Mrs. Espino if she had recently worked for the Treasurer and if she had performed the same function and if she ever had problems with payroll at that time. She replied that it delayed the payroll process because of the auditor function. The Judge asked if she saw any need to have one more auditing step. Mrs. Espino replied that personally she did not. The Treasurer repeated that she was not auditing, that she was not the Auditor. The Judge replied that she was checking it and questioned if that wasn't auditing. The Treasurer replied that she was just verifying that the information on the timesheets matched the information on the paychecks.

Commissioner Lux called for a vote.

THE STATE OF TEXAS 9:33 (Motion Failed)

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the timesheets be submitted to the Treasurer's Office for processing of the payroll checks.

Motion was made by Commissioner Lux, seconded by Commissioner Reissig, and failed by a vote of 2-3 with Judge Vogt, Commissioner Miertschin, and Commissioner Busby voting against.

THE STATE OF TEXAS 9:38

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to move the Human Resources Department to the space currently occupied by the County Treasurer and move the County Treasurer to the available space in the old County Jail.

Motion was made by Judge Vogt, seconded by Commissioner Miertschin, and carried by a vote of 4-0 with Commissioner Lux abstaining.

THE STATE OF TEXAS 9:45

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, that the Human Resources Department report to the County Judge's office.

Motion was made by Judge Vogt, seconded by Commissioner Busby, and carried by a vote of 4-0 with Commissioner Lux abstaining.

9:48

No action was taken on lifting the burn ban.

THE STATE OF TEXAS 9:50

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve funding, not to exceed \$5,005.33, to finish equipping an Emergency Management vehicle with lights, radio, accessories and decals as presented by the Emergency Management Coordinator.

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

THE STATE OF TEXAS 9:55

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve overtime pay to Road and Bridge employees Steven Flemming and Michael Baron for response to a fallen tree due to wind (attachment).

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

THE STATE OF TEXAS 9:57

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to designate the material removed from Ranger Creek Road as waste material and to make it available on a first-come, first-served basis.

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

PUBLIC COMMENTS:

Michelle Tuttle, Hays County Treasurer, spoke about payroll processing in her county. She said that since she is ultimately the one responsible for the paychecks, she prefers to look at the backup. She also stated that the Human Resources Department has a very tough job handling benefits, and since preparing payroll is a very tedious job and must be done in an accurate manner, she urged the Court to reconsider their order. She recommended that the Kendall County Treasurer be able to review the timesheets.

Court recessed for a Break and then went into Executive Session where no motions were made.

THE STATE OF TEXAS 10:10

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to grant relief to minimum road frontage for a proposed plat of Family Place Subdivision on Dodge Road in accordance with paragraphs 102.1000.2, 102.1000.9, 301.1000.1700, and 303.1100 of the County Guidelines dated August 29, 2005. Family Place Subdivision is a proposed division of 12.96 acres into three lots: Lot 1 (3.56 acres with 210 feet of frontage), Lot 2 (5.68 acres with 339 feet of frontage), and Lot 3 (3.73 acres with 210 feet of frontage) (Roy and Roberta Brown). This division is for mortgage and family division purposes.

Motion was made by Commissioner Reissig, seconded by Judge Vogt, and carried by a vote of 3-2 with Commissioner Lux and Commissioner Miertschin voting against.

THE STATE OF TEXAS 10:10

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to grant relief for maximum density for a proposed plat of Family Place Subdivision on Dodge Road in accordance with paragraphs 102.1000.2, 102.1000.9, 301.1000.1700, and 303.1100 of the County Guidelines dated August 29, 2005. Family Place Subdivision is a proposed division of 12.96 acres into three lots: Lot 1 (3.56 acres with 210 feet of frontage), Lot 2 (5.68 acres with 339 feet of frontage), and Lot 3 (3.73 acres with 210 feet of frontage) (Roy and Roberta Brown). This division is for mortgage and family division purposes.

Motion was made by Commissioner Reissig, seconded by Judge Vogt, and carried by a vote of 4-1 with Commissioner Miertschin voting against.

THE STATE OF TEXAS 10:10

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to waive the requirement of a water availability study for a proposed plat of Family Place Subdivision on Dodge Road in accordance with paragraphs 102.1000.2, 102.1000.9, 301.1000.1700, and 303.1100 of the County Guidelines dated August 29, 2005. Family Place Subdivision is a proposed division of 12.96 acres into three lots: Lot 1 (3.56 acres with 210 feet of frontage), Lot 2 (5.68 acres with 339 feet of frontage), and Lot 3 (3.73 acres with 210 feet of frontage) (Roy and Roberta Brown). This division is for mortgage and family division purposes.

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

THE STATE OF TEXAS 10:15

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Final Plat for Family Place Subdivision in accordance with Sections 200, 203, and 301 of the County Guidelines dated August 29, 2005 (Roy and Roberta Brown). This proposed development is located south of Boerne on Dodge Road and includes 12.96 acres divided into three residential lots. This unit will be served by individual wells and septic systems with two of the lots sharing a well.

Motion was made by Commissioner Reissig, seconded by Judge Vogt, and carried by a vote of 4-1 with Commissioner Miertschin voting against.

THE STATE OF TEXAS 10:20

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to grant relief for minimum road frontage, for Lot 34 of the proposed The Ranches at Joshua Crossing Subdivision in accordance with paragraph 301.1000 of the County Guidelines dated August 29, 2005. The 100-foot frontage is the existing frontage of a 30.02-acre tract that is becoming part of the new subdivision with the lot size changed to 10.14 acres (RGB Development LLC, Gary Alexander).

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

THE STATE OF TEXAS 10:25

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Preliminary Plat for The Ranches at Joshua Crossing Subdivision in accordance with section 202 of the County Guidelines dated August 29, 2005. This proposed development is located on Blaschke Road and IH-10 West, North of IH-10 West, and consists of 207.75 acres divided into 34 residential lots for an overall density of 6.11. This subdivision will be served by individual wells and septic systems. The developer is RGB Development LLC, Gary Alexander, Managing Partner.

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

THE STATE OF TEXAS 10:30

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to grant relief to minimum road frontage on Platten Creek Road in accordance with paragraph(s) 102.1000.9 and 301.1000 of the County Guidelines dated August 29, 2005. A 10.0-acre tract is a proposed division out of a 391.6-acre tract with access through an existing 30-foot easement and a 60-foot easement to Platten Creek Road. This division is for mortgage purposes (Antonio Cavazos III).

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

10:32

A Public Hearing was held for a proposed regulation to prohibit all truck traffic on county roads located in platted and recorded subdivisions in the unincorporated area of Kendall County with three exceptions (as listed in the 10:33 order). The following people spoke:

Ron Herzog said that it did not make sense to prohibit trucks in some instances but not in others and may be opening the county to a lawsuit.

Commissioner Busby stated that the reason for the regulation request was due to a subdivision located in Kerr County that did not get approval from Kendall County and that enters off of the south end of Turkey Knob through a driveway that opens up to 600 acres in that subdivision that is all in Kerr County. He said that this is not a good concept to have another subdivision of that size using our roads to develop the subdivision. He said that trucks should be prevented from going into Kerr County through a driveway and since Turkey Knob ends in Kendall County, any truck traffic that legally is allowed on Turkey Knob but then needs to continue delivery into the Kerr County subdivision should exit Turkey Knob and enter the subdivision via Comfort and Highway 27 and into the Kerr County subdivision entrance.

Don Allee, County Attorney, stated that Kendall County has a rule in the current development regulations that prohibits a subdivision being tacked onto another subdivision without an impact study and a traffic study that shows there is not going to be an adverse impact on the subdivision road because subdivision roads are not built to handle through traffic. He said that this regulation is to prevent a subdivision tacking onto another subdivision and using their roads, as well as construction traffic using their roads. This does not apply to county roads that are not in a subdivision.

Commissioner Lux voiced concern regarding the policing of the regulation.

Commissioner Busby stated that his motion included posting signs to indicate the regulation.

Terry Anderson, County Engineer, stated that the developers build roads in subdivisions as local roads, which meet the minimum county requirements, but if another subdivision is tacked on, then that road becomes a collector road and no one is willing to pay for the road upgrade.

Commissioner Busby stated that the developer of the Kerr County subdivision did not come to the Court to explain what they wanted to do and ask what needed to be done to satisfy Kendall County requirements.

Troy Crain expressed concern that the regulation should control heavy truck traffic and not pickup trucks.

Don Allee confirmed that the regulation exception is for trucks with not more than two axles.

James Coffee voiced concern that the subdivision houses would all be built in Kerr County and that the tax revenue would all go to Kerr County, but the expense of maintaining the road would go to Kendall County. He said that the developer did not talk to the landowners either, and he does not want to pay to develop the road to accommodate the new subdivision.

Randy Richards wanted to make the Court aware that he has petitions signed by approximately 114 people representing 57 properties in Champee Springs, Lake Country, and Ranger Creek Road that express concern about the traffic from the subdivision development in Kerr County. He said that the part of the 1,100-acre development near Turkey Knob Road of concern is divided into five-acre lots, and the developer is also breaking a restrictive covenant by generating traffic in a protected area. He asked that the Court take action to protect the county roads since we are getting no benefit from the development across the county line on the other side of the fence and asked that the Court enact this regulation to protect all of the people who appeared in Court today. He gave the petitions to the Judge.

The Public Hearing was closed.

THE STATE OF TEXAS 10:33

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to adopt the Kendall County Order No. 08-14-2006 prohibiting truck traffic with certain exceptions on county roads located in Champee Springs Subdivision and Indian Springs Subdivision (attachment).

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

THE STATE OF TEXAS 10:33

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the County Engineer to place signs enforcing the Order prohibiting truck traffic with certain exceptions on county roads located in Champee Springs Subdivision and Indian Springs Subdivision.

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

THE STATE OF TEXAS 10:45

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to use Delta Dental, Plan #1, for County dental insurance.

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

THE STATE OF TEXAS 10:45

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to use Alamo Insurance Group as the agent for dental insurance.

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

THE STATE OF TEXAS 10:45

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to use United Healthcare for County health and life insurance.

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

THE STATE OF TEXAS 10:45

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to use Villarreal Insurance Agency as the agent for health and life insurance.

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

THE STATE OF TEXAS 9:38

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, that the Human Resources Department and the County Auditor can use what is now the Treasurer's Office and divide it up as they see fit effective immediately.

Motion was made by Judge Vogt, seconded by Commissioner Busby, and carried by a vote of 4-0 with Commissioner Lux abstaining.

1:30

W.E. (Bill) West, Jr., General Manager, GBRA, reviewed the Memorandum of Understanding (MOU). He described it as a common vehicle used between governmental entities to clarify their unified direction in addressing projects and programs. These include conserving and protecting the region's surface and ground water resources that in turn depend upon cooperative planning and coordinating regulation. He asked the Court to review the document.

After discussion with and suggestions from the Court and the County Attorney, it was decided that no action would be taken concerning the Memorandum of Understanding among Guadalupe Blanco River Authority (GBRA), Kendall County, the City of Boerne, and Cow Creek Groundwater Conservation District.

1:35

W.E. (Bill) West, Jr., General Manager, GBRA, gave an update on the status of the Western Canyon Water Supply Project. He stated that it is operating and functioning and that existing participants of Boerne, Fair Oaks Ranch, Tapatio, and Cordillera recently indicated that they are interested in contracting for additional capacity out of the facility. GBRA has been approached by a number of developments in Kendall County as well as Comal County to receive treated wholesale water from the project.

2:00

Nancy White, Justice of the Peace, Precinct 1, gave an overview of the Criminal Justice Plan to Community Leaders saying that the purpose is to talk about issues in the community and be forward thinking about ways to come up with solutions. She said that issues to focus resources on included the elderly and mental health and that every Community Leader has been assigned to a focus group whose purpose is to analyze the plan and determine which statistics and research would be helpful in communicating the strengths and weaknesses in the community. She said that each group should put someone in charge of gathering statistics and establish priorities with supporting data, and also put someone in charge of communicating the group's progress. She then gave an update.

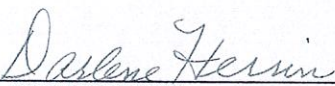
Steven Ramirez, Criminal Justice Director with AACOG, gave an update from his organization, and he spoke about goals and funding.

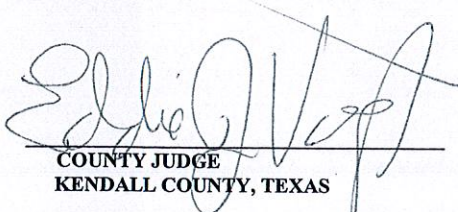
Court recessed for a Break and then went into Executive Session where no motions were made.

Being no further business, the meeting was adjourned.

EXAMINED AND APPROVED THIS 25th DAY OF SEPTEMBER A.D., 2006.

ATTESTED:


COUNTY CLERK
KENDALL COUNTY, TEXAS


COUNTY JUDGE
KENDALL COUNTY, TEXAS