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 14th day of February 2011.

Present:

GAYLAN L. SCHROEDER, COUNTY JUDGE

ANN REISSIG, COMMISSIONER, PCT. #1

GENE MIERTSCHIN, COMMISSIONER, PCT. #2

DARREL L. LUX, COMMISSIONER, PCT. #3

KENNETH M. RUSCH, COMMISSIONER, PCT. #4

SALLY W. PETERS, DEPUTY COUNTY CLERK

- 1. The meeting was called to order at 9:00 a.m. with the Pledge of Allegiance to the United States and Texas flags.
- 2. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Minutes for January 24 and 28, 2011.

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

3. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Claims as submitted (on file).

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

4. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the resubmitted Financial Reports for September, October and November 2010 (attached).

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

5-1. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Financial Report for December 2010 (attached).

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

5-2. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Investment Report for quarter ending December 31, 2010 (attached).

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

- 6. PUBLIC COMMENTS (all comments pertain to item #11: the Southern Edwards Plateau-Habitat Conservation Plan):
 - Mike Luckey said he is strongly opposed to the plan because it takes away rights of property owners and he said he feels the proposed Resolution from the County is not sufficiently worded for opting out.
 - Charly Seale said he is opposed to the plan because its real purpose is to subsidize big developers in Bexar County due to restrictions from the 5-mile buffer zone around Camp Bullis and he said that the County needs to send a strongly worded Resolution opposing the plan.
 - Cleo Marquart said she is disappointed in the Kendall County Resolution and requested that the Court prepare a more firm and direct Resolution like the one from Bandera County opposing the plan.
 - Vikki Smith said she is opposed to the plan because of its effect on property values.
 - Bob Reinarz said he is opposed to the plan as it significantly impacts property use and property rights.
 - John Kight said he is opposed to the plan and in favor of a strongly worded Resolution.
 - Joni Schmidt said she is opposed to the plan and in favor of a strongly worded Resolution.
 - Earl Smith said he is opposed to the plan and in favor of a strongly and simply worded Resolution.
 - Patty Moncus said she is opposed to the plan because it would be permanent and she said she is in favor of a strongly and simply worded Resolution.

11. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, that Kendall County not participate in the Southern Edwards Plateau-Habitat Conservation Plan (SEP-HCP) and to send notification of the County's intent to that organization and to follow up with a Resolution at the next Court meeting.

Motion was made by Commissioner Lux, seconded by Commissioner Miertschin, 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 accept the Financial Report for fiscal year 2010 and the Auditor's Monthly Financial Reports for October, November and December 2010 from the County Auditor (attached).

Motion was made by Commissioner Lux, seconded by Commissioner Rusch, 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 authorize the implementation of the Better Rx prescription card in Kendall County subject to review by the County Attorney's office.

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

9. No action was taken on lifting the burn ban. It is still on.

10. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve Resolution 02-14-2011A pertaining to the Kendall County Crime Victims Assistance/Advocacy Program (attached).

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

12. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the amended bylaws as submitted by the Kendall County Library Advisory Board.

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

13. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the foundation bid from Bob Grier for the foundation at the County Recycling Facility.

Motion was made by Commissioner Lux, seconded by Commissioner Reissig, 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 authorize the removal and installation of venetian blinds in the Courthouse.

Motion was made by Commissioner Lux, seconded by Commissioner Rusch, 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 transferring the available computer from the Development Management office to the Facilities Manager's office and authorize the Facilities Manager to purchase a multipurpose printer/fax machine.

Motion was made by Commissioner Miertschin, seconded by Commissioner 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 the deck at the Mental Health Mental Retardation building as surplus and salvage and authorize property disposal.

Motion was made by Commissioner Lux, seconded by Commissioner Miertschin, 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 the payment for Emergency Call Out for Road & Bridge.

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

18. Mike Schultz, representing the Boerne Chamber of Commerce Governmental Affairs Committee, presented the Kendall County Housing Availability Report which detailed the workforce that is targeted for housing needs and the different types of housing solutions.

At 10:40 a.m. the Court closed Open Session, took a 10-minute Break, and then went into Executive Session:

- I. Pursuant to Section 551.072 to deliberate the purchase, exchange or value of real property
- II. Pursuant to Section 551.071 to seek the advice of the County Attorney and/or attorney(s) representing the County, concerning pending and/or threatened litigation 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. Specific topics to be discussed are as follow:
 - 1. County authority concerning subdivisions, county roads and bridges and regulation of land use
 - 2. EEOC complaint-Angela San Miguel
 - 3. EEOC complaint—David Cheney
 - 4. EEOC complaint—Charles Camden
 - 5. Lucas Lancaster vs. Kendall County, et al
- III. Pursuant to Section 551.074 to deliberate the duties and responsibilities of personnel in:
 - 1. Auditor's Office
 - 2. County Attorney's Office
 - 3. Salary Grievance Committee

At 12:10 p.m. the Court closed Executive Session and broke for lunch.

At 1:40 p.m. the Court went into Open Session where the following motions were made:

20-1. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to move forward with the Herff Road improvement and extension project, subject to the Boerne City Council giving their approval for the County to construct a portion of the road in the city limits.

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

20-2. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to finance the Herff Road project by issuing bonds in an amount not to exceed \$10,000,000.00 subject to voter approval.

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

20-3. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the Kendall County Elections Department to take the necessary steps to insure that the Herff Road bond election is held on Saturday, May 14, 2011, to coincide with the City of Boerne and Boerne Independent School District elections.

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

20-4. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the Kendall County Attorney's Office and other offices as necessary to contact our bond counsel and bond advisors to prepare the necessary legal documents for the May 2011 election concerning the Herff Road project.

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

20-5. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the County Judge to appoint a team of County officials who are authorized to negotiate the terms of an agreement between the County and the City of Boerne pertaining to the duties and responsibilities of each party concerning the Herff Road project and submit same to the Kendall County Commissioners' Court and the Boerne City Council for approval.

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

At 1:55 p.m. the Court closed Open Session and went into Executive Session.

At 3:36 p.m. the Court closed Executive Session and went into Open Session where the following motion was made:

19. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to confirm the reappointment by Judge Keith Williams of Dana Baethge as County Auditor and to order the payment of her salary as set by Judge Williams.

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

Being no further business, the meeting was adjourned at 3:40 p.m.

EXAMINED AND APPROVED THIS 28th DAY OF FEBRUARY A.D., 2011

ATTESTED: A

COUNTY CLERK

KENDALL COUNTY, TEXAS

COUNTY JUDGE

KENDALL COUNTY, TEXAS