

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 24th day of October 2016.

Present: DARREL L. LUX, COUNTY JUDGE
 MIKE FINCKE, COMMISSIONER, PCT. #1
 RICHARD W. ELKINS, COMMISSIONER, PCT. #2
 TOMMY PFEIFFER, COMMISSIONER, PCT. #3
 CHAD CARPENTER, COMMISSIONER, PCT. #4
 SALLY W. PETERS, DEPUTY COUNTY CLERK/ADMINISTRATIVE ASSISTANT

1. The meeting was called to order at 9:00 a.m.
 Prayer said by Pastor Paul Wilson, Cibolo Creek Community Church.
 Pledges of Allegiance to the United States and Texas flags.
 Judge Lux thanked everyone who attended the Bergheim VFD fundraiser on Saturday night. He said that upcoming fundraiser events will be on November 5th—Kendalia VFD and also the Boerne Chamber of Commerce Wild Game Dinner, on November 12th—the Sisterdale VFD, and on October 30th—the Waring VFD. He also said that early voting starts today and that the daily voting totals will be posted on the County's website.

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 11, 2016.

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

3. The following Service Awards were presented:
 - 10 years of service: Tami Wolff, Court Reporter/County Court-at-Law
 - 10 years of service: Billy Shussler, Road & Bridge
 - 15 years of service: Maria "Elsa" Thompson, Development Management

4. Introductions / Recognitions: None

5. THE STATE OF TEXAS

 COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to proclaim November 2016 as National American Indian Heritage Month in Kendall County (attached).

 Motion was made by Judge Lux, seconded by Commissioner Carpenter, 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 approve the Resolution pertaining to the Rainbow Senior Center's application for grant funds from the Texas Department of Agriculture (attached).

 Motion was made by Judge Lux, seconded by Commissioner Elkins, 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 approve the accounts payable claims for purchases, services and vendors (on file).

 Motion was made by Commissioner Elkins, seconded by Commissioner Carpenter, and carried by a vote of 5-0 with Commissioner Elkins abstaining from any matters related to GVTC.

8. No action was taken concerning the change of park hours and work hours for the Parks Maintenance employees.

9. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the creation of a Facebook account for the parks and event center.

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

10. No action was taken on reinstating the burn ban. It is still off.

11. PUBLIC COMMENTS:

- Judge Lux presented a 25 years-of-service key chain award to James Hudson, Tax Assessor-Collector.

12. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the 2016 County Tax Levy Roll Total of \$21,063,645.92.

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

13. The County Treasurer presented the Sales Tax Report.

14. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Cash Summary for July and August 2016 (attached).

Motion was made by Commissioner Fincke, 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 Monthly Reports for September 2016 (on file).

Motion was made by Commissioner Elkins, seconded by Commissioner Carpenter, 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 request the County Auditor to conduct an audit of the Sheriff's Department Chapter 59 asset forfeiture funds as required by Article 59.06 of the Code of Criminal Procedures.

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

17. Commissioner Fincke gave a status report on the EMS Building Project.

18-1. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to declare the portable buildings that currently house Adult Probation as surplus and salvage.

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

18-2. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the County Judge to move forward with the disposal of the portable buildings that currently house Adult Probation.

Motion was made by Commissioner Carpenter, seconded by Commissioner Pfeiffer, 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 upgrading the bandwidth to the Courthouse.
Motion was made by Commissioner Fincke, seconded by Judge Lux, and carried by a vote of 4-0-1 with Commissioner Elkins abstaining.
20. THE STATE OF TEXAS
COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the service agreement with Thyssenkrupp Elevator Corporation.
Motion was made by Commissioner Elkins, seconded by Commissioner Carpenter, 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 approve the service agreement with Boerne Air Conditioning and Heating.
Motion was made by Commissioner Fincke, seconded by Commissioner Elkins, 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 authorize Keith Marquart, General Manager, WCID #1, to solicit for Requests for Qualifications of Engineering Services and Requests for Proposals for Administrative Services for the 2017/2018 Texas Community Development Block Grant Cycle for water system improvements at the Comfort WCID #1.
Motion was made by Commissioner Carpenter, seconded by Commissioner Pfeiffer, 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 amend the Development Engineer job description with changes as discussed.
Motion was made by Judge Lux, seconded by Commissioner Pfeiffer, 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 Parks Department job description.
Motion was made by Commissioner Elkins, seconded by Commissioner Fincke, and carried by a vote of 5-0.
25. The summary of road activities by Road & Bridge for September 2016 was presented (attached).
26. The summary of activities by the Operations Department for September 2016 was presented (attached).

At 10:05 a.m. the Court closed Open Session, took a Break, and at 10:15 a.m. went into Executive Session pursuant to Chapter 551 of the Texas Government Code:

- I. 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, 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. Specific topics to be discussed are:
1. County authority and obligations concerning subdivisions, county property, roads and bridges
 2. Five Oaks Holding LLC D/B/A Bella Springs Special Events Venue, Plaintiffs vs. B. Scott Kehoe and Tanita F. White Kehoe, Defendants
 3. Richard Wagner, Beverly Wagner, Steven Clouse, Gerardine Clouse, Jeff Jureczki, Tiffany Jureczki, Robert C. Chambers, Rena M. Chambers, Sandra Glomski, Jeff Dunklin and Karen Brickey, Plaintiffs vs. Thomas David White, Jennifer White, Tanita Faye Kehoe and Scott Kehoe, Defendants

4. Civil enforcement action against Volkswagen Aktiengesellschaft, Audi Aktiengesellschaft, Volkswagen Group of America Inc., Audi of America LLC, and other entities for alleged violations of applicable laws and regulations.
- II. Pursuant to Section 551.074 to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee:
 1. Duties and responsibilities of the Sheriff
 2. Duties and responsibilities of the Commissioners Court
 3. Duties and responsibilities of the Parks Manager
 4. Duties and responsibilities of the County Engineer
 - III. The Court will meet in Executive Session pursuant to Section 551.076 to deliberate: (1) the deployment, or specific occasions for implementation, of security personnel or devices; or (2) a security audit.

At 11:05 a.m. the Court closed Executive Session and went into Open Session where the following motions were made:

27. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve filing litigation against Volkswagen Aktiengesellschaft, Audi Aktiengesellschaft, Volkswagen Group of America Inc., Audi of America LLC, and other entities for violation of applicable laws and regulations regulating automobile emissions – Kendall County Order No. 10-24-2016 (attached).

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

28. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to employ attorney Anthony F. Constant to serve as counsel in litigation against Volkswagen Aktiengesellschaft and its subsidiaries Volkswagen Group of America, Inc. and Audi of America, LLC (hereinafter "Volkswagen").

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

At 11:17 a.m. the Court closed Open Session and went into Executive Session.

The Court recessed at 12:00 p.m. for lunch and resumed at 1:15 p.m.

At 1:45 p.m. Commissioner Elkins left the meeting.

At 5:30 p.m. the Court closed Executive Session and went into Open Session where the following motion was made:

II-2. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize Commissioner Chad Carpenter to oversee road improvements at Joshua Springs Park and Preserve - Kendall County Youth Agriculture and Equestrian Center as requested by the Boerne Chamber of Commerce.

Motion was made by Commissioner Fincke, seconded by Commissioner Pfeiffer, and carried by a vote of 4-0.

Being no further business, the meeting was adjourned at 5:32 p.m.

EXAMINED AND APPROVED THIS 14th DAY OF NOVEMBER 2016.

ATTESTED: *Darlene Herrin*
COUNTY CLERK
KENDALL COUNTY, TEXAS

D. J. S. J.
COUNTY JUDGE
KENDALL COUNTY, TEXAS