

I, Carol Swize, County Clerk of Karnes County, Texas, do hereby certify that the following Commissioners Court Minutes are a true and correct record of the proceedings from the Commissioners Court Meeting on March 4, 2013.

ATTEST:

Carol Swize

Carol Swize, County Clerk
And Ex-Officio Clerk of the
Commissioners Court of
Karnes County, Texas



KARNES COUNTY COMMISSIONERS COURT

SPECIAL SESSION – March 4, 2013

Commissioners Court met in special session on Monday, March 4, 2013 at 10:00 a.m. in the Former County Courtroom (as published) located at 115 N. Market, in the city of Karnes City, Texas, with the following members present:

Barbara Najvar Shaw	County Judge
Shelby Dupnik	Commissioner, Precinct #1
A.T. "Pete" Jauer	Commissioner, Precinct #2
James Rosales	Commissioner, Precinct #3
Tracey Schendel	Commissioner, Precinct #4
Carol Swize	County Clerk

The list of visitors is attached.

- #1 Judge Shaw opened the meeting and welcomed all present.
- #2 Roll Call
All members of the court were present.
- #3 Commissioner Jauer gave the opening prayer.
- #4 Pledge of Allegiance.

- #5 Open and read aloud RFP's – Oil, Gas and Mineral Lease Proposal for 18.776 acres of land, more or less, situated in the Townsite of Karnes City, Karnes County.**

One bid received. Marathon Oil for \$5,112.00 per acre for a total of \$95,982.92 with 25% royalty.

Bid will be awarded at the March 12, 2013 Commissioners Court meeting.

- #6 Discuss/Approve/Disapprove paying auctioneer \$750.00 from March 9, 2013 auction proceeds. Author: Vi Malone**

A motion to approve by Commissioner Schendel and seconded by Commissioner Rosales that the above action be taken by the Court.

All voted aye.

Motion carried 5 - 0

- #7 Discuss/Approve/Disapprove CR329 Access and Improvement Agreement between Karnes County and Talisman Energy.**

Author: Tracey Schendel

A motion to approve by Commissioner Jauer and seconded by Commissioner Rosales that the above action be taken by the Court, with the authority for the judge to execute agreement with Tracey and Jeff Wiatrek.

All voted aye.

Motion carried 5 - 0

- #8 Discussion of the costs, safety issues, declaration of emergency, privacy issues of relocating offices of County Judge and County Extension. Author: James Rosales**

Discussion item only.

- #9 Adjourn**

A motion to adjourn by Commissioner Rosales and seconded by Commissioner Jauer.

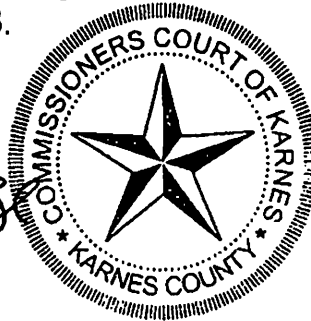
All voted aye.

Motion carried 5 - 0

I, Carol Swize, County Clerk of Karnes County, Texas, do hereby certify that the following Commissioners Court Minutes are a true and correct record of the proceedings from the Commissioners Court Meeting on March 12, 2013.

ATTEST:

Carol Swize
Carol Swize, County Clerk
And Ex-Officio Clerk of the
Commissioners Court of
Karnes County, Texas



KARNES COUNTY COMMISSIONERS COURT

REGULAR SESSION – March 12, 2013

Commissioners Court met in regular session on Tuesday, March 12, 2013 at 9:00 a.m. in the County Courtroom located at 210 W. Calvert, in the city of Karnes City, Texas, with the following members present:

Barbara Najvar Shaw	County Judge
Shelby Dupnik	Commissioner, Precinct #1
A.T. "Pete" Jauer	Commissioner, Precinct #2
James Rosales	Commissioner, Precinct #3
Carol Swize	County Clerk

The list of visitors is attached.

- #1 Judge Shaw opened the meeting and welcomed all present.
- #2 Roll Call
Commissioner Schendel was absent.
- #3 Judge Shaw gave the opening prayer.
- #4 Pledge of Allegiance
- #5 Citizens to be heard
Betty Yarter
Maurice Yarter

Maria Mohr
Courtney Hodges

- #6 Discuss/Approve/Disapprove awarding Oil, Gas and Mineral Lease Bid/Proposal for 18.776 acres of land, more or less, situated in the Town site of Karnes City, Karnes County (as advertised, bids were opened on March 4, 2013 in open court). Author: Barbara Shaw**
A motion by Commissioner Dupnik and seconded by Commissioner Jauer to accept the bid submitted by Marathon.

All voted aye.
Motion carried 4 - 0

- #8 Discuss/Approve/Disapprove the duties of the Special Projects/9-1-1 Part-time clerk to include receiving calls and filing for both the Special Projects and 9-1-1 Coordinators including: receiving money for development and septic permits, access to and filing cmi drug test records, access to and filing 9-1-1 Net records, and driving to locate entrances for new addresses; and to clarify whether the clerk is to file records and receive money for road permits.**

Author: Brenda Orszulak

A motion to approve by Commissioner Dupnik and seconded by Commissioner Rosales the above agenda item except for receiving money for road permits.

All voted aye.
Motion carried 4 - 0

- #9 Discuss/Approve/Disapprove the need of the Special Projects Coordinator to be bonded since the office has moved to 119 N. Browne St. Author: Helen Hernandez**

A motion to approve by Commissioner Rosales and seconded by Commissioner Jauer that the above action be taken by the Court.

All voted aye.
Motion carried 4 - 0

- #7 Discuss/Approve/Disapprove releasing Luke Patton from a lease of the Karnes County Yard/Property located in Gillett, Texas with an effective release date of March 1, 2013. Author: Barbara Shaw**
No action taken on the above agenda item.

- #13 Discuss/Approve/Disapprove contracting with South Texas Child Advocacy Services to continue providing services to children of Karnes County, finding that a public purpose exists, and determining a contractual payment, and authorizing County Judge to execute.**

Author: Rene Pena

A motion to approve by Judge Shaw and seconded by Commissioner Dupnik that the above action be taken by the court.

All voted aye.

Motion carried 4 - 0

Note: The correct name for the center is Children's Alliance of South Texas – a Child Advocacy Center.

- #14 Discuss/Approve/Disapprove amending the budget in the amount of \$25,000 to \$75,000 to participate in South Texas Child Advocacy as listed above (Item #13).**

Author: Lorraine Dailey

A motion to approve by Judge Shaw and seconded by Commissioner Dupnik amending the budget in the amount of \$25,000 to participate in the Children's Alliance of South Texas program.

This is a resolution of the Commissioners Court of Karnes County, Texas authorizing the emergency amendment to the county budget to contract with the Children's Alliance of South Texas, a Child Advocacy Center.

All voted aye.

Motion carried 4 - 0

- #10 Discuss/Approve/Disapprove landscape barrier between the Malloy property and the jail site as follows:**
- *8 ft. buffer of natural vegetation or agreed upon landscaping on the east/southeast property line.**
 - *10 ft. buffer of natural vegetation or agreed upon landscaping on the west property line at the entrance drive.**
 - *Any future fencing or replacement must be on property line.**

Author: Lorraine Dailey

A motion to approve by Commissioner Jauer and seconded by Commissioner Rosales that the above action be taken by the Court, with the added buffer on point as agreed to.

All voted aye.

Motion carried 4 - 0

- #11 Presentation of fiscal year 2012 independent audit by Janet Pitman and/or Mike Del Toro of Alonzo, Bacarisse, Irvine & Palmer, CPAs.**

Author: Lajuana Kasprzyk

- #12 Discuss/Approve/Disapprove changing the Friday, March 29, 2013 Commissioners' Court meeting to Thursday, March 28, 2013 due to the previously approved Good Friday holiday. (Holidays approved December 13, 2013 by Commissioners' Court.)**

Author: Lajuana Kasprzyk

A motion to approve by Commissioner Dupnik and seconded by Commissioner Rosales that the above action be taken by the court.

All voted aye.

Motion carried 4 – 0

- #15 Discuss/Approve/Disapprove waiving Attorney/Client privilege to read legal opinion dated March 3, 2013 provided by Ross Fischer with Denton, Navarro, Rocha, Bernal, Special Legal Counsel to Karnes County.**

Author: Barbara Shaw

A motion to approve by Commissioner Jauer and seconded by Commissioner Dupnik that the above action be taken by the court.

All voted aye.

Motion carried 4 - 0

- #16 Discuss/Approve/Disapprove a resolution of Commissioners Court of Karnes County, Texas authorizing and ratifying an emergency amendment of the county budget, finding that the requirements of Local Government Code 111.010 have been satisfied, and ratifying all previous acts taken in accordance with such findings.**

Author: Barbara Shaw

A motion to approve by Commissioner Dupnik and seconded by Commissioner Jauer that the above action be taken by the court.

Judge Shaw, Commissioners Jauer, Dupnik and Schendel voted aye.
Commissioner Rosales voted no.

Motion carried 3 – 1

- #17 Discuss/Approve/Disapprove legal issues relating to the amendment or correction of the minutes of Commissioners Court proceedings, including, if authorized, waiving the Attorney/Client privilege to disclose legal advice of Special Counsel Denton, Navarro, Rocha and Bernal rendered in March 2013 and relating to the aforementioned legal issue.**

A motion to approve by Commissioner Dupnik and seconded by Commissioner Jauer that the above action be taken by the Court.

All voted aye.

Motion carried 4 – 0

- #18 Discuss/Approve/Disapprove use of the Multi-Purpose Room and Meeting Room located at 210 W. Calvert as Public Meeting Rooms as deemed necessary for county business or needs/benefits off/for the county.**

Author: Barbara Shaw

A motion to approve by Commissioner Dupnik and seconded by Commissioner Jauer that the above action be taken by the court.

All voted aye.

Motion carried 4 – 0

- #19 Acknowledgment on record that the County Judge will approve the bonds of Commissioners Shelby Dupnik and James Rosales in accordance with Section 81.002 of the Local Government Code.**

Author: Barbara Shaw

- #21 Discuss/Approve/Disapprove adding a rail to the jury box in the Multi-purpose room located at 210 W. Calvert. Cost to be discussed and determined due to safety issues. A budget amendment will be necessary for this item.**

Author: Herb Hancock

No action taken on the above agenda item.

- #22 Discussion/presentation of perceived racial profiling of juvenile probation children.**

Authors: Juan Morales/Alex Caballero

- #23 Acknowledgment of Certificate of Course Completion of Open Meetings Act Training by Commissioner Shelby J. Dupnik.**

- #24 Acknowledgement of Certificate of Completion for Alfredo "Tito" Viaduarri for the following: Intermediate Use of Force, Cultural Diversity, Identity Crimes, and Special Investigative Topics.**
- #20 Discuss/Approve/Disapprove Karnes County entering into a contract with Tyler Technologies, Inc. and Karnes County Clerk's Office, for Software, Professional Services, Maintenance Agreement, Third Party Contract Agreement, and General Terms and Conditions.**

Author: Carol Swize

A motion to approve by Commissioner Dupnik and seconded by Commissioner Jauer that the above action be taken by the court.

All voted aye.

Motion carried 4 – 0

- #25 Tax Collector's report.**

See attached report.

- #26 Discuss/examine/approval/disapprove Treasurer's report.**

No action taken on the above agenda item.

- #27 Payment of bills.**

A motion by Commissioner Rosales and seconded by Commissioner Jauer to approve the payment of bills as presented.

All voted aye; Commissioner Dupnik abstained from voting on any bills that pertained to him.

Motion carried 4 - 0

- #28 Report of fees, fines, money collected by the following departments: County Clerk, District Clerk, County Attorney, Justices of the Peace, Juvenile Department, Special Projects.**

See attached reports.

- #29 Report from Road and Bridge Department, Jeffrey Wiatrek; report from auditor's office, Lajuana Kasprzyk; status report on County Personnel Policies, Shelby Dupnik, Commissioner Pct. #1; Annex status report, Pete Jauer, Commissioner Pct. #2; status report on waste and recycling center, James Rosales, Commissioner Pct. #3; status report on permits, Tracey Schendel, Commissioner Pct. #4.**

#30 Adjourn

A motion to adjourn by Commissioner Rosales and seconded by Commissioner Dupnik.

All voted aye.

Motion carried 4 - 0

I, Carol Swize, County Clerk of Karnes County, Texas, do hereby certify that the following Commissioners Court Minutes are a true and correct record of the proceedings from the Commissioners Court Meeting on March 28, 2013.

ATTEST:

Carol Swize
Carol Swize, County Clerk
And Ex-Officio Clerk of the
Commissioners Court of
Karnes County, Texas



KARNES COUNTY COMMISSIONERS COURT

REGULAR SESSION – March 28, 2013

Commissioners Court met in regular session on Thursday, March 28, 2013 at 9:00 a.m. in the County Courtroom located at 210 W. Calvert, in the city of Karnes City, Texas, with the following members present:

Barbara Najvar Shaw	County Judge
Shelby Dupnik	Commissioner, Precinct #1
A.T. "Pete" Jauer	Commissioner, Precinct #2
James Rosales	Commissioner, Precinct #3
Tracey Schendel	Commissioner, Precinct #4
Carol Swize	County Clerk

The list of visitors is attached.

- #1 Judge Shaw opened the meeting and welcomed all present.
- #2 Roll Call
All members of the court were present.
- #3 Commissioner Jauer gave the opening prayer.
- #4 Pledge of Allegiance

~ ~ ~ SKIP TO AGENDA ITEM #31 ~ ~ ~

- #31 Presentation of fiscal year 2012 independent audit by Janet Pitman and/or Mike Del Toro of Alonzo, Bacarisse, Irvine & Palmer, CPAs.
Author: Lajuana Kasprzyk

~ ~ ~ SKIP TO AGENDA ITEM #21 ~ ~ ~

#21 Discuss/Approve/Disapprove the request of Energy Lodge – Kenedy, LLC, a Texas Limited liability Company to abandon the (50 Feet) Fifty Foot right of an abandoned road way, commonly known by as the Old Kenedy – Karnes City Road or K.T. Road and then deed, without warranty, a portion of the abandoned road way, to Energy Lodge-Kenedy LLC., 6 South First Street, Temple, Texas 76501. Survey reflects 0.768 acres of land situated just north of the City of Kenedy, in Karnes County, Texas as being a portion of the Old Abandoned 50 Foot wide County Road. Author: Lee Azopardi
 A motion by Commissioner Rosales and seconded by Commissioner Jauer to approve the above agenda item as written.

All voted aye.
 Motion carried 5 - 0

#22 Discuss/Approve/Disapprove a request by Lucy F. Jaloway, Trustee of the Lucy F. Jaloway Trust to abandon the 0.34 acre right of way out of the Don Erasmo Seguin Grant, Abstract No. 10 in Karnes County, Texas and a portion of the County Road within the Town of Hobson, Karnes County, Texas and then deed, without warranty, a portion of the abandoned road way to Lucy F. Jaloway, Trustee of the Lucy F. Jaloway Trust. The abandoned road joins the Jaloway Trust Property. Authors: Erwin Jaloway, Son of Trustee.
 No action taken on the above agenda item.

#5 Citizens to be heard
 Maurice Yarter
 Shanna Hall
 Dina Ramirez
 Cheryl Moy
 Betty Yarter
 Bernice Stimson
 Carol Swize
 Vi Malone
 Bob Busselman

#6 Discuss/Approve/Disapprove assisting the Karnes City Fire Department with insurance for the Rescue Truck and for the new Tanker being purchased for the County. Author: Charlie Malik
 A motion by Commissioner Schendel and seconded by Commissioner Jauer to approve item #6 for \$2185 during budget time.

All voted aye.
Motion carried 5 – 0

- #7 Discuss/Approve/Disapprove James T. Phillips for non-paid Deputy (Reserve) Constable Precinct #4. Author: Fernando Rios**
A motion by Judge Shaw and seconded by Commissioner Schendel that the above action be taken by the court.

All voted aye.
Motion carried 5 - 0

- #8 Discussion/Action in regard to disbursements of county funds from the County Attorney's line items Substitute County Attorney and Assistant County Attorney. Author: Barbara Shaw**
No action taken on the above agenda item.

- #9 Discuss/Approve/Disapprove developing/adopting a policy to block social networking such as Facebook from county computers on county time. Author: Barbara Shaw**
A motion by Commissioner Dupnik and seconded by Commissioner Jauer that the above action be taken by the court.

All voted aye.
Motion carried 5 - 0

- #10 Discuss/Approve/Disapprove appointing the Karnes County Historical Society the responsibility of coordinating the restoration of the German 7,7cm IFK 1916 cannon in front of the courthouse. Author: Sue Carter**
A motion to approve by Commissioner Dupnik and seconded by Commissioner Rosales that the above action be taken by the Court.

All voted aye.
Motion carried 5 - 0

- #11 Discuss/Approve/Disapprove appointing the Karnes County Historical Society the responsibility of coordinating the restoration of the two County Safes and two vault doors and frames. Author: Sue Carter**
A motion to approve by Judge Shaw and seconded by Commissioner Rosales that the above action be taken by the Court.

All voted aye.

Motion carried 5 - 0

- #12 Discuss/Consider/Act allowing County Treasurer Vi Malone to negotiate Bank Depository Bid renewal and interest rates with Falls City National Bank. Author: Vi Malone**

No action taken on the above agenda item.

- #13 Discuss/Approve/Disapprove purchasing bullet proof vests for deputies of the Sheriff's Office who do not have one and/or for those with vests that have exceeded the age warranty. We are requesting the purchase of 13 vests at cost of \$411.50 ea. for total of \$5349.50 as well as two raid vests for cost of \$125.00 ea. for total of \$250.00. The total cost for all 15 vests would come to a total of \$5599.50. .**

Author: Sheriff Villanueva

A motion by Commissioner Dupnik and seconded by Commissioner Schendel to approve item #13 as requested by the Sheriff's Department.

All voted aye.

Motion carried 5 - 0

- #14 Discuss/Approve/Disapprove amending the FY2013 Sheriff's Department budget based on an unusual and unforeseen condition that could not have been included in the original budget (LGC 111.010) in the amount of \$5599.50 to allow for the purchase of 15 bullet proof vests for deputies of the Sheriff's Office.**

Author: Sheriff Villanueva

A motion to approve by Commissioner Dupnik and seconded by Judge Shaw that the above action be taken by the court.

All voted aye.

Motion carried 5 - 0

- #15 Discuss/Approve/Disapprove authorizing DSA to issue Karnes Co. Jail Contract Documents for bidding. Author: Lorraine Dailey**

A motion to approve by Commissioner Schendel and seconded by Commissioner Jauer that the above action be taken by the court.

All voted aye

Motion carried 5 - 0

- #16 Discuss/Approve/Disapprove Selective Demolition and Asbestos Abatement for Phase 1 & Phase 1A – Courthouse Project.**

Author: Lorraine Dailey

A motion by Commissioner Schendel and seconded by Commissioner Rosales to approve item #16 as written.

All voted aye.

Motion carried 5 - 0

#17 Review/Discuss/Approve/Disapprove Asbestos Survey for Jail Project and authorize abatement and monitoring.

Author: Lorraine Dailey

A motion by Commissioner Schendel and seconded by Commissioner Dupnik to approve item #17 as written.

All voted aye.

Motion carried 5 - 0

#18 Discuss/Approve/Disapprove authorizing the required paint analysis at the Karnes County Courthouse.

Author: Lorraine Dailey

A motion to approve by Commissioner Jauer and seconded by Commissioner Schendel that the above action be taken by the Court.

All voted aye.

Motion carried 5 - 0

#19 Discuss/Approve/Disapprove advertisement for Professional Services related to construction materials testing for the Jail Project.

Author: Lorraine Dailey

A motion by Judge Shaw and seconded by Commissioner Rosales to approve item #19 as written.

All voted aye.

Motion carried 5 - 0

#20 Discuss/Approve/Disapprove the amending of the County Attorney Department's budget for 2012-2013 to moving budgeted line items within the budget. NO change in the net expended from the County or State fund. The requested change is from the line item SUBSTITUTE COUNTY ATTORNEY for \$500.00 to COMPUTER EXPENSE to be used to purchase the scanning function ability to the County Attorney's Hill Country computer package.

Author: Herb Hancock

A motion by Judge Shaw and seconded by Commissioner Rosales to approve item #20 as written.

All voted aye.
Motion carried 5 – 0

- #23 Discuss/Approve/Disapprove modification to language in the Performance Work Statement (PWS) and the total number of beds stated in the agreement at the facility.**

Author: Barbara Shaw for GEO

A motion by Commissioner Jauer and seconded by Commissioner Schendel to approve item #23 as written.

All voted aye.
Motion carried 5 – 0

- #24 Discuss/Approve/Disapprove releasing Luke Patton from a lease of the Karnes County Yard/Property located in Gillett, Texas with an effective release date of March 1, 2013. Author: Barbara Shaw**

A motion by Commissioner Jauer and seconded by Commissioner Rosales to approve item #24 as written.

All voted aye.
Motion carried 5 – 0

- #25 Discuss/Report to Commissioner's Court of conducting salary survey for employees of Karnes County. To include job descriptions, and review of employee policy manual and if needed pay policy manual. To be completed prior to budget year. Funds are budgeted for salary survey in the current budget year FY2012-2013.**

Author: Shelby Dupnik

Report only

- #26 Discuss conducting a needs assessment study to include Strategic Planning to aid Commissioner's Court in setting goals for upcoming budget year, 5 years and 10 years. Author: Shelby Dupnik**

- #27 Discuss soliciting services of an engineer firm to aid road and bridge department in planning upcoming road/bridge repairs for remaining of budget 2012-2013 and budget FY2013-2014. Current budget year has funds for a road engineer. Author: Shelby Dupnik**

- #28 Discuss/Approve/Disapprove entering into an agreement with the Texas Department of Criminal Justice so that Karnes County may use state approved trustees to do work for Karnes County.**

Author: Shelby Dupnik

A motion by Judge Shaw and seconded by Commissioner Schendel to approve item #28 as written.

All voted aye.

Motion carried 5 – 0

- #29 Discuss/Report that Texas Department of Health Services Region 8 is currently developing a Regional Mass Fatality Plan. Karnes County is in region.**

Author: Shelby Dupnik

- #30 Discussion and possible action on the adoption by resolution of updated Tax Abatement Guidelines and Criteria for Karnes County.**

Author: Barbara Shaw

No action taken on the above agenda item.

- #32 Certification of funds from County Surplus Equipment Auction March 9, 2013.**

Author: Lajuana Kasprzyk

See attached.

- #33 Road and Bridge Expenditures requiring budget amendment:**
a. H & V Equipment 2/20/13 #20000923 \$2,807 MTX60HD Rammer
b. RDO Equipment 2/18/13 #R06118 \$6,913.18 77GX Motorgrader

MTX60HD Rammer was not among equipment purchases approved & budgeted for FY2013.

77GX Motorgrader was not among approved & budgeted FY2013 rental expenses.

Dozer which was leased in 2/2012 for specific purpose of Wofford Crossing bridge repair continues to be rented but the rental purpose has not been completed.

A motion by Judge Shaw and seconded by Commissioner Schendel to amend #33 as written as a grave necessity to work on the roads

All voted aye.

Motion carried 5 – 0

- #34 Discuss/examine/approval/disapprove Treasurer's report.**
A motion by Commissioner Schendel and seconded by Commissioner Jauer to approve the Treasurer's report as presented.

All voted aye.

Motion carried 5 – 0

#35 Report from Auditor's Office, Lajuana Kasprzyk

#36 Payment of bills.

A motion by Commissioner Schendel and seconded by Commissioner Dupnik to approve the payment of bills as presented.

Commissioners Schendel and Dupnik voted aye.
Judge Shaw, Commissioners Rosales and Jauer voted no.

Motion failed 2 - 3

#37 Adjourn

A motion to adjourn by Commissioner Jauer and seconded by Commissioner Rosales.

All voted aye.

Motion carried 5 - 0