THE STATE OF TEXAS \* COMMISSIONERS COURT

COUNTY OF KENEDY \* OF KENEDY COUNTY, TEXAS

On the 13th day of November, 2023, at 9:00 o'clock a.m., a regular meeting of the Commissioners Court of Kenedy County, Texas, was held in the Kenedy County Courthouse.

**Commissioners present:**

Charles E. Burns, County Judge

Joe Recio, Commissioner, Precinct No. 1

Israel Vela, Jr., Commissioner, Precinct No. 2

Sarita Armstrong-Hixon, Commissioner, Precinct No. 3

Jose Salazar, Commissioner, Precinct No. 4

**Also present:**

Veronica Vela, County & District Clerk

Grace Salinas, Administrative Secretary

Irma Longoria, Tax Assessor/Collector

Allison Strauss, County Attorney

Leo Villarreal, Administrative Assistant

Sandra Maltby, Maltby Builders, Inc.

Caleb Maltby, Maltby Builders, Inc.

JP Jana Norrell

JP Cecilia Schulz

JP Patricia Fain

Jose E. Mendietta, Fire Chief

Stephanie Garza, Elections Administrator

Tom Denney, Chief Appraiser

Andy Garza, Kenedy County Groundwater Conservation District

Seferino Gutierrez, Maintenance Supervisor

Javier Zambrano, GrantWorks

Nelda Barrera

Deputy Gerardo Rosa

Capt. Cameron Kirk

Sandra Guzman, Sheriff’s Office

Manuel Garcia, Sarita School

Chris Russell, IT

Sandra Calvo, CM Auctions

David Morales with Gowland, Morales and Smith, PLLC

Trinidad Jasso, TJ Electric

**Absent**:

JP Jerry Miller

Irma Longoria, County Tax Assessor/Collector

Cynthia Salinas, County Treasurer

Sheriff Ramon Salinas

Daniel Almeida, Sarita Sewer and Water

1. **Call Meeting to Order at 9:00 a.m**.

Judge Charles E. Burns called the meeting to order at 9:00 a.m.

1. **Pledge of Allegiance**.

Judge Charles E. Burns led the Commissioners and the audience in the Pledge of Allegiance.

1. **Receive Public Comments**.

JP Cecilia Shultz expressed concern regarding the polling place in Norias and said that she felt the election workers could see how people voted. The Court and Stephanie Garza, Elections Administrator, commented on ways to address the issue before the next election.

1. **Discuss & Act on the 2022 Audit from Gowland, Morales, and Smith, PLLC**.

David Morales with Gowland, Morales and Smith, PLLC presented the Commissioners Court the Kenedy County 2022 Audit report and stated that there were no issues of concern.

Commissioner Sarita Armstrong-Hixon moved and Commissioner Israel Vela, Jr. seconded the motion; the motion was unanimously passed that the 2022 Kenedy County Audit be accepted as presented.

1. **Discuss & Act on the Regular Minutes of October 10th, 2023, and the Special Meeting Minutes of October 13th, 2023**.

Judge Charles E. Burns presented the Commissioners Court with the minutes of the regular October 10, 2023, and the special October 13, 2023 meetings.

Commissioner Sarita Armstrong-Hixon moved and Commissioner Israel Vela, Jr. seconded the motion; the motion was unanimously passed that the minutes of the regular October 10, 2023 meeting, the special October 13, 2023 minutes be accepted as presented.

1. **Discuss & Act on Treasurer’s Monthly Report and Transfers**.

Cynthia Salinas, County Treasurer, was absent; therefore, Judge Charles E. Burns presented the Treasurer's Monthly Report and Transfers for the month ending October 31, 2023.

Commissioner Sarita Armstrong-Hixon moved and Commissioner Joe Recio seconded the motion; the motion was unanimously passed that the County Treasurers Monthly Report and Transfers for the month ending October 31, 2023, be accepted as presented.

1. **Discuss & Act on the Sheriff’s Monthly Report**.

Deputy Edward Cruz was absent to present the Sheriff’s monthly report.

Commissioner Sarita Armstrong-Hixon moved and Commissioner Israel Vela, Jr. seconded the motion; the motion was unanimously passed that the Sheriff’s monthly report be tabled.

1. **Discuss & Act on Fire Chief’s Monthly Report**.

Jose E. Mendietta, Fire Chief, presented the Commissioners Court with the Fire District report. He reported that the Texas Dept. of Health will be in Kenedy County on November 28, 2023, to administer the new COVID vaccines; that the siren box is corroded due to weather and the water sprinkler system; and that the cost to repair the siren will be $41,912.56.

Commissioner Joe Recio moved and Commissioner Israel Vela, Jr. seconded the motion; the motion was unanimously passed to proceed with the siren repairs to not exceed $42,000.00.

Obed Garcia with Red Cross informed the Commissioners Court that he will be working with the County on getting smoke detectors to install them in homes in the community and ranches throughout the County during the weekends of January 13 and 20, 2024; and that fliers will be delivered to all residents informing them of the smoke detector installation.

Commissioner Sarita Armstrong-Hixon moved and Commissioner Joe Recio seconded the motion; the motion was unanimously passed that the Fire Chief, Jose E. Mendietta, is authorized to work with Red Cross concerning installation of smoke detectors in the Sarita Townsite.

Commissioner Sarita Armstrong-Hixon moved and Commissioner Joe Recio seconded the motion; the motion was unanimously passed that the Fire Chief’s report be accepted as presented.

1. **Discuss & Act on the Maintenance Department Monthly Report**.

Seferino Gutierrez, Maintenance Supervisor, presented the Maintenance Department’s monthly report to the Commissioners Court for the month ending October 31, 2023.

He reported as follows:

The Maintenance Department crew has been mowing and trimming trees; that a temporary wall was built at the Election building; had placed cement slabs the Election office in Norias; replaced two air condition capacitators, one at the Courthouse and one at the Maintenance shop; that the electrical issues at the Sheriff’s office had been completed and that TJ had found the problem and repaired it.

He further reported that on Saturday, an air conditioner unit was electrified (live) and that if Joe Recio would have touched it, he would probably have died; that TJ Electric came out and found the problem which was that two wires were welded together due to it shorting. Commissioner Sarita Armstrong-Hixon asked if this was causing the leakage and Mr. Jasso stated that it was. Commissioner Hixon asked if the electrical issues were fixed on Saturday, why was this still occurring? Seferino Gutierrez and Commissioner Joe Recio stated it was due to the air conditioner not being reset, however, that all was well now. Commissioner Hixon further asked if a surge protector would help. Mr. Jasso stated it depends how big the protector needs to be and stated it would protect some, but not all. Judge Charles E. Burns asked Seferino Gutierrez to look into surge protectors for every building. Trinidad Jasso suggested Seferino Gutierrez add surge protectors to every building and look into a whole building protector to be proactive and protect the County’s property. Commissioner Hixon asked if Nueces Electric Coop had found the problem with the surges. Commissioner Recio stated Nueces Electric found the problem and had repaired it last week. Commissioner Hixon asked the amount of the final bill for the emergency electrical issues at the Sheriff’s office. Judge Burns stated $96,000.00, but that it was mostly for supplies.

Commissioner Joe Recio moved and Commissioner Israel Vela, Jr. seconded the motion; the motion was unanimously passed that the Maintenance Department monthly report be accepted as presented.

1. **Receive Daniel Almeida and Act on the Sewer & Water System Monthly Report**.

Daniel Almeida was not present; therefore, Commissioner Sarita Armstrong-Hixon moved and Commissioner Joe Recio seconded the motion; the motion was unanimously passed that this item be tabled.

1. **Receive Javier Zambrano with GrantWorks Monthly Reports Regarding Compliance with Colonia Grant #7219075 and Community Development Grant #7219220 and Act if Necessary**.

Javier Zambrano presented the GrantWorks monthly report to the Commissioners Court regarding the Kenedy County 7219220 and 7219075 as follows:

Kenedy County 7219075 Colonia (CFC)

Contract Start Date: 2/1/20

Original Contract End Date: 1/31/22

Extended Contract End Date: 9/30/23

Closeout Documents Due Date: 11/29/23

Phase I & II (Prime: Donald Hubert Construction) Construction Completed

Javier Zambrano reported that the Single Audit has been submitted in TDA-Go and the freeze on the system has been removed. This week, GrantWorks will be proceeding with the first stage of closeouts in that they will submit the Certificate of construction completion (COCC) and the Final Wage Compliance Report (FWCR). Once submitted, he will send the next Payment Request to TDA which will reimburse the County for the construction funds and request payment for the final engineering invoice. Once the payment request is approved, he will then be able to begin the Project Completion Report (PCR) and have the Judge click submit when it is ready. All of this should be completed before Thanksgiving which gives him enough time to meet all deadlines.

This being a report only, no vote was needed and none was taken.

1. **Receive Report on the Construction Progress of the Justice of the Peace Building/Hurricane Shelter & Court House Repairs**.

Caleb Maltby presented the Commissioners Court with the report on the construction progress of the Justice of the Peace Building/Hurricane Shelter and the Courthouse repairs.

He reported that the JP walls and offices are finished; that they are clearing the Courtroom; and the JP’s can move in after next week; that they will continue to work on entrance beams and next week will be working on the retaining walls; and that they will commence working in the Courthouse when the Courtroom is available.

This being a report only, no vote was needed and none was needed.

1. **Consent Agenda:**

**(A) Approve Travel Expenses for Stephanie G. Garza to Attend the Texas Registered Election Official Renewal Class and the Texas Association of Election Administrators Conference on January 9th- January 13th, 2024, in Amarillo, Tx. ($2,369.90 within 2024 budget)**

**(B) Approve Travel Expenses for Charles Burns to Attend the District 12 CEU Judges & Commissioners Conference on December 1st, 2023, in Laredo, Tx. ($295.50 within budget)**

**(C) Approve Travel Expenses for Allison Strauss to Attend the Advanced Family Law 2023 on November 8th -10th, 2023, in South Padre Island, Tx. (within budget)**

Judge Charles E. Burns informed the Commissioners Court that the following employees needed to attend the below seminars/conferences and be advance/reimbursed their expenses provided that proper receipts are given:

NAME: Stephanie G. Garza

SEMINAR: Texas Registered Election Official Renewal Class and the Texas Association

of Election Administrators Conference

DATE: January 9th- January 13th, 2024

PLACE: Amarillo, Texas

AMOUNT: $2,369.90 within 2024 budget

NAME: Charles Burns

SEMINAR: District 12 CEU Judges & Commissioners Conference

DATE: December 1, 2023

PLACE: Laredo, Texas

AMOUNT: $295.50 within budget

NAME: Allison Strauss

SEMINAR: Advanced Family Law 2023

DATE: November 8 -10, 2023

PLACE: South Padre Island, Texas

AMOUNT: (within budget)

Commissioner Sarita Armstrong-Hixon moved and Commissioner Joe Recio seconded the motion; the motion was unanimously passed that the following employees attend the following seminars/conferences and be reimbursed their expenses provided proper receipts are given to the County Treasurer:

NAME: Stephanie G. Garza

SEMINAR: Texas Registered Election Official Renewal Class and the Texas Association

of Election Administrators Conference

DATE: January 9th- January 13th, 2024

PLACE: Amarillo, Texas

AMOUNT: $2,369.90 within 2024 budget

NAME: Charles Burns

SEMINAR: District 12 CEU Judges & Commissioners Conference

DATE: December 1, 2023

PLACE: Laredo, Texas

AMOUNT: $295.50 within budget

NAME: Allison Strauss

SEMINAR: Advanced Family Law 2023

DATE: November 8 -10, 2023

PLACE: South Padre Island, Texas

AMOUNT: (within budget)

1. **Discuss & Act on Casting Ballots for the Nominees for the Board of Directors of the Kenedy County Central Appraisal District for the 2024-2025 Term and Returning the Ballots to KCA**D.

Judge Charles E. Burns informed the Commissioners Court of the need to cast ballots for the nominees for the Board of Directors of the Kenedy County Central Appraisal District for the 2024-2025 term and return the ballots to the Kenedy County Central Appraisal District.

Commissioner Sarita Armstrong-Hixon moved and Commissioner Joe Recio seconded the motion; the motion was unanimously passed that ballots for the nominees be cast for the Board of Directors of the Kenedy County Central Appraisal District for the 2024-2025 term and to return the ballots to the Kenedy County Central Appraisal District. The nominees who received 357 votes each were Judge Charles Burns, William Dieterle, Sarita Armstrong-Hixon, Joe Recio and Felix Serna.

1. **Discuss & Act on Canvassing the November 7th, 2023 Constitutional Amendment Election Results**.

Stephanie Garza, Elections Administrator, informed the Commissioners Court that it was necessary to canvass the November 7, 2023 Constitutional Amendment election results and declare the results thereof.

Commissioner Sarita Armstrong-Hixon moved and Commissioner Joe Recio seconded the motion; the motion was unanimously passed to canvass the November 7, 2023, returns and declare that the Constitutional Amendment Election Results be approved as presented.

1. **Discuss & Act on IRS Mandated Non-Discrimination Testing Regarding Kenedy County’s Flexible Spending Plan**.

Judge Charles E. Burns informed the Commissioners Court of the need to consider approving the IRS mandated non-discrimination testing regarding Kenedy County’s Flexible Spending Plan.

Commissioner Sarita Armstrong-Hixon moved and Commissioner Joe Recio seconded the motion; the motion was unanimously passed to complete the needed form, pay an amount not to exceed $500 per year, and approve the IRS Mandated Non-Discrimination Testing Regarding Kenedy County’s Flexible Spending Plan.

1. **Discuss & Act on Approving the Use of the Remaining Funds, $196.76, Donated by Linebarger for the Roundtable Discussion Conference to be Applied to the Christmas Luncheon**.

Stephanie Garza, Elections Administrator, informed the Commissioners Court that the balance of the $196.76 donated by Linebarger for the roundtable discussion conference could be used for the Christmas luncheon.

Commissioner Sarita Armstrong-Hixon moved and Commissioner Israel Vela, Jr. seconded the motion; the motion was unanimously passed that the balance of the $196.76 donated by Linebarger for the roundtable discussion conference be used for the 2023 Christmas luncheon.

1. **Discuss & Act on Increasing the Jury Payment for Additional Days, After the 1st Day of Jury Service, from $40.00 to $58.00, Effective September 1st, 2023. (The State, In Accordance with Government Code Chapter 61, Sec. 61.001 states (2) a juror can’t be paid less than $58 for each day or fraction of each day the person is in attendance in court in response to the process after the first day and discharges the person’s duty for that day.)**

Judge Charles E. Burns informed the Commissioners Court of the need to increase the jury payment for additional days, after the first day of jury service, from $40.00 to $58.00, effective September 1, 2023 because the State, in accordance with Government Code, Chapter 61, Sec. 61.001 states that (2) a juror can’t be paid less than $58 for each day or fraction of each day the person is in attendance in court in response to the process after the first day and discharges the person’ duty for that day.

Commissioner Sarita Armstrong-Hixon moved and Commissioner Joe Recio seconded the motion; the motion was unanimously passed that jury payment be increased for additional days, after the first day of jury service, from $40.00 to $58.00, effective September 1, 2023 in accordance with Government Code, Chapter 61, Sec. 61.001 which states that (2) a juror can’t be paid less than $58 for each day or fraction of each day the person is in attendance in court in response to the process after the first day and discharges the person’ duty for that day and to pay each grand jury member for September 7 and October 5, 2023, an additional $18.00 to comply with the $58.00 requirement.

1. **Discuss & Act on Transferring the Kenedy-Wide Common School District Generator to the Kenedy County Courthouse and Replacing it with the Correct Size Generator**.

Judge Charles E. Burns informed the Commissioners Court of the need to consider transferring the County’s hurricane generator from the Kenedy-Wide Common School District to the Kenedy County Courthouse and to replace it with the correct size generator and to transfer the present Courthouse generator to the Tax Office.

Commissioner Sarita Armstrong-Hixon moved and Commissioner Israel Vela, Jr. seconded the motion; the motion was unanimously passed that the school Kenedy Hurricane generator be replace with GOMESA funds with a new and bigger generator to run the hurricane school cafeteria service and to transfer the existing school generator to the Courthouse and that the existing Courthouse generator be installed at the Tax Office.

1. **Discuss & Act on Installation of Electrical Conduit for Courthouse Generator**.

Judge Charles E. Burns informed the Commissioners Court of the need to consider installing an electrical conduit for the Courthouse generator.

Commissioner Sarita Armstrong-Hixon moved and Commissioner Joe Recio seconded the motion; the motion was unanimously passed that the County obtain the costs and specifications regarding the installation of the electrical conduit for the Courthouse generator.

1. **Report on the Emergency Services Repairs Performed at the Courthouse and Sheriff’s Office**.

Judge Charles E. Burns informed the Commissioners Court that all of the emergency services repairs had been successfully completed at the Courthouse and the Sheriff’s office.

This being a report only, no vote was needed and none was taken.

1. **Discuss & Act on Gas Tank at Sheriff’s Office**.

Judge Charles E. Burns informed the Commissioners Court of the need to consider purchasing a gas tank for the Sheriff’s office.

Commissioner Sarita Armstrong-Hixon moved and Commissioner Israel Vela, Jr. seconded the motion; the motion was unanimously passed that this item be tabled.

1. **Discuss & Act on Ag Barn Quotes for Electrical Repairs**.

Judge Charles E. Burns informed the Commissioners Court that the Ag Barn quotes for electrical repairs were not reliable.

Commissioner Israel Vela, Jr. moved and Commissioner Sarita Armstrong-Hixon seconded the motion; the motion was unanimously passed that this item be tabled.

1. **Discuss & Act on Repairs Regarding the Kenedy County Siren**.

Judge Charles E. Burns informed the Commissioners Court that there was no need to consider conducting repairs to the Kenedy County siren because this item had been discussed and acted on during the Fire Chief’s Report in Agenda Item #8, therefore, no action was needed.

1. **Discuss & Act on Auctioning Unused Vehicles, Furniture, Etc., and Salvage Items**.

Judge Charles E. Burns introduced Sandra Calvo with C. M. Company Auctions who informed the Commissioners Court of the auctioning process online of the County’s unused vehicles, furniture, etc. and salvage items and that her commission was 10% of the auction proceeds.

Commissioner Sarita Armstrong-Hixon moved and Commissioner Joe Recio seconded the motion; the motion was unanimously passed that C. M. Company Auctions be paid a 10% commission for all sales made from the online auction and that Judge Charles E. Burns is authorized to sign the contract with C. M. Company Auctions.

1. **Discuss & Act on Kenedy County’s 2023 Procurement Policy and Resolution**.

Judge Charles E. Burns informed the Commissioners Court of the need to consider adopting the Kenedy County 2023 Procurement Policy and Resolution.

Commissioner Sarita Armstrong-Hixon moved and Commissioner Israel Vela, Jr. seconded the motion; the motion was unanimously passed that the Kenedy County 2023 Procurement Policy and Resolution be adopted as presented subject to the County Attorney’s review and approval.

1. **Discuss & Review Kenedy County Phone Lines and Phone System**.

Judge Charles E. Burns informed the Commissioners Court regarding the Kenedy County phone lines and phone system, particularly that each Department Head will verify the phone numbers used by their department and inform Judge Burns’ office as soon as possible.

There was no action needed and none was taken.

1. **Discuss & Act on the Estimate from Chris Russell Regarding Upgrading the New Wi-Fi Switch at the Kenedy County Courthouse**.

Judge Charles E. Burns informed the Commissioners Court of the need to consider Chris Russell’s $10,358.19 bid regarding installation and of an upgrade of a new WIFI Switch at the Kenedy County Courthouse.

Commissioner Sarita Armstrong-Hixon moved and Commissioner Joe Recio seconded the motion; the motion was unanimously passed that Chris Russell’s bid regarding the installation of an upgrade of the new WIFI Switch at the Kenedy County Courthouse be approved for an amount not to exceed $11,000.00.

1. **Discuss & Act on Payment of Bills**.

Judge Charles E. Burns informed the Commissioners’ Court of the need to pay the bills for the month ending October 31, 2023.

Commissioner Sarita Armstrong-Hixon moved and Commissioner Israel Vela, Jr. seconded the motion; the motion was unanimously passed that the bills be paid as presented with the exception of Daniel Almeida’s monthly service fee due to an increase until Daniel Almeida explains to the County why his monthly service fee increased from $2,495.00 to $2,780.00 and the exception of Daniel Almeida’s location fee of $285.00.

1. **EXECUTIVE SESSION: TEXAS GOVERNMENT CODE, § 551.071, § 551.072, § 551.073, § 551.074-Personnel- Daniel Almeida**

Judge Charles E. Burns called the Executive Session to order at 11:34 a.m.

1. **Open Session: Discuss & Act on Items Addressed in Executive Session**.

Judge Charles E. Burns called the Open Session to order at 12:04 p.m.

No action was taken in Open Session regarding the matters discussed in Executive Session.

1. **Adjournment**.

There being no further business to come before the Commissioners Court, Commissioner Sarita Armstrong-Hixon moved and Commissioner Joe Recio seconded the motion; the motion was unanimously passed that the Commissioners Court be adjourned at 12:05 p.m.

/s/ Charles E. Burns\_\_\_\_\_\_\_\_\_\_

Charles E. Burns, County Judge

ATTESTED BY:

/s/ Veronica Vela\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Veronica Vela, Clerk of Commissioners Court