THE STATE OF TEXAS \* COMMISSIONERS COURT

COUNTY OF KENEDY \* OF KENEDY COUNTY, TEXAS

On the 13th day of October, 2023, at 1:30 o'clock p.m., a special 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

**Also present:**

Veronica Vela, County & District Clerk

Grace Salinas, Administrative Secretary

Cynthia Salinas, County Treasurer

Allison Strauss, County Attorney, by phone

Leo Villarreal, Administrative Assistant

Sheriff Ramon Salinas

Tom Denney, Chief Appraiser

Andy Garza, Kenedy County Groundwater Conservation District

Seferino Gutierrez, Maintenance Supervisor

Anita Garcia, Appraisal District

**Absent**:

Jose Salazar, Commissioner, Precinct No. 4

JP Jerry Miller

JP Jana Norrell

JP Cecilia Schulz

JP Patricia Fain

Irma Longoria, County Tax Assessor/Collector

Stephanie Garza, Elections Administrator

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

Judge Charles E. Burns called the meeting to order at 1:30 p.m.

1. **Pledge of Allegiance**.

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

1. **Receive Public Comments**.

No public comments were made.

1. **Discuss & Act on Engineer’s Assessment of the Sheriff’s Office Building**.

Judge Charles E. Burns informed the Commissioners Court that Hector Castaneda, Engineer with LNV, was present to submit his report on the Sheriff’s building electrical issues. Hector Castaneda stated that he considered the electrical problems at the Sheriff’s building to be an emergency.

Judge Burns invited Hector Castaneda, an LNV Engineer, to address and comment on the electrical issues at the Kenedy County Sheriff’s office.

Hector Castaneda stated that it has been eleven years since the Sheriff’s office was built. However, that the present electrical issues the Sheriff’s office was experiencing were recent issues due to a surge. The breakers are hot and it is questionable whether the Sheriff’s office is presently in condition for occupancy; that it is urgent to move forward in identifying the electrical issues and the cause of the problem and repairing it.

Leo Villarreal asked Hector Castaneda, “as an Engineer would he consider the electrical issues at the Sheriff’s office an emergency” Hector Castaneda responded, “yes”. Leo Villarreal further asked Hector Castaneda whether in an emergency, the county would be required to go out for bids. Hector Castaneda replied “no’. Further, the County does not have to go out for bids regarding a professional engineer”.

Commissioner Sarita Armstrong-Hixon asked Allison Strauss, the County Attorney, regarding reaching out to TAC. Allison Strauss informed the Commissioners Court that she had contacted TAC legal and she was advised by TAC legal that it would be in the best interest of the County to request a Performance Bond and contract. Commissioner Hixon stated that she would be more comfortable requesting a Performance Bond and contract from whomever was hired to do the work and suggested that the County should go out for bids.

Commissioner Hixon asked Allison Strauss if she could work on a contract this afternoon to which Allison Strauss replied, “that is not my job, nor my expertise, but for Trinidad Jasso to present something for her review. Allison Strauss advised the County to get a contract and a bond to protect the County. Commissioner Hixon stated that a contract would be good in case the work is not up to par.

Leo Villarreal stated that if the Commissioners Court declares that the electrical issues at the Sheriff’s building creates an emergency, the Commissioners Court would have to comply with the Texas Local Government Code, Section 272.024, Discretionary Exemptions which states: (a) a contract for the purchase of any of the following items is **exempt** from the requirement established by Section 262.023 if the Commissioners Court by order grants the exemption: (1) an item that must be purchased in a case of public calamity if it is necessary to make the purchase promptly to relieve the necessity of the citizens or to preserve the property of the county; (2) an item necessary to preserve or protect the public health or safety of the residents of the county; (3) an item necessary because of unforeseen damage to public property.

Therefore, the motion declaring that the electrical issues at the Sheriff’s office constitute an emergency must state that the Commissioners Court, by order, hereby grants an exemption regarding repairs to the electrical issues at the Sheriff’s office pursuant to bidding requirements in Section 262.023 regarding the following: : (1) an item that must be purchased in a case of public calamity if it is necessary to make the purchase promptly to relieve the necessity of the citizens or to preserve the property of the county; (2) an item necessary to preserve or protect the public health or safety of the residents of the county; (3) an item necessary because of unforeseen damage to public property.

Judge Burns is of the opinion that the electrical issues at the Sheriff’s office were caused by an electrical surge or a lightning strike; that he has told the Sheriff to unplug everything that is not needed to be plugged in until the electrical issue and cause are identified and repaired. The Sheriff stated that all unnecessary items have been unplugged because the day before, a glitch occurred and everything went down and, thank God, it came back up. Seferino Gutierrez stated that the panel is damaged and needs to be replaced. Judge Burns commented that a surge protector needs to be installed. It is a computer deal and works when the electric spikes. He stated that a dispatcher called that she smelled smoke. She thought someone was cooking in the kitchen because she was not aware of the electrical issues.

Judge Burns and Commissioner Joe Recio stated, “we know and are aware of the electrical issues at the Sheriff’s office and do not want to be negligent by not fixing them before someone gets hurt”.

Trinidad Jasso with TJ Electric informed the Commissioners Court that he has a $15 million insurance policy and would have no problem in securing a bond for a Sheriff’s office electrical service contract.

Commissioner Israel Vela, Jr. moved and Commissioner Joe Recio seconded the motion; the motion was unanimously passed that the electrical issues affecting the Sheriff’s office are declared an emergency.

Commissioner Israel Vela, Jr. moved and Commissioner Joe Recio seconded the motion; the motion was unanimously passed that the Commissioners Court, by this Order, grants, pursuant to Texas Local Government Code, Section 262.024, Discretionary Exemptions, an exemption to Section 262.023, Competitive Requirements, for certain purchases due to (2) an item necessary to preserve or protect the public health or safety of the residents of the county; and (3) an item necessary because of unforeseen damage to public property.

Commissioner Joe Recio moved and Commissioner Israel Vela, Jr. seconded the motion; the motion was unanimously passed that a written contract be prepared for determining the cause of the electrical issues affecting the Sheriff’s office and repairing them and that Judge Charles E. Burns is authorized to sign it with a required bond in the amount of $150,000.00.

1. **Discuss & Act on Purchasing the Electrical Panel for the Sheriff’s Office Building**.

Judge Charles E. Burns informed the Commissioners Court that the electrical panel at issue was regarding the Courthouse, not the Sheriff’s Office building.

The Courthouse electrical panel issues are that 1) the electrical panel box is rusted or corroded and will cause problems to the electrical components inside the panel box; 2) the panel pole is supported by a Nueces Electric Co-op pole which is leaning and NEC will not replace their pole or the panel; further, 3) the panel and riser belong to the County and the 4) poles moves back and forth with the wind. Trinidad Jasso stated that the only thing that is holding the panel in place are the electrical wires connecting the panel to the pole. And if the electrical panel goes, the entire courthouse electrical system would be affected.

Hector Castaneda, an ARDURRA Engineer, stated that his assessment of the electrical panel was that the panel was being held by electrical wires which attaches it to the pole which moves back and forth with the wind; and that the pole creates an emergency because it is leaning with the electrical panel inside.

Commissioner Sarita Armstrong-Hixon was concerned with the huge disparity of prices regarding the cost of the panel.

Commissioner Joe Recio stated that the cost of the panel box alone was between $10,000 to $15,000 without the inside components. Judge Burns stated that the charge for delivery alone was $3,000 or more and the $48,000 is just for the materials inside the box.

Commissioner Sarita Armstrong-Hixon inquired whether the electrical panel and labor were going to be advertised for bids for the issues make it look bad, but it is not burning. If we go out for bids, we can have two electricians from Kingsville look at it.

Judge Burns stated that he had spoken to one of the referred electricians and they were not qualified.

Commissioner Israel Vela, Jr. moved and Commissioner Joe Recio seconded the motion; the motion was with a 3-1 vote, with Commissioner Sarita Armstrong-Hixon voting against it, that the electrical issues affecting the Courthouse are declared an emergency.

Commissioner Israel Vela, Jr. moved and Commissioner Joe Recio seconded the motion; the motion was passed with a 3-1 vote, with Commissioner Sarita Armstrong-Hixon voting against that the Commissioners Court, by this Order, grants, pursuant to Texas Local Government Code, Section 262.024, Discretionary Exemptions, an exemption to Section 262.023, Competitive Requirements, for certain purchases due to (2) an item necessary to preserve or protect the public health or safety of the residents of the county; (3) an item necessary because of unforeseen damage to public property, i.e., the County Courthouse.

Commissioner Israel Vela, Jr. moved and Commissioner Joe Recio seconded the motion; the motion was passed with a 3-1 vote, with Commissioner Sarita Armstrong-Hixon voting against it (because she did not consider the power and pole issues an emergency) that TJ Electric be awarded a contract to replace the panel box, the inside electrical units, the pole and labor in the amount of $75,000.00.

1. **Discuss & Act on Adopting the Jury Selection Plan for Kenedy County**

Judge Charles E. Burns presented the Commissioners Court the Kenedy County Jury Selection Plan prepared by Veronica Vela, District/County Clerk.

Commissioner Sarita Armstrong-Hixon moved and Commissioner Joe Recio. seconded the motion; the motion was unanimously passed that the Kenedy County Jury Selection Plan be approved as presented.

1. **Report on Tax Office Closure from November 13 to November 16, 2023 for Staff Training in Waco, Texas**

Judge Charles E. Burns informed the Commissioners Court that the tax office would be closed from November 13-16, 2023 for staff training in Waco, Texas.

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

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

Judge Charles E. Burns informed the Commissioners’ Court of the need to pay the bills.

Commissioner Sarita Armstrong-Hixon moved and Commissioner Joe Recio seconded the motion; the motion was unanimously passed that the bills be paid as presented.

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

An Executive Session was not held.

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

An Executive Session not having been held, no action was needed and none was taken.

1. **Adjournment**.

There being no further business at this time 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 2:25 p.m.

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

Charles E. Burns, County Judge

ATTESTED BY:

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

Veronica Vela, Clerk of Commissioners Court