

**NOTICE OF MEETING  
BOARD OF DIRECTORS  
DECEMBER 7, 2020**

The Board of Directors of Comal Appraisal District met at the appraisal district office located at 900 S. Seguin Avenue, New Braunfels, TX. Members present were Dan Krueger, Nancy Pappas, Wade Cleary, John Tyler and Cathy Talcott. Others present were Rufino Lozano, Jennifer Salazar, Ryan Dow, Elisabeth Kay & family, Jeffrey Booker, Judge Krause, Doug Miller, Vincent Kemendo, Joe Kuehler, Donna Schmidt, Lindsey Witty, Guy Anderson, Barbara Harrell, Jeremy Brehm & Pam Krause.

Mr. Krueger called the meeting to order at 5:34 p.m. by stating, "This meeting is being held in open session in accordance with Chapter 551 of the Texas Government Code and business as conducted by the Board will be done so in open session. We will start each regular session with prayer and pledges to the flags. All persons in attendance are welcome and free to participate or not at their personal discretion."

The Pledges of Allegiance to the American and Texas flags were recited. Pam Krause led the prayer.

**1. CITIZENS COMMUNICATIONS**

Mr. Lozano read in the letter from Larry Rheinlaender. He stated that the District would be required to get a TLO once the official population is at 120k and published by the Census Bureau, but is not applicable currently. Mr. Lozano noted that he responded to Mr. Rheinlaender. He added that the TLO was not a representative for the taxpayer. Mr. Lozano stated that he had spoke to Mr. Reinlaender several times explaining the TLO roll. Ms. Pappas stated that she believes the communication needs to be in writing, all concurred.

**2. PRESENTATION BY ARB CHAIRMAN OF THE 2020 PROTEST SEASON**

Mr. Slupik stated that there would be meetings this week and next. He stated that there were 15,449 protests filed, 1483 ARB decisions, 841 no shows, 1,670 scheduled, 2,855 remaining unscheduled which leaves 4,000+ protests outstanding as of September 24<sup>th</sup>. He added that there had been a steady increase in the number of protests and ARB decisions. He stated that the ARB had two lawsuits.

Mr. Krueger asked Mr. Lozano to address the process regarding delays, the process and taxpayer communication.

Mr. Lozano stated that part of the delay was due to the Administrative Law Judge not appointing the ARB members until well after the Board of Directors would have done so. The ALJ did not appoint members until April. He stated that hearings began in June, which put the process behind two full months and also coupled with occupancy limitations from local ordinance due to the pandemic. The in-person hearings were scheduled to make sure there were limited amounts of people in the office. He added that previous years we scheduled 120 people per day, but this year only 50 to 60 people. He stated that several people called to reschedule after seeing all the cars when they drove up to the building. He added that since owners were allowed to reschedule an unlimited number of times, it also prolonged the process. Also, once the taxpayer contacts us to rescheduled, it became increasingly more difficult as hearing spots for future dates had already been filled putting the taxpayer at the back of the line and the process begins again. Mr. Lozano stated

that even if the ARB could meet from 8am-7pm every day for a month, we still would not be able to get through the 5,000 accounts remaining.

Mr. Krueger asked about the taxes that are due on a protested property. Mr. Lozano stated that if the values are not certified, they are not due until 21 days after the certified values by the ARB are sent to the respective tax offices. There was also some discussion regarding when ARB members could serve with regard to training. Mr. Lozano stated that there was an automated call sent out a few weeks ago for those with active protests but nothing sent about taxes. He added that there would be another push done regarding options.

Ms. Talcott stated that if she had known about the 5,000 accounts under protest, she would have prepared a letter to go with the statements. She added that she had met with her successor regarding the re invoicing that would need to be done and suggested including a letter about the 21-day due date to pay. She stated that the re invoicing would probably not happen until summer because it takes several weeks to recalculate. Mr. Krueger asked about paying taxes without the final bill. Ms. Talcott stated that they have 2 options: -Pay full or a portion of taxes. Once protest is done and a refund is warranted, one will be prepared; and -Wait to pay until protest is finalized, then pay within 21 days

### **3. RECOGNITION OF PAST ARB MEMBERS**

Mr. Slupik stated that we were saying goodbye to three folks tonight. Joe Kuehler and Donna Schmidt's term ends at the end of this year. He thanked them for their professionalism and their service. He said it had been a pleasure serving with them, that they had made this a professional organization and they would be greatly missed. He added the plaques were on the way. Mr. Slupik stated that they were well respected by the other ARB members and the staff of the District.

Mr. Slupik introduced Scott Kay's wife, Elisabeth Kay and their family. Mr. Slupik began his tribute to Mr. Kay: "Let me just tell you about Scott, for myself he was a superb board member. He was respected by his fellow colleagues and particularly gained great level of respect from the appraisal district staff. They always had good comments to say about Scott. The thing that I was particularly appreciative of as chairman was that he really made an effort to learn as much as he could about this system. I always liked that because it's good to have people who know how the system works. I always hate having to turn to the District and ask what the law says when we are supposed to be the impartial judges of all of this. So, having people on the board that are willing to dig into it and learn what the Code has to say and what the Law has to say and what the policies and procedures are so they can speak to it themselves, rather than having to ask a question, that was always a great thing for me to watch him do that. Scott was an excellent listener and never interrupted people. He would always sit there and listen intently as an active listener. His recommendations were always well thought out and based in fact and fair to both parties, another important criteria for the ARB, because many times we get blamed as being all in for those guys (district) and they think we're all in for the taxpayer. So there you go. On a personal side, we went to a couple of conferences together so I got some car seat time with him. It was always interesting being with him. My background is the Army, his was with companies who support the oil industry or with the oil industry as a child and so we both kind of traveled all over the world, except in different parts of the world. So it was always interesting to me to be in the car with him listening to those stories and compare notes of

what happened and how our lives evolved. He appears to have had a very interesting career and I think it's obvious that he did very well at it. I always enjoyed his sense of humor, dry and witty. He always had a good way, even when things seemed a little tense with uncooperative folks, to lighten it up a little. So that's kind of my thoughts on Scott and what kind of guy he was."

Mr. Slupik then read one comment from the ARB and one from the staff as follows: Scott was my rock when I was chairing. I could always count on him to give great and meaningful feedback and help sort out facts given in protests and adhere to the law and rules. I would get tickled waiting on him to give his opinions because he would sometimes draw it out to where I wanted to pull his ideas out of his mouth and move on, but he did it in his own time and his own way. I can still see his smirk and smile when I would tell him he would be a great chairperson and he would just say, "Oh no, you're doing fine, I don't want to do that, I have done all the managing I want to do in business". He would just laugh and pat me on the shoulder. I really miss him and know he is doing his due diligence in heaven taking it easy and looking down on us shaking his head probably, at some of the decisions we make and wanting to give us his two cents. I also miss him at lunch, ordering a BLT and letting us know if it was any good or not! I wonder if he is getting any BLT's up there??!! LOL! – Donna Schmidt, ARB

Mr. Kay was an inspiring man and a joy to be around. Over the years of Mr. Kay being an ARB member, it was clear he took pride in the position while being courteous and respectful to everyone. I always enjoyed having conversations with Mr. Kay, no matter what the conversation was about I would always learn something new from speaking with him. Mr. Kay was always full of energy, and always knew how to get a joke in to make someone laugh. Mr. Kay was an amazing man and will be greatly missed, he left a positive impression on everyone. I will never forget how much Mr. Kay loved his coffee and sugar free jolly ranchers. – Jeffrey Booker

Mr. Slupik stated that Scott was well respected, missed and offered his condolences to the family. Mr. Kay's daughter recalled wondering what her Dad would do when he retired, and that since he had built a career comparing costs buying equipment for an international civil engineering project. Once Joe (Kuehler) introduced him to the ARB, they were thrilled and he was so excited. She stated the best compliment was when he said if he had to do it all over again, he would have built in New Braunfels instead of Canyon Lake because he had wild respect for everything done here. She thanked the ARB for stimulating his brain and allowing him to use his career in his retirement.

Mr. Krueger stated that he had had the honor of interviewing him for the position. He added that the honor and respect shown to him by showing up to this meeting said it all. The Board appreciated his professionalism and is sorely missed. Mr. Lozano added a heartfelt statement saying the ARB is very adversarial setting but he handled it very well. His wife was presented with flowers from the District.

#### **4. PRESENTATION OF SERVICE AWARDS**

Mr. Lozano presented the following service awards:

Jeffrey Booker – Land Department Team Leader – 10 years

Jeremy Brehm – Ag appraiser – 10 years

Brandon Voigt – Ag appraiser – 5 years (not in attendance)

Mr. Lozano stated that all three of these men do a tremendous job for the District. He added that they do a good job representing the District, explaining to taxpayers the process and seeing it from the taxpayer's point of view. The job they do helps to resolve lots of issues before they ever even get to the ARB. He stated that the District was better place with them here. Mr. Slupik stated that he sees these guys a lot in the ARB, especially Mr. Booker and Mr. Brehm, and that he agrees.

**5. MEET IN CLOSED SESSION TO CONFER WITH ATTORNEY REGARDING ANTICIPATED LITIGATION PURSUANT TO TEXAS GOVERNMENT CODE § 551.071**

Conducted during Executive Session.

**6. ACTION: APPROVAL OF MINUTES**

Ms. Pappas asked that a correction/clarification be add on the August 11th minutes where is states "2019 cases", that the clarification of "tax year" be added.

A motion was made by Nancy Pappas; seconded by John Tyler; to approve the minutes of the August 11, 2020 meeting with correction, Public Hearing and regular meeting of September 8, 2020 as presented. Motion passed unanimously by show of hands.

**7. ACTION: APPROVE 2021 HOLIDAY SCHEDULE**

A motion was made by Cathy Talcott; seconded by Wade Cleary; to approve the 2021 Holiday Schedule as presented. Motion passed unanimously by show of hands.

**8. PRESENTATION OF TEXAS COMPTROLLER OF PUBLIC ACCOUNTS 2019 PROPERTY VALUE STUDY RESULTS PER GOVERNMENT CODE § 403.302(k)**

Mr. Lozano stated that the commercial values are too low and that the District fell out of compliance and is in the first year of grace. He added that local value was still assigned and we have been trying to remedy the issue in 2020 but expressed concern over several ARB decisions.

**9. PRESENTATION OF INVESTMENT SUMMARY REPORT**

Mr. Dow stated that he and Mr. Lozano had received additional training regarding investments. The new requirements include a cover page with a compliance page as well along with signatures from the officers. The new requirements put us out of compliance but we have amended the 2020 policy to put us back in compliance and have updated the 2021 policy as well for approval.

**10. ACTION: APPROVE BY RESOLUTION THE AMENDED 2020 INVESTMENT POLICY**

Mr. Dow stated the only change was in Section 8 changing the maturation time from 12 to 36 months. A motion was made by Nancy Pappas; seconded by John Tyler; to approve the amended 2020 Investment Policy as presented. Motion passed unanimously by show of hands.

**11. ACTION: APPROVE BY RESOLUTION THE 2021 INVESTMENT POLICY**

Mr. Dow stated this approval is required annually and this policy is the same as the amended 2020, no changes. A motion was made by Cathy Talcott; seconded by Wade Cleary; to approve the updated Investment Policy as presented. Motion passed unanimously by show of hands.

**12. ACTION: APPROVE POSSIBLE LIQUIDATION OF CD IN COMPLIANCE WITH POLICY**

No action taken or needed on this item.

**13. ACTION: APPROVE 2021 SALARY SCHEDULE**

Mr. Lozano stated that this scheduled included a 1.2% cost of living adjustment. He added that he had created more consistency from tract to tract and tier to tier. Mr. Lozano stated that he had added the Senior Appraiser position to be implemented in 2021. A motion was made by Wade Cleary; seconded by Nancy Pappas; to approve the 2021 Salary Schedule as presented. Motion passed unanimously by show of hands.

**14. ACTION: APPROVE AND DIRECT CHIEF APPRAISER TO ENTER INTO CONTRACT WITH VANGUARD CLEANING SYSTEMS**

A motion was made by Wade Cleary; seconded by Nancy Pappas; to approve and direct chief appraiser to enter into a contract with Vanguard Cleaning Systems as presented. Motion passed unanimously by show of hands.

**15. ACTION: APPROVE AND DIRECT CHIEF APPRAISER TO ENTER INTO CONTRACT WITH BIS FOR ONLINE FORMS**

Mr. Lozano stated that he did not receive the contract from BIS and recommended tabling the item. A motion was made by Nancy Pappas; seconded by Wade Cleary; to table the contract with BIS for online forms as presented. Motion passed unanimously by show of hands.

**16. ACTION: APPROVE COMAL APPRAISAL DISTRICT JOB DESCRIPTIONS**

Mr. Lozano stated that he had made a few changes on the job descriptions. For residential 1, 2 & 3 some duties were removed, for the Senior Appraiser there were duties added and a new job description for the new position. Mr. Lozano explained that levels 3 and 4 appraisers would be working with their supervisor regularly and in the ARB. He stated that the Senior Appraiser would be working with their supervisor on litigation and is basically a supervisor in training.

A motion was made by Nancy Pappas; seconded by Wade Cleary; to approve the job descriptions as presented. Motion passed unanimously by show of hands.

**17. ACTION: APPROVE THE APPOINTMENT OF AG ADVISORY COMMITTEE FOR 2021 AND 2022**

A motion was made by Wade Cleary; seconded by John Tyler; to approve the appointment of Hal Herbelin, Elroy Jonas and R. Glenn Avriett to the Ag Advisory Board for 2021 and 2022. Motion passed unanimously by show of hands.

**18. ACTION: APPROVE AMENDED CONTRACT WITH RICK C. REED & COMPANY FOR 2020, 2021 AND 2022 FINANCIAL AUDIT**

Mr. Lozano stated this was a ratification of the existing contract. The only change made was adding the unilateral provision for termination on page 5. A motion was made by Wade Cleary; seconded by John Tyler; to approve the amended Audit Engagement Letter from Rick C. Reed & Company as presented. Motion passed unanimously by show of hands.

**19. CLOSED EXECUTIVE SESSION: THE BOARD MAY RETIRE TO EXECUTIVE SESSION ANYTIME DURING THE MEETING AS AUTHORIZED IN CHAPTER 551 OF THE TEXAS GOVERNMENT CODE**

- A. Meet in closed session to confer with attorney regarding anticipated litigation pursuant to Texas Government Code § 551.071
- B. Administer Chief Appraiser's Evaluation
- C. Discuss and consider Chief Appraiser's Salary for 2021

The Board retired into executive session with Mr. Krueger stating, "The Board of Directors on December 7, 2020, beginning at 6:16 p.m. convened in executive session in accordance with Chapter 551 of the Open Meetings Act."

Mr. Krueger stated, "The Board ends its executive session at 7:26 p.m. on December 7, 2020". The Board immediately reconvened into regular session.

**20. IF NECESSARY, DISCUSS AND TAKE ACTION ON ANY AND ALL MATTERS DISCUSSED IN EXECUTIVE SESSION**

No action on this agenda item.

**21. APPROVE CHIEF APPRAISER'S SALARY FOR 2021**

A motion was made by Nancy Pappas; seconded by John Tyler; to approve the Chief Appraiser's salary of \$110,000 beginning January 1, 2021.

**22. FINANCIAL REPORT**

Mr. Dow presented the report. He stated that there would be a line-item request for account 8200-Postage in the amount of \$10,000 presented at the January meeting. He added that he would be keeping an eye on Contract Services-Legal as well.

**23. FAREWELL AND GOOD LUCK TO CATHY TALCOTT**

Mr. Lozano wished Ms. Talcott well and stated that she would be missed. Ms. Talcott said it had been a good board and one who took everything to heart. Mr. Krueger stated that he had known her for a long time and in many different rolls and her experience had been invaluable. He added that she was an awesome person and would be deeply missed.

**24. CHIEF APPRAISER'S REPORT**

**AGENDA FOR CHIEF APPRAISER'S REPORT**

**a. Comment cards**

Mr. Lozano stated that the comment cards were good but that he would like to highlight an email from Denise Resendez. He stated he was making steps to improve the taxpayer experience.

**b. Report on Chief Appraiser Eligibility**

Mr. Lozano confirmed his eligibility and stated he had accumulated the required number of hours for his RPA & RTA and all the needed continuing education for his Computer Science Degree.

**c. Discuss proposed 2021 Meeting Dates**

Made one change to the meeting date changing August 10<sup>th</sup> to the 17<sup>th</sup>

**d. Pictometry project update**

Mr. Lozano stated the flight began October 1<sup>st</sup> and finished before October 31<sup>st</sup>. Change finder began 60 days ago and hope to be done and using the data by the last week in December or the first week in January.

**Adjourn Meeting**

Motion to adjourn Cathy Talcott

Motion seconded Wade Cleary

Meeting adjourned at 8:06pm

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Dan Krueger, Chairman

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Nancy Pappas, Secretary