



**DIANE DAY**

*AUSTIN COUNTY CLERK*

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## **COMMISSIONERS COURT MINUTES**

**January 27, 2025** Austin County Commissioners Court met in the 2<sup>nd</sup> floor Courtroom at the Austin County Courthouse with the following present:

Tim Lapham, County Judge  
Greg Mikel, Commissioner, Precinct 1  
Robert "Bobby" Rinn, Commissioner, Precinct 2  
Leroy Cerny, Commissioner, Precinct 3  
Chip Reed, Commissioner Reed, Precinct 4  
Kimberly Benjamin, Deputy Clerk

### **9:00 A.M. OPENING**

**CALL TO ORDER**

**INVOCATION**

**PLEDGES OF ALLEGIANCE**

**ROLL CALL AND CERTIFICATION OF QUORUM**

**CONSIDERATION/ADOPTION OF AGENDA**

*Motion to Approve: Commissioner Reed, 2<sup>nd</sup> Commissioner Cerny (4-0)*  
**Order #25-**

### **1. Proclamations and Special Recognitions:**

- a. Commissioner Mikel presented retirement plaque to Ricky Waak, Road and Bridge, Precinct 1. Ricky Waak has been a county employee for 42 years. Commissioner Mikel expressed appreciation to Judge, Commissioners and other staff who has assisted with his transition as Commissioner.

### **2. Presentation/Information from DA's Office.**

Travis Koehn (District Attorney) announced his retirement after Forty-three years of service. Effective February 28, 2025.

Judge Lapham commended Travis Koehn on his years of dedication and service to County. Expressed appreciation and gratitude on behalf of County employees and citizens of Austin County.

Travis Koehn (District Attorney) spoke on his years of service in Austin County. Expressed appreciation to Law Enforcement and District Attorney Staff. Informed Court that he is the longest standing District Attorney in the state of Texas.

### **3. Petitions and Requests from the Public.**

None.

### **4. Discussion regarding Inclement Weather Day(s) and action as appropriate.**

Sample option of new Inclement Weather Policy was distributed for review only purposes.

Commissioner Reed spoke regarding issues with Inclement Weather Days. There have been policy discussions amongst himself, Commissioner Rinn, Tara Wise (Human Resources), Roy Mercer (Emergency Management Coordinator) and TAC (Texas Associations of Counties). Hoping to get a resolution soon in this matter.

Per Commissioner Reed, employees were instructed to use sick time to cover last inclement weather day because offices were declared open. Part time employees do not accumulate sick time and are adversely affected in a way that he does not agree with. After contacting TAC (Texas Associations of Counties), there are other policy options in this matter.

TAC (Texas Associations of Counties) advised that in this situation, each Elected Official could use Administrative Leave (with pay), if employee's safety was threatened. Per Commissioner Reed, will give Administrative Leave (with pay) to his Road & Bridge staff for this incident. TAC gave many abilities to look at different policies that County could implement.

Commissioner Rinn commends Judge Lapham on previous efforts to fix Inclement Weather Days. Per Commissioner Rinn, after speaking with TAC (Texas Associations of Counties), they realized that County did not declare an official closure for that day. Court does not have the authority to dictate what to use, if there's not an official closure on Inclement Weather Days. Court needs to discuss what to do for current payroll. Need to review other options in regards to this policy.

Per Commissioner Rinn, supported Judge Lapham at time that email for Inclement Weather Day was sent to staff, but had not consulted with TAC and was not aware of effect on part-time employees. TAC (Texas Association of Counties) advised that giving Administrative Leave to employees is at the discretion of Elected Officials, since County did not declare official shut down.

Judge Lapham states, he does not always agree with information from TAC (Texas Association of Counties). Per Judge Lapham, extensive amount of time was spent on Policy Manual. Tara Wise (Human Resources) sent manual to Commissioners for review. She was to present the



Court with policy changes recommended by TAC (Texas Association of Counties). At that time, Commissioners requested Judge to remove discussion from Agenda. Commissioners expects him to make a decision on a new policy that he has not reviewed.

Per Commissioner Rinn, new policy is presented for review only. Per Judge Lapham, previous policy presentation was for same reason and there was no desire to discuss at that time.

Commissioner Cerny would like to have a workshop to discuss Inclement Weather Day for future occurrences and invite Department Heads. Inquired on what can happen to compensate employees for this time. Per Commissioner Cerny, each department is affected in different ways.

Commissioner Reed suggest setting a meeting for further discussion on Inclement Weather Days. Would like to approve new policy, but know that further discussion is needed.

Inclement Weather Discussion set for Monday, February 3, 2025 at 10:00 a.m.

No action.

**5. Discussion regarding the purchase of new ambulances and action as appropriate.**

Chief Walter Morrow (EMS Department) request to purchase two new ambulances. Current fleet for one was remounted in 2019, original construction of box was 2009. Both units cannot remount. Supply chain for ambulances is quoted at 18 months from time of order to delivery. EMS accumulate about 203K miles per year on ambulances. New trucks will most likely exceed 200K miles by mid-summer. Per Chief Walter Morrow, reason for requesting two ambulances at once is due to period for delivery.

Commissioner Cerny inquired on size of boxes on new ambulances. Per Chief Walter Morrow (EMS Department), chassis will go from 350 to 450. Current units (350 chassis) are close to gross weight, allowing only two additional people to ride. New ambulance will provide more ability for cargo, safe operations, less wear and tear on brakes, and tires.

Commissioner Reed inquired on call volume for EMS. Per Chief Walter Morrow (EMS Department), call volume is increasing. Last year there were over 4,000 calls in dispatch. EMS made 3,200 patients contact last year. Increase of 1,000 patients contact from previous year.

Per Chief Walter Morrow, price difference of truck purchased in 2022 has increased to \$95K. Old vehicle will be parked and used for back up purposes only if needed. There is another old unit stored at Wallis EMS, where parts have been used.

Propose purchase for three Budget years. Per Billy Doherty (County Auditor), currently there is \$323K in line item.

Approve purchase of two ambulance from Southern Emergency & Rescue Vehicle Sales for \$360,142.90 each.

*Motion to Approve: Commissioner Reed, 2<sup>nd</sup> Commissioner Cerny (4-0)*  
**Order #25-24**

- 6. Discussion to amend 2024-2025 Compensation Order and action as appropriate.**
  - a. SO – Investigator to Lieutenant**
  - b. SO – Lieutenant to Captain**

Per Sheriff Brandes, Sheriff Department's goal is to provide safety for the people, deputies, and public as much as possible. Discussed the numerous shootings/incidents taking place in surrounding cities. Sheriff Department has to continuously make changes to enhance the safety of officers. Changes indicated on pool chart will allow deputies to be more efficient and managed in service to the needs of deputies.

Chief Matt Walls (Sheriff Department), presented Command Structure Chart for County Sheriff's Office. Discussed growth of department. Currently 87 employees. At start of his transition to Chief, there was one captain on operations side that majority departments reported to. Due to excessive workload things could possibly be overlooked. Therefore, Narcotics Department was restructured.

Per Chief Matt Walls (Sheriff Department), current focus is Criminal Investigation Division. At this time all things flow directly to him (approving reports, reviewing cases, etc.). There needs to be a command structure in place, similar to other divisions.

Chief Matt Walls (Sheriff Department), request to convert current Lieutenant Position. Changes will allow Lieutenant Todd Ferner to be made Captain of Investigations. Underneath him will be Narcotics Lieutenant.

Chief Matt Walls (Sheriff Department), request to convert Investigator position to Lieutenant. This will allow for two Lieutenants and one Captain. Per Chief Walls, these changes will make Structure Chart complete. Change is critical.

Per Chief Matt Walls (Sheriff Department), highly recommends Lieutenant Todd Ferner to Captain and Investigator Vicki Minyard to Lieutenant. Believes they would be good assets based on both of their experiences. Changes will make chart complete.

Caseload grows daily. Criminal Investigation Division (CID) Investigators respond to calls. Department needs help. Price for position changes is \$4,000.

Per Lieutenant Donald Darracq (Sheriff's Office), changes are to take effect February 2, 2025 (beginning of pay period). Conversion of two positions are estimated at \$4,200 for 86 hours, no overtime. Overtime for two positions are paid through a Federal Program.



Per Billy Doherty (County Auditor), \$4,200 to cover conversion is foreseeable. SB22 can possibly be used as well.

Judge Lapham appreciates receiving Command Structure Chart. Commends Sheriff Office on making changes for betterment of service.

*Motion to Approve: Commissioner Cerny, 2<sup>nd</sup> Commissioner Mikel (4-0)*  
**Order #25-25**

**c.**

Due to recent retirement of Ricky Waak as Assistant Foreman, Precinct. 1 Road and Bridge, Commissioner Mikel request to switch position from Assistant Foreman back to Operator.

Motion to Approve: Commissioner Mikel, 2<sup>nd</sup> Commissioner Reed

Commissioner Cerny inquired if Commissioner Mikel could hire an Operator, leave the Foreman position open for future hire, and not make any changes to Compensation Order since it's already in Budget. Judge Lapham agreed.

Commissioner Mikel rescind motion. Commissioner Reed rescind 2<sup>nd</sup> motion. No action taken.

**7. Consideration and action to approve resolution-authorizing application for target range grant through Texas Parks and Wildlife Department.**

Shannon Hannath (Administrative Assistant – Road and Bridge), currently working with Erica Guerreo and Mike Svinky on grant for the shooting range. Resolution due February 3, 2025 at 5:00 p.m. Resolution is required to submit with application. Resolution presented to Court.

Per Judge Lapham, intention for previous purchase of land by Highway 159 E was for facility. Building is complete facility for AgriLife. Self-contained.

Billy Doherty (County Auditor) inquired on responsible party for repayment if grant does not go through. Per Judge Lapham, this is a planning grant. There are 2 phases: planning and construction. Planning grant gives the money to go through the processes to present for the build grant. This is not the build grant.

*Motion to Approve: Commissioner Cerny, 2<sup>nd</sup> Commissioner Rinn (4-0)*  
**Order #25-26**

**8. Consideration and action to approve Professional Services Agreement between Tyler Technologies and Austin County.**

Per Billy Doherty (County Auditor), new program to be installed in Justice of the Peace Offices. Cost of program is \$9,250 to install. Program is direct download from DPS Office to Odyssey. Currently, County does not have program, which resulted in loss of \$17,000 in tickets in past

year because they were not entered in system, due to not having download. New program is needed.

Judge Lapham inquired on reason for missing tickets. Billy Doherty (County Auditor) unable to provide reason, but stated that tickets were missed in transition between DPS system and County's system. Hoping download will solve the issue.

New program requires 50 hours training at \$185 per hour.

Commissioner Reed inquired if there will be additional software needed after this one. Per Billy Doherty (County Auditor), there will probably be other maintenance required. Will find out actual cost per year. Training needed soon.

*Motion to Approve: Commissioner Reed, 2<sup>nd</sup> Commissioner Mikel (4-0)*  
**Order #25-27**

**9. Discussion and action to approve Addendum to Cintas Contract.**

Commissioner Rinn request to approve addendum for 1-year contract with Cintas.

*Motion to Approve: Commissioner Rinn, 2<sup>nd</sup> Commissioner Mikel (4-0)*  
**Order #25-28**

**10. Discussion and action to approve permit request for boring under Willow St., Pct. 4**

*Motion to Approve: Commissioner Reed, 2<sup>nd</sup> Commissioner Cerny (4-0)*  
**Order #25-29**

**11. CONSENT AGENDA - Items listed are of routine nature and may be acted on in a single motion unless requested otherwise by members of Commissioners Court.**

- a. **Approval of minutes:**
  - i. **November 18, 2024**
  - ii. **November 25, 2024**
  - iii. **December 9, 2024**
- b. **Consideration and action to approve required schooling application for James Clark, Constable Pct. 4, to attend virtual on-line class, to be held April 21-24, 2025**
- c. **Consideration and action to approve Right of Way installation permit application by Industry Telephone at Rinn Road, Pct 2**
- d. **Consideration and action to accept 2024 Racial Profiling Report from Constable James Clark, Pct. 4**
- e. **Consideration and action to accept executed Interlocal Agreement between the City of Weimar, Weimer PD, and Austin County SO SRT for Law Enforcement Services.**

- f. **Consideration and action to accept executed Interlocal Agreement between cities and counties associated with Operation Lone Star for law Enforcement Services.**
- g. **Consideration and action to accept executed MOU between Sealy ISD, Austin County, and City of Sealy regarding stormwater detention easement and credit.**

*Motion to Approve: Commissioner Reed, 2<sup>nd</sup> Commissioner Rinn, passed (4-0)*  
**Order #25-30**

- 12. Budgetary and Financial Claims - action as appropriate.**
  - a. Payment of Claims**

Total = \$ 713,840.00

*Motion to Approve: Commissioner Rinn, 2<sup>nd</sup> Commissioner Reed, passed (4-0)*  
**Order #25-31**

- b. Fund Transfers**

Total = \$261,206.30

*Motion to Approve: Commissioner Rinn, 2<sup>nd</sup> Commissioner Mikel, passed (4-0)*  
**Order #25-32**

- c. Budget Amendments**

No Budget Amendments.

- d. County Auditor's Review of finances**

None.

- e. County Treasurer's**
  - i. Payroll and Escrow Report – 01.24.2025**
    - 1. 11.25.2024 Elections**
    - 2. 11.29.24 Regular Payroll**

*Motion to Approve: Commissioner Reed, 2<sup>nd</sup> Commissioner Rinn, passed (4-0)*  
**Order #25-33**



13. **Written end-of-the month reports submitted by County Offices.**  
a. **Constable, Pct4 – December 2024**  
b. **AgriLife – November & December 2024**  
c. **EMS – October, November & December 2024**

*Motion to Accept: Commissioner Mikel, 2<sup>nd</sup> Commissioner Rinn, passed (4-0)*  
**Order #25-34**

Court recessed at 10:12 a.m.

14. **EXECUTIVE SESSION**

In accordance with Texas Local Government Code §551.071, §551.125 and §551.129, a closed meeting will be held concerning the following items:

- a. Legal Matter

Court Reconvened at 12:13 p.m.

15. **Action as appropriate on Executive Session.**

No action.

16. **Commissioners Court Inquiry.**

*Motion to Adjourn: Commissioner Reed, 2<sup>nd</sup> Commissioner Cerny, passed (4-0).*  
**Order #25-35**

Court adjourned at 12:13 p.m.

**ALL SUPPORTING DOCUMENTS ON FILE WITH COUNTY CLERK AS PROVIDED BY COMMISSIONERS COURT**

I, Diane Day, Austin County Clerk, attest to the minutes of the Commissioners Court proceedings for January 27, 2025.

Date: February 25, 2025

Diane Day, Austin County Clerk  
Clerk of Commissioners Court  
Austin County, Texas

By: Kimberly Benjamin  
Kimberly Benjamin, Deputy



FILED  
2025 FEB 25 AM 10:21