

**MINUTES OF THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS
REGULAR MEETING – AUGUST 8, 2016**

DeWitt County Commissioners Court met in regular session August 8, 2016, at 9:00 a.m. in the County Courtroom at the DeWitt County Courthouse in Cuero, Texas, with the following members present:

County Judge Daryl L. Fowler
Commissioner Curtis Afflerbach, Precinct No. 1
Commissioner James B. Pilchick Sr., Precinct No. 2
Commissioner James Kaiser, Precinct No. 3
Commissioner Richard Randle, Precinct No. 4
County Clerk Natalie Carson

CALL TO ORDER; PLEDGE OF ALLEGIANCE & INVOCATION

Judge Fowler called the meeting to order and let everyone in the pledge of allegiance. Mr. Afflerbach gave the invocation.

**NEW BUSINESS:
CHIEF JUVENILE PROBATION OFFICER (No. 11)**

Terri Rogers was introduced as the newly-hired chief juvenile probation officer.

MOTION: Mr. Randle made a motion to ratify the decision of the DeWitt County Juvenile Board appointing the new chief juvenile probation officer Terri Rogers effective August 8, 2016. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

PUBLIC HEARING (No. 1)

Public hearing held to provide opportunity for public comments on a proposal to establish a 45 mile per hour speed limit on Respondek Road in Commissioner Precinct No. 1. No one was present to speak for or against.

CLOSE PUBLIC HEARING (No. 2)

Judge Fowler closed the public hearing.

RULE ON PUBLIC HEARING (No. 3)

MOTION: Mr. Afflerbach made a motion to establish a 45 mile per hour speed limit on Respondek Road in Commissioner Precinct No. 1, entire road, effective as soon as the signs are up. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

PUBLIC HEARING (No. 4)

Public hearing held to provide opportunity for public comments on a proposal to consider the annual written archive plan for funding the preservation and restoration of the county clerk's records archive pursuant to Local Government Code §118.025. No one was present to speak for or against.

CLOSE PUBLIC HEARING (No. 5)

Judge Fowler closed the public hearing.

RULE ON PUBLIC HEARING (No. 6)

MOTION: Mr. Randle made a motion to approve the annual written archive plan for funding the preservation and restoration of the county clerk's record archive. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

PUBLIC HEARING (No. 7)

Public hearing held to provide opportunity for public comments on a proposal to consider the annual written plan for the preservation and restoration of the district court records archive pursuant to Local Government Code § 51.305. No one was present to speak for or against.

CLOSE PUBLIC HEARING (No. 8)

Judge Fowler closed the public hearing.

RULE ON PUBLIC HEARING (No. 9)

MOTION: Mr. Kaiser made a motion to approve the annual written plan for the preservation and restoration of the district court records archive pursuant to Local Government Code § 51.305. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

APPRAISAL DISTRICT BUDGET (No. 10)

MOTION: Mr. Pilchick made a motion to receive the FY 2017 budget of the DeWitt County Appraisal District pursuant to Property Tax Code § 6.06 and deposit it with the county clerk for the public viewing and inspection. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

ELECTIONS ADMINISTRATOR (No. 12)

MOTION: Mr. Pilchick made a motion to ratify the resolution of the DeWitt County Elections Commission appointing Blanca McBride as the county elections' administrator. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

2016 ANTICIPATED TAX COLLECTION RATE (No. 13)

The 2016 certification of anticipated collection rate of 100% was presented to the Commissioner's Court by Susie Dreyer, DeWitt County Tax Assessor-Collector.

MOTION: Mr. Afflerbach made a motion to receive the 2016 Tax Assessor-Collector's certification of the anticipated tax collection rate at 100%. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

2016 TAX RATE CALCULATION (No. 14)

MOTION: Mr. Randle made a motion to receive the 2016 tax rate calculations required by Property Tax Code § 26.04. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

2016 TAX RATE AND FY 2017 BUDGET CALENDAR (No. 15)

MOTION: Mr. Kaiser made a motion to set the date of 22nd of August 2016 at 9:00 a.m. in the DeWitt County Courthouse in the County Courtroom to conduct a public hearing on the FY 2016 proposed budget and vote on the proposed 2016 tax rate. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

MOTION: Mr. Kaiser made a motion that the proposed tax rate for maintenance and operating be .46937. Mr. Afflerbach seconded the motion.

Record Vote: Commissioner Pct. 1 "Aye",
Commissioner Pct. 2 "Aye",
Commissioner Pct. 3 "Aye",
Commissioner Pct. 4 "Aye",
Judge Fowler "Aye"

MOTION: Mr. Kaiser made a motion to set the date of 22nd of August 2016 at 9:00 a.m. in the DeWitt County Courthouse in the County Courtroom for the purpose of adopting the 2017 budget and 2016 tax rate. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

CRIMINAL CASE DISPOSITION REPORTING (No. 16)

Commissioners Court, Assistant District Attorney Rob Lassmann, District Attorney Secretary Chyann Sammons, County Clerk Natalie Carson, County Attorney Secretary Kim Drozd and District Clerk Deputy Clerk Rachel Hernandez discussed criminal case disposition reporting and Homeland Security Grant eligibility requirements, recent DPS report and disposition trends. No action taken.

TEXAS COMMISSION ON LAW ENFORCEMENT AUDIT REPORT (No. 17)

MOTION: Mr. Afflerbach made a motion to receive audit report for DeWitt County Constable Precinct No. 2. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

RACIAL PROFILING REPORT (No. 18)

MOTION: Mr. Kaiser made a motion to receive racial profiling report for Constable Precinct No. 2. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

ACTIVITY REPORT (No. 19)

MOTION: Mr. Afflerbach made a motion to receive unaudited activity report of Constable Precinct 2. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

ACCOUNTS PAYABLE (No. 20)

MOTION: Mr. Kaiser made a motion to approve accounts payable. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

MOTION: Mr. Kaiser made a motion to approve payment of late bills. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

BUDGET AMENDMENT REQUESTS (No. 21)

MOTION: Mr. Kaiser made a motion to approve budget amendments. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

MONTHLY REPORT OF OFFICIALS (No. 22)

1st Assistant County Auditor Cindy Parma reported that her office received reports from all officials.

MOTION: Mr. Randle made a motion to approve monthly reports of officials. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

COUNTY TREASURER'S MONTHLY REPORT (No. 23)

MOTION: Mr. Kaiser made a motion to receive and approve County Treasurer's Monthly Report. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

PERSONNEL CHANGES (No. 24)

Shawna L. Tucker, Deputy, District Clerk; termination effective July 26, 2016; 2 years 4 months of employment; comp & vacation time will be paid out on last check

Sharon Stevens, RN Nurse Manager, Health Dept.; resignation effective August 10, 2016; 11 months of employment; no comp or vacation time to be paid out

Chelsea Rickman, Dispatcher, Sheriff Office; step increase effective August 24, 2016; Category 7 Step 2; 1 year of employment; rate of pay to be \$1,350.34/bi-weekly \$16.88/hour; next possible step increase August 24, 2017; comp time will be paid out at time of step

Christopher Smith, Jailer, Sheriff Office; step increase effective August 28, 2016; Category 11 Step 3; 2 years of employment; rate of pay to be \$1,536.95/bi-weekly \$17.87/hour; next possible step increase August 28, 2019; comp time will be paid out at time of step

Franklyn Warwas, Equipment Operator, Precinct 3; step increase effective August 31, 2016; Category 17 Step 5; 7 years of employment; rate of pay to be \$1,554.08/bi-weekly \$19.43/hour; next possible step increase August 31, 2019; comp time will be paid out at time of step

Terri Ann Rogers, Chief Juvenile Probation Officer, Juvenile Probation; hired effective August 8, 2016; rate of pay to be \$2,309.23/bi-weekly \$16.16/bi-weekly (cell phone)

Cecellia Koranek, Call Taker – Dispatch, Sheriff Office; hired effective August 8, 2016; Category 1 Step 1; rate of pay to be \$1,146.60/bi-weekly \$14.33/hour; next possible step increase August 8, 2017

MOTION: Mr. Pilchick made a motion to approve personnel changes. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

MINUTES (No. 25)

MOTION: Mr. Randle made a motion to approve minutes of the last month meetings. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0 with Mr. Afflerbach abstaining.

BONDS AND/OR DEPUTATIONS (No. 26)

None

COURTHOUSE/ANNEX EXPENDITURES/MAINTENANCE/IMPROVEMENTS (No. 27)

Judge Fowler reported there are some issues which may lead to extensive maintenance with the chillers; Trane was here trying to get to the bottom of why the 3rd and 4th floors of the courthouse being so hot. The problem detected was an unknown filter hidden under the insulation.

Mr. Komatsu, a representative with a contractor working with Komatsu Architect and a Texas Historical Commission employee were here last week reviewing the outside building and the leak. They discovered a junction box full of water.

LEGISLATIVE UPDATE (No. 28)

Judge Fowler will be attending the TAC Legislative Conference August 22nd thru 24th in Austin. Judge Fowler will be speaking with a panel.

Judge Fowler spoke with Steve Holzheuser concerning the proposed contract with him.

DISCUSSION OF COMMISSIONER PRECINCT OPERATIONS (No. 29)

Mr. Pilchick reported the roof project at the museum has been completed. He reported that the life expecting of the shingle roof has met its peak and any other damage to the roof will result in replacing the entire roof.

Chuck Kimbrough requested an update on the cattle guard proposal on Oliver Road.

WORKSHOP ON FY 2017 BUDGET (No. 30)

Commissioner Pilchick discussed his personnel and salary line item within his budget.

PUBLIC COMMENT

None

ADJOURN (No. 31)

MOTION: Mr. Afflerbach made a motion to adjourn. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0. [Adjourned at 10:35 a.m.]

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Commissioner Curtis Afflerbach, Precinct No. 1
Commissioner James B. Pilchick Sr., Precinct No. 2
Commissioner James Kaiser, Precinct No. 3
Commissioner Richard Randle, Precinct No. 4
County Clerk Natalie Carson

CALL TO ORDER; PLEDGE OF ALLEGIANCE & INVOCATION

Judge Fowler called the meeting to order and let everyone in the pledge of allegiance. Mr. Randle gave the invocation.

NEW BUSINESS:

ELECTIONS ADMINISTRATOR (No. 20)

Blanca McBride was introduced as the newly-hired Elections Administrator.

PUBLIC HEARING (No. 1)

Public Hearing held on the proposed 2016 tax rate and the proposed FY2017 budget. Patrick Elder thanked the commissioners court for holding the budget and tax rate.

CLOSE PUBLIC HEARING (No. 2)

Judge Fowler closed the public hearing.

ADOPTION OF PROPOSED FY2017 BUDGET (No. 3)

MOTION: Mr. Pilchick made a motion to adopt the proposed budget of DeWitt County FY2017 to include Court Order No. 2016-015. Mr. Kaiser seconded the motion. Motion carried on the following record vote:

Commissioner Afflerbach – Aye
Commissioner Pilchick – Aye
Commissioner Kaiser – Aye
Commissioner Randle – Aye
County Judge Fowler – Aye

ADOPTION OF TAX RATE (No. 4)

MOTION: Mr. Kaiser made a motion to adopt the DeWitt County, Texas Order Adopting the Tax Rate for Fiscal Year 2017, Order No. 2016-016, setting the 2016 Maintenance and Operating tax rate at a tax rate of 0.46937, out of a total tax rate of 0.46937. Mr. Randle seconded the motion. Motion carried on the following record vote:

Commissioner Afflerbach – Aye
Commissioner Pilchick – Aye
Commissioner Kaiser – Aye
Commissioner Randle – Aye
County Judge Fowler – Aye

JOB CLASSIFICATION AND SALARY SCHEDULE FOR FY2017 (No. 5)

MOTION: Mr. Afflerbach made a motion to approve job classification and salary schedule for FY2017. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

ANNUAL SALARY ORDER FOR FY2017 (No. 6)

MOTION: Mr. Afflerbach made a motion to approve the Annual Salary Order for DeWitt County Officials and Employees during FY2017. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

SCHEDULE PUBLIC HEARING DATE: (No. 7)

MOTION: Mr. Randle made a motion to set a public hearing date of September 12, 2016 at 9:00 a.m. at the DeWitt County Courthouse for the consideration of establishing a 30 mile per hour speed limit on Verhelle Road for a distance being 2.0 miles starting at the intersection of US Hwy 87 and Verhelle Road. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

ORDER OF ELECTION (No. 8)

MOTION: Mr. Kaiser made a motion to receive Order of General Election to be held November 8, 2016 issued by County Judge Daryl L. Fowler. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

PROFESSIONAL SERVICES CONTRACT (No. 9)

MOTION: Mr. Afflerbach made a motion to approve the legislative consulting services and the renewal of the professional services contract with Steve Holzheuser. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

INTERLOCAL AGREEMENT (No. 10)

Passed

INTERLOCAL AGREEMENT (No. 11)

Passed

INTERLOCAL AGREEMENT (No. 12)

Passed

LAW ENFORCEMENT AGENCY (LEA) APPLICATION FOR PARTICIPATION (No. 13)

MOTION: Mr. Afflerbach made a motion to approve the Law Enforcement Agency application for participation between DeWitt County Sheriff's Office and the State of Texas with respect to excess Department of Defense personal property transfer. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

FIELD AGREEMENT FOR PREDATORY ANIMAL CONTROL (No. 14)

MOTION: Mr. Randle made a motion to approve the Field Agreement between the DeWitt County and the USDA, Texas AgriLife Extension and Texas Wildlife Damage Management Association, Inc. for predatory animal control beginning October 1, 2016 and ending September 30, 2017 for a total of \$8000, \$200/day. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

PRACTITIONER AGREEMENT (No. 15)

MOTION: Mr. Pilchick made a motion for the approval of the Practitioner Agreement by and between TML MultiState Intergovernmental Employee Benefits Pool and Cuero-DeWitt County Health Department for the City of Cuero, Date of Service - September 20, 2016. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

PRACTITIONER AGREEMENT (No. 16)

MOTION: Mr. Pilchick made a motion for the approval of the Practitioner Agreement by and between TML MultiState Intergovernmental Employee Benefits Pool and Cuero-DeWitt County Health Department for the City of Yoakum, Date of Service - September 22, 2016. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

TEXAS HISTORICAL COMMISSION ANTIQUITIES PERMIT APPLICATION (No. 17)

MOTION: Mr. Afflerbach made a motion to ratify the Texas Historical Commission Antiquities Permit Application for Historical Buildings and Structures signed by Karl A. Komatsu and Daryl L. Fowler on August 9, 2016 relating to the exterior modifications to mitigate basement flooding and the IT fiber optic cable project. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

CERTIFICATE OF ATTENDANCE (No. 19)

MOTION: Mr. Afflerbach made a motion to receive a Certificate of Attendance that certifies Daryl Fowler has successfully completed 15 hours of instruction pursuant to the Texas Government Code Chapter 2256.008 of the Public Funds Investment Act from Texas Association of Counties. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

CHILD WELFARE BOARD MEMBERSHIP (No. 21)

MOTION: Mr. Afflerbach made a motion to appoint Blair Feril to the DeWitt County Child Welfare Board. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0 with Mr. Pilchick absent.

TEMPORARY RIGHT OF WAY REQUEST AND AGREEMENT (No. 22)

MOTION: Mr. Kaiser made a motion to approve temporary right of way request from Burlington Resources Oil & Gas, L.P. for installation of water lines along A. Metting Road, Gruenau Road, and Jaeger Road in Commissioner Precinct No. 3. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0 with Mr. Pilchick absent.

TEMPORARY RIGHT OF WAY REQUEST AND AGREEMENT (No. 23)

MOTION: Mr. Kaiser made a motion to approve temporary right of way request and agreement from Select Energy Services for installation of water lines along Dworaczyk Road and Garfield Road in Commissioner Precinct No.3. Mr. Afflerbach seconded the motion. Motion carried on a vote of 4-0 with Mr. Pilchick absent.

TRAVEL REIMBURSEMENT REPORT (No. 24)

MOTION: Mr. Randle made a motion to approve the rate changes associated with the travel expense reimbursement report and make it effective on August 22, 2016. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

DISTRICT ATTORNEY (No. 25)

MOTION: Mr. Kaiser made a motion to receive the District Attorney's proposed budget of the Seized & Forfeited Narcotics Assets for the year of 2016-2017. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

NOTICE OF SUB-RECIPIENT GRANT AWARD (No. 26)

MOTION: Mr. Randle made a motion to receive Notice of Sub-recipient Grant Award in the amount of \$33,314.10 from the Texas Department of Public Safety – the Texas Division of Emergency Management for the FY2016 Emergency Management Performance Grant. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

AUDIT REPORT (No. 27)

MOTION: Mr. Randle made a motion to receive the payroll audit report from the County Auditor and forward it to the County Attorney for investigation. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

AUDIT REPORT (No. 28)

MOTION: Mr. Afflerbach made a motion to receive an audit report of the DeWitt County District Clerk's office from the county auditor. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

ADVERTISE FOR BIDS (No. 29)

MOTION: Mr. Afflerbach made a motion to authorize the county auditor to advertise for bids for road construction services. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

AUTHORIZE AN ONLINE AUCTION (No. 30)

MOTION: Mr. Pilchick made a motion to authorize the DeWitt County Auditor to dispose of one (1) 1998 International Truck Tractor through an online auction pursuant to Local Government Code, Chapter 263, Subchapter D. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

AUTHORIZE AN ONLINE AUCTION (No. 31)

MOTION: Mr. Kaiser made a motion to authorize DeWitt County Auditor to dispose of forfeited gambling machines and other forfeited items through an online auction pursuant to Local Government Code, Chapter 263, Subchapter D. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

ACCOUNTS PAYABLE (No. 32)

MOTION: Mr. Kaiser made a motion to approve accounts payable. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

BUDGET AMENDMENT REQUESTS (No. 33)

MOTION: Mr. Kaiser made a motion to approve budget amendments. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

PERSONNEL CHANGES (No. 34)

Henry Schroeder, Equipment Operator, Precinct 2; termination effective August 8, 2016; 7 months of employment; comp and vacation time will be paid out on last check

Jennifer Gamez, Deputy, District Clerk; hired effective August 15, 2016; Category 1 Step 1; rate of pay to be \$1,146.60/bi-weekly \$14.33/hour; next possible step increase August 15, 2017

Darline Whitt, Deputy, District Clerk; termination effective August 10, 2016; 6 years 11 months of employment; comp and vacation time will be paid out on last check

Cindy Bonner, Administrator Assistant, Election; part time effective August 22, 2016; 2 years 5 months of employment; rate of pay to be \$21.47/hour

Blanca McBride, Administrator, Election; hired effective August 22, 2016; rate of pay to be \$1,441.20/bi-weekly

Alfredo Duenes, Equipment Operator, Precinct 2; hired effective September 1, 2016; Category 17 Step 1; rate of pay to be \$1,377.68/bi-weekly \$17.22/hour; next possible step increase September 1, 2017

MOTION: Mr. Afflerbach made a motion to approve personnel changes. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

BONDS AND/OR DEPUTATIONS (No. 35)

Deputation of Jennifer Gamez, Deputy District Clerk

MOTION: Mr. Kaiser made a motion to approve the deputation of Jennifer Gamez in the District Clerk's office. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

COURTHOUSE SECURITY (No. 18)

MOTION: Mr. Randle made a motion to authorize the three (3) projects using Guardian Security Solutions LLC, project #5730, #5606 and #5579 and take out of the fiscal year 2017 budget. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0

COURTHOUSE/ANNEX EXPENDITURES/MAINTENANCE/IMPROVEMENTS (No. 36)

Nothing

LEGISLATIVE UPDATE (No. 37)

Nothing

DISCUSSION OF COMMISSIONER PRECINCT OPERATIONS (No. 38)

Commissioners discussed routine precinct operations.

WORKSHOP ON FY 2017 BUDGET (No. 39)

Nothing


PUBLIC COMMENT

None

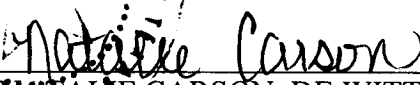
ADJOURN (No. 40)

MOTION: Mr. Kaiser made a motion to adjourn. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0. [Adjourned at 11:35 a.m.]

THE FOREGOING MINUTES FOR THE MONTH OF AUGUST A.D. 2016 WERE READ AND APPROVED IN REGULAR SESSION OF COURT ON THIS THE 12TH DAY OF SEPTEMBER, A.D. 2016


DARYL L. FOWLER, DE WITT COUNTY JUDGE



ATTEST:

NATALIE CARSON, DE WITT COUNTY CLERK