

**MINUTES OF THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS  
REGULAR MEETING – AUGUST 14, 2017**

DeWitt County Commissioners Court met in regular session August 14, 2017 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. Pilchiek Sr., Precinct No. 2  
Commissioner James Kaiser, Precinct No. 3  
Commissioner Richard Randle, Precinct No. 4

**CALL TO ORDER; PLEDGE OF ALLEGIANCE & INOVOCATION**

Mr. Afflerbach called the meeting to order and led everyone in the pledge of allegiance. Mr. Randle gave the invocation.

**NEW BUSINESS:**

**PUBLIC HEARING (No. 1)**

Public hearing held in order to provide opportunity for public comments on the proposed 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. 2)**

Judge Fowler closed the public hearing.

**RULE ON PUBLIC HEARING (No. 3)**

MOTION: Mr. Kaiser made a motion to approve the annual archive plan for preservation and restoration of the county clerk's record archive pursuant to Local Government Code § 118.025. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

**PUBLIC HEARING (No. 4)**

Public hearing held in order to provide opportunity for public comments on the proposed annual written plan for the preservation and restoration of the district court records archive pursuant to Government Code 51.305. 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. Pilchiek made a motion to approve the annual archive plan for the preservation and restoration of the district clerk's records archive pursuant to Government Code 51.305. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

### **WEST PROFLEX (No. 8)**

MOTION: Mr. Kaiser made a motion to approve the subscription agreement between West Publishing Corporation and DeWitt County vs. returning to law books; consider order ID: Q-00059645 for a ProFlex Product, agreement is for 24 months at \$518.23/month. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

### **PROPOSED TAX RATE (No. 7)**

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

Record Vote: Commissioner Precinct 1 "Aye"  
Commissioner Precinct 2 "Aye"  
Commissioner Precinct 3 "Aye"  
Commissioner Precinct 4 "Aye"  
Judge Fowler "Aye"

### **INTERLOCAL AGREEMENT (No. 9)**

MOTION: Mr. Afflerbach made a motion to approve the Interlocal Agreement Between DeWitt County and the City of Cuero for 24-Hour Police Dispatch Services for a term beginning October 1, 2017 and ending September 30, 2018, Order #2017-051. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

### **INTERLOCAL AGREEMENT (No. 10)**

MOTION: Mr. Afflerbach made a motion to approve the Interlocal Agreement Between DeWitt County and the City of Yorktown for 24-Hour Police Dispatch Services for a term beginning October 1, 2017 and ending September 30, 2018, Order #2017-052. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

### **MINIMUM JAIL STANDARDS UPDATE (No. 11)**

Commissioners Court received legislative update from Sheriff Carl Bowen on the proposed implementation rules of SB1849, the so-called "Sandra Bland Act," that will establish new minimum standards for detainees and inmates suspected of mental illness or intellectual disabilities. No action taken.

### **PURCHASE ORDER AUTHORIZATION FOR UNBUDGETED ITEM (No. 12)**

MOTION: Mr. Afflerbach made a motion to authorize County Judge to approve Purchase Order #1998 for the purchase of a UAV from White Cloud Drones at the cost of \$13,968.23 to be taken from the sheriff forfeiture funds. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

### **PUBLIC HEALTH UPDATE (No. 13)**

Commissioners Court received information from The Texas Department of State Health Services – Communicable Disease Program regarding the Zika Virus. No action taken.

## **DISCUSSION AND POTENTIAL ACTION (No. 14)**

MOTION: Mr. Afflerbach made a motion to adopt Order of the Commissioner's Court of DeWitt County, Texas, Order Number 2017-050: approving the county's acquisition, by a purchase with county public funds and deed of conveyance from Union Pacific Railroad, Seller, of certain real property located in said county and state for public purposes, and all related matters; and establishing an effective date and compliance with the Texas Open Meetings Act. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

## **EXECUTIVE/CLOSED SESSION (No. 15)**

Commissioners Court did not go into executive/closed session.

## **DEADLINE EXTENSION (No. 16)**

MOTION: Mr. Kaiser made a motion to authorize Emergency Management Coordinator to apply for a Hazard Mitigation Grant Program Grant. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

## **GOLDEN CRESCENT REGIONAL PLANNING COMMISSION (No. 17)**

No action taken.

## **TEMPORARY RIGHT OF WAY REQUEST AND AGREEMENT (No. 18)**

MOTION: Mr. Kaiser made a motion to approve the temporary right of way request and agreement with Burlington Resources Oil & Gas, L.P. for installation of water lines along Nessel Road and Schlenstedt Road in Commissioner Precinct No. 1; and along Gaebler Road, Haase Road, Klein Road and Kubala Store Road in Commissioner Precinct No. 3. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

## **PIPELINE PERMITS (No. 19)**

MOTION: Mr. Kaiser made a motion to approve pipeline permit applications with Burlington Resources Oil & Gas Company LP, to cross Stanchos Road in Commissioner No. 3. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

## **PERSONNEL POLICY AMENDMENT (No. 20)**

Passed

## **PERSONNEL POLICY AMENDMENT (No. 21)**

Passed

## **MASA-MEDICAL TRANSPORT SOLUTIONS (No. 22)**

No action taken

## **ACCOUNTS PAYABLE (No. 23)**

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. 24)**

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

## **MONTHLY REPORT OF OFFICIALS (No. 25)**

County Auditor reported that her office has received monthly reports from all officials except Flood Plain.

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

## **DECLARE FIXED ASSETS AS SALVAGE (No. 26)**

MOTION: Mr. Kaiser made a motion to declare fixed assets as salvage pursuant to Local Government Code § 263.152(A). Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

## **COUNTY TREASURER'S MONTHLY REPORT (No. 27)**

MOTION: Mr. Kaiser made a motion to receive report and approve Order Approving Treasurer's Monthly Report, Order #2017-049. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

## **PERSONNEL CHANGES (No. 28)**

Cecelia Koranek, Dispatcher, Sheriff Office, step increase effective August 8, 2017; 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 8, 2018; comp time will be paid out at time of step

Krystal Hernandez, Jailer, Sheriff Office; step increase effective August 11, 2017; Category 12 Step 3; 2 years of employment; rate of pay to be \$1,499.03/bi-weekly \$17.43/hour; next possible step increase August 11, 2020; comp time will be paid out at time of step

Brandi Reyes, Deputy, County Clerk; step increase effective August 11, 2017; Category 1 Step 3; 2 years of employment; rate of pay to be \$1,234.80/bi-weekly \$15.44/hour; next possible step increase August 11, 2020; comp time will be paid out at time of step

Jennifer Gamez, Deputy, District Clerk; step increase effective August 15, 2017; Category 1 Step 2; 1 year of employment; rate of pay to be \$1,190.70/bi-weekly \$14.88/hour; next possible step increase August 15, 2018; comp time will be paid out at time of step

Taylor Henneke, Call Taker, Sheriff Office; resignation effective July 19, 2017; 9 days of employment; comp & vacation time will be paid out on last check

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

## **MINUTES (No. 29)**

MOTION: Mr. Afflerbach made a motion to receive and approve minutes of the previous term of court. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

## **BONDS AND/OR DEPUTATIONS (No. 30)**

None

## **COURTHOUSE/ANNEX EXPENDITURES/MAINTENANCE/IMPROVEMENTS (No. 31)**

Judge Fowler reported on the following:

1. In the Archive Room - plywood has been installed on the walls covering the insulation.
2. New breaker installed on one of the chillers

Commissioner Afflerbach reported that his staff sprayed the flowerbeds for the regrowth by the Elections office.

## **LEGISLATIVE UPDATE (No. 32)**

No update

## **DISCUSSION OF COMMISSIONER PRECINCT OPERATIONS (No. 33)**

Commissioners discussed normal precinct operations.

## **WORKSHOP ON FY2018 BUDGET (No. 34)**

Budget workshop held.

## **PUBLIC COMMENT**

None

## **SALARY ORDER AMENDMENT (Addendum No. 1)**

MOTION: Mr. Kaiser made a motion to amend FY2017 salary order to add staff to the County Judge's budget in FY2017, Order #2017-053. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

## **ADJOURN (No. 35)**

MOTION: Mr. Kaiser made a motion to adjourn. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

**MINUTES OF THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS  
EMERGENCY MEETING – AUGUST 28, 2017**

DeWitt County Commissioners Court met in emergency session August 28, 2017 at 1:00 p.m. in the County Courtroom at the DeWitt County Courthouse in Cuero, Texas, in accordance with Government Code §551.045 and §551.047 with the following members present:

County Judge Daryl L. Fowler  
Commissioner James Kaiser, Precinct No. 3  
Commissioner Richard Randle, Precinct No. 4

**CALL TO ORDER; PLEDGE OF ALLEGIANCE & INOVOCATION**

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

**NEW BUSINESS:**

**ACCOUNTS PAYABLE (No. 1)**

MOTION: Mr. Kaiser made a motion to approve accounts payable. Mr. Randle seconded the motion. Motion carried on a vote of 3-0.

**PUBLIC COMMENT**

None

**ADJOURN (NO. 2)**

MOTION: Mr. Kaiser made a motion to adjourn. Mr. Randle seconded the motion. Motion carried on a vote of 3-0.

**MINUTES OF THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS  
EMERGENCY MEETING – AUGUST 31, 2017**

DeWitt County Commissioners Court met in emergency session August 31, 2017 at 1:30 p.m. in the County Courtroom at the DeWitt County Courthouse in Cuero, Texas, in accordance with Government Code §551.045 and §551.047 with the following members present:

County Judge Daryl L. Fowler  
Commissioner Curtis Afflerbach, Precinct 1  
Commissioner James Kaiser, Precinct No. 3  
Commissioner Richard Randle, Precinct No. 4

**NEW BUSINESS:**

**ORDER NO. 2017 – 057 (No. 1)**

MOTION: Mr. Kaiser made a motion to ratify Order No. 2017-057 an Order Declaring a Local State of Disaster. Mr. Randle seconded the motion. Motion carried on a vote of 4-0.

**ORDER NO. 2017 – 058 (No. 2)**

MOTION: Mr. Randle made a motion to ratify Order of Mandatory Evacuation, Order No. 2017-058. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0.

**ORDER NO. 2017 – 059 (No. 3)**

MOTION: Mr. Afflerbach made a motion to ratify Order No. 2017-059 assuming costs of operating the evacuation shelter at Cuero ISD Intermediate School. Mr. Kaiser seconded the motion. Motion carried on a 4-0.

**ORDER NO. 2017 – 060 (No. 4)**

MOTION: Mr. Afflerbach made a motion to ratify Order No. 2017-060 the Order Declaring a Countywide Curfew. Mr. Randle seconded the motion. Motion carried on a vote of 4-0.

**ORDER NO. 2017 – 061 (No. 5)**

MOTION: Mr. Kaiser made a motion to ratify Court Order No. 2017-061Order Modifying a Countywide Curfew Order 2017-060. Mr. Afflerbach seconded the motion. Motion carried on a vote of 4-0.

**ORDER NO. 2017 – 062 (No. 6)**

MOTION: Mr. Kaiser made a motion to adopt Order No. 2017-062 Order Renewing a Declaration of a Local Disaster. Mr. Afflerbach seconded the motion. Motion carried on a vote of 4-0.

### **ORDER NO. 2017 – 063 (No. 7)**

MOTION: Mr. Kaiser made a motion to ratify Court Order No. 2017-063 Order Modifying Countywide Curfew Order No. 2017-061. Mr. Randle seconded the motion. Motion carried on a vote of 4-0.

### **ORDER NO. 2017 – 064 (No. 8)**

MOTION: Mr. Randle made a motion to ratify Court Order No. 2017-064 the Order Modifying Countywide Curfew Order No. 2017-063. Mr. Afflerbach seconded the motion. Motion carried on a vote of 4-0.

### **ORDER NO. 2017 – 065 (No. 9)**

MOTION: Mr. Afflerbach made a motion to ratify Order No. 2017-065 the Order Rescinding Mandatory Evacuation Order No. 2017-058. Mr. Randle seconded the motion. Motion carried on a vote of 4-0.

### **DISASTER DECLARATION ORDER NO. 2017 – 01 (No. 10)**

MOTION: Mr. Kaiser made a motion to receive Order No. 2017-01 Order from the City of Cuero Declaring a Disaster. Mr. Randle seconded the motion. Motion carried on a vote of 4-0.

### **BURN BAN (No. 11)**

MOTION: Mr. Kaiser made a motion to rescind the current 90-day burn ban effective immediately. Mr. Randle seconded the motion. Motion carried on a vote of 4-0.

### **RESCHEDULE PUBLIC HEARING ON THE TAX RATE (No. 12)**

MOTION: Mr. Randle made a motion to reschedule public hearing on the tax rate to September 11, 2017 at 9:00 a.m. in the County Courthouse. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0.

### **RESCHEDULE PUBLIC HEARING ON THE FY2018 BUDGET (No. 13)**

MOTION: Mr. Randle made a motion to reschedule public hearing on the FY2018 budget in the DeWitt County Courthouse on September 11, 2017 at 9:00 a.m. Mr. Afflerbach seconded the motion. Motion carried on a vote of 4-0.

### **TJJD GRANTS CONTRACT AND REQUIREMENTS (No. 14)**

MOTION: Mr. Kaiser made a motion to approve the Texas Juvenile Justice Department State Aid and Targeted Grants Contract and General Grant Requirements for the 2018-2019 Biennium. Mr. Randle seconded the motion. Motion carried on a vote of 4-0.

## **ADVERTISE FOR BIDS FOR ROAD CONSTRUCTION SERVICES (No. 15)**

MOTION: Mr. Randle made a motion to authorize county auditor to advertise for bids for rental of road construction equipment and labor. Mr. Afflerbach seconded the motion. Motion carried on a vote of 4-0.

## **DEBRIS REMOVAL CONTRACT (No. 16)**

No action taken

## **PERSONNEL POLICY (No. 17)**

No action taken

## **DISCUSSION OF COMMISSIONER PRECINCT OPERATIONS (No. 18)**

Precinct No. 1 – pavement rolled up on Cheapside Road; wash out on a low water crossing

Precinct No. 3 – no road damage known of

Precinct No. 4 – concrete damage on bridge; wash out on a road

## **EMERGENCY RESPONSE DISCUSSION (No. 19)**

County Auditor Carrie Rea advised that the county has met the threshold; she is updating and getting ready to submit paperwork to FEMA; once submitted the county is eligible to be declared as a disaster area

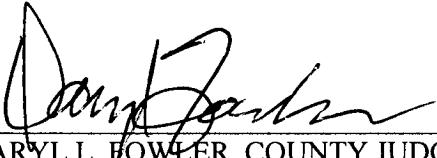
## **PUBLIC COMMENT**

City of Cuero Manager Raymie Zella and Mayor Sara Post Meyer spoke to the court asking how the county will advise the public of meeting the FEMA disaster requirements; city will be getting assistance with debris removal from GBRA and LCRA.

## **ADJOURN (No. 20)**

MOTION: Mr. Afflerbach made a motion to adjourn. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0.

THE FOREGOING MINUTES FOR THE MONTH OF AUGUST A.D. 2017 WERE READ AND APPROVED IN REGULAR SESSION OF COURT ON THIS THE 25TH DAY OF SEPTEMBER, A.D. 2017.



Daryl L. Fowler  
DARYL L. FOWLER, COUNTY JUDGE

ATTEST:

Natalie Carson  
NATALIE CARSON, DE WITT COUNTY CLERK

