

**MINUTES OF THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS**

**REGULAR MEETING – JANUARY 11, 2016**

DeWitt County Commissioners Court met in regular session January 11, 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. Pilchiek 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 & INOVOCATION**

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

**NEW BUSINESS:**

**PUBLIC HEARING (No. 1)**

Public Hearing held to provide opportunity for public comments on a proposal to establish a 25 mph speed limit on Hagan-Mott Road in Commissioner Precinct No. 2. 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. Pilchiek made a motion establishing a 25 mph speed limit on Hagan-Mott Road in Commissioner Precinct No. 2. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

**DETERMINE PUBLIC HEARING DATE (No. 4)**

MOTION: Mr. Afflerbach made a motion to establish a hearing date of February 8, 2016 for the purpose of establishing a “No Parking Zone” on St. John School Road adjacent to BHP Billiton Black Hawk facility in Commissioner Precinct No. 1 at 9:00 a.m. at the DeWitt County Courthouse. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

**LOCAL EMERGENCY MANAGEMENT PERFORMANCE GRANT (No. 5)**

MOTION: Judge Fowler made a motion to authorize judge to submit the application for FY 2016 emergency management performance grant. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

## **RESOLUTION REGARDING EARLY REDEMPTION OF CERTIFICATES OF OBLIGATION REFUNDING BONDS SERIES 2010 (No. 6)**

**MOTION:** Mr. Afflerbach made a motion to receive the Resolution of Consent of the Sole Bondholder of the Certificates of Obligation Refunding Bonds, Series 2010 that reflects the negotiated verbal agreement between the county judge and Prosperity Bank for an early redemption of that series to be effective January 15, 2016 as the closing date. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

## **CLOSING MEMORANDUM (No. 7)**

**MOTION:** Mr. Pilchiek made a motion to authorizing the county judge to execute a closing memorandum for the Certificates of Obligation Refunding Bonds, Series 2010 and authorizing the treasurer to execute a wire transfer payment of \$1,959,296.88 to the sole bondholder, Prosperity Bank, for the purpose of an early redemption and full final settlement of the obligation effective January 15, 2016. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

## **CLOSING MEMORANDUM (No. 8)**

**MOTION:** Judge Fowler made a motion to allow the county judge to execute the closing memorandum for the cash redemption of the DeWitt County, Texas Certificates of Obligation, Series 2006 and approve the closing invoice on the DeWitt County, Texas Certificates of Obligation, Series 2006 and authorize a Fed Funds wire transfers on February 11, 2016 for the following two transactions: 1) authorization to transfer \$668,264.39 to U.S. Bank NA which represents the next regularly scheduled principal and interest payment; and 2) payment of funds, a wire transfer authorized by this motion, of \$6,570,000 to U.S. Bank NA for the redemption and full settlement of the obligation effective February 11, 2016. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

## **RESTATEMENT OF THE DeWITT COUNTY 457 DEFERRED COMPENSATION PLAN THROUGH SECURITY BENEFIT (No. 9)**

**MOTION:** Mr. Afflerbach made a motion to adopt a resolution that reads resolved that the form of amended 457 Plan and Trust effective January 1, 2016, presented to this meeting is hereby approved and adopted and that an authorized representative of the Employer is hereby authorized and directed to execute and deliver to the Administrator of the Plan or more counterparts of the Plan. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

## **CONSIDER BUILDING USE POLICY CHANGE (No. 11)**

No action taken

## **STATUS REPORTS (No. 14)**

**MOTION:** Mr. Afflerbach made a motion to receive Collection of Delinquent Fines and Fees status reports from McCreary, Veselka, Bragg & Allen, PC for DeWitt County, Justice of the Peace Court No.1 and Justice of the Peace Court No. 2. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

## **FINANCIAL REPORT (No. 10)**

**MOTION:** Mr. Pilchiek made a motion to receive the DeWitt County Drainage District No. 1 Annual Financial Report for FY2015. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

## **CONSIDER REAPPOINTMENT (No. 12)**

MOTION: Mr. Kaiser made a motion to approve the reappointment of Debra Baros, to a two-year term (December 2015 through December 2017) to Gulf Bend Center Board of Trustees. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

## **TXDOT COUNTY ASSISTANCE PROGRAM (No. 13)**

MOTION: Mr. Kaiser made a motion to adopt Texas Department of Transportation County Assistance Program funding for FY 2016 the allocation amount of \$33,440. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

## **SALARY GRIEVANCE COMMITTEE (No. 15)**

MOTION: Mr. Pilchiek made a motion to adopt Section 152.014(2) to form a Salary Grievance Committee. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

## **APPOINTMENT OF PUBLIC MEMBERS TO SALARY GRIEVANCE COMMITTEE (No. 16)**

### **Appointed Members:**

Elipida Taylor, Larry Jiral, Brian Scott Irvin, Dennis Kutach, Sharon Massey, Todd Metting, Charles Tounley, Mark Veit and Emil Garza

### **Alternate Members:**

Laurie Angerstein, Pat Villa, Charles Chumchal, Norman Saenz, Warren Seidel, Gerald Clark, Richard Wheeler, Jerome Wild and William Potcinske

MOTION: Mr. Kaiser made a motion to appoint the nine members and alternates as drawn by DeWitt County Commissioner's Court as the County Salary Grievance Committee pursuant to Government Code Section 152.015. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

## **SET TERMS OF CONSTITUTIONAL COUNTY COURT (No. 17)**

MOTION: Mr. Kaiser made a motion to set terms of Constitutional County Court for the year 2016 pursuant to Government Code 26.002 as January 1st, April 1st, July 1st and October 1st with each term to run until the beginning of the next term. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

## **RECEIVE AND AWARD BIDS (No. 18)**

MOTION: Mr. Randle made a motion to receive bids for a belly dump trailer for Precinct No. 4 and accept the bid that was submitted by Superior Trailer Sales of \$30,925 and alternate bid would be Alamo City Trailer Sales for a 2016 Armor Lite for \$32,300. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

## **CERTIFICATE OF PARTICIPATION (No. 19)**

MOTION: Mr. Randle made a motion to receive Certificate of Participation from the V.G. Young Institute of County Government. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

## **TEMPORARY RIGHT OF WAY REQUESTS AND AGREEMENTS (No. 20)**

MOTION: Mr. Kaiser made a motion to approve temporary right of way request and agreement with Pioneer Natural Resources for installation of water lines along Gohlke School Road in Commissioner Precinct No. 3. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

## **TEMPORARY RIGHT OF WAY REQUESTS AND AGREEMENTS (No. 21)**

MOTION: Mr. Afflerbach made a motion to approve temporary right of way requests and agreements considering permit applications from Select Energy Services, LLC. for installation of water lines along Arndt Road, Boldt Road, Catholic Church Lane and Elder Road in Commissioner Precinct No. 1. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

## **MILEAGE REIMBURSEMENT RATE AND OVERNIGHT PER DIEM RATE (No. 22)**

MOTION: Mr. Randle made a motion to approve a decrease in the IRS Standard Mileage Rate and the overnight per diem rate effective January 1, 2016. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

## **DECLARE FIXED ASSETS AS SALVAGE (No. 23)**

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

## **COUNTY AUDITOR'S 1ST QUARTER FY 2016 CASH COUNT REPORT (No. 24)**

MOTION: Mr. Afflerbach made a motion to receive County Auditor's 1<sup>st</sup> quarter FY 2016 cash count report. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

## **ACCOUNTS PAYABLE (No. 25)**

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

## **BUDGET AMENDMENT REQUESTS (No. 26)**

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. 27)**

County Auditor reported that her office had received reports from all officials.

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

## **COUNTY TREASURER'S MONTHLY REPORT (No. 28)**

MOTION: Mr. Kaiser made a motion to approve County Treasurer's monthly report. Mr. Randle seconded the motion. Motion carried on a vote of 5-0. [Commissioners Court Order No. 2016-001]

## **COUNTY TREASURER'S QUARTERLY INVESTMENT REPORT (No. 29)**

MOTION: Mr. Kaiser made a motion to receive County Treasurer's quarterly report ending December 31, 2015. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

## **PERSONNEL CHANGES (No. 30)**

Dylan W. Slovacek, Jailer, Sheriff Office; resignation effective January 5, 2016; 7 months of employment; comp and vacation time will be paid out on last check

Tristrian Gray, Jailer, Sheriff Office; hired effective December 28, 2015; Category 12 Step 1; rate of pay to be \$1,404.21 B/W \$16.33 hourly; next possible step December 28, 2016

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

## **MINUTES (No. 31)**

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

## **BONDS AND/OR DEPUTATIONS (No. 32)**

Deputation for Robert Armstrong – Deputy Sheriff  
Deputation for Michael Kelley – Deputy Sheriff

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

## **COURTHOUSE/ANNEX EXPENDITURES/MAINTENANCE/IMPROVEMENTS (No. 33)**

Judge Fowler reported on the following:

1. Floors have been refinished in the County Judge's secretaries office
2. Judge Fowler re-painted the County Judge's secretaries office
3. Heaters – TP Industries have replaced parts; located a minor gas leak
4. Trane – replaced parts on the air conditioners

## **LEGISLATIVE UPDATE (No. 34)**

None

## **DISCUSSION OF COMMISSIONER PRECINCT OPERATIONS (No. 35)**

Commissioner Pct. 1 Curtis Afflerbach – received a call from a gentleman with Midtex offering the county a special deal on grader blades

Commissioner Pct. 2 James B. Pilchiek Sr. – finishing up on 9 miles of road, getting ready to prime depending on the weather

Commissioner Pct. 3 James Kaiser – Cotton Patch Road

Commissioner Pct. 4 Richard Randle – waiting on the weather to finish work on Verhelle Road; part of Buenger Road – part of the road got spongy, ABN Construction has come in and performed warranty work

County Auditor Carrie Rea reported that she has received the amounts needed to complete the lateral road reports.

## **PUBLIC COMMENT**

None

## **ADJOURN (No. 36)**

MOTION: Mr. Kaiser made a motion to adjourn. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0. [Adjourned at 11:30 a.m.]

## **MINUTES OF THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS**

### **REGULAR MEETING – JANUARY 25, 2016**

DeWitt County Commissioners Court met in regular session January 25, 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. Pilchiek 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 & INOVCATION**

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

## **TEXAS DEPARTMENT OF CRIMINAL JUSTICE PROJECT AGREEMENT (No. 1)**

MOTION: Mr. Afflerbach made a motion to approve the Texas Department of Criminal Justice Project Agreement between the Stevenson Unit of TDCJ and DeWitt County for the period of March 1, 2016 and May 2, 2016. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

## **COMMISSIONERS COURT MEETING DATE CHANGE OR CANCELLATION (No. 3)**

MOTION: Mr. Randle made a motion to change the commissioner's court meeting from February 22, 2016 to February 29, 2016 meeting in the DeWitt County Courthouse at 9:00 a.m. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

## **DETERMINE PUBLIC HEARING DATE (No. 2)**

Tim Pennell spoke to the court concerning the public safety hazard on Cheapside Road at Pennell Cattle Company.

MOTION: Mr. Afflerbach made a motion to set a public hearing date of February 29<sup>th</sup> at 9:00 a.m. in the DeWitt County Courthouse for the purpose of discussing the establishing a speed bump on Cheapside Road in DeWitt County Commissioner Precinct No. 1 around the area of Pennell Cattle Company. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

## **AUTHORIZE AUDITOR TO ADVERTISE FOR BIDS (No. 4)**

MOTION: Mr. Randle made a motion to authorize auditor to advertise for bids for 1) seal coating of roads, 2) "geogrid" type road base reinforcement materials, 3) motor fuels, 4) road materials, 5) asphalt oils, 6) pre-mix concrete product and concrete distribution services, and 7) vegetation management services. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

## **CONSIDER BUILDING USE POLICY CHANGE (No. 5)**

MOTION: Judge Fowler made a motion that the Commissioner's Court of DeWitt County adopt Court Order Number 2016-002 which is an order of the Commissioner's Court of DeWitt County, Texas limiting the possession of weapons in certain public buildings and prohibiting the possession of weapons on the premises of the DeWitt County Courthouse, premises of the DeWitt County Annex, premises of the DeWitt County Law Enforcement Center, premises of the Juvenile Correctional Facility, and certain other buildings owned by the county where possession of weapons is defined by Texas Penal Code Sections 46.03 and 46.035 as they are applicable; making for the provisions for the purchase and erection of appropriate signs. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

## **RESOLUTION TO ADD OPTIONAL WORKERS' COMPENSATION COVERAG (No. 6)**

MOTION: Mr. Kaiser made a motion to adopt a resolution to add "Election Personnel" as an eligible category of coverage in the Workers' Compensation insurance policy issued to the County of DeWitt through Texas Association of Counties Risk Management Pool. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0. [Commissioners Court Order No. 2016-003]

## **ANNUAL REPORT OF EMINENT DOMAIN AUTHORITY (No. 7)**

MOTION: Mr. Kaiser made a motion to authorize the county judge to create an online account at the Texas Comptroller of Public Accounts website and also authorize the electronic submission of the annual report required by Section D of the Texas Government Code Chapter 2206 without changes from the current status. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

## **TEMPORARY RIGHT OF WAY REQUEST AND AGREEMENT (No. 10)**

MOTION: Mr. Kaiser made a motion to approve temporary right of way request and agreement with Rain for Rent for installation of water lines along Harvey Hahn Road in Commissioner Precinct No. 3. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

## **TEMPORARY RIGHT OF WAY REQUEST AND AGEEMENT (No. 11)**

MOTION: Mr. Kaiser made a motion to approve the temporary right of way request and agreement with Roywell Services, Inc. for installation of water lines along Gohlke School Road in Commissioner Precinct No. 3. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

## **ACCOUNTS PAYABLE (No. 12)**

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. 13)**

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

## **DECLARE FIXED ASSETS AS SALVAGE (No. 14)**

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

## **PERSONNEL CHANGES (No. 15)**

Laura Kocurek, Part Time Clerk, Elections; hired effective January 19, 2016; rate of pay to be \$10.00/hour

Henry Schroeder, Equipment Operator, Precinct 2; hired effective January 19, 2016; Category 17 Step 2; rate of pay to be \$1421.78/bi-weekly \$17.77/hour; next possible step increase January 19, 2018

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

## **BONDS AND/OR DEPUTATIONS (No. 16)**

Bond of Bonnie Warwas, Justice of the Peace Pct. 1 Clerk

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

## **COURTHOUSE/ANNEX EXPENDITURES/MAINTENANCE/IMPROVEMENTS (No. 17)**

Judge Fowler reported that David has done some testing with Trane on the equipment failures with the big chillers.

## **LEGISLATIVE UPDATE (No. 18)**

Judge Fowler reported that he had been invited to sit on a panel at the Texas Bond Buyers Conference on February 2, 2016.

## **DISCUSSION OF COMMISSIONER PRECINCT OPERATIONS (No. 19)**

Commissioners discussed normal precinct operations.

## **RECESS**

Court recessed until 10:15 a.m.

## **RECONVENED**

Court reconvened at 10:20 a.m.

## **EXECUTIVE/CLOSED SESSION (No. 8)**

MOTION: Mr. Pilchiek made a motion to go into closed session under Government Code Section 551.071 to consult with attorney and appoint the county judge to keep the certified agenda of the closed court meeting. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

DeWitt County Commissioners Court went into an executive session at 10:25 a.m. to have the benefit of discussion with counsel and closed the executive session at 1:20 p.m. on this date January 25<sup>th</sup>. After the discussion there is no action to be taken out of that session.

## **DISCUSSION AND POTENTIAL ACTION (No. 9)**

Petitioners withdrew the petition that was submitted without exhibits (maps). The attorneys for the county and petitioners will consult.

MOTION: Mr. Afflerbach made a motion to table this item. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

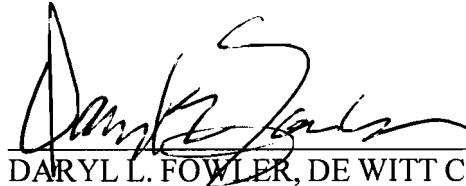
## **PUBLIC COMMENT**

Marcus Schwarz, Robert Oliver and Mark S. Zgabay spoke to the court concerning the closure to the public of a portion of Oliver Road in Commissioner Precinct No. 1.

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

MOTION: Mr. Kaiser made a motion to adjourn. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0. [Adjourned at 1:45 p.m.]

THE FOREGOING MINUTES FOR THE MONTH OF JANUARY A.D. 2016 WERE READ AND APPROVED IN REGULAR SESSION OF COURT ON THIS THE 29TH DAY OF FEBRUARY, A.D. 2016



DARYL L. FOWLER, DE WITT COUNTY JUDGE

ATTEST:



NATALIE CARSON, DE WITT COUNTY CLERK

