

**MINUTES OF THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS
REGULAR MEETING – JANUARY 9, 2017**

DeWitt County Commissioners Court met in regular session January 9, 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 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 led 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 for the installation of a stop sign at the intersection of Chaddock Lane and Bellevue Cemetery 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. Kaiser made a motion to approve the installation of stop sign at the intersection of Chaddock Lane and Bellevue Cemetery Road in Commissioner Precinct No. 1 effective when the signs are put up. Mr. Pilchiek seconded the motion. Motion carried on a vote of 4-0.

SCHEDULE PUBLIC HEARING (No. 5)

MOTION: Mr. Kaiser made a motion to schedule a public hearing date as February 13, 2017 at 9:00 a.m. in the DeWitt County Courthouse Courtroom for the purpose of a stop sign at Lincke Road and Kubala Store Road. Mr. Pilchiek seconded the motion. Motion carried on a vote of 4-0.

CHILD WELFARE BOARD (No. 7)

MOTION: Mr. Randle made a motion to approve the activation and use of a debit card for the Child Welfare Board account at Cuero National Bank. Mr. Pilchiek seconded the motion. Motion carried on a vote of 4-0.

MOTION: Mr. Randle made a motion to revoke the original motion. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0.

MOTION: Mr. Randle made a motion to approve the activation and use of a debit card for the president and treasurer only for the Child Welfare Board account at Cuero National Bank. Mr. Pilchiek seconded the motion. Motion carried on a vote of 4-0.

LETTER SUPPORTING HEALTHY SOUTH TEXAS PROGRAM (No. 4)

MOTION: Mr. Randle made a motion that DeWitt County Commissioners Court submit a letter supporting Healthy South Texas Program, authorize the county judge to draft and submit a letter of support for continued funding of the program and submit the same to the leadership of Texas A&M AgriLife Extension Service. Mr. Pilchiek seconded the motion. Motion carried on a vote of 4-0.

ADOPTION OF VOTING SYSTEM (No. 6)

MOTION: Mr. Randle made a motion to adopt a Commissioners Court Order Number 2017-002 declaring an electronic voting system according to Election Code 123.005. Mr. Kaiser seconded the motion.

EXECUTIVE/CLOSED SESSION (No. 8)

No action taken

DISCUSSION AND POTENTIAL ACTION (No. 9)

No action taken

CERTIFICATES OF COMPLETION (No. 10)

MOTION: Mr. Kaiser made a motion to receive certificates of completion for County Treasurer Carol Ann Martin for completion of 5 hours of instruction specific to the statutory requirements of the Texas Government Code Chapter 2256.008 of the Public Funds Investment Act and for completion of 12.5 hours of educational instruction specific to the statutory requirements of the Texas Local Government Code Section 83.003. Mr. Pilchiek seconded the motion. Motion carried on a vote of 4-0.

CERTIFICATE OF COMPLETION (No. 11)

MOTION: Mr. Kaiser made a motion to receive Certificate of Completion for Judge Daryl Fowler from Texas State University, San Marcos for the successful completion of 5 hours of Public Funds Investment Act Training. Mr. Randle seconded the motion. Motion carried on a vote of 4-0.

SUBSURFACE EASEMENT (No. 12)

MOTION: Mr. Pilchiek made a motion to approve a subsurface easement agreement between DeWitt County and BHP Billiton Petroleum Properties for three wellbores (Big Oak C 3H, Lyman A 4H and Lyman A 5H) under Emil Blank Road in Commissioner Precinct No. 2. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0.

TEMPORARY RIGHT OF WAY REQUEST AND AGREEMENT (No. 13)

MOTION: Mr. Kaiser made a motion to approve temporary right of way request and agreement permit applications from Burlington Resources Oil & Gas, L.P., for installation of water lines along Respondek Road in Commissioner Precinct No. 1 and Hy. (Henry) Koopmann Road and Salt Creek Cemetery Road in Precinct No. 3. Mr. Pilchiek seconded the motion. Motion carried on a vote of 4-0.

DECLARE FIXED ASSETS AS SALVAGE (No. 14)

No action taken

ACCOUNTS PAYABLE (No. 15)

MOTION: Mr. Kaiser made a motion to approve accounts payable. Mr. Pilchiek seconded the motion. Motion carried on a vote of 4-0.

BUDGET AMENDMENT REQUESTS (No. 16)

MOTION: Mr. Pilchiek made a motion to approve budget amendment requests. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0.

COUNTY AUDITOR'S CASH COUNT REPORT 1ST QUARTER FY 2017 (No. 17)

MOTION: Mr. Randle made a motion to receive County Auditor's Cash Count Report 1st quarter FY 2017. Mr. Pilchiek seconded the motion. Motion carried on a vote of 4-0.

MONTHLY REPORT OF OFFICIALS (No. 18)

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

MOTION: Mr. Kaiser made a motion to approve monthly reports of officials. Mr. Pilchiek seconded the motion. Motion carried on a vote of 4-0.

COUNTY TREASURER'S MONTHLY REPORT (No. 19)

MOTION: Mr. Kaiser made a motion to receive and approve Order Approving Treasurer's Monthly Report. Mr. Randle seconded the motion. Motion carried on a vote of 4-0.

COUNTY TREASURER'S QUARTERLY INVESTMENT REPORT (No. 20)

MOTION: Mr. Kaiser made a motion to receive County Treasurer's Quarterly Investment Report. Mr. Pilchiek seconded the motion. Motion carried on a vote of 4-0.

RESOLUTION FOR SIGNATURE AUTHORITY (No. 21)

MOTION: Mr. Kaiser made a motion to adopt Commissioners Court Order Number 2017-003 a resolution designating signature authority to update Inmate Trust, Sheriff Cash Bond and Tax Assessor Collector accounts. Mr. Randle seconded the motion. Motion carried on a vote of 4-0.

DEPOSITORY BIDS (No. 22)

MOTION: Mr. Kaiser made a motion to authorize county treasurer to advertise for depository bids and establish a date of February 22, 2017 at 10:00 a.m. that bids shall be delivered to the county judge or a designated representative. Mr. Pilchiek seconded the motion. Motion carried on a vote of 4-0.

PERSONNEL CHANGES (No. 23)

Richard Ramirez, Sergeant/Investigator, Sheriff Office; from Patrol Deputy to Sergeant/Investigator effective January 1, 2017; Category 14 Step 3; 2 years 7 months of employment; rate of pay to be \$1,806.24/bi-weekly \$21.00/hour; next possible step increase June 6, 2019; comp time will be paid out on next check

Esther Francis, Chief Deputy, Tax Office; from Deputy Clerk to Chief Deputy effective January 2, 2017; Category 3 Step 6; 10 years 7 months of employment; rate of pay to be \$1,661.69/bi-weekly \$20.77/hour; next possible step increase May 15, 2019; comp time will be paid out on next check

Melissa Gunter, Assistant, Juvenile Probation; resignation effective January 13, 2017; 4 years 2 months of employment; comp and vacation will be paid out on last check

Brandon M. Mueller, Jailer, Sheriff Office; resignation effective January 6, 2017; Category 12 Step 1; 9 months of employment; comp and vacation time will be paid out on last check

Justin Villanueva, Equipment Operator, Precinct 4; resignation effective January 5, 2017; 1 year 2 months of employment; no comp or vacation time to pay out

MOTION: Mr. Kaiser made a motion to approve personnel changes. Mr. Randle seconded the motion. Motion carried on a vote of 4-0.

MINUTES (No. 24)

MOTION: Mr. Randle 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 4-0.

BONDS AND/OR DEPUTATIONS (No. 25)

Bonds for Anton J. Rohan, III - Deputy Tax Assessor Collector; Bonnie Warwas - Justice of the Peace Pct. #1 Clerk; Dr. Glenn Robertson – Drainage District Pct. #1 Commissioner

Deputations for the following: Deputy Tax Assessor Collectors Dee Ann Watt, Justin Ruiz, Esther Francis and Ashley Mraz; Sheriff Deputies John A. Oglesby, Robert Armstrong, Santos Calderon, Jr., Shane Carver, Patrick J. Charlton, Raul Diaz, Philip D. Imes, Michael Kelley, Brandon Mays, Steven Nelson, Christopher Pothoff, Richard Ramirez, Marion Seelke, James Ellis Timpone, Jr., and Ariana Vavrusa; Reserve Sheriff Deputies Billy J. Beldin, Michael Todd Parkinson, Todd Pfenninger and Martha A. Williamson

MOTION: Mr. Pilchiek made a motion to approve bond of Anton J. Rohan, III as Deputy Tax Assessor Collector. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0.

MOTION: Mr. Randle made a motion to approve bond of Dr. Glenn Robertson as Drainage District No 1 Commissioner. Mr. Pilchiek seconded the motion. Motion carried on a vote of 4-0.

MOTION: Mr. Randle made a motion to approve bond of Bonnie Warwas as Justice of the Peace Clerk. Mr. Pilchiek seconded the motion. Motion carried on a vote of 4-0.

MOTION: Mr. Kaiser made a motion to approve deputations. Mr. Randle seconded the motion. Motion carried on a vote of 4-0.

COURTHOUSE/ANNEX EXPENDITURES/MAINTENANCE/IMPROVEMENTS (No. 26)

Judge Fowler reported that the cameras are functioning and recording; door locks have been installed and the county will be migrating from keys to electronic devices to open the doors.

Judge Fowler reported that on Saturday he assisted David Slovacek with water valve for the alarm system outside which was leaking water and filling up the curb.

Judge Fowler reported that Justice of the Peace Pct. 1 Peggy Mayer has placed a sign outside her office advising of new office hours of Monday thru Thursday 8:00 a.m. to noon and 1:00 p.m. to 5:00 p.m. and closed on Fridays effective January 1, 2017 due to the reduction in office staff by commissioner's court.

LEGISLATIVE UPDATE (No. 27)

Texas Association of Texas Counties at the Capitol day will be January 24, 2017.

In December Judge Fowler, Steve Holzheasuer and Jim Allison had a successful meeting with Chief of Staff for Representative Drew Darby.

DISCUSSION OF COMMISSIONER PRECINCT OPERATIONS (No. 28)

Mr. Randle reported that the Fordtran bridge project is fully operational and once he gets some rail installed it will be complete.

Commissioners discussed routine operations.

PUBLIC COMMENT

None

ADJOURN (No. 29)

MOTION: Mr. Kaiser made a motion to adjourn. Mr. Randle seconded the motion. Motion carried on a vote of 4-0. [Adjourned at 11:10 a.m.]

**MINUTES OF THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS
REGULAR MEETING – JANUARY 23, 2017**

DeWitt County Commissioners Court met in regular session January 23, 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
County Clerk Natalie Carson

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:

ELECTRONIC VOTING EQUIPMENT (No. 1)

MOTION: Mr. Pilchiek made a motion to authorize county judge to sign a Purchase Order #1945 for the amount of \$393,579.50 for electronic voting equipment and software pursuant to authorization granted through Department of Information Resources (DIR) and Hart Intercivic. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

BUDGET AMENDMENT REQUEST (No. 2)

MOTION: Judge Fowler made a motion to approve an order declaring a grave public necessity; meeting an unusual and unforeseen condition; authorizing an emergency expenditure in the amount of \$393,579.50; authorizing county auditor to transfer out of General Fund into Elections budget pursuant to authority given in Local Government Code §111.010. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

SOFTWARE LICENSE AGREEMENT (No. 3)

MOTION: Mr. Pilchiek made a motion to enter into a software license agreement for Hart Intercivic Verity hardware and software license, support services, and warranty for electronic voting equipment. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

CERTIFICATE OF COMPLETION (No. 13)

MOTION: Mr. Afflerbach made a motion to receive Certificate of Course Completion for Carl R. Bowen from the Texas Attorney General, for the successful completion of a course of training on the Texas Public Information Act pursuant to the Government Code, Section 552.012. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

CONSTABLE PRECINCT NO. 1 REPORT (No. 14)

MOTION: Mr. Randle made a motion to receive 2016 yearly activity report from Constable Kelly Phelps. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

CodeRED NEXT SERVICES AGREEMENT (No. 4)

MOTION: Mr. Randle made a motion to approve CodeRED Next Services Agreement between Emergency Communications Network, LLC and DeWitt County (Licensee) for emergency communication services (Reverse 911 with SMS text messaging). Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

INTERLOCAL AGREEMENT (No. 5)

MOTION: Mr. Pilchiek made a motion to approve an Interlocal agreement between the County of DeWitt and the City of Cuero for the cost sharing of annual services fees for emergency communication services provided through a license granted to DeWitt County through the CodeRED Next Services Agreement effective February 2, 2017, Court Order #2017-005. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

INTERLOCAL AGREEMENT (No. 6)

MOTION: Mr. Kaiser made a motion to approve an Interlocal agreement between the County of DeWitt and the City of Yoakum for the cost sharing of annual services fees for emergency communication services provided through a license granted to DeWitt County through the CodeRED Next Services Agreement effective February 2, 2017, Court Order #2017-006. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

INTERLOCAL AGREEMENT (No. 7)

MOTION: Mr. Kaiser made a motion to approve an Interlocal agreement between the County of DeWitt and the City of Yorktown for the cost sharing of annual services fees for emergency communication services provided through a license granted to DeWitt County through the CodeRED Next Services Agreement effective February 2, 2017, Court Order #2017-007. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

BURN BAN (No. 9)

MOTION: Mr. Afflerbach made a motion to enact burn ban for safety purposes, Court Order #2017-008. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

AFFIDAVIT TO ENTER PRIVATE PROPERTY (No. 8)

MOTION: Mr. Afflerbach made a motion to approve affidavit allowing entrance to private property for Commissioner Precinct No. 2. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

GUADALUPE RIVER PADDLING TRAIL (No. 15)

No action taken

SALARY GRIEVANCE COMMITTEE (No. 10)

MOTION: Mr. Pilchiek made a motion to adopt Government Code Section 152.014(2) to form a Salary Grievance Committee consisting of nine (9) public members. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

APPOINTMENT OF PUBLIC MEMBERS TO SALARY GRIEVANCE COMMITTEE (No. 11)

Appointed Members:

Shawnee Harryman, Conception Rocha, Lucille F. Gips, Jeanine Coppedge, William Mistchell Robinson, James Allen Rath, Eleazar Gonzales, Charles Stanley Sutton, III and Loudella E. Davis

Alternate Members:

Annita Rios, Stephanie Ann Flessner, Charles Shellenbarger, Paul Michael Huber, Suzanne Marion Bell, Dennis Jacob Scott, Chad Starkey, Brenda Carol Stevens and Conyetta Gaus Swaney

MOTION: Mr. Kaiser made a motion to appoint the nine (9) members and alternates as drawn by DeWitt County Commissioners 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. 12)

MOTION: Mr. Kaiser made a motion to set terms of Constitutional County Court for the year 2017 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.

TXDOT COUNTY ASSISTANCE PROGRAM (No. 16)

MOTION: Mr. Kaiser made a motion to adopt Texas Department of Transportation County Assistant Program funding for FY2017 with the allocation amount of \$31,109. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

AUTHORIZE AUDITOR TO ADVERTISE FOR BIDS (No. 17)

MOTION: Mr. Kaiser made a motion to authorize the county auditor to advertise for bids: 1) seal coating, 2) motor fuels, 3) road paving materials, 4) asphalt oils and 5) concrete. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

DECLARE FIXED ASSETS AS SALVAGE (No. 18)

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.

ACCOUNTS PAYABLE (No. 19)

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

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

BUDGET AMENDMENT REQUESTS (No. 20)

No budget amendment requests presented.

PERSONNEL CHANGES (No. 21)

James Buesing, Part-Time Jailer, Sheriff Office; resignation effective January 6, 2017; 4 year 2 months of employment

Eric Ridolph, Jailer, Sheriff Office; termination effective January 13, 2017; 1 year 1 month of employment

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

BONDS AND/OR DEPUTATIONS (No. 22)

Bond of Edward Douglas Sethness Jr. and Wallace W. Beck

MOTION: Mr. Kaiser made a motion to approve bond of Edward Douglas Sethness Jr. as bound to Drainage District #1 in the amount of \$10,000.00. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

MOTION: Judge Fowler made a motion to reject bond of Wallace W. Beck which is made bound to the County Treasurer. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

COURTHOUSE/ANNEX EXPENDITURES/MAINTENANCE/IMPROVEMENTS (No. 23)

Judge Fowler reported that the automatic door locking system is ready but will wait to activate until Building Supt. David Slovacek returns.

LEGISLATIVE UPDATE (No. 24)

January 24th will be TAC Counties at Capitol Day. Mr. Randle is planning on attending.

DISCUSSION OF COMMISSIONER PRECINCT OPERATIONS (No. 25)

Mr. Randle reported that Fordtran Road is completed except for painting the guardrail. He is now working on Hopkinsville Road.

Mr. Pilchiek reported that he is waiting on ABN Construction to perform work on Emil Blank Road.

Mr. Kaiser reported that work will begin on Sunday Lane tomorrow.

Mr. Afflerbach reported that Mr. Underbrink will be sending his survey crew to the railroad property

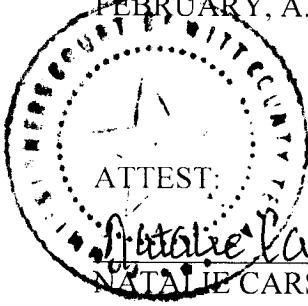
PUBLIC COMMENT

None

ADJOURN (No. 26)

MOTION: Mr. Kaiser made a motion to adjourn. Mr. Randle seconded the motion. Motion carried on a vote of 5-0. [Adjourned at 11:40 a.m.]

THE FOREGOING MINUTES FOR THE MONTH OF JANUARY A.D. 2017 WERE READ AND APPROVED IN REGULAR SESSION OF COURT ON THIS THE 13TH DAY OF FEBRUARY, A.D. 2017.



ATTEST:

Natalie Carson
NATALIE CARSON, DE WITT COUNTY CLERK

Daryl L. Fowler
DARYL L. FOWLER, DE WITT COUNTY JUDGE