

MINUTES OF THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS

REGULAR MEETING – MAY 9, 2016

DeWitt County Commissioners Court met in regular session May 9, 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. Afflerbach gave the invocation.

NEW BUSINESS:

INTERLOCAL AGREEMENT (No. 1)

MOTION: Mr. Kaiser made a motion to ratify the Interlocal Agreement between Victoria County Juvenile Board and DeWitt County Juvenile Board for juvenile services on a temporary basis. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

BUDGET AMENDMENT REQUEST (No. 2)

Passed

INTERLOCAL AGREEMENT FOR CODE RED SERVICES (No. 3)

MOTION: Mr. Afflerbach made a motion to approve to enter into an Interlocal Agreement between City of Yorktown and County of DeWitt for CODE RED (reverse 911) services effective May 12, 2016 for a term of one year at an annual amount of \$2,086.00. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

SICK LEAVE POLICY (No. 4)

Court discussed the current employee paid sick leave policy in the DeWitt County Personnel and Policy Manual and a provision allowing an employee to donate accrued individual paid sick leave to another employee. No action taken by the court.

TOBACCO SETTLEMENT PROCEEDS PAYMENT (No. 5)

MOTION: Mr. Randle made a motion to receive 2016 Texas Department of State Health Service payment from tobacco settlement proceeds in the amount of \$11,151.52. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

FORFEITED GAMBLING MACHINES (No. 6)

MOTION: Mr. Randle made a motion to authorize DeWitt County Auditor to dispose of forfeited gambling machines through the means of 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 AUDITOR TO ADVERTISE FOR BIDS (No. 7)

MOTION: Mr. Kaiser made a motion to authorize the auditor to advertise for bids for the need for the outsourcing of labor and equipment rental to outside contractors for the purpose of road repair and construction and establish a spending limit for labor and rental of construction equipment during a specified contract term not to exceed 12 months.

Mr. Kaiser rescinded his motion.

No action taken by the court.

AWARD OF BID (No. 8)

MOTION: Mr. Afflerbach made a motion to award Hot Mix Asphalt Road Materials Bids for product Item A being I-340-C PG70-22 SAC B primary to Brauntex Materials at \$67.50 and alternate to Colorado Materials at \$79. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

MOTION: Mr. Afflerbach made a motion to authorize the approval of the bid for Hot Mix Item B which is I-340-C PG64-22 SAC B primary Brauntex Materials Inc. and the alternate being Colorado Materials Ltd. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

MOTION: Mr. Afflerbach made a motion to authorize bid for Hot Mix Materials Item C HMAC Type D primary bidder being Brauntex Materials Inc. at \$62.50 alternate Colorado Materials at \$73. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

COMMISSIONERS COURT MEETINGS (No. 9)

MOTION: Mr. Afflerbach made a motion to change the second Commissioners Court meeting normally held on the second Monday of each month which would be on the 27th to the 30th of that same week. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

TEMPORARY RIGHT OF WAY REQUESTS AND AGREEMENTS (No. 10)

MOTION: Mr. Afflerbach made a motion to approve the right of way requests and agreements permit applications from Burlington Resources Oil & Gas, L.P. for installation of water lines along Kubala Store Road and Seidel Road in Commissioner Precinct No. 1 and Haase Road in Commissioner Precinct No. 3. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

TEMPORARY RIGHT OF WAY REQUESTS AND AGREEMENTS (No. 11)

MOTION: Mr. Afflerbach made a motion to approve temporary right of way requests and agreements permit application from Wolverine Enterprises for Oliver Road and Bellevue Cemetery Road in Commissioner Precinct No. 1. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

DRAINAGE DISTRICT (No. 12)

No action taken by the court.

ACCOUNTS PAYABLE (No. 13)

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. 14)

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

MONTHLY REPORT OF OFFICIALS (No. 15)

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

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

COUNTY TREASURER'S MONTHLY REPORT (No. 16)

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

PERSONNEL CHANGES (No. 17)

None

MINUTES (No. 18)

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

BONDS AND/OR DEPUTATIONS (No. 19)

None

COURTHOUSE/ANNEX EXPENDITURES/MAINTENANCE/IMPROVEMENTS (No. 20)

Trane representative checked the entire air conditioning system last week; this week the system is not working properly.

Komatsu contract – waiting on County Attorney Raymond H. Reese

Commissioner Afflerbach talked with someone concerning installing guards on the gutters to help keep the birds out. Judge Fowler suggested that the county not do anything at this time and let the architect handle the problem.

LEGISLATIVE UPDATE (No. 21)

Judge Fowler met with Senator Kolkhurst last Friday. Judge offered to have her influence the Select Committee on taxation to come to DeWitt County or even the Sunset Commission and hold a hearing on the Railroad Commission.

DISCUSSION OF COMMISSIONER PRECINCT OPERATIONS (No. 22)

Commissioners discussed routine precinct operations.

PUBLIC COMMENT

None

ADJOURN (No. 23)

MOTION: Mr. Kaiser made a motion to adjourn. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0. [Adjourned at 10:15 a.m.]

MINUTES OF THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS

REGULAR MEETING – MAY 23, 2016

DeWitt County Commissioners Court met in regular session May 23, 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

TJJD STATE AID GRANT (No. 1)

MOTION: Judge Fowler made a motion to ratify the action of the Juvenile Board to amend the State Aid and Targeted Grant Contract 2016 – 2017 Biennium. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

JUVENILE PROBATION RECORDS (No. 2)

Passed

COMPUTING SERVICES CONTRACT (No. 4)

Passed

AERIAL FIREWORKS BAN (No. 3)

No action taken

RESOLUTION OPPOSING TxDMV RULE CHANGES (No. 5)

MOTION: Mr. Kaiser made a motion to approve the Resolution opposing rule changes at the Texas Department of Motor Vehicles. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

SALE OF SURPLUS COUNTY REAL ESTATE (No. 6)

MOTION: Mr. Pilchiek made a motion to appoint Commissioner Precinct No. 1 Curtis Afflerbach to conduct a sale of surplus county real estate being 3.266 acres on FM 766 adjacent to North Cuero Watershed Drainage ditch. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

SICK LEAVE POLICY AMENDMENT (No. 7)

MOTION: Mr. Afflerbach made a motion to approve the sick leave policy amendment to the DeWitt County Personnel and Policy Manual; considering a provision allowing an employee to donate accrued individual paid sick leave to another employee. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

AFFORDABLE CARE ACT REPORTING AND TRACKING SERVICE (ARTS) RENEWAL INFORMATION (No. 10)

MOTION: Mr. Kaiser made a motion to approve the ACA Reporting and Tracking Service (ARTS) 2016 Renewal Confirmation Program Agreement; ACA Reporting and Tracking Service (ARTS) Contact Designation Form and the ACA Reporting and Tracking Service (ARTS) HEBP Member (Fully Insured or ASO) 2016 Fee Schedule (Renewal). Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

AUTHORIZE AUDITOR TO ADVERTISE FOR BIDS (No. 12)

No action taken

AUTHORIZE AUDITOR TO SELL SURPLUS PROPERTY (No. 13)

MOTION: Mr. Afflerbach made a motion to authorize auditor to sell surplus property pursuant to Local Government Code 263, Subchapter D. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

GOVDEALS AUCTION REPORT (No. 14)

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

CERTIFICATE OF COMPLETION (No. 15)

MOTION: Mr. Randle made a motion to receive a certificate recognizing Kelly J. Phelps, DeWitt County Constable Precinct No. 1, for successful completion of the Texas Constable's Leadership College, Class #12. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

COMMISSIONERS ANNUAL ROAD REPORT 2016 (No. 16)

MOTION: Mr. Afflerbach made a motion to change the previously adopted due date for the Commissioners Annual Road Report to June 30, 2016. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

PIPELINE CROSSING PERMIT (No. 17)

MOTION: Mr. Afflerbach made a motion to approve permit request application of Burlington Resources Oil & Gas Company, LP to cross Respondek Road in Commissioner Precinct No. 1. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

ACCOUNTS PAYABLE (No. 18)

MOTION: Mr. Kaiser made a motion to approve accounts payable No. 1. Mr. Pilchiek seconded the motion. Motion carried on a vote of 5-0.

MOTION: Mr. Kaiser made a motion to approve accounts payable No. 2. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

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

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

BUDGET AMENDMENT REQUESTS (No. 19)

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

PERSONNEL CHANGES (No. 20)

Ernest Sertuche, Chief Juvenile Probation Officer, Juvenile Probation; deceased status effective April 15, 2016; 15 years 4 months of employment; payout vacation and comp time on last pay check

Richard Ramirez, Patrol Deputy, Sheriff Office; step increase effective June 6, 2016; Category 15 Step 3; 2 years of employment; rate of pay to be \$1,719.94/bi-weekly \$20.00/hour; next possible step increase June 6, 2019; comp time will be paid out at time of step

Erin Anzaldua, Dispatcher, Sheriff Office; step increase effective June 8, 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 June 8, 2017; comp time will be paid out at time of step

Leonides Vasquez, Deputy, District Clerk; hired effective May 16, 2016; Category 1 Step 1; rate of pay to be \$1,146.60/bi-weekly \$14.33/hour; next possible step increase May 16, 2017

Maria Rosie Ybarra, Emergency Management Coordinator, Emergency Management; resignation effective June 3, 2016; 2 years 6 months of employment; comp and vacation time will be paid out on last check

Brittany Damian, Part-Time Secretary, District Attorney; termination effective May 17, 2016; 1 year 1 month of employment

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

BONDS AND/OR DEPUTATIONS (No. 21)

Bond for Leonides Vasquez – Deputy District Clerk

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

COURTHOUSE/ANNEX EXPENDITURES/MAINTENANCE/IMPROVEMENTS (No. 22)

Judge Fowler reported on the following items:

1. Trane – replaced some censors
2. Heavy rains caused leaking in the courtroom, treasurer's office and basement,

County Auditor Carrie Rea reported that the Historical Museum had roof damage from the strong winds; a claim has been submitted to TAC; \$1,000 deductible

County Auditor Carrie Rea reported the Juvenile Probation Department has had new signs placed at their office; requested information as to whether the invoice needed to be submitted through commissioner's court or approved by Judge Fowler; Judge Fowler's recommendation was to send the purchase order through his office for approval

LEGISLATIVE UPDATE (No. 23)

Judge Fowler did not have anything to update.

PROFESSIONAL SERVICES AGREEMENT (No. 8)

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

PROFESSIONAL SERVICES AGREEMENT (No. 9)

MOTION: Mr. Randle made a motion to approve the professional agreement between DeWitt County and Lockwood, Andrews and Newnam, Inc. for professional services involving the development of the countywide Hazard Mitigation Plan. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

PURCHASING POLICY AMENDMENT (No. 11)

MOTION: Mr. Kaiser made a motion to approve the amendment to the DeWitt County Purchasing Policy by adding a new section titled “Disposition of Salvage or Surplus Property”. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

DISCUSSION OF COMMISSIONER PRECINCT OPERATIONS (No. 24)

Commissioners discussed routine precinct operations.

PUBLIC COMMENT

County Attorney Raymond H. Reese made a public comment to the court concerning the request to Commissioners Court to abandon/close a portion of Oliver Road and divert traffic to a different route. Mr. Reese drove down the road last weekend after the rain and reported that there was water on the road and there were grooves in the road that had eroded.

ADJOURN (No. 25)

MOTION: Mr. Afflerbach made a motion to adjourn. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0. [Adjourned at 11:10 a.m.]

**MINUTES OF THE JOINT MEETING DEWITT COUNTY COMMISSIONERS COURT
AND DEWITT COUNTY ENERGY TRANSPORTATION REINVESTMENT ZONE (CETRZ)
ADVISORY BOARDS, NO. 1, NO. 2 AND NO. 3**

JOINT MEETING MAY 25, 2016

DeWitt County Commissioners Court and DeWitt County Energy Transportation Reinvestment Zone (CETRZ) No. 1, No. 2 and No. 3 met in a joint meeting on May 25, 2016 at 1:30 p.m. in the County Courtroom at the DeWitt County Courthouse in Cuero, Texas, with the following members present:

Commissioner Curtis Afflerbach, Precinct No. 1
Commissioner James B. Pilchiek, Sr., Precinct No. 2
Commissioner James Kaiser, Precinct No. 3
Deputy County Clerk Pam Brandstetter
Warren Seidel, local board member, CETRZ Advisory Board Member No. 1
Al Janak, local board member, CETRZ Advisory Board Member No. 2
Ted Dlugosch, local board member, CETRZ Advisory Board Member No. 3
Harlan Metting, local board member, CETRZ Advisory Board Member No. 3
Kevin Labus, CETRZ Advisory Board Member, representing Pioneer Natural Resources on CETRZ Nos. 1, 2, and 3
Charles E. Cole, CETRZ Advisory Board Member, representing Devon Energy and BHP Billiton on CETRZ Nos. 1, 2, and 3
Randy Black, CETRZ Advisory Board Member, representing Conoco Phillips on CETRZ Nos. 1, 2, and 3

CALL TO ORDER, PLEDGE OF ALLEGIANCE & INVOCATION

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

MINUTES (No. 1)

MOTION: Mr. Kaiser made a motion to approve the minutes of the last meeting. Mr. Pilchiek seconded the motion. Motion carried on a vote of 3-0.

FY2016 CETRZ BUDGETS (No. 2)

CETRZ Zone 1 (Commissioner Pct. 1):

Appropriations of \$1,116,573.00, activity to date as of May 25, 2016 of \$94,764.68 leaving a balance of \$1,021,808.32

CETRZ Zone 2 (Commissioner Pct. 2):

Appropriations of \$757,336.00, activity to date as of May 25, 2016 of \$593,625.20 leaving a balance of \$163,710.80

CETRZ Zone 3 (Commissioner Pct. 3):

Appropriations of \$4,028,831.00; activity to date as of May 25, 2016 of \$ 3,474,778.14 leaving a balance of \$554,052.86

FY2016 CETRZ PROJECTS UNDERWAY (No. 3)

CETRZ Zone 1 (Commissioner Pct. 1)

Bellview Cemetery Road (5.4 miles of road from FM 766 to Cheapside Road);
Schulle & Meyer Roads (from FM 238 to the county line)
DuBose Ranch Road (1/2 mile)

CETRZ Zone 2 (Commissioner Pct. 2)

Martinez Road; Rathkamp-Dreyer, Lone Tree & Dreyer-Turkey Bottom and Rathkamp Roads
(12.4 miles total)
Steen Road; Braden Road

CETRZ Zone 3 (Commissioner Pct. 3)

Frank Kozielski Road; Davy Road; Metting School Road; Sunday Lane; Cotton Patch Road
VFW Road should be done next week

FY2016 & FY2017 CETRZ PROJECTS CONTEMPLATED (No. 4)

CETRZ Zone 1 (Commissioner Pct. 1)

Metting School Road (4/10 mile in Pct. 1); Smith Ranch Road (from Pioneer facility); Hilbrich Road, Nolte Boehl Road and Schlinke Road

CETRZ Zone 2 (Commissioner Pct. 2)

H. Blank Road; Emil Blank Road

CETRZ Zone 3 (Commissioner Pct. 3)

Sunday Lane; Simpson Ranch Road; Community Hall Road; Crestview; Howard Road

FY2016 CETRZ ADVISORY BOARD REPORT AND RECOMMENDATIONS (No. 5)

CETRZ Zone 1 (Commissioner Pct. 1)

Cleaning ditches and culverts on Kubala Store Road and DuBose Ranch Road;
Charles Cole advised there is a rig on Kubala Store Road which will be there until January;
Charles Cole advised his company may be doing water transfer lines on Elder Road, Oliver Road and Bellevue Road;
Church Lane repairs

CETRZ Zone 2 (Commissioner Pct. 2)

None

CETRZ Zone 3 (Commissioner Pct. 3)

VFW Road between FM 240 and FM 108 has a lot of truck traffic; Community Hall Road, Crestview Road, Howard Road; Gohlke School Road;
Oil activity on Cottonpatch Road, Garfield Road and Sunday Lane

Randy Black, Conoco representative, will present the commissioners court and CETRZ board members a 2016 completion rig activity and 2017 drilling and frac schedules.

MOTION: Mr. Kaiser made a motion to receive report of CETRZ Advisory Board. Mr. Pilchiek seconded the motion. Motion carried on a vote of 3-0.

PUBLIC COMMENT

None

ADJOURN (No. 6)

MOTION: Mr. Kaiser made a motion to adjourn. Mr. Pilchiek seconded the motion. Motion carried on a vote of 3-0. [Adjourned at 2:50 p.m.]

THE FOREGOING MINUTES FOR THE MONTH OF MAY A.D. 2016 WERE READ AND APPROVED IN REGULAR SESSION OF COURT ON THIS THE 13TH DAY OF JUNE, A.D. 2016




DARYLL L. FOWLER, DE WITT COUNTY JUDGE

Natalie Carson
NATALIE CARSON, DE WITT COUNTY CLERK