

**MINUTES OF THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS  
REGULAR MEETING – OCTOBER 10, 2016**

DeWitt County Commissioners Court met in regular session October 10, 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 Kaiser, Precinct No. 3  
Commissioner Richard Randle, Precinct No. 4  
Deputy County Clerk Pam Brandstetter

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

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

**NEW BUSINESS:**

**2016 DeWITT COUNTY TAX ROLL (No. 1)**

MOTION: Mr. Kaiser made a motion to receive the 2016 DeWitt County tax roll from the County Tax Assessor pursuant to Tax Code, Title 1 Property Tax Code, Section D, and Chapter 26.09(e). Mr. Afflerbach seconded the motion. Motion carried on a vote of 4-0.

**2016 DeWITT COUNTY ROAD & BRIDGE TAX ROLL (No. 2)**

MOTION: Mr. Kaiser made a motion to receive the 2016 DeWitt County Road and Bridge tax roll from the County Tax Assessor pursuant to Tax Code, Title 1 Property Tax Code, Section D, and Chapter 26.09(e). Mr. Randle seconded the motion. Motion carried on a vote of 4-0.

**LOCAL EMERGENCY PLANNING COMMITTEE (No. 3)**

MOTION: Mr. Randle made a motion to receive the appointments of chairman Cindy Smith, DeWitt County Emergency Management Coordinator and vice-chairman Keifer "Buddy" Harwell, Fire Marshall with the Cuero Fire Department, to the LEPC board of directors and authorize the county judge to submit TDEM Form #151 to the State Emergency Response Commission (SERC). Mr. Afflerbach seconded the motion. Motion carried on a vote of 4-0.

**PROJECT AGREEMENT FORM (No. 4)**

MOTION: Mr. Afflerbach made a motion to approve the Project Agreement Form between Texas Department of Criminal Justice and DeWitt County for prison labor at the DeWitt County Historical Museum with the effective date of November 1, 2016 through April 28, 2017. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0.

**RESOLUTION ON TEXAS INDIGENT DEFENSE FORMULA GRANT PROGRAM (No.5)**

MOTION: Mr. Kaiser made a motion to adopt a resolution designating the county judge as the Authorized Official, authorizing the county judge to apply for and manage the Indigent Defense Formula Grant and designating the county auditor as the Financial Officer for the FY2017 grant, Order Number 2016-034. Mr. Randle second the motion. Motion carried on a vote of 4-0.

**RESOLUTION AUTHORIZING COUNTY GRANT (No. 6)**

MOTION: Mr. Kaiser made a motion to adopt resolution certifying that the county has made a \$7,000 grant to Community Action Committee of Victoria that provides home-delivered meals to homebound persons in the county who are elderly and/or have a disability and certifying that the county has approved the organization's accounting system or fiscal agent, Order Number 2016-035. Mr. Afflerbach seconded the motion. Motion carried on a vote of 4-0.

**AMEND CONTRACT WITH SHELBY SONNTAG (No. 7)**

Passed

**AMEND CONTRACT WITH D. ROSS BRAUNE (No. 8)**

Passed

**TEMPORARY RIGHT OF WAY REQUEST AND AGREEMENT (No. 9)**

MOTION: Mr. Afflerbach made a motion to approve temporary right of way request and agreement permit application from EOG Resources, Inc., for installation of a water line along Hahn Road in Commissioner Precinct No. 1. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0.

**POLICY AND PROCEDURE MANUAL (No. 10)**

MOTION: Mr. Kaiser made a motion to amend the manual in respect to sick leave and strike the language "The maximum length of time an employee may be off and continue to be employed by DeWitt County is 12 weeks. Employees who exceed the maximum 12 weeks shall be terminated unless otherwise required by state or federal law. Should an employee terminated for the above stated reason be rehired within 365 days of termination, he will be immediately eligible for benefits and will accrue vacation and similar benefits with an adjusted hire date." Mr. Randle seconded the motion. Motion carried on a vote of 4-0.

**COUNTY AUDITOR'S ANNUAL REPORT (No. 11)**

MOTION: Mr. Randle made a motion to receive county auditor's report on Fiscal Year 2016. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0.

**COUNTY AUDITOR'S 4TH QUARTER CASH COUNT REPORT (No. 12)**

MOTION: Mr. Kaiser made a motion to receive county auditor's fourth quarter cash count report. Mr. Afflerbach seconded the motion. Motion carried on a vote of 4-0.

**GOVDEALS AUCTION REPORT (No. 13)**

MOTION: Mr. Randle made a motion to receive report on the results of the September 3-12, 2016 GovDeals Online Auction. Mr. Afflerbach seconded the motion. Motion carried on a vote of 4-0.

**ACCOUNTS PAYABLE: (No. 14)**

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

**BUDGET AMENDMENT REQUESTS (No. 15)**

None

**MONTHLY REPORT OF OFFICIALS (No. 16)**

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

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

**COUNTY TREASURER'S MONTHLY REPORT (No. 17)**

MOTION: Mr. Kaiser made a motion to receive and approve County Treasurer's monthly report. Mr. Randle seconded the motion. Motion carried on a vote of 4-0.

**COUNTY TREASURER'S QUARTERLY INVESTMENT REPORT (No. 18)**

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

**COUNTY TREASURER'S ANNUAL REPORT (No. 19)**

MOTION: Mr. Kaiser made a motion to receive County Treasurer's Annual Report with the amended date on the letterhead to be October 10, 2016. Mr. Afflerbach seconded the motion. Motion carried on a vote of 4-0.

**DeWITT COUNTY INVESTMENT POLICY AND INVESTMENT STRATEGIES (No. 20)**

MOTION: Mr. Kaiser made a motion that pursuant to Local Government Code §116.112 and the Public Funds Investment Act §2256.005(e) the county adopt a resolution adopting an investment policy and investment strategies, Order Number 2016-027. Mr. Randle seconded the motion. Motion carried on a vote of 4-0.

MOTION: Mr. Kaiser made a motion to adopt investment policy and investment strategy, Order Number 2016-028. Mr. Randle seconded the motion. Motion carried on a vote of 4-0.

MOTION: Mr. Kaiser made a motion to adopt investment policy and investment strategy, Order Number 2016-029. Mr. Randle seconded the motion. Motion carried on a vote of 4-0.

MOTION: Mr. Kaiser made a motion to adopt investment policy and investment strategy, Order Number 2016-030. Mr. Randle seconded the motion. Motion carried on a vote of 4-0.

## **LIST OF QUALIFIED BROKERS (No. 21)**

Robert Ross, Funds Management Group Inc.  
Michael Kalina, Cuero National Bank Branch of First National Bank of Shiner

MOTION: Mr. Randle made a motion to adopt the Order Number 2016-031 a resolution to adopt list of qualified dealers pursuant to Public Funds Investment Act §2256.005(4). Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0.

MOTION: Mr. Randle made a motion to adopt the Order Number 2016-032 the certification form in accordance to Texas Government Code §2256.005(k). Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0.

## **PERSONNEL CHANGES (No. 22)**

Cindy Bonner, Administrator, Election; resignation effective September 30, 2016; 2 years 6 months of employment

Kenneth Siegel, Equipment Operator, Precinct 2; hired effective October 3, 2016; Category 17 Step 1; rate of pay to be \$1,377.68/bi-weekly \$17.22/hour; next possible step increase October 3, 2017

Christopher Pothoff, Deputy, Sheriff; step increase effective October 19, 2016; Category 15 Step 2; 1 year of employment; rate of pay to be \$1,672.53/bi-weekly \$19.45/hour; next possible step increase October 19, 2017; comp time will be paid out at time of step

Melissa Guajardo, Jailer, Sheriff; step increase effective October 20, 2016; Category 12 Step 2; 1 year of employment; rate of pay to be \$1,451.62/bi-weekly \$16.88/hour; next possible step increase October 20, 2017; comp time will be paid out at time of step

Jace Balderaz, Jailer, Sheriff; step increase effective October 26, 2016; Category 12 Step 2; 1 year of employment; rate of pay to be \$1,451.62/bi-weekly \$16.88/hour; next possible step increase October 26, 2017; comp time will be paid out at time of step

Justin Villanueva, Equipment Operator, Precinct 4; step increase effective October 27, 2016; Category 17 Step 2; 1 year of employment; rate of pay to be \$1,421.78/bi-weekly \$17.77/hour; next possible step increase October 27, 2017; comp time will be paid out at time of step

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

## **MINUTES (No. 23)**

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

## **BONDS AND/OR DEPUTATIONS (No. 24)**

None

## **COURTHOUSE/ANNEX EXPENDITURES/MAINTENANCE/IMPROVEMENTS (No. 25)**

Electrical wiring in the computer closet of the annex will commence shortly; still working on developing plans and acquiring all the equipment necessary for the cameras and the locks at the annex.

Water filtration company here this week trying to discover what has caused the rust in the closed loops; beginning to believe it is the galvanized joints

Judge Fowler request that the commissioners look at the parking area on the north side of the courthouse and possible one of the precincts could patch the potholes

**LEGISLATIVE UPDATE (No. 26)**

Judge Fowler announced that concerning the application that was submitted in June for the TAC Best Practices Award the county received notification that both pieces of legislation have been deemed to be recipients of this year's TAC Award for Best Practices.

**DISCUSSION OF COMMISSIONER PRECINCT OPERATIONS (No. 27)**

Commissioners discussed routine precinct operations.

**PUBLIC COMMENT**

None

**ADJOURN (No. 28)**

MOTION: Mr. Kaiser made a motion to adjourn. Mr. Afflerbach seconded the motion. Motion carried on a vote of 4-0. [Adjourned at 10:00 a.m.]

**MINUTES OF THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS  
REGULAR MEETING – OCTOBER 24, 2016**

DeWitt County Commissioners Court met in regular session October 24, 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 led everyone in the pledge of allegiance. Mr. Randle gave the invocation.

**NEW BUSINESS:**

**PUBLIC HEARING (No. 1)**

Public hearing was held to provide opportunity for public comments on a proposal to consider installing a stop sign on Crestview Road at the intersection of Metting School Rd. in Commissioner Precinct No. 3. 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 install a stop sign on Crestview Rd. at the intersection of Metting School Road in Commissioner Precinct No. 3 effective as soon as the sign goes up. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

**SCHEDULE PUBLIC HEARING (No. 4)**

MOTION: Mr. Afflerbach made a motion to schedule a public hearing on November 28, 2016 in the County Courthouse Courtroom at 9:00 a.m. to consider proposal to establish a 45 MPH speed limit on Meyer Road and Schulle Road in Commissioner Precinct No. 1. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

**2016 SALARY ORDER AMENDMENT (No. 5)**

Victoria City-County Health District Director Derrick Neal spoke to the court concerning the vacancy and staffing of the Cuero-DeWitt County Health Department.

MOTION: Mr. Randle made a motion to amend the salary order and job description of Nurse Manager from \$55,000 to \$45,000 and maintain the LVN position at the current schedule. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0. [Commissioners Court Order Number 2016-037]

**RESOLUTION AUTHORIZING ELECTRONIC SIGNATURE (No. 6)**

MOTION: Mr. Randle made a motion to adopt resolution under order #2016-038 a resolution providing for electronic signatures; appointing an authorized designee Derrick Neal; providing for Department of State Health Services Contract execution; in compliance with the Texas Open Meetings Act. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

**RENEWAL APPLICATIONS FOR INSURANCE POLICIES (No. 14)**

MOTION: Mr. Kaiser made a motion to approve renewal of applications for crime, auto physical damage, auto liability, general liability, public officials' liability and law enforcement liability. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

**ORDER AUTHORIZING PURCHASE OF CERTIFICATES OF DEPOSIT (No. 15)**

MOTION: Mr. Kaiser made a motion to approve an Order Authorizing County Treasurer to Purchase Certificates of Deposit for Commissioner Precinct No. 1 and Commissioner Precinct No. 3 from Cuero National Bank – Branch of First National Bank of Shiner, Order #2016-036, in the amount of \$100,000 for a term of 182 days. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

**CONTRACT FOR NON-SECURE JUVENILE RESIDENTIAL SERVICES (No. 9)**

MOTION: Mr. Kaiser made a motion to approve contract for court-ordered non-secure residential placement of juvenile offenders between Renewed Strength Treatment Center and the County of DeWitt effective through August 31, 2017. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

**CONTRACT FOR PRE-ADJUDICATION JUVENILE DETENTION SERVICES (No. 10)**

MOTION: Mr. Afflerbach made a motion to approve contract for pre-adjudication residential placement of juvenile offenders between Guadalupe County Juvenile Services and the County of DeWitt. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

**CONTRACT FOR POST-ADJUDICATION JUVENILE RESIDENTIAL SERVICES (No. 11)**

MOTION: Mr. Afflerbach made a motion to approve contract for post-adjudication residential placement of juvenile offenders between Cornell Corrections of Texas, Inc. and the County of DeWitt. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

**AMENDMENT OF CONTRACT FOR JUVENILE COUNSELING SERVICES (No. 12)**

MOTION: Mr. Afflerbach made a motion to approve amendment of contract for juvenile counseling services provided by Shelby Sonntag per amendment of Article V, Compensation; authorizing the county judge to amend the contract as chairman of the juvenile board. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

**AMENDMENT OF CONTRACT FOR JUVENILE COUNSELING SERVICES (No. 13)**

MOTION: Mr. Afflerbach made a motion to approve amendment of contract for juvenile counseling services with D. Ross Braune per amendment of Article V, Compensation; authorizing the county judge to amend the contract as chairman of the juvenile board. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

**PIPELINE CROSSING PERMITS (No. 17)**

MOTION: Mr. Afflerbach made a motion to approve permit applications of BHP Billiton Petroleum (Eagle Ford Gathering LLC) to cross Catholic Church Lane in Commissioner Precinct No. 1, permits #2016-00035 and 2016-00036. Mr. Pilchick 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. Randle seconded the motion. Motion carried on a vote of 5-0.

**ACCOUNTS PAYABLE: (No. 19)**

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

**BUDGET AMENDMENT REQUESTS (No. 20)**

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

**WELLNESS CENTER PROPOSAL (No. 16)**

B-Fit Wellness Center Manager Lacy Blinka presented a proposal regarding the financial sponsorship of a weight loss and fitness program for an undesignated county employee. No action taken.

**LEGISLATIVE UPDATE (No. 24)**

Court discussed December 19 or December 20 as proposed dates for TAC Award Luncheon.

**PERSONNEL CHANGES (No. 21)**

Timothy R. Poynter, Assistant District Attorney, District Attorney; hired effective October 10, 2016; rate of pay to be \$66,000.00 annual salary

Steven Sangster, Jailer, Sheriff Office; hired effective October 12, 2016; Category 12 Step 1; rate of pay to be \$1,404.21/bi-weekly \$16.33/hour; next possible step increase October 12, 2017

Jason Zabransky, Equipment Operator, Precinct 2; step increase effective November 3, 2016; Category 17 Step 3; 2 years of employment; rate of pay to be \$1,465.88/bi-weekly \$18.32/hour; next possible step increase November 3, 2019; comp time will be paid at time of step

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)**

None

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

Judge Fowler reported that the cameras have been installed but not hooked up yet. A meeting will be held this Wednesday with the Security Company, Historical Commission and Komatsu Architectural.

County Auditor Carrie Rea reported that the county's AT&T phone bill long distance costs have doubled; her office has been in contact with a representative of AT&T; AT&T advised that the county was no longer under a contract; therefore, the fees have increased. Mrs. Rea is checking with some companies that check into any errors, overcharges and getting the money back to the county.

**EXECUTIVE/CLOSED SESSION (No. 7)**

Judge Fowler announced that the court is now in executive session at 10:26 a.m. to pick up agenda item #7 regarding a real estate matter.

Court returned to open session at 11:13 a.m.

**DISCUSSION AND POTENTIAL ACTION (No. 8)**

No action taken

**DISCUSSION OF COMMISSIONER PRECINCT OPERATIONS (No. 25)**

Mr. Randle reported his precinct has completed Mission Valley paving 1.8 miles using left over rock. He has also started on the FEMA program of re-doing Fordtran Road wash outs from the Memorial Day flood.

Mr. Afflerbach reported that the large amount within accounts payable for his precinct was carry over because Brannan Brothers were unable to complete the project within 2016 budget year due to the rain.



**PUBLIC COMMENT**

None

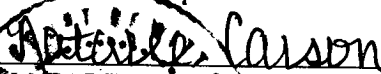
**ADJOURN (No. 26)**

MOTION: Mr. Afflerbach made a motion to adjourn. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0. [Adjourned at 11:15 a.m.]

THE FOREGOING MINUTES FOR THE MONTH OF OCTOBER A.D. 2016 WERE READ AND APPROVED IN REGULAR SESSION OF COURT ON THIS THE 14TH DAY OF NOVEMBER, A.D. 2016

  
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CURTIS AFFLEBACH, COMMISSIONER PCT. 1

ATTEST:

  
\_\_\_\_\_  
NATALIE CARSON, DE WITT COUNTY CLERK

