

**MINUTES OF THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS
REGULAR MEETING – SEPTEMBER 13, 2021**

DeWitt County Commissioners Court met in regular session September 13, 2021 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 G. Afflerbach, Precinct No. 1
Commissioner James B. Pilchick Sr., Precinct No. 2
Commissioner James Kaiser, Precinct No. 3
Commissioner Richard Randle, Precinct No. 4

Call to Order; Pledge of Allegiance & Invocation

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

New Business:

Burn Ban (No. 1)

Court passed on taking any action.

Public Hearing (No. 1)

Public hearing held in order to provide opportunity for public comments on establishing a 30 MPH speed limit on Schroeder Road in Commissioner Precinct No. 3.

After discussion with the oil companies and landowners, Mr. Kaiser suggested a 40 MPH speed limit instead of a 30 MPH.

Tara Friesenhahn spoke in favor of a lower speed limit.

Aaron Koopmann spoke in favor of a 40 MPH speed limit.

Close Public Hearing (No. 2)

Judge Fowler closed the public hearing.

Rule on Public Hearing (No. 3)

MOTION: Mr. Kaiser made a motion to establish a 40 MPH speed limit on Schroeder Road in Commissioner Precinct No. 3 effective when the signs are placed. Mr. Pilchick 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 designating Schroeder Road as a No Thru Truck Traffic road in Commissioner Precinct No. 3.

Mr. Kaiser withdrew the proposal for a No Thru Truck Traffic road.

Tara Friesenhahn and Thomas Stepanski spoke in favor of a No Thru Truck Traffic road.

Bill Odom, Ensign Natural Resources Surface Ops Lead – Land Department, spoke against a No Thru Traffic road.

Aaron Koopmann spoke against a No Thru Traffic road.

Close Public Hearing (No. 5)

Judge Fowler closed the public hearing.

Rule on Public Hearing (No. 6)

No action taken.

Appraisal District Board of Directors for 2022-2023 Term (No. 7)

Patrick Elder advised the court that he would not be seeking a re-nomination to the Appraisal District Board of Directors for 2022-2023 term.

No action taken.

175th Anniversary Celebration Schedule (No. 8)

Court received the final schedule update from DeWitt County Historical Commission for 175th Anniversary Celebration.

Inmate Health Services Agreement (No. 12)

MOTION: Mr. Kaiser made a motion to approve the renewal rate for the (Inmate) Health Services Agreement between Southern Health Partners and DeWitt County for the period beginning October 1, 2021 through September 30, 2022. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

Interlocal Agreement with North Cuero Watershed for Sharing Contracted Services (No. 10)

MOTION: Mr. Afflerbach made a motion to approve to enter into an interlocal agreement between the County of DeWitt and North Cuero Watershed for the mutual benefit of sharing the services of general contractors operating under competitively bid contracts, Order Number 2021-047. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

HB2521 Division Order (No. 9)

MOTION: Mr. Randle made a motion to receive division order from Hurd Enterprises LLC (HB2521) for the McCabe #2 Unit and authorize the county judge to sign. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

Grant Application for Home-Delivered Meals (No. 11)

MOTION: Mr. Kaiser made a motion to approve the 2022 Texans Feeding Texans: Home Delivered Meal Grant Program provided through the Texas Dept. of Agriculture; and adopt a resolution authorizing a county grant in support of services provided by Community Action Committee of Victoria. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

Interlocal Agreement for Environmental Public Health Services (No. 13)

MOTION: Mr. Afflerbach made a motion to approve the Interlocal Agreement between Victoria County Public Health Department and DeWitt County for environmental public health services for a one-year term beginning September 20, 2021 at a rate of \$5,437.50 per month. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

Professional Services Contract (No. 14)

MOTION: Mr. Kaiser made a motion to extend an Agreement between Cornerstone Government Affairs, Inc. and DeWitt County for strategic consulting and advocacy services (governmental affairs). Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

Interlocal Agreement (No. 15)

MOTION: Mr. Afflerbach made a motion to approve an Interlocal Agreement between the County of Atascosa and the County of DeWitt for sharing the expense of legislative consulting services for a one-year term beginning October 1, 2021. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

Interlocal Agreement (No. 16)

MOTION: Mr. Kaiser made a motion to approve an Interlocal Agreement between the County of Gonzales and the County of DeWitt for sharing the expense of legislative consulting services for a one-year term beginning October 1, 2021. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

Interlocal Agreement (No. 17)

MOTION: Mr. Afflerbach made a motion to approve an Interlocal Agreement between the County of Karnes and the County of DeWitt for sharing the expense of legislative consulting services for a one-year term beginning October 1, 2021. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

Interlocal Agreement (No. 18)

MOTION: Mr. Kaiser made a motion to approve an Interlocal Agreement between the County of McMullen and the County of DeWitt for sharing the expense of legislative consulting services for a one-year term beginning October 1, 2021. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

Certificate of Completion (No. 19)

MOTION: Mr. Afflerbach made a motion to receive Certificate of Completion from the V.G. Young Institute of County Government for Commissioner James Kaiser for successfully completing 13 hours of educational training during the 87th Annual South Texas County Judges and Commissioners Association Conference, June 28-July 1, 2021. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

Workers Compensation and Return to Work Policy Update (No. 20)

MOTION: Mr. Randle made a motion to approve the updated Worker's Compensation Policy and Return to Work Policy effective immediately and upon validation from worker compensation that the injury is work related, the PTO days spent will be put back into the bank. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

Clerk's Note: Court reconsidered this agenda item later in the meeting in between the interviews with consulting engineering firms.

MOTION: Mr. Randle made a motion to rescind the motion that I made on workers compensation and return to work policy update. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

MOTION: Mr. Randle made a motion that DeWitt County will compensate employees 100% for the first seven (7) days of absence due to a work related injury, however, if Worker's Compensation denies the claim, then the county will deduct the first seven (7) days from the employee's PTO balance. If no PTO balance exists, the employee will have to reimburse the county. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.
Please see page 7 for more information.

Paid Quarantine Leave Policy (No. 21)

MOTION: Mr. Kaiser made a motion to approve a policy regarding paid leave during quarantine of certain employees pursuant to HB 2073 (87-R). Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

Resolution On Texas Indigent Defense Formula Grant Program (No. 22)

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 FY2022 grant, Court Order Number 2021-048. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

Award of Bid Road Construction & Maintenance (No. 23)

MOTION: Mr. Afflerbach made a motion to award all bids, ABN Construction, H&C Construction and CK Newberry LLC, and contracts for Construction and or Maintenance of Asphalt Roadways and related improvements at various locations in DeWitt County. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

Contract Extension (No. 24)

No action taken.

Temporary Right of Way (No. 25)

MOTION: Mr. Kaiser made a motion to approve the temporary right of way agreement from SwiftWater Energy Services for installation of temporary water line along Ryan Ranch Road, Alfred Blaschke Road, Onken Road, and Cabeza Road in Commissioner Precinct No. 3. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

Temporary Right of Way (No. 26)

MOTION: Mr. Afflerbach made a motion to approve temporary right of way permit application from EOG Resources for installation of temporary water line along Hahn Road in Commissioner Precinct No. 1. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

Monthly Report of Officials (No. 27)

County Auditor Carrie Rea reported that her office had received monthly reports from half of the officials.

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

County Auditor's Monthly Report (No 28)

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

County Treasurer's Monthly Report (No. 29)

MOTION: Mr. Kaiser made a motion to receive report and approve the Order Approving Treasurer's Monthly Report, Court Order Number 2021-046. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

Minutes (No. 30)

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

Accounts Payable (No. 31)

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

Ratified Accounts Payable (No. 32)

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

Budget Amendment Requests (No. 33)

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

Bonds (No. 34)

No bonds.

Courthouse/Annex/Museum Expenditures/Maintenance/Improvements (No. 35)

Judge Fowler reported that there was some boiler issues in the basement of the courthouse. Trane will be looking into the problem.

Judge Fowler reported that Mr. Blank was working on the sprinkler system around the courthouse.

Judge Fowler reported that Vincent Ramirez and JC Stoddard are coming to perform the punch list of the drainage work that was performed around the outside of the courthouse.

Legislative Update (No. 36)

Judge Fowler reported that the Legislature would reconvene on September 25, 2021 to discuss redistricting.

Discussion of Commissioner Precinct Operations (No. 37)

Commissioner Precinct No. 1 reported on work being performed on Von Haefen Road and will start grant project on Hahn Road.

Commissioner Precinct No. 2 reported normal operations.

Commissioner Precinct No. 3 reported normal operations.

Commissioner Precinct No. 4 reported on CTIF grant work being performed on Thomaston River Road.

County Building Workshop (No. 38)

Mr. Randle reported that the tile was supposed to be delivered last Friday and the pavers were being delivered today.

Mr. Randle reported that the punch list with the building committee is scheduled for Wednesday, September 15th.

Judge Fowler reported that he met last Friday with Joey Trungale regarding Mr. Trungale's concerns with the server cabinets that were installed and the wiring.

COVID-19 Disaster Update (No. 39)

Judge Fowler reported that COVID-19 is still in the community.

Recess

Court recessed until 1:30 p.m.

Reconvene

Court reconvened at 1:30 p.m.

Interviews with Consulting Engineering Firms (No. 40)

Court conducted interviews with the short list of engineering firms nominated by Commissioners Court on July 12, 2021, which consisted of Urban Engineering and CivilCorp. RG Rosin Group, Inc. withdrew.

Adjourn (No. 41)

MOTION: Mr. Kaiser made a motion to adjourn. [Adjourned at 3:35 p.m.]

**MINUTES OF THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS
REGULAR MEETING – SEPTEMBER 27, 2021**

DeWitt County Commissioners Court met in regular session September 27, 2021 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 G. Afflerbach, Precinct No. 1
Commissioner James B. Pilchick Sr., Precinct No. 2
Commissioner James Kaiser, Precinct No. 3
Commissioner Richard Randle, Precinct No. 4

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:

Court Order Regarding County Flags Lowered to Half-Staff (No. 4)

MOTION: Mr. Afflerbach made a motion to ratify the Court Order Lowering United States and Texas Flags to Half-Staff from sunset Friday, September 24th through Sunday, September 26th in honor of DPS Special Agent Dustin Slovacek. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

Burn Ban (No. 2)

MOTION: Mr. Kaiser made a motion to adopt a burn ban for the unincorporated areas of the county to take place at 12:01 a.m. on September 28, 2021, Court Order Number 2021-055. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

Schedule a Public Hearing (No. 3)

MOTION: Mr. Pilchick made a motion to schedule a public hearing for a 35 MPH Speed Limit on Hample Road on October 25, 2021 at 9 a.m. in the DeWitt County Courthouse. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

Proclamation for 2021 National 4-H Week (No. 9)

MOTION: Mr. Randle made a motion to adopt a proclamation designating October 3 through October 9, 2021 as National 4-H Week in DeWitt County. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

DeWitt County Drainage District No. 1 Budget (No. 8)

MOTION: Mr. Kaiser made a motion to receive the FY2022 Budget and the FY2022 Order Setting Salaries of the commissioners and employees of DeWitt County Drainage District No. 1. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

District Attorney Forfeited Property Budget (No. 6)

MOTION: Mr. Randle made a motion to receive the proposed budget of the District Attorney Seized & Forfeited Narcotics Assets for FY2021 pursuant to Chapter 59.06(d) of the Code of Criminal Procedures. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0

Court Order Designating Day(s) of Week Court Shall Convene (No. 5)

MOTION: Mr. Randle made a motion to adopt Court Order No. 2021-053 designating the day(s) of the week commissioners court shall convene during the 2022 fiscal year pursuant to Local Government Code §81.005. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

Appraisal District Board of Directors for 2022-2023 Term (No. 3)

No action taken.

District Court Reporters' Salaries (No. 7)

MOTION: Mr. Kaiser made a motion to receive the Order(s) from the Administrative District Judges setting and allocating the salaries of the Official Court Reporters for the 24th, 135th, 267th Judicial Districts and the Official Alternate Court Reporter for the 24th, 135th, 267th and 377th Judicial Districts. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

Practitioner Agreement (No. 10)

MOTION: Mr. Kaiser made a motion to approve the Practitioner Agreement by and between TML MultiState Intergovernmental Employee Benefits Pool and Cuero-DeWitt County Health Department for the City of Yoakum, Date of Service - October 28, 2021. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

Field Agreement for Predatory Animal Control (No. 11)

MOTION: Mr. Kaiser made a motion to approve a Field Agreement between the County of DeWitt and the USDA, Texas AgriLife Extension and Texas Wildlife Damage Management Association, Inc. for predatory animal control beginning October 1, 2021 and ending September 30, 2022. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

Order Authorizing Continuing Education (No. 12)

MOTION: Mr. Afflerbach made a motion to approve Order Number 2021-056 authorizing online continuing education instruction for County Commissioners pursuant to Section 81.0025(b) of Senate Bill 230. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

Pipeline Crossing Permit (No. 13)

MOTION: Mr. Kaiser made a motion to approve pipeline crossing permit with Burlington Resources to cross Schultz Road (3 separate lines) in Commissioner Precinct No. 3. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

Records and Proceeds from the Sale of Salvage or Surplus Property (No. 14)

MOTION: Mr. Randle made a motion to receive report from Auditor showing records and proceeds from the sale of salvage or surplus property pursuant to Local Government Code §263, Subchapter D. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

Accounts Payable (No. 15)

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

Ratified Accounts Payable (No. 16)

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

Bonds (No. 18)

None

Courthouse/Annex/Museum Expenditures/Maintenance/Improvements (No. 19)

Judge Fowler reported that the sprinkler system had been installed. Mr. Blank will return the middle of October to finish off leveling the ground, removing the big chunks of rocks and begin to lay sod by the end of October.

Mr. Randle reported that the museum ladies were appreciative of the air conditioning. Mr. Randle and Mr. Afflerbach reported on the other repairs on the list.

Legislative Update (No. 20)

Judge Fowler reported that work was being done on the redistricting maps.

Discussion of Commissioner Precinct Operations (No. 21)

Commissioner Precinct No. 1 reported that Von Haefen Road has been stabilized; starting work on Elder Road and possibly starting work on Hahn Road (grant road) this week.

Commissioner Precinct No. 2 reported that the work had been finished on Hample Road, starting seal coating today on 3 ½ miles of Cattleguard Road and when finished will start seal coating on the remaining portion of Cattleguard Road all the way to FM 1447.

Commissioner Precinct No. 3 absent during this agenda item.

Commissioner Precinct No. 4 reported that Thomaston River Road has been stabilized and plan to start paving next week (5.3 miles).

Brett Ckudre addressed the court regarding the condition of a road in front of his residence in Commissioner Precinct No. 3.

County Building Workshop (No. 22)

Mr. Randle reported that the contractor is working thru the punch list; tile is all installed and are cleaning the main stairway. The elevator is installed but waiting on the connection of the telephone line and cannot be used until it is state inspected. The pavers are in and will be installed after the bricklayers finish the front of the building.

COVID-19 Disaster Update (No. 23)

No COVID-19 disaster update.

Recess

Court recessed until 1:30 p.m.

Reconvene

Court reconvened at 1:30 p.m.

Budget Amendment Request (No. 17)

MOTION: Mr. Randle made a motion to approve budget amendments. Mr. Afflerbach seconded the motion. Motion carried on a vote of 4-0 with Mr. Kaiser absent.

Adjourn (No. 24)

MOTION: Mr. Randle made a motion to adjourn. [Adjourned at 1:40 p.m.]

THE FOREGOING MINUTES FOR THE MONTH OF SEPTEMBER A.D. 2021 WERE READ AND APPROVED IN REGULAR SESSION OF COURT ON THIS THE 11TH DAY OF OCTOBER, A.D. 2021.


CURTIS AFFLERBACH
PRO TEM

ATTEST: 
NATALIE CARSON, COUNTY CLERK

