

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

DeWitt County Commissioners Court met in regular session December 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 (arrived late)
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:

Public Hearing (No. 1)

Public hearing held in order to provide opportunity for public comments on establishing a 45 MPH speed limit on Garrett Road in Commissioner Precinct No. 2. No one was present to speak either for or against establishing the speed limit.

Close Public Hearing (No. 2)

Judge Fowler closed the public hearing.

Rule on Public Hearing (No. 3)

MOTION: Mr. Pilchick made a motion to establish a 45 MPH speed limit on Garrett Road in Commissioner Precinct No. 2 to be effective when the signs go up. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

Resolution Adopting Allocation Methods in Opioid Settlement (No. 4)

MOTION: Mr. Randle made a motion to adopt and approve the Janssen Texas Statewide Opioid Settlement Agreement and Settlement Term Sheet, Resolution Number 2021-071. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

Request from Constable Hobbs for Handheld Radio (No. 6)

MOTION: Mr. Kaiser made a motion to authorize Constable Pct. 2 Jefferson Hobbs to replace an obsolete Motorola handheld radio with an Apex 4000 handheld radio, paid out of Justice Court Security Fund, for the amount of \$2,385.80. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

Appraisal District Board of Directors Candidate Nomination for 2022-2023 term (No. 13)

MOTION: Mr. Afflerbach made a motion to approve adoption of the resolution casting votes for nominees to the 2022-2023 DeWitt County Appraisal District board of directors with 1000 of our votes going to James Pilchick and 469 of our votes going to Pat Elder. Mr. Randle seconded the motion. Motion carried on a vote of 4-0 with Mr. Pilchick abstaining. [Resolution Order Number 2021-072]

Sale of County Property (No. 6)

MOTION: Mr. Afflerbach made a motion to approve the sale of 1.344 acres of county property that is located in the John J. Tumlinson Survey, Abstract A-45 and located within the corporate limits of the City of Cuero, TX to Texas Luxury Custom Homes LLC, pursuant to Texas Local Government Code Section 272.001(b) at a cost of \$13,709.00 and the county reserves the minerals. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

Engineering Services Master Contract (No. 12)

MOTION: Mr. Randle made a motion to enter into the Master Contract for Engineering Services with Urban Engineering and allow the county judge to execute the contract. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

Addendum to Agreement for Consumer Reports for Employment Purposes (No. 11)

MOTION: Mr. Kaiser made a motion to approve the Addendum to the Agreement for Consumer Reports for Employment Purposes with Employment Screening Services, Inc. (ESS, Inc.), approval of Notice to Users of Consumer Reports: Obligations of Users under the Fair Credit Reporting Act (FCRA) and a Summary of Your Rights Under the Fair Credit Reporting Act. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

TxDOT County Assistance Program (No. 14)

MOTION: Mr. Randle made a motion to receive the TxDOT County Assistance Program funding and FY2022 allocation amount of \$27,356.00; fill out the paperwork so that the county will receive the appropriated material and authorize the county judge to sign for that. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

Aerial Fireworks Ban (No. 15)

No action taken by the court.

Annual Report of Eminent Domain Authority (No. 16)

MOTION: Mr. Kaiser made a motion to approve the current eminent domain authority of the DeWitt County Commissioners Court; authorize the electronic submission of the annual report to the Comptroller of Public Accounts required by Section D of the Texas Government Code Chapter 2206. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

Closed/Executive Session (No. 7 & 9)

MOTION: Mr. Kaiser made a motion to go into closed/executive session pursuant to Section 551.129 of the Texas Government Code (consultation with attorney) and authorize the judge to be the record keeper at 9:45 a.m. Mr. Pilchick seconded the motion. Motion carried on a vote 5-0.

Judge Fowler announced that the closed/executive session closed ended at 10:10 a.m.

Litigation on Real Estate Matter (No. 8)

MOTION: Mr. Kaiser made a motion to authorize the county judge and Commissioner Pilchick to execute an Agreed Judgment #21-11-25,598 stating Curtis A. Trammel as plaintiff against DeWitt County, Texas as defendant in the District Court of 135th Judicial District of DeWitt County relinquishing all rights and ownership of said property. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

Litigation to Recover Small Claim (No. 10)

MOTION: Mr. Randle made a motion to in preference to going to litigation in small claims court that the DeWitt County Commissioners Court claim a loss of \$227.08 to be paid from Contingent & Uncommitted Fund 012-109-9000. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

Courthouse/Annex/Museum Expenditures/Maintenance/Improvements (No. 34)

MOTION: Mr. Randle made a motion to authorize the county auditor to issue a purchase order for the three (3) projects of DeWitt County Annex roof job, DeWitt County Historical Museum job as well as the DeWitt County Courthouse basement job by utilizing the scopes to issue the purchase order. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

Temporary Right of Way (No. 17)

MOTION: Mr. Kaiser made a motion to approve temporary right of way agreement with Burlington Resources Oil & Gas Company LP for installation of temporary water line along Klein Road in Commissioner Precinct No. 3. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

Temporary Right of Way (No. 18)

MOTION: Mr. Kaiser made a motion to approve temporary right of way agreement with Burlington Resources Oil & Gas Company LP for installation of temporary water line along Schendel Road in Commissioner Precinct No. 3. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

Temporary Right of Way (No. 19)

MOTION: Mr. Kaiser made a motion to approve temporary right of way agreement with Burlington Resources Oil & Gas Company LP for installation of temporary water line along Lackey Ranch Road in Commissioner Precinct No. 3. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

Temporary Right of Way (No. 20)

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

Temporary Right of Way (No. 21)

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

Temporary Right of Way (No. 22)

MOTION: Mr. Afflerbach made a motion to approve temporary right of way permit application from EOG Resources Inc. 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.

Sheriff Commissary and Inmate Trust Accounts Audit (No. 23)

MOTION: Mr. Kaiser made a motion to receive DeWitt County Auditor's Audit Report of the Sheriff Commissary and Inmate Trust Accounts. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

Declare Fixed Assets as Salvage (No. 24)

MOTION: Mr. Afflerbach made a motion to declaring fixed assets as worn, damaged or obsolete, pursuant to Local Government Code §263.152. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

Authorize Auditor to Dispose of Salvage or Surplus Property (No. 25)

MOTION: Mr. Randle made a motion to authorize Auditor to dispose of salvage or surplus property, pursuant to Local Government Code §263, Subchapter D by means of an online auction. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

Monthly Report of Officials (No. 26)

County Auditor Carrie Rea reported that the auditor's office had received reports from all officials including the Sheriff's office October report.

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

County Auditor's Monthly Report (No. 27)

MOTION: Mr. Kaiser made a motion to receive County Auditor's Monthly Report. Mr. Pilchick 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 receive and approve the Order Approving Treasurer's Monthly Report, Court Order Number 2021-070. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

Minutes (No. 29)

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

Accounts Payable (No. 30)

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

Ratified Accounts Payable (No. 31)

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. 32)

None

Bonds (No. 33)

None

Legislative Update (No. 35)

No Legislative update.

Discussion of Commissioner Precinct Operations (No. 36)

Commissioner Precinct No. 1 reported on work on grant funds on Schlenstedt Road and Hahn Road.

Commissioner Precinct No. 2 reported that the road is all ground up on Old Yoakum Road out of Cuero going towards Yoakum approximately 2 miles still to go and finishing grinding up Morris Community Road today.

Commissioner Precinct No. 3 reported on normal precinct operations.

Commissioner Precinct No. 4 reported on finishing up the head walls on the low water crossing improvement; and shouldering up and finishing Arneckeville Road this week.

County Building Workshop (No. 37)

MOTION: Mr. Randle made a motion to authorize the county judge to sign the application for ADA inspection. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

COVID-19 Disaster Update (No. 38)

No COVID-19 disaster update.

Adjourn (No. 39)

MOTION: Mr. Kaiser made a motion to adjourn. [Adjourned at 11:11 a.m.]

**MINUTES OF THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS
SPECIAL MEETING – DECEMBER 30, 2021**

DeWitt County Commissioners Court met in special session December 30, 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:

Voting Precinct Realignment (No. 1)

MOTION: Mr. Kaiser made a motion to adopt Order Number 2021-073, an Order Conforming Election Precincts with Commissioner, Justice of the Peace, and Constable Precincts. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

ADA Inspection for 2021 Annex (No. 2)

MOTION: Mr. Kaiser made a motion to approve the request for inspection by the Texas Department of Licensing and Regulation for compliance with the Texas Accessibility Standards and authorize the judge to sign. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

Accounts Payable (Addendum No. 1)

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

Adjourn (No. 3)

MOTION: Mr. Kaiser made a motion to adjourn. [Adjourned at 9:15 a.m.]

THE FOREGOING MINUTES FOR THE MONTH OF DECEMBER A.D. 2021 WERE READ AND APPROVED IN REGULAR SESSION OF COURT ON THIS THE 10TH DAY OF JANUARY, A.D. 2022.



DARYL L. FOWLER, COUNTY JUDGE



Natalie Carson

NATALIE CARSON, COUNTY CLERK