

**MINUTES OF THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS
REGULAR MEETING – JULY 10, 2023**

DeWitt County Commissioners Court met in regular session July 10, 2023 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, Precinct No. 2
Commissioner James Kaiser, Precinct No. 3
Commissioner Brian Carson, 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 40 MPH speed limit on Horseshoe Road in Commissioner Precinct No. 2. 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. Pilchick made a motion establishing a 40 MPH speed limit on Horseshoe Road in Commissioner Precinct No. 2 as soon as the signs are installed. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

Executive/Closed Session (No. 4)

Judge Fowler announced that the court would be going into an executive session in order to deliberate a personnel issue.

Judge Fowler announced that the executive session ended at 9:25 a.m. this morning on July 10, 2023 and the commissioners appointed Judge Fowler to keep the certified agenda of that executive session which complied with Section 551.074 of the Texas Government Code.

Discussion and Potential Action (No. 5)

MOTION: Mr. Afflerbach made a motion to receive and accept the letter of retirement that the court received from Carol Ann Martin effective September 1, 2023. Mr. Carson seconded the motion. Motion carried on a vote of 5-0.

MOTION: Mr. Carson made a motion to appoint Desirae Poth-Garibay as interim county treasurer effective September 2, 2023 to fulfil the unexpired term. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

Lease and Rental Agreement (No. 6)

MOTION: Mr. Pilchick made a motion to enter into a rental agreement for a 2020 John Deere 672GP Motor grader at the monthly rate of \$9,000 per month plus fees commencing July 11, 2023 with Anderson Machinery. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

Inmate Health Services Agreement (No. 7)

MOTION: Mr. Kaiser made a motion to approve a renewal rate for the (Inmate) Health Services Agreement between Southern Health Partners and DeWitt County for the period beginning October 1, 2023 through September 30, 2024 at an annual cost of \$230,189.40 broke down monthly to \$19,182.45. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

Texas County and District Retirement System (No. 8)

Texas County and District Retirement System Employee Services Manager Amy Campbell presented court with a plan assessment.

MOTION: Mr. Pilchick made a motion to receive the plan assessment for calendar year 2024 from Texas County and District Retirement System. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

County Specific Incentive Program (No. 9)

No action taken.

DeWitt County Appraisal District (No. 10)

MOTION: Mr. Kaiser made a motion to receive DeWitt County Appraisal District Board budget for Fiscal Year 2024 and post on public bulletin board. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

Temporary Right of Way (No. 11)

MOTION: Mr. Afflerbach made a motion to approve permit application from Burlington Resources Oil & Gas Company LP for installation of a temporary water line along Schlenstedt Road in Commissioner Precinct No. 1. Mr. Carson seconded the motion. Motion carried on a vote of 5-0.

Temporary Right of Way (No. 12)

MOTION: Mr. Afflerbach made a motion to approve temporary right of way permit application from Burlington Resources Oil & Gas Company LP for installation of a temporary water line along Sievers Pit Road and Respondek Road in Commissioner Precinct No. 1. Mr. Carson seconded the motion. Motion carried on a vote of 5-0.

Temporary Right of Way (No. 13)

MOTION: Mr. Afflerbach made a motion to approve temporary right of way permit application with Burlington Resources Oil & Gas Company LP for installation of 3 temporary water lines along Nessel Road in Commissioner Precinct No. 1. Mr. Carson seconded the motion. Motion carried on a vote of 5-0.

Temporary Right of Way (14)

MOTION: Mr. Afflerbach made a motion to approve temporary right of way permit applications from Burlington Resources Oil & Gas Company LP for installation of 2 temporary water lines along Nolte Boehl Road in Commissioner Precinct No. 1. Mr. Carson seconded the motion. Motion carried on a vote of 5-0.

Pipeline Crossing Permit (No. 15)

MOTION: Mr. Pilchick made a motion to approve permit application for a pipeline from SilverBow Resources Operating LLC to cross Martinez Road in Commissioner Precinct No. 2. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

County Auditor's 3rd Quarter 2023 Cash Count Report (No. 16)

MOTION: Mr. Kaiser made a motion to receive County Auditor's 3rd Quarter 2023 Cash Count Report. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

Monthly Report of Officials (No. 17)

County Auditor Carrie Rea reported that the auditor's office had received monthly reports from all 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. 18)

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. 19)

MOTION: Mr. Afflerbach made a motion to receive and approve County Treasurer's Monthly Report and adopt Court Order Number 2023-016. Mr. Carson seconded the motion. Motion carried on a vote of 5-0.

Minutes (No. 20)

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

Accounts Payable (No. 21)

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. 22)

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. 23)

None

Personnel Policy (No. 24)

No action taken.

Bonds (No. 9)

None

Courthouse/Annex/Museum Expenditures/Maintenance/Improvements (No. 26)

County Judge Daryl Fowler gave an update on the electrical damage to console in the Sheriff's office dispatch area, electrical damage on the chillers in the courthouse and damage to the sprinkler system during a recent storm.

Mr. Afflerbach reported on the following regarding the DeWitt County Historical Museum:

1. Mr. Afflerbach is working with Mr. Blank on the repairs and corrections on the sprinkler system.
2. Mr. Afflerbach made contact with the architect in regards to their delay on getting the approval for the replacement of the siding and the windows that they need to draft for the county.
3. Mr. Afflerbach met with the contractor and architect regarding the gutters.
4. The air conditioner went out upstairs but they had a 10 year warranty on the air conditioner and the repairs were covered at no cost.

Legislative Update (No. 27)

Judge Fowler gave an update after meeting with the county judges that are in an interlocal agreements with the county for cost sharing for the professional services of Steve Holzheuser.

Discussion of Commissioner Precinct Operations (No. 28)

Commissioner Precinct No. 1 reported on a need to do an emergency purchase for a belly dump trailer. He reported on putting in a match project bridge on Old Gonzales Road.

Commissioner Precinct No. 2 reported on re-seal coating 13.8 miles of road. This Thursday we will do Steen Road and have requested traffic control from the Constables. The roads being Rathkamp-Dreyer Road, Shimek Road, Dreyer Road, Turkey Bottom Road, Lone Tree Road and Emil Blank Road. Judge Fowler inquired if Mr. Pilchick had any plans of rehabilitation of Morris School Road and Mr. Pilchick advised the road was on the hit list.

Commissioner Precinct No. 3 reported on normal precinct operations.

Commissioner Precinct No. 4 reported on replacing culverts that the gravel trucks are crushing.

Workshop on FY2024 Budget (No. 29)

Court did not hold a workshop.

Public Announcements/Comments (No. 30)

None

Adjourn (No. 31)

MOTION: Mr. Pilchick made a motion to adjourn. [Adjourned at 10:45 a.m.]

**MINUTES OF THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS
REGULAR MEETING – JULY 24, 2023**

DeWitt County Commissioners Court met in regular session July 24, 2023 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, Precinct No. 2
Commissioner James Kaiser, Precinct No. 3
Commissioner Brian Carson, 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)

MOTION: Mr. Afflerbach made a motion to adopt a burn ban for ninety (90) days for the unincorporated areas of the county effective at 12:01 a.m. on July 25, 2023, Court Order Number 2023-017. Mr. Carson seconded the motion. Motion carried on a vote of 5-0.

Public Hearing (No. 2)

Public hearing held in order to provide opportunity for public comments on a proposal to replace yield signs with stop signs at the intersections of Jutz Road & Golly Road and Jutz Road & Mission Valley Road in Commissioner Precinct No. 4. No one was present to speak for or against the placement of stop signs.

Close Public Hearing (No. 3)

Judge Fowler closed the public hearing.

Rule on Public Hearing (No. 4)

MOTION: Mr. Carson made a motion to replace the yield signs with stop signs at the intersections of Jutz Road & Golly Road and Jutz Road & Mission Valley Road and it is a T-intersection and it will be only one (1) stop sign at each end of each road to be effective as soon as the signs are installed. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

Schedule Public Hearing Date (No. 5)

MOTION: Mr. Carson made a motion to schedule a public hearing on August 14, 2023 at 9:00 a.m. at the courtroom for the naming a public road pursuant to Texas Transportation Code 251.013(d). Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

Operation Lone Star Grant Application (No. 6)

MOTION: Mr. Kaiser made a motion to approve authorization for Sheriff Carl Bowen to apply for the Operation Lone Star Grant through the Office of the Governor Public Safety Office in order to fund a subscription for telephone monitoring software and to authorize the judge to sign all documents. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

County Specific Incentive Program (No. 7)

Texas Association of Counties (TAC) Wellness Consultant Biral Patel provided the court with information on the Healthy County: County Specific Incentive Program.

Certificates of Completion (No. 9)

MOTION: Mr. Afflerbach made a motion to receive certificates of completion from the Tax Assessor-Collector Association of Texas for Tax Assessor-Collector Ashley D. Mraz and Deputy Sierra Anzualda for completing the Manufactured Housing, Boat – Motor Titling & Registration training course. Mr. Carson seconded the motion. Motion carried on a vote of 5-0.

District Attorney Budget Amendment Request (No. 11)

No action taken.

FM 682 at Tonqua Creek Closure (No. 12)

MOTION: Mr. Kaiser made a motion to receive the letter from Texas Department of Transportation (TxDOT) for the information on FM 682 at Tonqua Creek to be closed at a specific time that they will let us know and let the judge to sign said document. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

Pharmacy Benefit Management Services Agreement (No. 8)

MOTION: Mr. Pilchick made a motion for renewal of the agreement for Pharmacy Benefit Management Services between Integrated Prescription Management Inc. and DeWitt County (Cuero-DeWitt County Health Department) effective July 24, 2023. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

Jury Reimbursement Plan (No. 13)

MOTION: Mr. Kaiser made a motion to adopt Commissioners Court Order Number 2023-018, an order of the Commissioner's Court of DeWitt County, Texas establishing a plan for reimbursement of expenses for jurors and prospective jurors; setting rates for terms of service for jurors and prospective jurors; authorizing payment of jury reimbursement fees from the county treasury; establishing an effective date of September 1, 2023 in compliance with the Texas Open Meetings Act. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

Order Appointing Assistant County Auditor (No. 14)

MOTION: Mr. Kaiser made a motion to approve court order from the 24th, 135th and 267th Judicial Courts respectively of DeWitt County for having jurisdiction in the County of DeWitt, State of Texas, having considered the appointment of an Assistant County Auditor for said county beginning July 17, 2023. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

Independent External Audit (No. 15)

No action taken.

Independent External Audit (No. 16)

No action taken.

Schedule Public Hearing Date (No. 17)

MOTION: Mr. Kaiser made a motion to establish a public hearing date of August 14, 2023 at 9:00 a.m. at the DeWitt County Courthouse Courtroom pursuant to Local Government Code 118.025. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

Request for Proposals (No. 10)

MOTION: Mr. Kaiser made a motion to authorize the county auditor to advertise for requests for proposals (RFP) for grant administration services. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

Temporary Right of Way (No. 18)

MOTION: Mr. Pilchick made a motion to approve permit application from Qwik Pipe Inc. for installation of a temporary water line along Martinez Road in Commissioner Precinct No. 2. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

Temporary Right of Way (No. 19)

MOTION: Mr. Pilchick made a motion to approve permit application from Qwik Pipe Inc. for installation of a temporary water line along Rathkamp-Dreyer Road in Commissioner Precinct No. 2. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

Temporary Right of Way (No. 20)

MOTION: Mr. Kaiser made a motion to approve temporary right of way agreement with Burlington Resources Oil & Gas Company LP for installation of a temporary water line along Simecek Road in Commissioner Precinct No. 1 and Stanchos Road in Commissioner Precinct No. 3. Mr. Pilchick 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 permit application from Select Water Solutions for installation of a temporary water line along Hartman Road in Commissioner Precinct No. 1. Mr. Carson seconded the motion. Motion carried on a vote of 5-0.

Pipeline Crossing Permit (No. 22)

MOTION: Mr. Pilchick made a motion to approve permit application for a pipeline from Kaler Energy Corp. to cross Matthew-Adams Road in Commissioner Precinct No. 2. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

Pipeline Crossing Permit (No. 23)

MOTION: Mr. Pilchick made a motion to approve permit application for a pipeline from Kaler Energy Corp. to cross Kaiser-Adams Road in Commissioner Precinct No. 2. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

County Treasurer's Quarterly Investment Report (No. 24)

MOTION: Mr. Kaiser made a motion to receive County Treasurer's Quarterly Investment Report. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

Accounts Payable (No. 25)

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

Ratified Accounts Payable (No. 26)

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. 27)

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

Personnel Policy (No. 28)

No action taken.

Payroll Reports (No. 29)

MOTION: Mr. Afflerbach made a motion to receive and ratify approval of payroll reports. Mr. Carson seconded the motion. Motion carried on a vote of 5-0.

Bonds (No. 30)

Bond of Marion Seelke as Reserve Deputy Sheriff.

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

Courthouse/Annex/Museum Expenditures/Maintenance/Improvements (No. 31)

County Auditor Carrie Rea reported that there was an issue with the air conditioner in the treasurer’s office at the annex building. Victoria Air ordered fuses and then discovered that the compressor was out.

Mr. Afflerbach reported on the following regarding the DeWitt County Historical Museum:

1. Experiencing problems with the upstairs air conditioner; GVEC repaired the unit but the thermostat was still showing high temperatures. GVEC discovered that the duct work is totally destroyed. Consensus of the court that Mr. Afflerbach turn this project over to Weaver & Jacobs to see about looking into the duct issues.
2. Addressing a stain that appeared on the wall that they think is from the roof failure. They having that cleaned up and re-painted the wall.
3. Still waiting on the architect regarding continuing work on the walls.

Judge Fowler reported that the painting contractor will start painting at the Weber Annex Building this week.

County Auditor Carrie Rea discussed the road maintenance and road asphalt bids. The court will need to decide next month whether to extend or go out for new bids.

Legislative Update (No. 32)

Judge Fowler reached out to Steve Holzhauser to get commitment for an extension of the professional services contract. The McMullen County Judge spoke with judge about there being

new county judges in the west side counties of the Eagle Ford Shale and that it would be a good idea to expand the coalition to those counties to share cost of the professional service contract.

Discussion of Commissioner Precinct Operations (No. 33)

Commissioner Precinct No. 1 reported on being in the process of building a match project bridge on Old Gonzales Road. One has been completed and are currently on the second one. Plans on working on the section of the Old Gonzales Road from the city limits to the railroad tracks. TxDOT is still working on Hwy 87 at Nolte Boehl Road.

Commissioner Precinct No. 2 reported on finishing a low water crossing concrete work on Kaiser Road over the weekend. Mr. Pilchick is hoping by August 16th to have the road opened up to traffic.

Commissioner Precinct No. 3 reported on normal maintenance work.

Commissioner Precinct No. 4 reported on a contractor re-working Fordtran Road up to Wolf Hollow Road up to Bialek Road and back to Friar Road.

Public Announcements/Comments (No. 35)

None

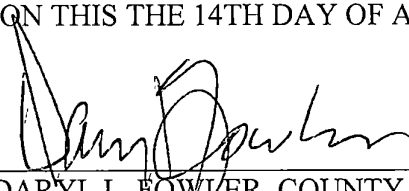
Workshop on FY2024 Budget (No. 34)

Court held a workshop on the FY2024 Budget.

Adjourn (No. 35)

MOTION: Mr. Kaiser made a motion to adjourn. [Adjourned at 12:10 p.m.]

THE FOREGOING MINUTES FOR THE MONTH OF JULY A.D. 2023 WERE READ AND APPROVED IN REGULAR SESSION OF COURT ON THIS THE 14TH DAY OF AUGUST, A.D. 2023.


DARYL L. FOWLER, COUNTY JUDGE


ATTEST: 
NATALIE CARSON, COUNTY CLERK