

**MINUTES OF THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS  
REGULAR MEETING – NOVEMBER 13, 2023**

DeWitt County Commissioners Court met in regular session November 13, 2023 at 9:00 a.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. Pilchick, Precinct No. 2  
Commissioner James Kaiser, Precinct No. 3  
Commissioner Brian Carson, Precinct No. 4

**Call to Order; Pledge of Allegiance & Invocation**

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

**New Business:**

**Resolution to Adopt Consolidating Birth and Death Certificates (No. 2)**

MOTION: Mr. Kaiser made a motion to approve request from the City of Yoakum to transfer birth and death records and adopt Resolution No. 2023-053 transferring the duties imposed by law relating to the maintenance of birth and death records from the City of Yoakum TX to the De Witt County Clerk. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

**Proclamation for National Hospice Palliative Care Month (No. 1)**

MOTION: Mr. Pilchick made a motion for the approval of a proclamation designating November 2023 as National Hospice and Palliative Care Month in De Witt County. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0.

**Burn Ban (No. 3)**

No action taken.

**Certificate of Achievement (No. 4)**

MOTION: Mr. Kaiser made a motion to receive certificate from the GFOA's Certificate of Achievement for Excellence in Financial Reporting for the fiscal year ended September 30, 2022. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

### **Certificate of Completion (No. 5)**

MOTION: Mr. Pilchick made a motion to receive certificate of completion of Emergency Management training for Brenda Lopez for completing thirteen (13) different courses, starting in August of 2022 and completing in October of 2023. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0.

### **Agri-Life Extension 4-H Agent Introduction (No. 6)**

MOTION: Mr. Kaiser made a motion to introduce the Texas Agri-Life Extension Service 4-H agent budgeted by De Witt County for FY2024 by Donnie Montemeyor; accept and approve the newly hired agent Candice Williamson beginning December 1, 2023. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

### **Fire Alarm Monitoring Service (No. 7)**

MOTION: Mr. Kaiser made a motion to approve a contract with A-1 Shiner Fire & Safety for fire alarm monitoring of the 2021 De Witt County Annex; and authorize a payment for annual services of \$477.50 annually and to put the county judge, Brian Carson and Billy Jordan on the emergency contact list. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

### **GulfMark Energy Division Order (No. 8)**

MOTION: Mr. Pilchick made a motion to receive the GulfMark Energy division order for the McCabe, Et Al GU #6 well operated by Hurd Enterprises in Commissioner Precinct No. 2 and authorize the county judge to execute and return to GulfMark Energy. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0.

### **Governor's Proclamation Renewal (No. 9)**

MOTION: Mr. Kaiser made a motion to receive the renewal of the Governor's Wildfire Season proclamation. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

### **Appraisal District Election (No. 10)**

MOTION: Mr. Kaiser made a motion to approve the resolution casting votes with 1000 votes to James Pilchick and 481 to Andrew Weikel to the De Witt County Appraisal District. Mr. Carson seconded the motion. Motion carried on a vote of 4-0. [Resolution Number 2023-055]

### **Affidavit Granting Permission to Enter Private Property (No. 11)**

MOTION: Mr. Carson made a motion to receive and approve an affidavit granting permission to enter private property owned by Clifford Diebel on Mission Valley Road for erosion work. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0.

**Temporary Right of Way (No. 12)**

MOTION: Mr. Pilchick made a motion for approval of permit application from Qwik Pipe, Inc. for installation of a temporary water line along Schmit Road in Commissioner Precinct No. 2. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0.

**Temporary Right of Way (No. 13)**

MOTION: Mr. Pilchick made a motion for approval of permit application from Qwik Pipe, Inc. for installation of a temporary water line along Rathkamp Dryer Road in Commissioner Precinct No. 2. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0.

**Temporary Right of Way (No. 14)**

MOTION: Mr. Pilchick made a motion for approval of permit application from Select Qwik Pipe, Inc. for installation of a temporary water line along Dreyer-Turkey Bottom Road in Commissioner Precinct No. 2. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0.

**Temporary Right of Way (No. 15)**

MOTION: Mr. Pilchick made a motion for approval of 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 4-0.

**Temporary Right of Way (No. 16)**

MOTION: Mr. Kaiser made a motion to approve temporary right of way agreement with EOG Resources for installation of a temporary water line along Hahn Road in Commissioner Precinct No. 1. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

**Temporary Right of Way (No. 17)**

MOTION: Mr. Kaiser made a motion to approve temporary right of way agreement with AJ Logistics for installation of a temporary water line along Elder Road in Commissioner Precinct No. 1. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

**Temporary Right of Way (No. 18)**

MOTION: Mr. Pilchick made a motion for permit application approval from EOG Resources for installation of a temporary water line along Gerdes Rd in Commissioner Precinct No. 2. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0.

### **Temporary Right of Way (No. 19)**

MOTION: Mr. Pilchick made a motion for the approval of permit application from EOG Resources for installation of a temporary water line along Chilek Rd in Commissioner Precinct No. 2. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0.

### **Deposit Receipt Audit for October 2023 (No. 20)**

MOTION: Mr. Kaiser made a motion to receive De Witt County Auditor's Audit Report, pursuant to Local Government Code, Chapter 115. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

### **Payroll Audit Report October 2023 (No. 21)**

MOTION: Mr. Kaiser made a motion to receive De Witt County Auditor's Audit Report, pursuant to Local Government Code, Chapter 115. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

### **24th Judicial District Attorney Forfeiture Account Audit from May 2023 (No. 22)**

MOTION: Mr. Kaiser made a motion to receive De Witt County Auditor's Audit Report, pursuant to Local Code, Chapter 15 of 24<sup>th</sup> Judicial District Attorney Forfeiture Account. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

### **Court Order for Disbursement of Salaries and Routine Office Expenses (No. 23)**

MOTION: Mr. Kaiser made a motion to adopt Court Order No. 2023-056 for the disbursement of salaries and routine office expenses. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

### **Court Order Appointing Assistant County Auditor (No. 24)**

MOTION: Mr. Kaiser made a motion to receive the Court Order from the District Judges of the 24<sup>th</sup>, 135<sup>th</sup>, and 267<sup>th</sup> District Courts appointing Candria Frady as Assistant County Auditor for De Witt County, Texas. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

### **Monthly Report of Officials (No. 25)**

First Assistant County Auditor Carrie Rea reported that the auditor's office had received reports from all officials except Constable Pct. 2.

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

**County Auditor's Monthly Report (No. 26)**

MOTION: Mr. Kaiser made a motion to receive County Auditor's Monthly Report. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

**County Treasurer's Monthly Report (No. 27)**

MOTION: Mr. Kaiser made a motion to receive and approve Court Order Number 2023-054 approving Treasurer's Monthly Report. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

**Minutes (No. 28)**

MOTION: Mr. Kaiser made a motion to receive and approve minutes of the previous term of court. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

**Accounts Payable (No. 29)**

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

MOTION: Mr. Kaiser made a motion to approve accounts payable for Carson Services for \$11,762.34. Mr. Pilchick seconded the motion. Motion carried on a vote of 3-0 with Mr. Carson abstaining.

**Ratified Accounts Payable (No. 30)**

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

**Budget Amendment Requests (No. 31)**

None

**Personnel Policy (No. 32)**

None

**Payroll Reports (No. 33)**

MOTION: Mr. Kaiser made a motion to receive and ratify approval of the payroll reports. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

**Bonds (No. 34)**

None

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

Trane BCU upgrade, replacement, and training to be scheduled after Thanksgiving.

### **Legislative Update (No. 36)**

No Legislative update except that a 4<sup>th</sup> Special Session has been called so the county should watch out for border security bill that could cause county tax payers to house illegal aliens without state reimbursement.

State Representative Geanie Morrison is retiring at the end of her term on December 31, 2024.

### **Discussion of Commissioner Precinct Operations (No. 37)**

All four (4) precincts as for as contract work is concerned have been shut down and suspended pending some problem with the contract that was issued for maintenance work. Court will have a special meeting on November 16, 2023 with legal counsel to discuss this matter.

Michael Garcia with Dunn Services addressed the court. Dunn Services had received an award letter and then a phone call that Dunn Services could not proceed with any work because a bond issue. In order to get a \$3.5 million dollar performance bond, it would cost just a little over \$90,000.00. Being that Dunn Services is not the sole contractor for the county, it is a considerable expense to put out for a \$3.5 million dollar bond for performance.

Brian Nethery with ABN Construction addressed the court with concerns with mistakes within the contract. One mistake discussed is the number of days that the performance bond is required to be submitted. The contract reads that the performance is to be submitted three (3) days from when the contractor signs but the contractor signs on the day that it is due which is six (6) days before the court ratified who to use. Once approved, the notice of who was awarded was given three (3) days later so there is no way a contractor could submit the bond by the deadline. It takes 5-6 business days to get a bond processed.

### **Public Announcements/Comments (No. 38)**

None

### **Renewal Applications for Insurance Policies (Addendum No. 1)**

MOTION: Mr. Kaiser made a motion to approve renewal 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 4-0.

### **Adjourn (No. 39)**

MOTION: Mr. Kaiser made a motion to adjourn. [Adjourned at 10:20 a.m.]

**MINUTES OF THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS  
SPECIAL MEETING – NOVEMBER 16, 2023**

DeWitt County Commissioners Court met in special session November 16, 2023 at 1:30 p.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:**

**Executive/Closed Session (No. 1)**

Judge Fowler announced the time was 1:32 p.m. and the Commissioners Court intends to go into a closed/executive session; at this time we would ask the public to excuse themselves and the ones remaining in the courtroom would be the commissioners, county judge, our attorney, inviting in the county auditor, Mr. Condie and Mr. Kimbrough.

Judge Fowler announced that the executive session of the commissioners court empaneled today convened at 1:32 p.m. ended at 4:15 p.m. today on November 16, 2023. The subject matter that was deliberated is resulted in a potential of a couple of motions to be offered and deliberated. Let the record reflect that we do have a quorum present but Commissioner Brian Carson is absent from this open session.

**Discussion and Potential Action (No. 2)**

**MOTION:** Mr. Kaiser made a motion to accept the recommendation of the county auditor not to terminate, rescind, or cancel the road maintenance contract awarded to ABN Construction LLC (Contract No. 2023-042) on September 25, 2023 having found the required bonds were filed prior to the commencement of work. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0. Commissioner Carson is not present or voted.

MOTION: Mr. Kaiser made a motion to accept the recommendation of the county auditor not to terminate, rescind, or cancel the asphalt services contracts awarded to ABN Construction LLC (Contract No. 2023-046) or to H & C Construction (Contract No. 2023-048) on September 25, 2023 having found the required bonds were filed prior to the commencement of work. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0. Commissioner Brian Carson is absent from the meeting, not present and not voting.

**Adjourn (No. 3)**

MOTION: Mr. Kaiser made a motion to adjourn. [Adjourned at 4:21 p.m.]

**MINUTES OF THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS  
SPECIAL MEETING – NOVEMBER 20, 2023**

DeWitt County Commissioners Court met in special session November 20, 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, led everyone in the pledge of allegiance and gave the invocation.

**New Business:**

**Canvass of Election Returns (No. 1)**

MOTION: Mr. Kaiser made a motion to accept election results as canvassed for the November 7, 2023 Special Election. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0 with Judge Fowler absent.

**Adjourn (No. 2)**

MOTION: Mr. Kaiser made a motion to adjourn. [Adjourned at 9:40 a.m.]



**MINUTES OF THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS  
REGULAR MEETING – NOVEMBER 27, 2023**

DeWitt County Commissioners Court met in regular session November 27, 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:**

**Executive/Closed Session (No. 1)**

Court did not go into executive/closed session.

**Discussion and Potential Action (No. 2)**

Commissioner Carson left the meeting prior to agenda item Number 2 being discussed.

MOTION: Mr. Kaiser made a motion to accept the recommendation of the auditor to accept bond and Contract Number 2023-045 for road maintenance from Dunn Services. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

MOTION: Mr. Kaiser made a motion to accept the recommendation of the auditor to accept bond and Contract Number 2023-044 from CK Newberry for road maintenance. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

MOTION: Mr. Kaiser made a motion to accept the recommendation of the auditor to accept bond and contract for asphalt road maintenance services, Contract Number 2023-047, from CK Newberry. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

MOTION: Mr. Kaiser made a motion to accept the recommendation of the auditor to terminate road maintenance Contract Number 2023-047 with Carson Services. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

Commissioner Carson returned to the meeting.

**Texas General Land Office MIT-MOD Grant (No. 3)**

MOTION: Mr. Kaiser made a motion to ratify the county judge's November 20, 2023 letter to the Texas General Land Office seeking a second deadline extension of February 18, 2024. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

**GulfMark Energy Division Order (No. 4)**

MOTION: Mr. Pilchick made a motion to receive the GulfMark Energy Division Order for the McCabe, Et Al GU #5 well operated by Hurd Enterprises in Commissioner Precinct No. 2 and authorize the county judge to execute and return the document to GulfMark Energy. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

**Safe Harbor for Cafeteria Plan (No. 5)**

MOTION: Mr. Kaiser made a motion to receive annual review concerning nondiscriminatory testing of the De Witt County Cafeteria Plan according to section 125 of the Internal Revenue Code according to Ashley Holub, Human Resources Director. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

**County Employee Uniform Services (No. 7)**

Court received contract renewal information provided by Cintas representative Branden Rachunek. No action taken.

**Governor's Proclamation Renewal for Drought (No. 8)**

MOTION: Mr. Kaiser made a motion to receive Governor's Proclamation renewing the existence of drought conditions of 2023. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

**Eminent Domain Authority (No. 9)**

MOTION: Mr. Afflerbach made a motion to grant the county judge authority of the DeWitt submission of the annual report to the Comptroller of Public Accounts required by Section D of the Texas Government Code Chapter 2206 with no changes in those authorities. Mr. Carson seconded the motion. Motion carried on a vote of 5-0.

**Accounts Payable (No. 10)**

MOTION: Mr. Kaiser made a motion to approve accounts payable of \$571,842.45. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

Commissioner Carson left the meeting prior to discussion and action on the accounts payable for Carson Services.

MOTION: Mr. Kaiser made a motion to approve accounts payable for Carson Services for \$21,080.00. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

Commissioner Carson returned to the meeting.

**Ratified Accounts Payable (No. 11)**

MOTION: Mr. Kaiser made a motion to approve ratified accounts payable in the amount of \$154,825.31. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

**Budget Amendment Requests (No. 12)**

None

**Personnel Policy (No. 13)**

None

**Payroll Reports (No. 14)**

MOTION: Mr. Kaiser made a motion to receive and ratify payroll reports in the amount of \$442,766.23. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

**Bonds (No. 15)**

None

**Courthouse/Annex/Museum Expenditures/Maintenance/Improvements (No. 16)**

Judge Fowler requested clarification of emergency contact names for the Shiner A-1 Fire & Safety fire alarm monitoring service that was approved on November 13, 2023. The emergency contact list consist of County Judge, Commissioner Brian Carson and Emergency Management Coordinator Billy Jordan.

Judge Fowler received a quote to repair the damaged planter closest to the parking places in the front of the DeWitt County Annex Building for \$2,000.00. A quote was also received for the removal of the front two (2) planters closest to the parking places at a cost of \$8,000.00. Consensus of the court was to remove the front two (2) planters located in front of the DeWitt County Annex building.

Judge Fowler also discussed the narrow parking spots in the parking lot in the front of the DeWitt County Annex Building. He has talked with Brad Kocurek about angle parking spots. Judge Fowler thinks that before the county would tackle the change in the parking spots the county would need to visit with the City of Cuero Manager.

Mr. Afflerbach discussed the response from Marie Oehlerking, with Komatsu Architect, to a letter Judge Fowler sent out. Ms. Oehlerking is going to speed up the work on the project plans, send the project plans to the county for approval and then send the project plans to the Historical Museum for approval.

### **Legislative Update (No. 17)**

No Legislative update.

### **Discussion of Commissioner Precinct Operations (No. 18)**

Commissioner Precinct No. 1 reported on proposing to pave a section of Old Gonzales Road before the end of the year. Commissioner Precinct No. 1 Foreman Ryan Varela was present in court and measured the portion of Old Gonzales Road as 0.8 miles.

MOTION: Mr. Afflerbach made a motion to authorize ABN Construction to complete the paving project of installing hot mix on .08 miles of Old Gonzales Road. Mr. Carson seconded the motion. Motion carried on a vote of 5-0.

Commissioner Precinct No. 2 asked that on Lockhart Cemetery Road that ABN do a build in place bridge. He has the scope and summary cost here and it is going to cost him \$221,754.55 as an estimate. We are taking a low water crossing and we are making it into a bridge and it will be under TxDOT inspected system when we are through with it. The engineered plans have been drawn up; they are having a copy sent to TxDOT; and they will be doing like the others bridges, inspect and approve the bridge upon completion.

MOTION: Mr. Pilchick made a motion to accept ABN to make a low water crossing into a bridge on Lockhart Cemetery Road for the estimated go cost. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0 with Judge Fowler.

Commissioner Precinct No. 3 reported on normal precinct operations.

Commissioner Precinct No. 4 reported on normal precinct operations.

### **Public Announcements/Comments (No. 19)**

None

**Recess**

MOTION: Mr. Kaiser made a motion to recess until Tuesday, November 28, 2023 at 9:00 a.m. Mr. Carson seconded the motion. Motion carried on a vote of 5-0.

**Reconvene**

Court reconvened on Tuesday, November 28, 2023 at 9:15 a.m.

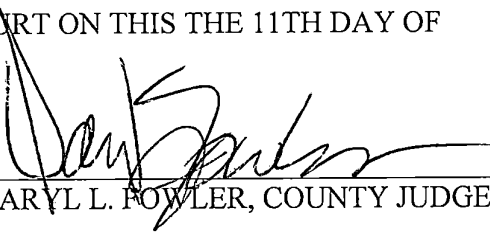
**Chiller Service & Maintenance Agreement (No. 6)**

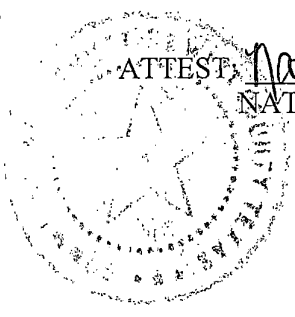
MOTION: Mr. Kaiser made a motion to enter into an agreement with Trane for the annual chiller services at the rate of \$16,498.56 and take the one-time 3% discount of \$494.96 effective December 1, 2023. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

**Adjourn (No. 20)**

MOTION: Mr. Afflerbach made a motion to adjourn. [Adjourned at 9:25 a.m.]

THE FOREGOING MINUTES FOR THE MONTH OF NOVEMBER A.D. 2023 WERE READ AND APPROVED IN REGULAR SESSION OF COURT ON THIS THE 11TH DAY OF DECEMBER, A.D. 2023.

  
DARYL L. FOWLER, COUNTY JUDGE

  
ATTEST: Natalie Carson  
NATALIE CARSON, COUNTY CLERK