

**MINUTES OF THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS  
REGULAR MEETING – OCTOBER 9, 2023**

DeWitt County Commissioners Court met in regular session October 9, 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 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 35 MPH speed limit on McElroy Road in Commissioner Precinct No. 2. No one was present to speak for or against establishing a 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 35 MPH speed limit on McElroy Road in Commissioner Precinct No. 2 to be effective as soon as the signs go up. Mr. Carson seconded the motion. Motion carried on a vote of 4-0.

**Road Closure (No. 4)**

Judge Fowler made an announcement on behalf of Commissioner Pilchick that beginning October 16<sup>th</sup> Lockhart Cemetery Road will be closed to thru traffic, the section of the road which is bounded on the west by Hwy 183N and on the east by US Alternate 77A for road repair.

**Commissioners Court Meeting Schedule (No. 5)**

No action taken.

**Burn Ban (No. 6)**

No action taken.

**Letter of Retirement (No. 7)**

MOTION: Mr. Kaiser made a motion to receive letter of retirement from DeWitt County Commissioner Pct. 1 Curtis Afflerbach effective December 31, 2023. Mr. Carson seconded the motion. Motion carried on a vote of 3-0 with Mr. Afflerbach abstaining.

**City of Yorktown Utility Policy (No. 8)**

MOTION: Mr. Kaiser made a motion to enter into a utility agreement with the City of Yorktown for services for the Justice of the Peace Pct. 2 Blanca McBride at the address of 118 E. Main Street, Yorktown, Texas; and authorize county judge to sign said agreement. Mr. Carson seconded the motion. Motion carried on a vote of 4-0.

**Practitioner Agreement (No. 9)**

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. Mr. Carson seconded the motion. Motion carried on a vote of 4-0.

**Insurance Deduction Cafeteria Plan (No. 10)**

MOTION: Mr. Kaiser made a motion to approve the Premium Conversion Cafeteria Plan and Plan Summary for Fiscal year 2024; and adopt Resolution effective October 1, 2023, Court Order Number 2023-050. Mr. Carson seconded the motion. Motion carried on a vote of 4-0.

**Green DeWitt Drainage District Budget (No. 11)**

MOTION: Mr. Kaiser made a motion to receive the FY2023 Budget of Green DeWitt Drainage District. Mr. Carson seconded the motion. Motion carried on a vote of 4-0.

**Green DeWitt Drainage District Salaries (No. 12)**

MOTION: Mr. Kaiser made a motion to receive the FY2023 Resolution Setting District Staff Salary Wages & Payroll Items of Green DeWitt Drainage District and the FY2023 Resolution Setting Directors Fees of Office of Green DeWitt County Drainage District, Resolution Order Number 2023-01. Mr. Carson seconded the motion. Motion carried on a vote of 4-0.

**DeWitt County Appraisal District Board of Directors Nominee(s) for 2024-2025 (No. 13)**

MOTION: Mr. Kaiser made a motion to nominate James B. Pilchick Sr. as a nominee for the board of directors of the DeWitt County Appraisal District; and authorize the judge to submit the resolution. Mr. Carson seconded the motion. Motion carried on a vote of 4-0.

**Certificate of Completion of Texas Public Information Act Training (No. 14)**

MOTION: Mr. Kaiser made a motion to receive certificate of completion that County Auditor Neomi Williams has successfully completed the Texas Public Information Act training as required by Government Code, 5552.012. Mr. Carson seconded the motion. Motion carried on a vote of 4-0.

**Certificate of Completion of Open Meetings Act Training (No. 15)**

MOTION: Mr. Kaiser made a motion to receive certificate of completion that County Auditor Neomi Williams has successfully completed the Open Meeting Act training as required by Government Code, 551.005. Mr. Carson seconded the motion. Motion carried on a vote of 4-0.

**District Court Reporters' Salaries (No. 16)**

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 24<sup>th</sup>, 135<sup>th</sup>, 267<sup>th</sup> Judicial Districts and the Official Alternate Court Reporter for the 24<sup>th</sup>, 135<sup>th</sup>, 267<sup>th</sup> and 377<sup>th</sup> Judicial Districts. Mr. Carson seconded the motion. Motion carried on a vote of 4-0.

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

MOTION: Mr. Kaiser made a motion to receive temporary right of way agreement with Baytex Energy USA Inc. for installation of 2 temporary water lines along Turkey Bottom Road in Commissioner Precinct No. 2. Mr. Carson seconded the motion. Motion carried on a vote of 4-0.

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

MOTION: Mr. Kaiser made a motion to receive the temporary right of way agreement with ConocoPhillips for installation of a temporary water line along Schendel Road in Commissioner Precinct No. 3. Mr. Carson seconded the motion. Motion carried on a vote of 4-0.

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

MOTION: Mr. Afflerbach made a motion to approve permit application from Select Water Solutions for installation of a temporary water line along Schlenstedt Road & Boldt Road in Commissioner Precinct No. 1. Mr. Carson seconded the motion. Motion carried on a vote of 4-0.

**DeWitt County Investment Policy (No. 20)**

MOTION: Mr. Kaiser made a motion to receive DeWitt County Investment Policy, Court Order Number 2023-034, pursuant to Local Government Code 116.112 and the Public Funds Investment Act 2256.005(e) which requires annual review of the investment policy and investment strategies. Mr. Carson seconded the motion. Motion carried on a vote of 4-0.

**Resolution to Adopt Investment Policy (No. 21)**

MOTION: Mr. Kaiser made a motion to adopt Resolution to Adopt Investment Policy, as pursuant to Local Government Code 116.112 and the Public Funds Investment Act 2256.005(e), Resolution Number 2023-030. Mr. Carson seconded the motion. Motion carried on a vote of 4-0.

**Resolution to Adopt DeWitt County Investment Strategies (No. 22)**

MOTION: Mr. Kaiser made a motion to adopt Resolution Number 2023-031, setting out a separate written investment strategy for each of the funds under control of DeWitt County as pursuant to Public Funds Investment Act 2256.005(d) and (e). Mr. Carson seconded the motion. Motion carried on a vote of 4-0.

**Resolution to Adopt List of Qualified Brokers/Dealers (No. 23)**

MOTION: Mr. Kaiser made a motion to adopt Resolution Order Number 2023-033, Adopt List of Qualified Brokers/Dealers as pursuant to Public Funds Investment Act of Texas, Section 2256.025. Mr. Carson seconded the motion. Motion carried on a vote of 4-0.

**Resolution to Designate County Investment Officer (No. 24)**

MOTION: Mr. Kaiser made a motion to adopt Resolution Order Number 2023-032 designating the County Investment Officer as County Treasurer Desirae Poth-Garibay. Mr. Carson seconded the motion. Motion carried on a vote of 4-0.

**County Treasurer's Monthly Report (No. 25)**

MOTION: Mr. Kaiser made a motion to receive and approve the Order Approving County Treasurer's Monthly Report, Court Order Number 2023-049. Mr. Carson seconded the motion. Motion carried on a vote of 4-0.

**County Treasurer's Quarterly Investment Report (No. 26)**

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

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

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

**Monthly Report of Officials (No. 28)**

County Auditor Neomi Williams reported the auditor's office had received monthly reports from all officials.

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

**County Auditor's 4<sup>th</sup> Quarter 2023 Cash Count Report (No. 29)**

MOTION: Mr. Kaiser made a motion to receive County Auditor's 4<sup>th</sup> Quarter 2023 Cash Count Report. Mr. Carson seconded the motion. Motion carried on a vote of 4-0.

**County Auditor's Monthly Report (No. 30)**

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

**County Auditor's Annual Report (No. 31)**

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

**Deposit Receipt Audit for August 2023 (No. 32)**

MOTION: Mr. Kaiser made a motion to receive DeWitt County Auditor's Audit Report for August 2023, pursuant to Local Government Code, Chapter 115. Mr. Carson seconded the motion. Motion carried on a vote of 4-0.

**Deposit Receipt Audit for September 2023 (No. 33)**

MOTION: Mr. Kaiser made a motion to receive Deposit Receipt Audit Report for September 2023, pursuant to Local Government Code, Chapter 115. Mr. Carson seconded the motion. Motion carried on a vote of 4-0.

**Payroll Audit Report August 2023 (No. 34)**

MOTION: Mr. Kaiser made a motion to receive DeWitt County Auditor's Payroll Audit Report for August 2023, pursuant to Local Government Code, Chapter 115. Mr. Carson seconded the motion. Motion carried on a vote of 4-0.

**Payroll Audit Report September 2023 (No. 35)**

MOTION: Mr. Kaiser made a motion to receive DeWitt County Auditor's Payroll Audit Report for September 2023, pursuant to Local Government Code, Chapter 115. Mr. Carson seconded the motion. Motion carried on a vote of 4-0.

**Minutes (No. 36)**

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 4-0.

**Accounts Payable (No. 37)**

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

**Ratified Accounts Payable (No. 38)**

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

**Budget Amendment Requests (No. 39)**

None

**Personnel Policy (No. 40)**

Amendments/changes include:

- Employee Status
- Employee Classification
- Pay Scale
- Longevity Recognition Payments
- Personal Time Off (PTO)
- Sheriff's Deputy Recruitment Incentive

MOTION: Mr. Kaiser made a motion to approve adopted necessary amendments/changes effective retroactive to October 1, 2023. Mr. Carson seconded the motion. Motion carried on a vote of 4-0.

**Payroll Reports (No. 41)**

MOTION: Mr. Kaiser made a motion to approve payroll report for the pay period of September 16 2023 to September 29, 2023. Mr. Carson seconded the motion. Motion carried on a vote of 4-0.

### **Bonds (No. 42)**

Bond of Neomi Williams as County Auditor.

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

### **Courthouse/Annex/Museum Expenditures/Maintenance/Improvements (No. 43)**

Judge Fowler reported that Trane will be performing quarterly maintenance tomorrow. One unit on the 2<sup>nd</sup> floor of the courthouse is not registering in the computer program and there is an issue with the air handler on the 4th floor.

### **Legislative Update (No. 44)**

Judge Fowler reported that he will be attending a lunch on Thursday in San Antonio with some of the Oil & Gas Lobbyist in the STEER organization for their awards program recognizing contributions made by local contractors and businesses in the Eagle Ford Shale.

### **Discussion of Commissioner Precinct Operations (No. 45)**

Judge Fowler reported that he has re-worked and cleaned up the driveway permits.

County Auditor Neomi Williams discussed that the asphalt maintenance and road maintenance bids that were just awarded. The auditor's office has not received the payment and performance bonds from contractors as required by their contracts.

Commissioner Precinct No. 1 reported on still being in the construction stages on Old Gonzales Road and Ed Blackwell Road.

Commissioner Precinct No. 2 was absent.

Commissioner Precinct No. 3 reported on normal precinct operations. His crews are catching up on road work.

Commissioner Precinct No. 4 reported that the county portion of Callahan Road has been re-paved. The Diebel creek project is steadily going on otherwise normal precinct operations.

### **Public Announcements/Comments (No. 46)**

None

### **Adjourn (No. 47)**

MOTION: Mr. Kaiser made a motion to adjourn. [Adjourned at 11:10 a.m.]

**MINUTES OF THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS  
REGULAR MEETING – OCTOBER 23, 2023**

DeWitt County Commissioners Court met in regular session October 23, 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:**

**Commissioners Court Meeting Schedule (No. 1)**

MOTION: Mr. Afflerbach made a motion to cancel the regularly scheduled Commissioners Court Meeting of December 25, 2023. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

**Burn Ban (No. 2)**

No action taken.

**2023 DeWitt County Tax Roll (No. 4)**

MOTION: Mr. Kaiser made a motion to receive and approve the 2023 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. Pilchick seconded the motion. Motion carried on a vote of 5-0.

**2023 DeWitt County Road and Bridge Tax Roll (No. 5)**

MOTION: Mr. Kaiser made a motion to receive and approve the 2023 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. Pilchick seconded the motion. Motion carried on a vote of 5-0.



**Receive an Award Bid (No. 7)**

MOTION: Mr. Carson made a motion to receive and award the bid to Performance Truck for the amount of \$133,342.12 for a new 2024 MD7 Mack dump truck for Precinct No. 4 and authorize the County Auditor to pay for the truck. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

**Statements of Qualifications (No. 8)**

MOTION: Mr. Carson made a motion to receive the statements of qualification received by the county auditor regarding architectural services pursuant to Government Code §2254.004; to Rawley McCoy & Associates for the new office/shop for Precinct No. 4 and authorize the county judge to initiate the contract negotiation with RMA. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

**Award of Contract (No. 9)**

No action taken.

**Temporary Right of Way (No. 10)**

MOTION: Mr. Kaiser made a motion to approve temporary right of way agreement with ConocoPhillips for installation of a 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. 11)**

MOTION: Mr. Afflerbach made a motion to approve temporary right of way request from Select Water Solutions for installation of a temporary water line along Boldt Road in Commissioner Precinct No. 1. Mr. Carson seconded the motion. Motion carried on a vote of 5-0.

**Accounts Payable (No. 12)**

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. 13)**

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. 14)**

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

**Personnel Policy (No. 15)**

None

**Payroll Reports (No. 16)**

MOTION: Mr. Kaiser made a motion to receive and ratify approval of the payroll report for the period of September 30, 2022 through October 13, 2023. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

**Bonds (No. 17)**

None

**Courthouse/Annex/Museum Expenditures/Maintenance/Improvements (No. 18)**

MOTION: Mr. Kaiser made a motion to approve Buy Board Contract Number 631-20 with Trane as the vendor for the amount of \$52,790.00 for a BCU unit and installation of the cell router. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

**Legislative Update (No. 19)**

No Legislative update.

**Discussion of Commissioner Precinct Operations (No. 20)**

Commissioner Precinct No. 1 reported on continued work on Old Gonzales Road and Ed Blackwell Road.

Commissioner Precinct No. 2 reported on still working on Lockhart Cemetery Road. The old low water crossing has been removed, working on the base of it and waiting for the concrete culvert to come in.

Commissioner Precinct No. 3 reported on normal precinct operations, repairing roads and shredding the highways.

Commissioner Precinct No. 4 reported on continued work on the Diebel creek project, mowing the right of ways and normal operations.

**Public Announcements/Comments (No. 21)**

None

**Resolution Amending District Attorney Fund Budget (No. 3)**

MOTION: Mr. Kaiser made a motion to adopt Resolution Number 2023-052, a resolution of the Commissioner’s Court of DeWitt County, Texas recognizing an unusual and unforeseen condition occurring after the adoption of the DeWitt County Fiscal Year 2024 county budget; and authorizing an expenditure from the General Fund of DeWitt County to pay unforeseen payroll expenditures in the District Attorney Fund (Number Eight-Two); and ordering the transfer of funds to the County of Goliad pursuant to an administrative District Court Order for the purpose of funding the office of the 24<sup>th</sup> Judicial District Attorney; considered and adopted by Commissioners Court of DeWitt County during a meeting held in compliance with Government Code Chapter 551, The Texas Open Meetings Act. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

**Renewal Applications for Insurance Policies (No. 6)**

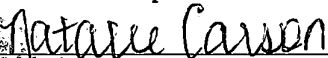
Court passed on this agenda item.

**Adjourn (No. 22)**

MOTION: Mr. Kaiser made a motion to adjourn. [Adjourned at 10:52 a.m.]

THE FOREGOING MINUTES FOR THE MONTH OF OCTOBER A.D. 2023 WERE READ AND APPROVED IN REGULAR SESSION OF COURT ON THIS THE 13TH DAY OF NOVEMBER, A.D. 2023.

  
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CURTIS AFFLERBACH  
COMMISSIONER PRECINCT NO. 1

ATTEST:   
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NATALIE CARSON, COUNTY CLERK

