

**MINUTES OF THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS
REGULAR MEETING – MARCH 9, 2020**

DeWitt County Commissioners Court met in regular session March 9, 2020 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 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:

Order Appointing District Clerk (No. 1)

MOTION: Mr. Afflerbach made a motion to receive order appointing Esther Ruiz as District Clerk for DeWitt County. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

Order Setting Spending Limit (No. 2)

MOTION: Mr. Randle made a motion to approve an Order Setting a Spending Limit by Certain County and Precinct Officers, pursuant to Local Government Code 130.908, Court Order Number 2020-007. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

Annual Financial Report (No. 10)

MOTION: Mr. Kaiser made a motion to receive the DeWitt County Comprehensive Annual Financial Report (CAFR) from Harrison, Waldrop & Uherek, L.L.P. for the period ending September 30, 2019. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

DeWitt County Historical Commission (No. 3)

MOTION: Mr. Afflerbach made a motion to receive annual report from the DeWitt County Historical Commission for year 2019. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

Child Welfare Board Appointments (No. 9)

MOTION: Mr. Randle made a motion to accept the appointment of Mrs. Victoria Schwartz to the DeWitt County Child Welfare Board. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

Racial Profiling Report (No. 4)

MOTION: Mr. Kaiser made a motion to receive the Full Exemption Racial Profiling Report from DeWitt County Attorney's Office. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

Racial Profiling Report (No. 5)

MOTION: Mr. Kaiser made a motion to receive Tier 1 – Partial Exemption Racial Profiling Report from DeWitt County Sheriff's Office. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

Motorola Update (No. 37)

Commissioners Court received an update from DeWitt County Sheriff regarding Motorola project. No action taken.

Racial Profiling Report (No. 6)

MOTION: Mr. Kaiser made a motion to receive Tier 1 Partial Exemption Racial Profiling Report from DeWitt County Constable Precinct No. 2. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

Constable Precinct No. 2 Activity Report (No. 7)

MOTION: Mr. Kaiser made a motion to receive Constable Precinct No. 2 activity report. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

DeWitt County Appraisal District (No. 8)

MOTION: Mr. Kaiser made a motion to receive the audited DeWitt County Appraisal District Financial Statements dated December 31, 2019. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

Pro-rata Tobacco Settlement Distribution (No. 11)

MOTION: Mr. Kaiser made a motion to receive the County Expenditure Statement – 2020 from the county auditor for the pro-rata tobacco settlement distribution and authorize the county judge to submit the expenditure statement to the Texas Department of State Health Services. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

Memorandum of Understanding (No. 12)

MOTION: Mr. Kaiser made a motion to approve an extension of the IHS Non-Exclusive License Agreement and the Addendum to the Data Processing Services Agreement for Power Search Services between Indigent Healthcare Solutions and DeWitt County for a period of two years beginning April 1, 2020 through April 1, 2022. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

TIDC Statement of Grant Award (No. 13)

MOTION: Mr. Afflerbach made a motion to receive Statement of Grant Award, FY20 Formula Grant for \$27,888 from the Texas Indigent Defense Commission. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

Certificate of Completion (No. 14)

MOTION: Mr. Afflerbach made a motion to receive Certificate of Completion from the County Judges and Commissioners Association of Texas for Commissioner James B. Pilchick, Sr. for successfully completing the continuing education provisions of Article 81.0025 of the Texas Local Government Code. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

Certificate of Completion (No. 15)

MOTION: Mr. Pilchick made a motion to receive Certificate of Completion from the County Judges and Commissioners Association of Texas for Commissioner James Kaiser for successfully completing the continuing education provisions of Article 81.0025 of the Texas Local Government Code. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

Certificate of Completion (No. 16)

MOTION: Mr. Kaiser made a motion to receive Certificate of Completion for Blair Duran from the Texas Judicial Academy for the successful completion of 12 hours of judicial and administrative education at the 2020 County Court Assistants Training Conference. Mr. Pilchick 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 a dual 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 a dual water line along H. Koopman 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. Afflerbach made a motion to approve temporary right of way permit application from Burlington Resources Oil & Gas Company LP for installation of a dual water line along Edna Hattenbach Road in Commissioner Precinct No. 1. 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 Select Energy Services LLC for installation of a dual water line along Simpson Ranch Road in Commissioner Precinct No. 3. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

Temporary Right of Way (No. 21)

MOTION: Mr. Kaiser made a motion to approve temporary right of way agreement with Select Energy Services LLC for installation of a dual water line along Simpson Ranch Road in Commissioner Precinct No. 3. Mr. Randle 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 of Teal Operating LLC to cross Richter 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 of Teal Operating LLC to cross Richter Road in Commissioner Precinct No. 2. Mr. Kaiser seconded the motion.

Records and Proceeds from the Sale of Salvage or Surplus Property (No. 24)

MOTION: Mr. Kaiser 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. Randle seconded the motion. Motion carried on a vote of 5-0.

Monthly Report of Officials (No. 25)

County Auditor Carrie Rea reported that her 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. 26)

MOTION: Mr. Randle made a motion to receive County Auditor's Monthly Report. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

County Treasurer's Monthly Report (No. 27)

MOTION: Mr. Randle made a motion to receive and approve Order Number 2020-006 Approving Treasurer's Monthly Report. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

Minutes (No. 28)

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

Accounts Payable (No. 29)

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

Ratified Accounts Payable (No. 30)

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

Budget Amendment Requests (No. 31)

None

Personnel Changes (No. 32)

Esther Ruiz, District Clerk; appointed to fill the unexpired term of District Clerk, Tabeth Gardner effective February 28, 2020; 26 years of employment; rate of pay to be \$72,121.00 annual salary cell phone \$16.16/bi-weekly; vacation time will be paid out on last check

Tabeth Gardner, District Clerk; retirement effective February 27, 2020; 35 years 2 months of employment

John May, Equipment Operator, Commissioner Precinct No. 1; resigned effective February 20, 2020; 4 months of employment; no comp time payout

James Campbell, Equipment Operator, Commissioner Precinct No. 3; step increase effective February 5, 2020; Category 17 Step 3; 2 years of employment; rate of pay to be \$1,601.60/bi-weekly \$20.02/hour; next possible step increase February 5, 2023; comp time will be paid at time of step

Michael Smith, Equipment Operator, Commissioner Precinct No. 1; step increase effective March 4, 2020; Category 17 Step 5; 7 years of employment; rate of pay to be \$21.23/hourly; next possible step increase March 4, 2023

Victoria Ferrell, Juvenile Probation Officer, Juvenile Probation Department; hired effective February 18, 2020; Category 19 Step 1; rate of pay to be \$21.55/hour \$16.16 cell phone; next possible step increase February 18, 2021

Alejandro Alvarez, Deputy Sheriff, Sheriff Office; resigned effective February 21, 2020; 7 months of employment; vacation time will be paid out on last check

Jessie Durisseau, Chief Deputy Clerk, District Clerk's Office; promotion effective March 6, 2020; Category 3 Step 10; 21 years 8 months of employment; rate of pay to be 25.11/hourly; employee reached the final step – no further steps

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

Bonds (No. 33)

None

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

Judge Fowler reported on there are some issues with the chiller 2 and some of the plumbing downstairs. David Slovacek is arguing with Trane about the \$5,400 purchase order that was approved at the last meeting.

Legislative Update (No. 35)

Texas Department of Transportation has approved the new rules but are still withholding the list of the grant awards for everybody.

Discussion of Commissioner Precinct Operations (No. 36)

Commissioner Precinct No. 1 reported that he has new young engineer with Hanson that has taken over the FM 240 project in Westhoff and is working on getting surveys done for metes and bounds for the purchase of the additional properties that we need to complete the project. Mr. Afflerbach is waiting on TxDOT on the purchase of 0.5 acre adjacent to Nolte Boehl Road and Hwy 87 for the re-routing of that road which is partially under construction; DuBose Road, Rosie Dunn, and Zimmerman Road are in some stage of re-construction.

Commissioner Precinct No. 2 reported on processing and concrete stabilizing Sapp Rd., ground up all of the way on Matthews Adams Road up to Primitive Baptist Church Road; in the last four (4) months now have two (2) gas wells on Kaiser Road.

Commissioner Precinct No. 3 reported normal precinct operations.

Commissioner Precinct No. 4 reported normal precinct operations.

County Building Workshop (No. 38)

Mr. Randle reported that all of the information has been received as far as the flow lines and utilities into the new building. The architect is finishing the interior designs after meeting with Peggy Ledbetter about some historical data that can be incorporated in the interior decorations. The architect is working with Mrs. Ledbetter on the time capsule in coordination with the dedication of the time capsule and set of stone for the Masonic Lodge with the 175th anniversary.

Adjourn (No. 39)

MOTION: Mr. Kaiser made a motion to adjourn. [Adjourned at 10:35 a.m.]

**MINUTES OF THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS
SPECIAL MEETING – MARCH 19, 2020**

DeWitt County Commissioners Court met in special session March 19, 2020 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 Sr., Precinct No. 2
Commissioner James Kaiser, Precinct No. 3

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:

Local Disaster Declaration (No. 1)

MOTION: Mr. Afflerbach made a motion to affirm the Local Disaster Declaration Court Order #2020-008 and extend it for the duration of the local emergency. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

Adjourn (No. 2)

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

**MINUTES OF THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS
REGULAR MEETING – MARCH 23, 2020**

DeWitt County Commissioners Court met in regular session March 23, 2020 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 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:

Public Hearing (No. 1)

Items 1, 2 & 3 are postponed indefinitely due to Local Disaster Declaration #2020-008.

Executive/Closed Session (No. 2)

Items 1, 2 & 3 are postponed indefinitely due to Local Disaster Declaration #2020-008.

Discussion and Potential Action (No. 3)

Items 1, 2 & 3 are postponed indefinitely due to Local Disaster Declaration #2020-008.

Public Hearing (No. 4)

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

Close Public Hearing (No. 5)

Judge Fowler closed the public hearing.

Rule on Public Hearing (No. 6)

MOTION: Mr. Pilchick made a motion establishing a 45 MPH speed limit for the full length of Martinez Road in Commissioner Precinct No. 2 effective today. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

Schedule Public Hearing Date (No. 7)

MOTION: Mr. Pilchick made a motion setting a public hearing date to establish a 45 MPH speed limit on Matthew-Adams Road in Commissioner Precinct No. 2 for May 11, 2020 at 9:00 a.m. in the County Courtroom. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

Schedule Public Hearing Date (No. 8)

MOTION: Mr. Pilchick made a motion to schedule a public hearing date of May 11, 2020 at 9:00 a.m. in the County Courtroom establishing a 35 MPH speed limit on Primitive Baptist Church Road in Commissioner Precinct No. 2. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

Schedule Public Hearing Date (No. 9)

MOTION: Mr. Pilchick made a motion to schedule a public hearing date to establishing a 35 MPH speed limit on Benbow Road in Commissioner Precinct No. 2 on May 11, 2020 at 9:00 a.m. in the County Courtroom. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

Schedule Public Hearing Date (No. 10)

MOTION: Mr. Pilchick made a motion to schedule a public hearing date of May 11, 2020 at 9:00 a.m. in the County Courtroom to consider a 35 MPH speed limit on Edgar Leesville Road in Commissioner Precinct No. 2. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

Burn Ban (No. 11)

No action taken.

Property Insurance Renewal Application (No. 12)

MOTION: Mr. Kaiser made a motion to approve the renewal application for property insurance and give Judge Fowler permission to sign the renewal. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

Canvass of Republican Primary Election Returns (No. 13)

MOTION: Mr. Kaiser made a motion to receive returns of the official canvass of the March 3, 2020 Republican Primary Election. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

Motor Fuel Bid (No. 14)

MOTION: Mr. Randle made a motion to authorize the auditor to withdraw Bid Packet Number 2020-002 and request new seal bids for motor fuel purchase. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

Schmidt and Sons Contract (No. 15)

No action taken.

Drainage District Commissioners Update (No. 16)

MOTION: Mr. Afflerbach made a motion to receive notice of resignation of current Drainage District Vice President Emily Montgomery and appointment of new Vice President Joseph Olive pursuant to Texas Water Code 49.105. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

Affidavit Granting Permission to Enter Private Property (No. 17)

MOTION: Mr. Pilchick made a motion to receive affidavit granting permission to enter private property owned by Helen Seekamp along Benbow Road in order to fix drainage problems along the road in Commissioner Precinct No. 2. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

Right of Entry for TXDOT Appraisers (No. 18)

MOTION: Mr. Afflerbach made a motion to authorize assigned fee appraisers for Texas Department of Transportation to gain entry to DeWitt County property consisting of a 0.0641 acre parcel of land in the JAV y Gonzales Survey, Abstract No. 47, located on State Highway 72 for the purpose of appraisal and authorize County Judge to sign the documents. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

Affordable Care Act Reporting and Tracking Renewal Services Information (No. 19)

MOTION: Mr. Kaiser made a motion to approve the Affordable Care Act (ACA) Reporting and Tracking Service (ARTS) 2020 Renewal Confirmation Program Agreement; ACA Reporting and Tracking Service (ARTS) Contract Designation Form and the ACA Reporting and Tracking Service (ARTS) HEBP Member (Fully Insured or ASO) 2020 Fee Schedule (Renewal). Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

Department of State Health Services (No. 20)

MOTION: Mr. Kaiser made a motion to approve the Department of State Health Services Contract #HHSREV100001891, between Department of State Health Services Vital Statistics Section and DeWitt County, effective dates of September 1, 2020 through August 31, 2022 and authorize the Judge to sign. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

Letter of Support (No. 21)

Court passed on this agenda item.

Floodplain Development Application Fees (No. 22)

Court passed on this agenda item.

Certificates of Completion (No. 23)

MOTION: Mr. Kaiser made a motion to receive Certificates of Completion for DeWitt County District Clerk Esther Ruiz from the Office of the Attorney General of Texas for the successful completion of the Open Meetings Act and Public Information Act training courses. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

Certificate of Completion (No. 24)

MOTION: Mr. Kaiser made a motion to receive Certificate of Completion for DeWitt County Justice of the Peace Pct. 1 Peggy Mayer from the Texas Justice Court Training Center for the successful completion of 20 hours of continuing education at the Justice of the Peace Seminar. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

Pipeline Crossing Permit (No. 25)

MOTION: Mr. Kaiser made a motion to approve pipeline crossing permit with Goodnight Midstream LLC to cross Schendel Road in Commissioner Precinct No. 3. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

Pipeline Crossing Permit (No. 26)

MOTION: Mr. Afflerbach made a motion to approve application of Goodnight Midstream LLC to cross Lincke Road in Commissioner Precinct No. 1. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

Pipeline Crossing Permit (No. 27)

MOTION: Mr. Afflerbach made a motion to approve permit application of Goodnight Midstream LLC to cross Kubala Store Road in Commissioner Precinct No. 1. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

Pipeline Crossing Permit (No. 28)

MOTION: Mr. Kaiser made a motion to approve pipeline crossing permit application with Goodnight Midstream LLC to cross Haase Brothers Road in Commissioner Precinct No. 3. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

Pipeline Crossing Permit (No. 29)

MOTION: Mr. Kaiser made a motion to approve pipeline crossing permit with BPX Energy (Eagle Ford Gathering) LLC to cross Vasbinder Road in Commissioner Precinct No. 3. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

Pipeline Crossing Permit (No. 30)

MOTION: Mr. Kaiser made a motion to approve pipeline crossing permit application with BPX Energy (Eagle Ford Gathering) LLC to cross John Pokluda Road in Commissioner Precinct No. 3. Mr. Pilchick 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. Randle 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)

None

Personnel Changes (No. 34)

None

Bonds (No. 35)

None

Courthouse/Annex Expenditures/Maintenance/Improvements (No. 36)

Judge Fowler reported on issues with Chiller #2.

Legislative Update (No. 37)

Judge Fowler reported that the meeting scheduled for April 7, 2020 with the Texas Oil and Gas Association is still scheduled at this time.

Discussion of Commissioner Precinct Operations (No. 38)

Commissioners reported on normal precinct operations.

Motorola Update (No. 39)

No Motorola project update.

County Building Workshop (No. 40)

Mr. Randle reported that the final interior designs are ready for review by the committee but due to COVID-19, the meeting was postponed. Brad Kocurek and Mike Weaver are working on a "Go to Meeting" for the committee to review the interior designs.


COVID-19 Disaster Update (No. 41)

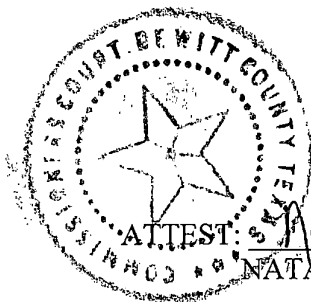
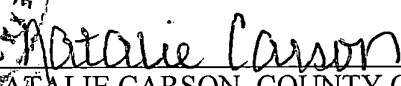
Court received an update regarding COVID-19 virus from Emergency Management Coordinator Cyndi Smith

Adjourn (No. 42)

MOTION: Mr. Kaiser made a motion to adjourn. [Adjourned at 10:36 a.m.]

THE FOREGOING MINUTES FOR THE MONTH OF MARCH A.D. 2020 WERE READ AND APPROVED IN REGULAR SESSION OF COURT ON THIS THE 13TH DAY OF APRIL, A.D. 2020.


DARYL L. FOWLER, COUNTY JUDGE


ATTEST: 
NATALIE CARSON, COUNTY CLERK