

**MINUTES OF THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS
REGULAR MEETING – MAY 9, 2022**

DeWitt County Commissioners Court met in regular session May 9, 2022 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 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. Randle gave the invocation.

New Business:

Affidavit Granting Permission to Enter Private Property (No. 1)

MOTION: Mr. Afflerbach made a motion to receive affidavit granting permission to enter private property owned by Donald Elder on Elder Road for drainage repair in Commissioner Precinct No. 1. Mr. Randle seconded the motion. Motion carried on a vote of 4-0.

Water Treatment Contract Renewal (No. 2)

MOTION: Mr. Randle made a motion to approve the continuation of Service Agreement #2925228WT1 effective April 1, 2022 thru March 31, 2023 and taking advantage of service fee discount of 3% discount making the contract for \$3,235.92. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

Interlocal Agreement (No. 3)

MOTION: Mr. Randle made a motion to approve an Interlocal agreement between the County of DeWitt and the City of Yorktown for the cost sharing of annual services fees for emergency communication services provided by a license granted to DeWitt County through the CodeRED Next Services Agreement effective May 1, 2022 for the sum of \$2,007.15 on Court Order Number 2022-015. Mr. Afflerbach seconded the motion. Motion carried on a vote of 4-0.

Interlocal Cooperative Agreement for Housing Inmates (No. 4)

MOTION: Mr. Afflerbach made a motion to approve an agreement between DeWitt County, Texas and Gonzales County, Texas to provide housing and care of certain inmates at a rate of \$59 per day per Court Order Number 2022-016. Mr. Randle seconded the motion. Motion carried on a vote of 4-0.

Inmate Telephone Service Agreement (No. 5)

MOTION: Mr. Afflerbach made a motion to receive inmate telephone service agreement with NCIC for Inmate Telephone Service effective January 31, 2022. Mr. Randle seconded the motion. Motion carried on a vote of 4-0.

Law Enforcement Support Office Application (No. 6)

MOTION: Mr. Afflerbach made a motion to approve DeWitt County Sheriff's Office application for participation with the Law Enforcement Support Office. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

Interlocal Agreement (No. 7)

MOTION: Mr. Pilchick made a motion to enter into an Interlocal Agreement between DeWitt County, Texas and DeWitt County Drainage District No. 1 to provide services including mowing, brush clearing, channel grading, and heavy equipment usage, Court Order Number 2022-017. Mr. Afflerbach seconded the motion. Motion carried on a vote of 4-0.

Estimate of Net Taxable Value for 2022 (No. 8)

MOTION: Mr. Randle made a motion to receive the preliminary value estimate of appraised taxable property from the Chief Appraiser pursuant to Texas Property Tax Code Sec. 26.01(e). Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

Temporary Right of Way (No. 9)

MOTION: Mr. Afflerbach made a motion to approve permit application from Select Energy Services LLC for installation of temporary water line along Bill Lemke Road in Commissioner Precinct No. 3. Mr. Randle seconded the motion. Motion carried on a vote of 4-0.

Temporary Right of Way (No. 10)

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

Tobacco Settlement Proceeds Payment (No. 11)

MOTION: Mr. Randle made a motion to receive the Tobacco Settlement Proceeds Payment Report for Texas Department of State Health Services payment from tobacco settlement proceeds in the amount of \$10,769.77. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

Amendment to Agreement for Eligible Governmental 457 Plan (No. 12)

MOTION: Mr. Randle made a motion to approve the amendment to agreement for Eligible Governmental 457 Plan in include the exclusion of part time employees with less than 30 hours per week. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

Texas County and District Retirement System (No. 13)

MOTION: Mr. Randle made a motion to receive plan assessment for 2023 from Texas County and District Retirement System. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

Monthly Report of Officials (No. 14)

County Auditor Carrie Rea reported that the auditor's office had received monthly reports from all officials except District Attorney.

MOTION: Mr. Afflerbach made a motion to approve monthly reports of officials. Mr. Randle seconded the motion. Motion carried on a vote of 4-0.

County Auditor's Monthly Report (No. 15)

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

County Treasurer's Monthly Report (No. 16)

MOTION: Mr. Afflerbach made a motion to approve County Treasurer's Monthly Report, Court Order Number 2022-014. Mr. Randle seconded the motion. Motion carried on a vote of 4-0.

Minutes (No. 17)

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

Accounts Payable (No. 18)

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

Ratified Accounts Payable (No. 19)

MOTION: Mr. Randle 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. 20)

None

Bonds (No. 21)

None

Personnel Policy (No. 22)

MOTION: Mr. Afflerbach made a motion to approve the necessary amendment that states the word of may in the place of must in the process of receiving a note from the doctor for return to work. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

Courthouse/Annex/Museum Expenditures/Maintenance/Improvements (No. 23)

Judge Fowler reported that the roofing company from San Antonio would be at the courthouse tomorrow. Cox Brothers started working last week on the roof at the Weber Annex building. Weaver & Jacobs Constructors are waiting on the tile for the courthouse basement.

No update on the Historical Museum.

Legislative Update (No. 24)

Judge Fowler gave an update on the meetings he attended last week.

Discussion of Commissioner Precinct Operations (No. 25)

Commissioner Precinct No. 1 reported on normal operations.

Commissioner Precinct No. 2 reported on normal operations.

Commissioner Precinct No. 3 was absent.

Commissioner Precinct No. 4 reported on normal operations.

Building & Use Agreement Workshop (No. 26)

Court held a workshop regarding changes to existing agreement regarding use of county buildings. Consensus of the court was that only county offices would be allowed to use the DeWitt County Annex Conference Room and would be responsible for cleanup.

Public Announcements/Comments (No. 27)

Pat Elder addressed the court regarding the burn ban. Mr. Elder thanked the court for his re-nomination to the DeWitt County Appraisal Board of Directors and he thanked Mr. Randle for his service to the county.

Adjourn (No. 28)

MOTION: Mr. Afflerbach made a motion to adjourn. [Adjourned at 11:18 a.m.]

**MINUTES OF THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS
SPECIAL MEETING – MAY 16, 2022**

DeWitt County Commissioners Court met in special session May 16, 2022 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 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. Randle gave the invocation.

New Business:

Canvass of Election Returns (No. 1)

MOTION: Mr. Kaiser made a motion to accept the results of the canvass for the May 7, 2022 Special (Constitutional Amendment) election. Mr. Randle seconded the motion. Motion carried on a vote of 4-0.

Adjourn (No. 2)

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

**MINUTES OF THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS
REGULAR MEETING – MAY 23, 2022**

DeWitt County Commissioners Court met in regular session May 23, 2022 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 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. Randle gave the invocation.

New Business:

Public Hearing (No. 1)

Public hearing was held in order to provide opportunity for public comments on establishing a 35 MPH speed limit on Schlinke Road in Commissioner Precinct No. 1. No one was present to speak 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. Kaiser made a motion to establishing a 35 MPH speed limit on Schlinke Road in Commissioner Precinct No. 1 effective when the signs go up. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

Texas County and District Retirement System (No. 4)

MOTION: Mr. Kaiser made a motion to receive Texas County and District Retirement System plan assessment for plan year 2023 effective January 1, 2023. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

License & Service Agreement (No. 5)

MOTION: Mr. Randle made a motion to approve the License & Service agreement between DeWitt County and Tyler Technologies, Inc. for use in the DeWitt County District Clerk's office for the price of \$105,807.00. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0.

Contract for Software License & Support (No. 6)

Court passed until clarification on the beginning date can be presented to the court.

Proposals for Property Tax Office Software and Award Contract (No. 7)

MOTION: Mr. Kaiser made a motion to enter into a subscription agreement with Spindlemedia, Inc. for the tax office software, award the contract and the first payment of data migration and implementation in the amount of \$27,500.00. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

Data Extraction and Dissemination Agreement for DeWitt County Tax Assessor-Collector (No. 8)

MOTION: Mr. Kaiser made a motion to approve a data extraction and dissemination agreement with i3 Bearcat, LLC (NET Data Corporation) for the payment of \$37,000.00. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

Certificate of Completion (No. 9)

MOTION: Mr. Kaiser made a motion to receive certificates of completion from the Texas Department of Motor Vehicles for Tax Assessor-Collector Ashley D. Mraz and Chief Deputy Esther Francis for completing Title Fraud continuing education for 2022. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

TXDOT Participation Waived Project Resolution (No. 10)

MOTION: Mr. Kaiser made a motion to adopt TxDOT Participation Waived Project Resolution, Court Order 2022-018, for certain bridge projects with Texas Department of Transportation. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

TXDOT Bridge Inspection Reports (No. 11)

MOTION: Mr. Kaiser made a motion to receive reports from Texas Department of Transportation showing recent inspections of off-system bridges in DeWitt County. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

Aerial Fireworks Ban (No. 12)

Court passed on this agenda item.

Commissioners Court Meeting Schedule (No. 13)

MOTION: Mr. Kaiser made a motion to reschedule the regularly scheduled Monday Commissioners Court Meeting of June 13, 2022 to June 9, 2022 at 9:00 a.m. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

Unclaimed Rural Electric Cooperative Capital Credits (No. 14)

MOTION: Mr. Randle made a motion to authorize the judge to do a written request to Texas Comptroller of Public Accounts Pursuant to §74.602 of the Texas Property Code for allocation of a portion of unclaimed capital credits received from, electric cooperatives back to counties in cooperatives' service area and certify the purpose of the funds is in compliance with the provisions of §381.004 of the Local Government Code for 2022 reporting years and certify the funds to go to Court Appointed Special Advocates (CASA). Mr. Kaiser seconded the motion. Motion carried on a vote of 3-0 with Judge Fowler absent.

TIDC Statement of Grant Award (No. 15)

MOTION: Mr. Kaiser made a motion to receive Statement of Grant Award, FY2022 Formula Grant for \$26,855.00 from the Texas Indigent Defense Commission. Mr. Randle seconded the motion. Motion carried on a vote of 4-0.

Predator Trapper Report (No. 16)

MOTION: Mr. Kaiser made a motion to receive the current activity report for the Texas A&M Wildlife Services predator trapper for year to date FY2022. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

Trade-in of Motor Grader for Precinct 3 (No. 17)

MOTION: Mr. Kaiser made a motion to approve request to trade-in of a Volvo Motor Grader G930C purchased December 2014 (for a purchase price of \$198,256.00) toward the purchase of a Caterpillar 140 Motor Grader per LGC 263.152(a) (2) to be paid with funds out of FY2022 budget. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

Receive and Award Bid (No. 18)

MOTION: Mr. Pilchick made a motion to receive a bid from Performance Trucks for a used trailer for Road & Bridge Precinct No. 2, a 2008 Ledwill Hydetail, purchase price of \$61,195.00 out of this year's budget. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0.

Temporary Right of Way (No. 19)

MOTION: Mr. Kaiser made a motion to approve temporary right of way agreement with Select Energy Services LLC for installation of temporary water line along SA Butler Road in Commissioner Precinct No. 3. Mr. Pilchick seconded the motion. Motion carried of 4-0.

Temporary Right of Way (No. 20)

MOTION: Mr. Pilchick made a motion to approve permit application with Burlington Resources Oil & Gas LP for installation of temporary water line along Steen Road in Commissioner Precinct No. 2. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0.

Temporary Right of Way (No. 21)

MOTION: Mr. Kaiser made a motion to approve temporary right of way agreement with Burlington Resources Oil & Gas LP for installation of temporary water line along Salt Creek Cemetery Road in Commissioner Precinct No. 3. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

Temporary Right of Way (No. 22)

MOTION: Mr. Kaiser made a motion to approve temporary right of way agreement with Burlington Resources Oil & Gas LP for installation of temporary water line along H. Koopman Road in Commissioner Precinct No. 3. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

Pipeline Crossing Permit (No. 23)

MOTION: Mr. Kaiser made a motion to approve pipeline crossing permit with Burlington Resources Oil & Gas LP for three (3) pipelines to cross Simpson Ranch Road in Commissioner Precinct No. 3. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

DeWitt County Health Fair (No. 24)

Court heard a report on upcoming health fair from County Treasurer Carol Ann Martin.

Amendment to Agreement for Eligible Governmental 457 Plan (No. 25)

MOTION: Mr. Randle made a motion to make a plan change to include the exclusion of part time employees and pay the \$250.00 fee to Security Benefit to make the change. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0.

Declare Fixed Assets as Salvage (No. 26)

MOTION: Mr. Kaiser made a motion to declare certain inventory items as worn, damaged or obsolete, pursuant to Local Government Code §263.152. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

Authorize Auditor to Dispose of Salvage or Surplus Property (No. 27)

MOTION: Mr. Kaiser 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. Pilchick seconded the motion. Motion carried on a vote of 4-0.

Fixed Asset Audit Report (No. 28)

MOTION: Mr. Randle made a motion to receive audit report from the county auditor on fixed assets in DeWitt County offices. 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. Mr. Randle seconded the motion. Motion carried on a vote of 4-0.

Ratified Accounts Payable (No. 30)

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

Budget Amendment Requests (No. 31)

MOTION: Mr. Kaiser made a motion to approve budget amendment request. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

Bonds (No. 32)

None

Personnel Policy (No. 33)

Court passed on this agenda.

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

Judge Fowler reported that the flooring was installed, the baseboards are up and the doors have been hung in the basement of the courthouse.

Judge Fowler reported having to make an emergency calls to the fire protection service. There was a short circuit somewhere causing the alarm to continually beep. The issue was cause by the work activity downstairs.

Judge Fowler reported that A-1 Shiner Fire and Safety inspected the fire extinguishers at the annex building. The representatives asked Judge Fowler if they were supposed to inspect the fire extinguishers in the new building also because they noticed that some of the fire extinguishers in the DeWitt County Annex Building are expired. One fire extinguisher was changed out but Judge Fowler advised the company to hold off with the other extinguishers until the county could find out more information.

Judge Fowler reported that Koetter Fire will provide a quote for the fire suppression system at the new annex building.

Judge Fowler reported that the second emergency call was because that last Wednesday evening he went to the basement to check on things before leaving for the day. Judge Fowler discovered that the hot water loop had a zero PSI reading on the meters. He discovered a pool of water under one of the heaters.

Judge Fowler reported that the county courtroom is humid and the district clerk's office is warm this morning. Due to the internet being out, he is unable to check the computer downstairs to see what the problem is.

Judge Fowler reported that the inspection of the courthouse roof has been done. Some repairs were performed.

Historic county map mural is on the wall on the second floor of the DeWitt County annex building. Some of the county historic pictures have been placed in the glass. Court discussed items that still need to be corrected at the new annex building.

Judge Fowler gave an update on the Weber Annex Building roof work.

Legislative Update (No. 35)

No Legislative update.

Discussion of Commissioner Precinct Operations (No. 36)

Commissioner Precinct No. 1 was absent but reported to Judge Fowler on normal precinct operations.

Commissioner Precinct No. 2 reported on normal precinct operations. Mr. Pilchick reported that he had to utilize the services of Urban Engineering and was very satisfied with their work.

Commissioner Precinct No. 3 reported on pavement on Salt Creek Cemetery Road, which was a grant money project road. He also reported on work on Plasczyk Road and Leo Nelson Road.

Commissioner Precinct No. 4 reported on normal precinct operations.

Building & Use Agreement Workshop (No. 37)

Court did not hold a workshop.

Workshop on FY2023 Budget (No. 38)

County Auditor Carrie Rea reported that budget worksheets have been provided to all officials. Mrs. Rea advised the commissioners that she needs information on any road mileage changes.

Public Announcements/Comments (No. 39)

No public announcements/comments.

Recess

Court recessed to May 24, 2022 at 9:00 a.m.

Reconvene

Court reconvened on May 24, 2022 at 9:00 a.m.

Contract for Software License & Support (No. 6)

MOTION: Mr. Randle made a motion to adopt the contract for software license and support for DeWitt County for Edoc Technologies, Inc. commencing on October 1, 2022 for \$950.00 monthly until services are no longer needed and notification by the DeWitt County District Clerk. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0.

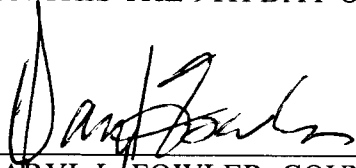
Courthouse/Annex/Museum Expenditures/Maintenance/Improvements (No. 34)

County Auditor Carrie Rea reported on the bat guano at the Weber Annex Building. There are concerns regarding it being a health hazard.

Adjourn (No. 40)

MOTION: Mr. Kaiser made a motion to adjourn. [Adjourned at 9:10 a.m.]

THE FOREGOING MINUTES FOR THE MONTH OF MAY A.D. 2022 WERE READ AND APPROVED IN REGULAR SESSION OF COURT ON THIS THE 9TH DAY OF JUNE, A.D. 2022.



DARYL L. FOWLER, COUNTY JUDGE

ATTEST: Natalie Carson
NATALIE CARSON, COUNTY CLERK

