

**MINUTES OF THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS
REGULAR MEETING – MAY 10, 2021**

DeWitt County Commissioners Court met in regular session May 10, 2021 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 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)

Public hearing held in order to provide opportunity for public comments on establishing a 40 MPH speed limit on Golly Road and South Golly Road in Commissioner Precinct No. 4. 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. Randle made a motion to establish a 40 MPH speed limit on the entire length of Golly Road and South Golly Road in Commissioner Precinct No. 4 effective immediately with the placement of the signs. Mr. Afflerbach seconded the motion. Motion carried on a vote of 4-0.

Order Rescinding Burn Ban (No. 4)

MOTION: Mr. Randle made a motion to ratify the Order Rescinding Burn Ban on outdoor burning, Court Order No. 2021-034. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0.

Aerial Fireworks Ban (No. 5)

No action taken.

Advance Funding Agreement TXDOT (No. 6)

Court passed on this agenda item.

Resolution Supporting State of Texas (No. 7)

MOTION: Mr. Kaiser made a motion to adopt a Resolution, Court Order Number 2021-036, supporting Governor Greg Abbott's request for federal funds to reimburse the State and local governments for expenses incurred as a result of the federal government's border policies. Mr. Afflerbach seconded the motion. Motion carried on a vote of 4-0.

Preliminary Appraised Values for 2021 (No. 8)

This agenda item was passed until later in this meeting. *[Clerk's Note: See Page 4]*

Judge Fowler requested that Mr. Afflerbach oversee the agenda to allow him time to gather some more information.

Tobacco Settlement Proceeds Payment (No. 9)

MOTION: Mr. Kaiser made a motion to receive 2021 Texas Department of State Health Services payment from tobacco settlement proceeds in the amount of \$12,198.90. Mr. Randle seconded the motion. Motion carried on a vote of 3-0 with Judge Fowler absent.

Interlocal Cooperative Agreement for Housing Inmates (No. 10)

MOTION: Mr. Kaiser made a motion to enter into an agreement between DeWitt County, Texas and Gonzales County, Texas to provide housing and care of certain inmates at a rate of \$50 per day. Mr. Randle seconded the motion. Motion carried on a vote of 3-0 with Judge Fowler absent.

Keep Cuero Beautiful Letter (No. 12)

MOTION: Mr. Kaiser made a motion to receive letter from Keep Cuero Beautiful regarding survey of litter on DeWitt County properties. Mr. Randle seconded the motion. Motion carried on a vote of 3-0 with Judge Fowler absent.

Temporary Right of Way (No. 13)

MOTION: Mr. Kaiser made a motion to approve temporary right of way agreement with Bruce Franks Rentals LLC for installation of a dual water line along Garfield Road in Commissioner Precinct No. 3. Mr. Randle seconded the motion. Motion carried on a vote of 3-0 with Judge Fowler absent.

Temporary Right of Way (No. 14)

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 Ckudre Road in Commissioner Precinct No. 3. Mr. Randle seconded the motion. Motion carried on a vote of 3-0 with Judge Fowler absent.

Temporary Right of Way (No. 15)

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 Frank Hinojosa Road in Commissioner Precinct No. 3. Mr. Randle seconded the motion. Motion carried on a vote of 3-0 with Judge Fowler absent.

Temporary Right of Way (No. 16)

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 Cabeza Road in Commissioner Precinct No. 3. Mr. Randle seconded the motion. Motion carried on a vote of 3-0 with Judge Fowler absent.

Temporary Right of Way (No. 17)

MOTION: Mr. Kaiser made a motion to approve temporary right of way agreement application with EOG Resources Inc. for installation of a dual water line along Hahn Road in Commissioner Precinct No. 1. Mr. Randle seconded the motion. Mr. Afflerbach questioned whether the application was for a dual water line or single water line. Court held off on voting on this item until County Judge's Executive Secretary Blair Duran could provide verification.

[Clerk's Note: See Page 5]

Monthly Report of Officials (No. 18)

County Auditor Carrie Rea reported that her office had received monthly reports from all officials.

MOTION: Mr. Randle made a motion to approve monthly report of officials. Mr. Kaiser seconded the motion. Motion carried on a vote of 3-0 with Judge Fowler absent.

County Auditor's Monthly Report (No. 19)

MOTION: Mr. Randle made a motion to receive County Auditor's Monthly Report. Mr. Kaiser seconded the motion. Motion carried on a vote of 3-0 with Judge Fowler absent.

Judge Fowler re-assumed overseeing the agenda.

Audit Report (No. 20)

County Auditor provided a report of the audit performed for the Office of Emergency Management, Floodplain, LEPC, and Safety. Mr. Randle discussed the need for the disposition of the missing inventory items brought back to the court.

MOTION: Mr. Kaiser made a motion to receive DeWitt County Auditor's Report for Office of Emergency Management, Floodplain, LEPC, and Safety. Mr. Randle seconded the motion. Motion carried on a vote of 4-0.

Division Order (No. 11)

MOTION: Mr. Kaiser made a motion to receive division order from Devon Energy Production Co LP (HB2521) for the Crow A AC 2H Unit and authorize the county judge to sign the order. Mr. Afflerbach seconded the motion. Motion carried on a vote of 4-0.

County Treasurer's Monthly Report (No. 21)

MOTION: Mr. Afflerbach made a motion to receive and approve County Treasurer's Monthly Report, Court Order Number 2021-035. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0.

Preliminary Appraised Values for 2021 (No. 8)

MOTION: Mr. Kaiser made a motion to receive the preliminary appraised values submitted by the chief appraiser of the DeWitt County Appraisal District. Mr. Afflerbach seconded the motion. Motion carried on a vote of 4-0.

Minutes (No. 22)

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

Accounts Payable (No. 23)

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. 24)

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. 25)

MOTION: Mr. Randle made a motion to approve budget amendment requests. Mr. Afflerbach seconded the motion. Motion carried on a vote of 4-0.

Bonds (No. 26)

None

Temporary Right of Way (No. 17)

Mr. Kaiser withdrew the previous motion.

MOTION: Mr. Kaiser made a motion to approve temporary right of way agreement with EOG Resources Inc. for installation of a 10-inch black poly line along Hahn Road in Commissioner Precinct No. 1. Mr. Randle seconded the motion. Motion carried on a vote of 4-0.

Courthouse/Annex Expenditures/Maintenance/Improvements (No. 27)

Judge Fowler reported that after the recent rain there was water in the basement. The water came in at a single location, which is located under the steps on the north side of the building. This location was not part of the work performed by JC Stoddard.

Judge Fowler reported that JC Stoddard is working on forms and experimenting with concrete and discoloration of concrete. Any new replacement concrete needs to appear that it has been here for a long time.

Judge Fowler reported that after the recent rain there was a leak at the annex in the women's bathroom. He has requested the architect and Weaver & Jacobs Construction to look at the leak.

Court reviewed a proposal from Trane for fixing a pump downstairs.

MOTION: Mr. Kaiser made a motion to approve the proposal for fixing the Pump #2 at a cost of \$6,048.00. Mr. Randle seconded the motion. Motion carried on a vote of 4-0.

Mr. Randle reported to the court that he is gathering proposals for the HVAC system at the DeWitt County Museum Bates-Sheppard House. The proposals will be presented at the next meeting.

Legislative Update (No. 28)

Judge Fowler reported that we are in the last few days of limitation wherein the House has a calendar of deadline to take up House Bills and get them out to the floor. There are some big bills that have been voted out of the Senate and over to the House that remain in the committee that have not been heard by that committee, mainly SB 10.

Discussion of Commissioner Precinct Operations (No. 29)

Commissioner Precinct No. 1 reported that he closed one end of Oliver Road at Elder Road due to a low water crossing with a 36" culvert pipe that was put in years ago and apparently whatever head walls it had on it failed and the last rain removed all of the dirt that was under the floor causing the floor to cave in. His crews will have to completely knock out and go back and start from scratch and replace the low water crossing on Fulsher Creek.

Mr. Afflerbach reported that he received a request from Conoco Phillips on a bridge on Hoehne Road. The bridge was inspected in 2010 and had signs on it with 17,500 lbs. restriction. The oilfield assisted in the cost of putting two (2) piers down and welding a beam across under the center. They removed all restrictions so the oilfield could go in and drill wells because it is a dead end road. The bridge passed inspection in 2012, 2014, 2016 and 2018 and now in 2020, it was condemned to 52,000 lbs. load limits and oil companies want to run loads of at least to 70,000 because of their tanker trucks. Mr. Afflerbach has reached out to Hanson Engineering to see if the piers are heavy enough to put another beam across to get the restriction removed.

Commissioner Precinct No. 3 reported normal precinct operations.

Commissioner Precinct No. 4 reported normal precinct operations. Mr. Randle reported that another month has come and gone and he still has not received a bid packet for the start of TIFF grant road.

County Treasurer Carol Ann Martin addressed the court regarding the regulations that the county must follow under Federal Motor Carrier Safety Administration for Commercial Driver's License and the Clearinghouse.

County Building Workshop (No. 30)

Mr. Randle reported that the construction of a new county annex is progressing on schedule. The projected completion date is still the first or second week of September 2021.

COVID-19 Disaster Update (No. 31)

Judge Fowler reported that cases are minimal.

Adjourn (No. 32)

MOTION: Mr. Kaiser made a motion to adjourn. [Adjourned at 10:40 a.m.]

**MINUTES OF THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS
REGULAR MEETING – MAY 24, 2021**

DeWitt County Commissioners Court met in regular session May 24, 2021 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 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:

Commissioners Court Meeting Schedule (No. 1)

MOTION: Mr. Afflerbach made a motion to move the meeting to Thursday the 24th of June at 9:00 a.m. in the County Courtroom. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

Child Welfare Board Budget (No. 2)

MOTION: Mr. Afflerbach made a motion to receive the 2021-2022 fiscal year budget of the DeWitt County Child Welfare Board. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

Child Abuse Awareness and Prevention Month Proclamation (No. 3)

MOTION: Mr. Kaiser made a motion to approve the Proclamation establishing April 2021 as National Child Abuse Prevention Month in DeWitt County. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

America's Rural Energy Coalition Inc. (No. 4)

Court heard a presentation from Jeff Labenz-Hough, Executive Director of America's Rural Energy Coalition Inc.

No action taken.

Judge Fowler requested that Mr. Afflerbach oversee the agenda.

Economic Development Discussion (No. 5)

No action taken.

Law Enforcement Support Office Application (No. 6)

MOTION: Mr. Kaiser made a motion to ratify 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 with Judge Fowler absent.

Authorize Emergency Expenditure (No. 7)

MOTION: Mr. Randle made a motion to approve a Court Order Number 2021-037 to meet an unusual and unforeseen condition pursuant to Local Government Code § 111.041 for the purchase of a new jail kitchen dishwasher from Jean's Restaurant Supply out of Victoria, Texas for total amount of \$14,779.30. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0 with Judge Fowler absent.

Authorize a Written Request (No. 8)

MOTION: Mr. Kaiser made a motion authorize judge's secretary to authorize 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 2020 reporting years. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0 with Judge Fowler absent.

Temporary Right of Way (No. 9)

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 Gruenau Road in Commissioner Precinct No. 3. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0 with Judge Fowler absent.

U.S. Department of Transportation/DeWitt County CDL Policy (No. 10)

Court passed on this agenda.

Courthouse/Annex/Museum Expenditures/Maintenance/Improvements (No. 19)

MOTION: Mr. Randle made a motion to approve the proposal from Weaver & Jacobs on the HVAC systems for the DeWitt County Historical Heritage Museum in order to install two (2) variable refrigerant flow systems in accordance with the breakdown of the sketch for a HVAC system \$23,299.00 and the electrical and overhead would be \$26,783.00 total. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0 with Judge Fowler absent.

Paid Time Off Policy (No. 11)

Court passed on this agenda.

Revenue Collection/Deposit Policy Update (No. 12)

MOTION: Mr. Randle made a motion to receive the update and approve adoption of the updated Deposit/Revenue Policy. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0 with Judge Fowler absent.

Health Insurance Renewal (No. 13)

MOTION: Mr. Pilchick made a motion for the renewal of employee health insurance benefit plan provided through Texas Association of Counties Risk Pool. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0 with Judge Fowler absent.

Certification of Funds (No. 14)

MOTION: Mr. Kaiser made a motion to receive letter from County Auditor certifying donations for DeWitt County from the Coronavirus Aid, Relief, and Economic Security (CARES) Act for the amount of \$443,300.00. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0 with Judge Fowler absent.

Accounts Payable (No. 15)

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

Ratified Accounts Payable (No. 16)

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

Budget Amendment Requests (No. 17)

None

Bonds (No. 18)

None

County Building Workshop (No. 22)

Mr. Randle reported that the weather has not allowed the outside work to be done. The interior work is still moving along.

Legislative Update (No. 20)

No Legislative update.

Discussion of Commissioner Precinct Operations (No. 21)

Commissioner Pct. 1 reported that the work on the low water crossing on Oliver Road at Elder Road had not been completed prior to the recent rains. Culvert pipe was set and fill dirt was placed around it but the concrete had not been poured. As soon as it dries up, the crews will be back working on the low water crossing.

Commissioner Pct. 2 reported normal precinct operations.

Commissioner Pct. 3 reported normal precinct operations.

Commissioner Pct. 4 reported normal precinct operations.

COVID-19 Disaster Update (No. 23)

No COVID-19 disaster update.

Adjourn (No. 24)

MOTION: Mr. Pilchick made a motion to adjourn. [Adjourned at 11:05 a.m.]

THE FOREGOING MINUTES FOR THE MONTH OF MAY A.D. 2021 WERE READ AND APPROVED IN REGULAR SESSION OF COURT ON THIS THE 14TH DAY OF JUNE, A.D. 2021.


DARYL L. FOWLER, COUNTY JUDGE



ATTEST: 
NATALIE CARSON, COUNTY CLERK