

**MINUTES OF THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS
REGULAR MEETING – FEBRUARY 14, 2022**

DeWitt County Commissioners Court met in regular session February 14, 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 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:

Livestock Show Proclamation (No. 1)

MOTION: Mr. Randle made a motion to adopt the resolution proclaiming February 26, 2022 through March 4, 2022 as DeWitt County Youth Livestock Show Week. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

Letter of Support (No. 2)

MOTION: Mr. Afflerbach made a motion to authorize County Judge to submit letter of support on behalf of the Commissioners Court for the Gulf Bend Center as they apply for the GVEC Power Up Grant to renovate their clinic. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

Commissioners Court Resolution No. 2022-003 (No. 3)

MOTION: Mr. Randle made a motion to ratify Commissioners Court Resolution No. 2022-003 authorizing submission of a grant application for the Truancy Prevention Grant Program and designating County Judge Daryl Fowler as the grantee's authorized official. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

Resolution Approving Financing (No. 4)

MOTION: Mr. Kaiser made a motion to approve the resolution approving a project in DeWitt County financed by the Calhoun County Navigation Industrial Development Authority for Max Midstream Texas LLC, pursuant to Local Government Code 501.159. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

Completion of Master's Degree (No. 6)

MOTION: Mr. Randle made a motion to receive transcript from Texas A&M University-Commerce showing completion of Master's Degree in Applied Criminology for Sheriff Carl Bowen. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

Racial Profiling Report (No. 7)

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

Racial Profiling Report (No. 8)

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

Correction Deed (No. 9)

MOTION: Mr. Kaiser made a motion to receive notification of a Correction Deed recorded in the DeWitt County Clerk's office concerning the 1.344 acre tract on FM 766 purchased by Texas Luxury Custom Homes from DeWitt County and approved in Commissioners Court on December 13, 2021. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

Sale of Surplus County Real Estate (No. 10)

MOTION: Mr. Afflerbach made a motion to appoint Commissioner Precinct No. 4 Richard Randle to conduct a sale of surplus county real estate on FM 3157 in Meyersville pursuant to Local Government Code 272.001. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

TXDOT Request to Close Nolte Boehl Road at US 87 (No. 11)

Court passed on this agenda item.

Trane Boiler Service & Maintenance Agreement (No. 12)

MOTION: Mr. Kaiser made a motion to approve the proposal for boiler service and maintenance in the DeWitt County Courthouse at a cost of \$6,489.00, pay a one (1) time payment and receive a discount of reduction of \$194.67. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

Trade-in of Backhoe Loader for Precinct 4 (No. 14)

MOTION: Mr. Afflerbach made a motion to approve request from Commissioner Pct. 4 for trade-in of a 2011 Case 580SN Backhoe loader toward purchase of a new piece of equipment in FY2022 budget per LGC 263.152(a) (2). Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

Authorize Auditor to Advertise for Bids (No. 15)

MOTION: Mr. Afflerbach made a motion to authorize the auditor to advertise for bids: 1) asphalt oils, 2) concrete, 3) fuel, 4) road materials. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

Declare Fixed Assets as Salvage (No. 16)

MOTION: Mr. Afflerbach made a motion to declaring certain inventory items as worn, damaged or obsolete, pursuant to Local Government Code §263.152. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

Authorize Auditor to Dispose of Salvage or Surplus Property (No. 17)

MOTION: Mr. Randle made a motion to authorize Auditor to dispose of salvage or surplus property, pursuant to Local Government Code §263, Subchapter D by means of donation. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

Records and Proceeds from the Sale of Salvage or Surplus Property (No. 18)

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. Pilchick seconded the motion. Motion carried on a vote of 5-0.

Pipeline Crossing Permit (No. 19)

MOTION: Mr. Afflerbach made a motion to approve pipeline crossing permit application from BPX Energy to cross Kozielski Road in Commissioner Precinct No. 1. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

Workshop on Policy and Personnel Manual (No. 20)

The proposed policy and personnel manual was handed out to the court for their review.

Monthly Report of Officials (No. 21)

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

County Auditor's Monthly Report (No. 22)

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

County Treasurer's Monthly Report (No. 23)

MOTION: Mr. Kaiser made a motion to receive report and approve Commissioners Court Order Number 2022-005, Order Approving Treasurer's Monthly Report. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

Minutes (No. 24)

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

Accounts Payable (No. 25)

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. 26)

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. 27)

None

Bonds (No. 28)

None

Courthouse/Annex/Museum Expenditures/Maintenance/Improvements (No. 29)

Judge Fowler reported on the following regarding the courthouse:

1. Weaver & Jacobs has started framing in the basement for the Adult Probation Department office.
2. A water leak has been discovered on the courthouse lawn.
3. Ramos Expert Cleaning crew has been cleaning in the courthouse.
4. Texas Historical Commission provided the county with confirmation for the work order for the permit to do the basement excavation project had been closed out.

Mr. Kaiser reported that he was contacted by a constituent with concerns about the new annex building ADA compliance with the heavy front doors and no drive thru for the tax assessor-collector office. Mr. Randle reported that the county had an ADA inspection performed and the building passed the inspection.

Mr. Afflerbach reported that the shingles for the museum roof are about one (1) week out. The roofers will be scheduled once the shingles arrive.

Legislative Update (No. 30)

Judge Fowler met with Lois Kolkhorst this past Friday, they discussed the business of DeWitt County, and his inquires about her positions on two (2) items of interest to DeWitt County. One of the items was to long-standing need for the Texas Legislature to amend the tax code to acknowledge their abatement for oil & gas companies or change that so that the new oil and gas wells are treated like a new Walmart etc. and removed from the calculation of the tax rate. The second item discussed was state's continuing benevolence exhibited on certain classification of individuals, like over 65 age senior citizens tax freeze, disabled tax freeze, veterans tax freeze, and law enforcement tax freezes. There are more people in DeWitt County with frozen taxes on their homesteads than younger people contributing.

Discussion of Commissioner Precinct Operations (No. 31)

Commissioner Precinct No. 1 reported that there is a wash out around the cement that protects the seal beams on the bridge on DuBose Ranch Road. TxDOT has advised Mr. Afflerbach that if the county would need to backfill around the beams or else TxDOT will place load limits or condemn the bridge. Mr. Afflerbach reported on trying to finish the work on Schlenstedt Road under the grant program.

Commissioner Precinct No. 2 reported on re-stabilizing about three (3) miles of Old Yoakum Road. Morris Community Road has been primed and waiting on the weather to seal coat the road.

Commissioner Precinct No. 3 reported that the Eckhardt Ranch Road had to be closed because the bridge fell.

Commissioner Precinct No. 4 reported on work on Thomaston area roads.

Victoria Air HVAC Maintenance Agreement (No. 13)

MOTION: Mr. Randle made a motion to approve the proposed contract with Victoria HVAC for maintenance agreement for the annual rate of \$9,168.00 to be billed in increments of \$2,292.00 and authorize the judge to sign. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

Independent Contractor Agreement (No. 5)

MOTION: Mr. Kaiser made a motion to approve an agreement with Ramos Expert Cleaning LLC for janitorial services. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

County Building Workshop (No. 32)

Discussed during agenda item number 29.

COVID-19 Disaster Update (No. 33)

No COVID-19 disaster update.

County Treasurer Carol Ann Martin provided the court with information regarding the latest COVID-19 requirements and requested that procedures be put in place.

Public Announcements/Comments (No. 34)

No public announcements or comments.

Adjourn (No. 35)

MOTION: Mr. Afflerbach made a motion to adjourn. [Adjourned at 10:50 a.m.]

**MINUTES OF THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS
REGULAR MEETING – FEBRUARY 28, 2022**

DeWitt County Commissioners Court met in regular session February 28, 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 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:

Annual Financial Report (No. 5)

MOTION: Mr. Randle 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, 2021. Mr. Afflerbach seconded the motion. Motion carried on a vote of 4-0 with Mr. Pilchick absent.

Presentation of Certificate and Award (No. 6)

Certificate of Achievement for Excellence in Financial Reporting and an Award of Financial Reporting Achievement was presented to Carrie Rea, county auditor, and her staff on behalf of the Government Finance Officers Association of the United States and Canada.

Annual Financial Report (No. 3)

MOTION: Mr. Randle made a motion to receive Annual Financial Report for DeWitt County Drainage District No. 1, for fiscal year ended September 30, 2021. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

Residential Services Agreement (No. 4)

MOTION: Mr. Kaiser made a motion to approve a one (1) year contract for residential treatment services between the Father Flanagan's Boys' Home and DeWitt County Juvenile Probation Department beginning December 1, 2021 through November 30, 2022. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

Resolution (No. 7)

MOTION: Mr. Pilchick made a motion to approve resolution supporting the establishment of the Golden Crescent Regional Adult Sexual Assault Response Team. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

GCRPC Interlocal Agreement (No. 8)

MOTION: Mr. Pilchick made a motion to approve interlocal agreement between DeWitt County and other local counties for establishment of the Golden Crescent Regional Adult Sexual Assault Response Team. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

Release Forms for Opioid Settlement (No. 9)

MOTION: Mr. Kaiser made a motion to approve the Endo Subdivision Release Form and the Teva Subdivision Release Form related to the Opioid Settlement Resolution. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

Pro-rata Tobacco Settlement Distribution (No. 10)

MOTION: Mr. Kaiser made a motion to receive the County Expenditure Statement – 2022 from the county auditor and authorizing 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.

Commissioners Annual Road Report 2022 (No. 11)

Court passed on this agenda item.

Commissioners Annual Road Report 2022 Format (No. 12)

Court passed on this agenda item.

Temporary Right of Way (No. 13)

MOTION: Mr. Kaiser made a motion to approve temporary right of way agreement with SwiftWater Energy Services for installation of temporary water line along Maron Road, Schneider Ranch Road, and A. Seiler Road in Commissioner Precinct No. 3. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

Temporary Right of Way (No. 14)

MOTION: Mr. Afflerbach made a motion to approve temporary right of way permit application from Select Energy LLC for installation of temporary water line along Elder Road in Commissioner Precinct No. 1. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

Discretionary Exemption (No. 15)

Court passed on this agenda item.

Accounts Payable (No. 16)

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. 17)

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. 18)

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

Bonds (No. 19)

None

Courthouse/Annex/Museum Expenditures/Maintenance/Improvements (No. 20)

Judge Fowler reported on the shingles for the museum, outside cleaning services at the courthouse, framing of the new office space in the basement of the courthouse for the probation department and roof repairs at the Weber Annex.

Legislative Update (No. 21)

Judge Fowler reported that he spoke with Steve Holzheuser last week while he was in the county.

Discussion of Commissioner Precinct Operations (No. 22)

Commissioner Precinct No. 1 reported on work on Schlenstedt Road.

Commissioner Precinct No. 2 reported on normal precinct operations.

Commissioner Precinct No. 3 reported on normal precinct operations.

Commissioner Precinct No. 4 reported on Zengerle Road, Rainbow Road, Hotz Road and short section of Fordtran Road from the highway to past the post office stabilized and waiting for warmer weather to get the chip seal done.

Workshop on Policy and Personnel Manual (No. 23)

Court passed on this agenda item.

Taxpayer Refund Request (Addendum No. 1)

MOTION: Mr. Kaiser made a motion to approve for Ashley D. Mraz, DeWitt County Tax Assessor-Collector for a partial refund of 2019 and 2020 property taxes owed to Cuero Retail Partnership through its lawsuit with the DeWitt County Appraisal District in re: Cause Numbers 19-08-24,933 and 20-08-25,226 to come out of General Fund Non-Departmental Contingent and Uncommitted Fund \$2,756.32. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

Executive/Closed Session (No. 1)

Commissioners Court went into executive/closed session closed session at 10:00 a.m. pursuant to sections 551.071(2) and 551.129, Texas Government Code (consultation with attorney), for the Commissioners Court to consult with and seek advice from its attorney regarding: (1) substantive and procedural issues pertaining to proposed guidelines and criteria for tax abatement and other economic development; and (2) any other matter described in this meeting agenda. Judge Fowler was designated to be the keeper of the agenda.

Court returned to open session at 1:30 p.m.

Discussion Only – No final action will be taken (No. 2)

MOTION; Mr. Randle made a motion to authorize the attorney to prepare a public hearing draft of the guidelines of tax abatement and other economic development and set a public hearing for March 28, 2022 at 10:00 a.m. at the DeWitt County Courthouse. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0 with Judge Fowler absent.

County Building Workshop (No. 25)

Mr. Randle reported that there was a man lift at the DeWitt County Annex building and some of the exterior brick warranty work is being corrected.

MOTION: Mr. Randle made a motion to authorize the auditor to order the furniture for the conference room in the new annex through a cooperative purchasing agency for approximately \$58,000.00. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0 with Judge Fowler absent.

COVID-19 Procedure (No. 24)

MOTION: Mr. Kaiser made a motion to receive COVID-19 procedure. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0 with Judge Fowler absent.

COVID-19 Disaster Update (No. 26)

No COVID-19 disaster update.

Public Announcements/Comments (No. 27)

None

Adjourn (No. 28)

MOTION: Mr. Kaiser made a motion to adjourn. [Adjourned at 1:42 p.m.]

THE FOREGOING MINUTES FOR THE MONTH OF FEBRUARY A.D. 2022 WERE READ AND APPROVED IN REGULAR SESSION OF COURT ON THIS THE 14TH DAY OF MARCH, A.D. 2022.



DARYL L. FOWLER, COUNTY JUDGE

ATTEST: Natalie Carson
NATALIE CARSON, COUNTY CLERK

