

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

DeWitt County Commissioners Court met in regular session November 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 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:**

**Proclamation for National Hospice Palliative Care Month (No. 3)**

MOTION: Mr. Randle made a motion to proclaim November 2022 as National Hospice and Palliative Care Month in DeWitt County. Mr. Afflerbach seconded the motion. Motion carried on a vote of 4-0.

**City of Cuero Indemnity and Hold Harmless Agreement and Presentation of Proposed Christmas Attractions (No. 1)**

MOTION: Mr. Kaiser made a motion to approve the Indemnity and Hold Harmless Agreement with the City of Cuero for placing lighted Christmas attractions on the south lawn of the Courthouse. Mr. Afflerbach seconded the motion. Motion carried on a vote of 4-0.

**Consider Placement of Christmas Attractions (No. 2)**

MOTION: Mr. Afflerbach made a motion to approve request of the placement of Christmas attractions from the City of Cuero Main Street Committee, in connection with the Christmas in the Park Committee, to place removable, temporary, lighted Christmas Attractions on the south lawn of the Courthouse November 14, 2022 - January 11, 2023. Mr. Randle seconded the motion. Motion carried on a vote of 4-0.

**DeWitt County Drainage District No. 1 (No. 4)**

MOTION: Mr. Randle made a motion to receive the FY2023 Resolution Setting District Staff Salary Wages & Payroll Items of DeWitt County Drainage District No. 1 and the FY2023

Resolution Setting Directors Fees of Office of DeWitt County Drainage District No. 1. Mr. Afflerbach seconded the motion. Motion carried on a vote of 4-0.

**Road Closure (No. 5)**

MOTION: Mr. Kaiser made a motion to receive Commissioner Pilchick’s need to close Dagg Road in Commissioner Precinct 2 for a bridge replacement and authorize publication of Notice to Close Road in local newspapers. Mr. Afflerbach seconded the motion. Motion carried on a vote of 4-0.

**Canvass of Election Returns (No. 6)**

Court passed on this agenda item.

**Interlocal Agreement (No. 7)**

Court passed on this agenda item until later in the meeting in order to obtain clarification. [See Page 3]

**Amendment to Salary Order (No. 9)**

MOTION: Mr. Randle made a motion to approve the amendment to the DeWitt County Salary Order, Court Order Number 2022-045, authorizing use of truancy grant funds to add one part-time truancy caseworker position. Mr. Afflerbach seconded the motion. Motion carried on a vote of 4-0.

**Salary Committee (No. 8)**

MOTION: Mr. Randle made a motion to appoint a salary committee consisting of the budget officer which is the County Judge, the Sheriff, the Auditor, the Treasurer, and one (1) Commissioner to commence meeting in January 2023. Mr. Afflerbach seconded the motion. Motion carried on a vote of 4-0.

Sheriff Carl Bowen discussed with the court the DeWitt County Sheriff’s plan for recruitment of new officers, necessity to retain employees and salaries.

**County Holiday Schedule (No. 10)**

New Year’s Day	Monday	January 2
Martin Luther King Jr. Day	Monday	January 16
Presidents’ Day	Monday	February 20
Good Friday	Friday	April 7
Memorial Day	Monday	May 29
Independence Day	Tuesday	July 4
Labor Day	Monday	September 4
Veterans Day	Friday	November 10

Thanksgiving	Thursday	November 23
	Friday	November 24
Christmas	Monday	December 25
	Tuesday	December 26

MOTION: Mr. Afflerbach made a motion to approve the list of holidays for 2023. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0.

**Interlocal Agreement (No. 7) – Continued from Page 2**

MOTION: Mr. Kaiser made a motion to approve the Interlocal Agreement revisions between DeWitt County and the City of Yorktown for 24-Hour Law Enforcement Services for a term beginning October 1, 2022 and ending September 20, 2023. Mr. Randle seconded the motion. Motion carried on a vote of 4-0.

**Annual Report of Eminent Domain Authority (No. 11)**

MOTION: Mr. Randle made a motion to continue the current eminent domain authority of the DeWitt County Commissioners Court and authorize the County Judge to file electronically the annual report to the Comptroller of Public Accounts required by Section D of the Texas Government Code Chapter 2206. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0.

**Temporary Right of Way (No. 13)**

MOTION: Mr. Kaiser made a motion to approve temporary right of way agreement with Burlington Resources for installation of a temporary water line on Steen Road in Commissioner Precinct No. 2. Mr. Randle seconded the motion. Motion carried on a vote of 3-0 with Judge Fowler absent.

**Declare Fixed Assets as Salvage (No. 16)**

MOTION: Mr. Kaiser made a motion to declare 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 3-0 with Judge Fowler absent.

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

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. Randle seconded the motion. Motion carried on a vote of 3-0 with Judge Fowler absent.

**Monthly Report of Officials (No. 18)**

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

**County Treasurer's Monthly Report (No. 20)**

MOTION: Mr. Kaiser made a motion to receive the Treasurer's Monthly Report and approve Court Order Number 2022-044 Approving Treasurer's Monthly Report. Mr. Randle seconded the motion. Motion carried on a vote of 3-0 with Judge Fowler absent.

**Minutes (No. 21)**

MOTION: Mr. Randle made a motion to receive and approve the minutes of the previous term of court. Mr. Kaiser seconded the motion. Motion carried on a vote of 3-0 with Judge Fowler absent.

**Accounts Payable (No. 22)**

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

**Ratified Accounts Payable (No. 23)**

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

**Budget Amendment Requests (No. 24)**

None

**Bonds (No. 26)**

None

### **Receive and Award Bid (No. 14)**

County Auditor's office received bids were from H&C Construction Co. Inc., CK Newberry LLC and ABN Construction. The bid package received from ABN Construction was incomplete and could not be considered.

MOTION: Mr. Kaiser made a motion to reject all bids and authorize the auditor to go out one more time for bids for asphalt maintenance. Mr. Randle seconded the motion. After discussion, Mr. Kaiser and Mr. Randle retracted the motion and the second.

MOTION: Mr. Kaiser made a motion to receive bids from CK Newberry LLC and H & C Construction Co. Inc. and award accordingly. Mr. Randle seconded the motion. Motion carried on a vote of 4-0.

### **DeWitt County Revenue Collection Policy (No. 15)**

MOTION: Mr. Afflerbach made a motion to receive and adopt the updated revenue collection policy between the auditor and treasurer. Mr. Randle seconded the motion. Motion carried on a vote of 4-0.

### **Trane Chiller Service & Maintenance Agreement (No. 12)**

Court passed on this agenda item.

### **Personnel Policy (No. 25)**

MOTION: Mr. Kaiser made a motion to approve necessary amendments/changes to the personnel policy. Mr. Randle seconded the motion. Motion carried on a vote of 4-0.

### **Courthouse/Annex/Museum Expenditures/Maintenance/Improvements (No. 27)**

Judge Fowler received a solicitation from an agency in Victoria for termite services that was received for the DeWitt County Annex Building. Judge Fowler will look for a termite service provider for the courthouse and the Weber Annex Building.

Probation Department will be moving in December into the basement of the courthouse.

Judge Fowler reported that the Texas Office of Emergency Management has created a position called a county liaison. DeWitt County is scheduled to receive a state employee in the position and will need an office space.

Mr. Afflerbach reported that the foundation work at the Historical Museum was scheduled to begin at the end of the month.

**Legislative Update (No. 28)**

None

**Discussion of Commissioner Precinct Operations (No. 29)**

Commissioner Precinct No. 1 reported on road work on Old San Antonio Road and Lindenau Road. Mr. Afflerbach discussed the large tank on the river bank. Mr. Afflerbach reported that he purchased a dog kennel to house some dogs that were picked up by the Sheriff's Department. The dogs were killing other dogs, cattle and bit a landowner. The City of Cuero Animal Control and the local veterinary office would not keep the dogs. Mr. Afflerbach will house the dogs until the Justice of the Peace decides what to do with the dogs.

Commissioner Precinct No. 2 was absent.

Commissioner Precinct No. 3 reported on normal precinct operations.

Commissioner Precinct No. 4 reported on normal precinct operations. The River Road project is complete.

**Building & Use Agreement Workshop (No. 30)**

Court did not hold a workshop.

**Public Announcements/Comments (No. 31)**

None

**Adjourn (No. 32)**

MOTION: Mr. Kaiser made a motion to adjourn. [Adjourned at 11:37 a.m.]

**MINUTES OF THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS  
SPECIAL MEETING – NOVEMBER 21, 2022**

DeWitt County Commissioners Court met in special session November 21, 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:**

**Canvass of Election Returns (No. 1)**

MOTION: Mr. Pilchick made a motion to accept election results as canvassed for the November 8, 2022 General Election. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0 with Judge Fowler absent for the vote.

**Adjourn (No. 2)**

MOTION: Mr. Kaiser made a motion to adjourn. [Adjourned at 10:20 a.m.]

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

DeWitt County Commissioners Court met in regular session November 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:**

### **Nominations for Drainage District Commissioners (No. 1)**

MOTION: Mr. Randle made a motion to receive the nominations for the appointment of Drainage District Commissioners for a two year term beginning January 1, 2023 and leave the nominations open until our December 12<sup>th</sup> meeting. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

### **TCEQ Notification of Name Change (No. 2)**

MOTION: Mr. Kaiser made a motion to receive an Order from the Texas Commission on Environmental Quality to approve a name change for the taxing jurisdiction (formerly) known as the DeWitt County Drainage District No. 1 to the new name of "Green DeWitt Drainage District." Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

### **FM 951 at South Fork Queens Creek Road Closure (No. 3)**

MOTION: Mr. Randle made a motion to accept the letter to close FM 951 at South Fork Queens Creek for bridge replacement, make necessary notifications and authorize the judge to sign. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

### **Golden Crescent Workforce Solutions Board Appointment (No. 4)**

MOTION: Mr. Kaiser made a motion to approve the appointment of a board member to the Local Workforce Development Board of Golden Crescent Workforce Solutions for a term effective December 1, 2022 through September 30, 2025, the appointee is Constance Donels. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

### **Delinquent Property Tax and Fees and Fines Collection Report (No. 5)**

MOTION: Mr. Randle made a motion to receive the annual delinquent property tax and fees and fines collection report for DeWitt County presented by attorney Nicole J. Borchard with the Law Firm of Linebarger Goggan Blair & Sampson, LLP. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.



**Contingent Fee Contract for Legal Services (No. 6)**

MOTION: Mr. Kaiser made a motion to adopt the findings required by House Bill 2826 relating to the procurement of a contingent fee contract for legal services by certain governmental entities. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

**Agreement for Tax Collection Services (No. 7)**

MOTION: Mr. Kaiser made a motion to approve an Agreement for Tax Collection Services with Linebarger Goggan Blair & Sampson, LLP for a term beginning January 1, 2023 and going thru December 31, 2025. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

**Contingent Fee Contract for Legal Services (No. 8)**

MOTION: Mr. Randle made a motion to adopt the findings required by House Bill 2826 relating to the procurement of a contingent fee contract for legal services by certain governmental entities. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

**Agreement for Fines and Fees Collection Service (No. 9)**

MOTION: Mr. Kaiser made a motion to approve an Agreement for Fines and Fees Collection Services with Linebarger Goggan Blair & Sampson, LLP for a period starting January 1, 2023 and going thru December 31, 2025. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

**Trane Chiller Service & Maintenance Agreement (No. 10)**

MOTION: Mr. Kaiser made a motion to approve proposal for chiller service and maintenance in the DeWitt County Courthouse for Trane Chiller Service & Maintenance Agreement for a one (1) time payment for the whole year taking advantage of the 3% discount effective December 1, 2022. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

**Award of Bid (No. 11)**

MOTION: Mr. Pilchick made a motion to receive bids for a 2022 Chevrolet Silverado Crew Cab Truck for the use in DeWitt County Commissioner Precinct No. 2 from Henna Chevrolet for the purchase bid price of \$52,666.06 and award bid to Henna Chevrolet and authorize payment to Henna Chevrolet. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

**HB2521 Division Order (No. 12)**

MOTION: Mr. Kaiser made a motion to receive division order from Magnolia Oil & Gas Operating LLC (HB2521) for the Jahn Units 5H, 6H, 7H, and 8H in Precinct 3. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

**Temporary Right of Way (No. 13)**

Andrew Abrameit addressed the court regarding the current temporary right of way permit applications.

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

**Temporary Right of Way (No. 15)**

MOTION: Mr. Kaiser made a motion to approve temporary right of way permit agreement with Burlington Resources for installation of a temporary water line on H. Koopman Road in Commissioner Precinct No. 3. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

**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)**

None

**Personnel Policy (No. 19)**

Court did not take any action on this agenda item.

**Bonds (No. 20)**

None

### **Courthouse/Annex/Museum Expenditures/Maintenance/Improvements (No. 21)**

Judge Fowler reported that the elevator certificate has expired at the DeWitt County Annex. He is in contact with the elevator company on this matter.

Judge Fowler reported that during the TAC Risk Management Regional Meeting it was discussed that the fire extinguishers needed to be card punched monthly. Judge Fowler is going to reach out to TAC to obtain more information.

Probation Department is planning on moving into the basement of the courthouse in December.

Mr. Afflerbach reported that the foundation company is planning on starting work this week at the DeWitt County Historical Commission.

### **Legislative Update (No. 22)**

Mr. Randle provided information on involvement with the Texas Community Development Block Grant and the MOD, Method of Distribution, has been on the Golden Crescent Regional Commission. A meeting was held a meeting last week. The commission adopted Option 4 and the total allocation of the grant is \$80,317,000.00. The option included a split of 53.1% to HUD MID and the state MID is 46.9%. A minimum allocation of \$500,000.00 was approved to each organization.

### **Discussion of Commissioner Precinct Operations (No. 23)**

Commissioner Precinct No. 1 reported on waiting for sunshine to allow the roads to dry out so that work can begin again. Mr. Afflerbach reported that he had received a bid to test ingredients in the tank located on the river bottom in case it becomes the responsibility of the county to remove the tank. Mr. Afflerbach and Judge Fowler are in communications with Guadalupe Blanco River Authority (GBRA) regarding whose responsibility it is to remove the tank from the river bottom.

Commissioner Precinct No. 2 reported on normal precinct operations.

Commissioner Precinct No. 3 reported on normal precinct operations.

Commissioner Precinct No. 4 reported on normal precinct operations.

### **Building & Use Agreement Workshop (No. 24)**

Court did not hold a workshop.

### **Public Announcements/Comments (No. 25)**

None

**Adjourn (No. 26)**

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

THE FOREGOING MINUTES FOR THE MONTH OF NOVEMBER A.D. 2022 WERE READ AND APPROVED IN REGULAR SESSION OF COURT ON THIS THE 12TH DAY OF DECEMBER, A.D. 2022.



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DARYL L. FOWLER, COUNTY JUDGE

ATTEST: Natalie Carson  
NATALIE CARSON, COUNTY CLERK

