

**MINUTES OF THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS  
REGULAR MEETING – JULY 11, 2022**

DeWitt County Commissioners Court met in regular session July 11, 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. Afflerbach gave the invocation.

Judge Fowler announced that due to health related personnel issues within the County Clerk's office, County Clerk Natalie Carson is dialed in and listening over the phone and the open session of the Commissioner's Court is being recorded.

**New Business:**

**Commissioners Road Reports (No. 1)**

MOTION: Mr. Randle made a motion to receive the Commissioner's Road Reports for FY 2022 for DeWitt County Precinct No. 1 Precinct No. 2, Precinct No. 3 and Precinct No. 4. Mr. Afflerbach seconded the motion. Motion carried on a vote of 4-0.

**Volunteer Fire Department Service Call Stipend (No. 2)**

MOTION: Mr. Randle made a motion to up the stipend to \$300.00 thru the end of the fiscal year. Mr. Afflerbach seconded the motion. Motion carried on a vote of 4-0.

**Lease/Purchase Agreement (No. 3)**

MOTION: Mr. Kaiser made a motion to approve the lease/purchase for a 2022 Bomag 84 inch padfoot roller with Anderson Machinery Co. for Commissioner Precinct No. 2 at a price of \$150,257.00 and purchase outright after October with next year's budget. Mr. Afflerbach seconded the motion. Motion carried on a vote of 4-0.

**Lease/Purchase Agreement (No. 4)**

MOTION: Mr. Afflerbach made a motion to ratify a lease/purchase agreement for a 2019 Case backhoe, Serial Number NJC753191, with Nueces Power Equipment for Commissioner Precinct No. 1. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0.

**County Road Inventory (No. 5)**

MOTION: Mr. Afflerbach made a motion to receive letter from Texas Department of Transportation for the purpose of submitting updates to county road inventory which there have been no updates or changes to the 681 miles currently on file. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0.

**Advance Funding Agreement from TXDOT for Certain Bridge Projects (No. 6)**

MOTION: Mr. Afflerbach made a motion to receive the Advanced Funding Agreement from TXDOT that was authorized by Commissioner's Court on May 23, 2022 for the construction match project of a bridge on Mueller Road over Deer Creek, Project Number CSJ #0913-17-045, and also a bridge on the Westhoff-Cheapside Road over Sandies Creek, Project Number CSJ #0913-17-046. Mr. Randle seconded the motion. Motion carried on a vote of 4-0.

**HB2521 Division Order (No. 9)**

MOTION: Mr. Afflerbach made a motion to receive division order from GulfMark Energy (HB2521) for the McCabe Et Al GU 3 Unit operated by Hurd Enterprises Ltd. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0.

**Temporary Right of Way (No. 10)**

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

**Temporary Right of Way (No. 11)**

MOTION: Mr. Afflerbach made a motion to approve temporary right of way permit application from Burlington Resources Oil & Gas Company LP for installation of two (2) temporary water lines along Bellevue Cemetery Road in Commissioner Precinct No. 1. Mr. Randle seconded the motion. Motion carried on a vote of 4-0.

**Temporary Right of Way (No. 12)**

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 temporary water line along Bellevue Cemetery Road & Chaddock Road in Commissioner Precinct No. 1. Mr. Randle seconded the motion. Motion carried on a vote of 4-0.

**Independent External Audit (No. 13)**

MOTION: Mr. Randle made a motion to authorize the annual outside audit of DeWitt County financial statements for the year ending September 30, 2022 and nominate the Certified Public Accountant Firm Harrison, Waldrop & Uherek L.L.P. to conduct such audit. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0.

**Independent External Audit (No. 14)**

MOTION: Mr. Kaiser made a motion to authorize annual outside audit of DeWitt County Juvenile Probation Funds for the year ending August 31, 2022 and nominate Harrison, Waldrop & Uherek L.L.P. as the CPA's. Mr. Afflerbach seconded the motion. Motion carried on a vote of 4-0.

**Declare Fixed Assets as Salvage (No. 15)**

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 4-0.

**Authorize Auditor to Dispose of Salvage or Surplus Property (No. 16)**

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 an online auction. Mr. Afflerbach seconded the motion. Motion carried on a vote of 4-0.

**Records and Proceeds from the Sale of Salvage or Surplus Property (No. 17)**

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

**Authorize Auditor to Advertise for Bids (No. 18)**

MOTION: Mr. Randle made a motion to authorize the county auditor to advertise for bids for asphalt oil AC-10. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0.

**County Auditor's 3rd Quarter 2022 Cash Count Report (No. 19)**

MOTION: Mr. Kaiser made a motion to receive County Auditor's 3rd Quarter 2022 Cash Count Report. Mr. Randle seconded the motion. Motion carried on a vote of 4-0.

**Monthly Report of Officials (No. 21)**

County Auditor Carrie Rea reported that the auditor's office had received monthly reports from all officials except County Attorney, Constable Precinct No. 2 and Sheriff.

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

**County Treasurer's Quarterly Investment Report (No. 20)**

Court passed on this agenda item.

**County Treasurer's Monthly Report (No. 23)**

MOTION: Mr. Randle made a motion to receive County Treasurer's Monthly Report and approve Court Order Number 2022-020 of the Order Approving Treasurer's Monthly Report. Mr. Afflerbach seconded the motion. Motion carried on a vote of 4-0.

**County Auditor's Monthly Report (No. 22)**

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.

**EXECUTIVE/CLOSED SESSION (No. 7)**

Judge Fowler announced that court moves into executive/closed session at 10:05 a.m. to take up a matter sanctioned by Texas Government Code.

Judge Fowler reported that the executive/closed session ended at 10:40 a.m.

Court returned to open session at 10:55 a.m. after a short break.

**DISCUSSION AND POTENTIAL ACTION (No. 8)**

MOTION: Mr. Afflerbach made a motion to authorize the judge to request an order for owner's policy of title insurance on a proposed purchase of real property from the State of Texas TDCJ, 100 acres Samuel Lockhart League Survey Abstract 28 DeWitt County Texas, previously acknowledged by Russell May of the General Land Office on July 7, 2022. Mr. Randle seconded the motion. Motion carried on a vote of 4-0.

**Minutes (No. 24)**

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.

**Personnel Policy (No. 28)**

No necessary personnel policy amendments/changes.

**Bonds (No. 29)**

None

**Courthouse/Annex/Museum Expenditures/Maintenance/Improvements (No. 30)**

Judge Fowler reported that the final seal has been completed on the basement floors and should be waxed this week.

Mr. Afflerbach presented a proposal from Weaver & Jacobs Constructors for the foundation repair.

MOTION: Mr. Afflerbach made a motion to have a purchase order issued to continue the work on the DeWitt County Historical Museum foundation repairs at a cost of \$63,348.00. Mr. Randle seconded the motion. Motion carried on a vote of 4-0.

**Legislative Update (No. 31)**

No Legislative update.

**Discussion of Commissioner Precinct Operations (No. 32)**

Commissioner Precinct No. 1 reported on normal precinct operations and final completion of Elder Road.

Commissioner Precinct No. 2 was absent.

Commissioner Precinct No. 3 reported on normal precinct operations.

Commissioner Precinct No. 4 reported on normal precinct operations and drainage work on River Road.

**Building & Use Agreement Workshop (No. 33)**

Workshop was not held.

**Executive/Closed Session (No. 7)**

Judge Fowler announced that court moves into executive/closed session at 11:05 a.m. to consult with attorney on a matter pending before the court under Agenda Item No. 25 Accounts Payable.

Court returned to open session at a.m. with no action to be taken.

**Accounts Payable (No. 25)**

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. 26)**

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

**Budget Amendment Requests (No. 27)**

None

**Workshop on FY2023 Budget (No. 34)**

County Auditor Carrie Rea handed out to the court a summary of budget requests. Consensus of the court that Judge Fowler and Mrs. Rea go over the budget request initially and then bring the budget request back to court.

Mrs. Rea advised the commissioners that sole source provider P2 Emulsions has increased their price effective immediately. She advised the commissioners to check their price closely.

**Public Announcements/Comments (No. 35)**

None

**Adjourn (No. 36)**

MOTION: Mr. Kaiser made a motion to adjourn. [Adjourned at 11:50 a.m.]

**MINUTES OF THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS  
REGULAR MEETING – JULY 25, 2022**

DeWitt County Commissioners Court met in regular session July 25, 2022 at 9:00 a.m. in the County Courtroom at the DeWitt County Courthouse in Cuero, Texas, with the following members present:

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

Member Absent:

Judge Fowler attended the meeting unofficially by telephone and was available to answer questions on items on the agenda as they arose.

### **Call to Order; Pledge of Allegiance & Invocation**

Mr. Afflerbach called the meeting to order and led everyone in the pledge of allegiance. Mr. Randle gave the invocation.

### **Public Hearing (No. 1)**

Public hearing was held in order to provide opportunity for public comments on placing stop signs at the following intersections: 1) On Salt Creek Cemetery Road at Salt Creek Cemetery Road and Leo Nelson Road intersection; 2) On Leo Nelson Road at Leo Nelson Road and Old Davy Road intersection.; 3) On Plasczyk Road at Plasczyk Road and Old Davy Road intersection. No one was present to speak for or against.

### **Close Public Hearing (No. 2)**

Mr. Afflerbach closed the public hearing.

### **Rule on Public Hearing (No. 3)**

MOTION: Mr. Kaiser made a motion to install stop signs on the intersection of Salt Creek Cemetery Road and Leo Nelson Road for a safety purpose; on Leo Nelson Road and Old Davy Road for the same purpose of safety; and on Plasczyk Road and Old Davy Road for safety effective when the signs go up. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

### **Certified Tax Appraisal Roll (No. 12)**

MOTION: Mr. Kaiser made a motion to receive the 2022 Certified Appraised Values from the DeWitt County Central Appraisal District. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

### **Agreement for Assessment and Collection Services (No. 6)**

MOTION: Mr. Kaiser made a motion to approve the Agreement between the Yoakum Independent School District and the County of DeWitt for consolidating the assessment and collection of property taxes into one agency, the Assessor-Collector of the County of DeWitt. Mr. Randle seconded the motion. Motion carried on a vote of 4-0.

### **Election Judges and Alternates (No. 9)**

MOTION: Mr. Randle made a motion to adopt the appointment of election judges and alternate judges for General and Special Elections pursuant to Article 32.002, Texas Election Code for a 2-year term beginning August 1, 2022 as presented on the election appointment sheet from Melissa. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0.

**Elections Office Budget Request (No. 10)**

MOTION: Mr. Kaiser made a motion to amend the Election office budget request in the amount of \$3,000.00. Mr. Randle seconded the motion. Motion carried on a vote of 4-0.

**Grant Application for Home-Delivered Meals (No. 7)**

MOTION: Mr. Randle made a motion to adopt a resolution authorizing a county grant program for the year 2023 to be in effective October 1, 2022 through September 30, 2023 where the county whereas certifies the amount of the grant \$7,500.00. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

**Child Welfare Board Membership (No. 5)**

Child Welfare Board President Kati Klores submitted a request for Samantha Austen Zimmerman, Laura Faye Carnes and Breanne Victoria Medina to be appointed to the board.

MOTION: Mr. Randle made a motion to approve the three (3) appointments to the DeWitt County Child Welfare Board with the names as stated. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

**Burn Ban (No. 9)**

MOTION: Mr. Kaiser made a motion to renew the burn ban for the unincorporated areas of the county, Court Order Number 2022-021, effective at 12:01 a.m. on July 28, 2022. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

**Motorola Service Agreements (No. 8)**

MOTION: Mr. Kaiser made a motion to approve the Motorola Service Agreements for maintenance to Motorola towers retroactive to February 1, 2022 continuing to January 31, 2023, Contract Number USC000115249 for a price of \$93,111.78. Mr. Randle seconded the motion. Motion carried on a vote of 4-0.

*Clerk's Note: See Page 10 for additional motions regarding this agenda item.*

**Texas Association of Counties Insurance Surplus Distribution (No. 11)**

MOTION: Mr. Randle made a motion to receive distribution of the surplus funds from the Texas Association of Counties Health and Employee Benefits Pool. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0.

**Schedule Public Hearing Date (No. 13)**

MOTION: Mr. Kaiser made a motion to schedule a public hearing on the day of August 22, 2022 at 9:00 a.m. in the DeWitt County Courthouse Courtroom for the annual written archive plan



for funding the preservation and restoration of the county clerk's records archive pursuant to Local Government Code 118.025. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

**Schedule Public Hearing Date (No. 14)**

MOTION: Mr. Kaiser made a motion to schedule a public hearing date of August 22, 2022 at 9:00 a.m. in the DeWitt County Courthouse Courtroom for the annual written plan for the preservation and restoration of the district court records archive pursuant to Government Code 51.305. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

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

MOTION: Mr. Kaiser made a motion to approve the temporary right of way agreement with Burlington Resources Oil & Gas Company LP for installation of 2 temporary water lines on Seidel Road in Commissioner Precinct No. 1. Mr. Randle seconded the motion. Motion carried on a vote of 4-0.

**Temporary Right of Way (No. 16)**

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

**Temporary Right of Way (No. 17)**

MOTION: Mr. Kaiser made a motion to approve the temporary right of way agreement with Burlington Resources Oil & Gas Company LP 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 4-0.

**Amendment to Bank Depository Contract (No. 18)**

MOTION: Mr. Kaiser made a motion to receive and approve the Amendment to Bank Depository Contract from First National Bank of Shiner/Cuero National Bank Branch for amendment to existing depository contract. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

**County Treasurer's Quarterly Investment Report (No. 19)**

MOTION: Mr. Kaiser made a motion to receive County Treasurer's Quarterly Investment Report. Mr. Randle seconded the motion. Motion carried on a vote of 4-0.

**Accounts Payable (No. 20)**

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

**Ratified Accounts Payable (No. 21)**

MOTION: Mr. Kaiser 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. 22)**

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

**Personnel Policy (No. 23)**

MOTION: Mr. Pilchick made a motion to approve the new wording on the FY2023 Pay Schedule for the waiting period in between step increases effective October 1, 2023 with the exception of all transfers that occurred in FY2022. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0.

MOTION: Mr. Pilchick made a motion to approve the amendments to the Step Increases, Transfers, Promotions, Demotions and Terminations sections of the DeWitt County Personnel Policy effective immediately and authorize the Treasurer's Office to correct this Fiscal Year's Transfers according to the amended step increase policy. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0.

MOTION: Mr. Pilchick made a motion to rescind the previous motion for the pay schedule. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0.

MOTION: Mr. Pilchick made a motion to approve the new wording on the FY2023 Pay Schedule for the waiting period in between step increases effective October 1, 2022. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0.

**Motorola Service Agreements (No. 8) – Continuation from Page 8**

MOTION: Mr. Kaiser made a motion to rescind the original motion for the Motorola Service Agreement for \$93,111.78 effective retroactive to February 1, 2022. Mr. Randle seconded the motion. Motion carried on a vote of 4-0.

MOTION: Mr. Kaiser made a motion to approve a two (2) year contract with Motorola Services for an agreement for maintenance to Motorola towers at the amount of \$189,466.31. Mr. Randle seconded the motion. Motion carried on a vote of 4-0.

MOTION: Mr. Kaiser made a motion to approve emergency appropriation from Local Government Code §111.070 for the amount of \$93,111.68 for the purpose of retroactive one (1) year payment beginning February 1, 2022 for services agreement. 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. The date has been changed from o September 14, 2022 to September 15, 2022.

#### **Bonds (No. 25)**

None

#### **Courthouse/Annex/Museum Expenditures/Maintenance/Improvements (No. 26)**

Judge Fowler reported that the basement of the courthouse is finished and ready for the probation department to make the move.

Judge Fowler reported that Trane performed the quarterly service and found that there are two (2) actuator's not functioning on the second floor of the courthouse.

MOTION: Mr. Kaiser made a motion to approve Project Name AHUs 2-3 & 2-4, which are chilled water valve actuators, proposal of \$3,042.00 for the purpose of replacing the actuators, verify the functionality and ensure units cool properly. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0.

Mr. Afflerbach reported that some of the ladies, Wes Robinson with Weaver & Jacobs Constructors and Marie Overking the new architect for Komatsu Architects met on Friday to go over the museum updating of the structure and got Ms. Overking familiar since she is taking over. The necessary purchase orders are in place and if everything works out the foundation work on the museum will start within in a couple of weeks. We are still one proposal behind and Ms. Overking will be working with Weaver & Jacob representative and that is for replacing of some failed wall materials and replacing of windows. With a recommendation on the porch area to eliminate four (4) windows which was added in 1923 and not part of the original structure, Ms. Overking will get with the State Historical Commission.

Mr. Afflerbach reported that Blank Irrigation serviced and repaired the sprinkler system at the DeWitt County Historical Museum.

#### **Legislative Update (No. 27)**

After receiving the tax appraisal information last week, Judge Fowler visited with Steve Holzheuser and think it might be important to return to Austin to meet with Senator Bettencourt staff because the huge increase in property appraised values is coming from minerals and they

need to know how their new legislative policies and new laws effect the counties that have so much in the tax rolls in the mineral category.

**Discussion of Commissioner Precinct Operations (No. 28)**

Commissioner Precinct No. 1 reported on putting down P2 and plans to finish seal coating next week on Elder Road

Commissioner Precinct No. 2 reported on putting down P2 on some smaller roads beginning tomorrow.

Commissioner Precinct No. 3 reported on normal precinct operations.

Commissioner Precinct No. 4 reported on drainage work on River Road, Old Goliad Road and Clinton Cemetery Road.

**Building & Use Agreement Workshop (No. 29)**

Court did not hold a workshop on the Building & Use Agreement.

**Workshop on FY2023 Budget (No. 30)**

Workshop on FY2023 budget was not held. Court will hold a meeting on August 2, 2022 at 9:00 a.m. for a workshop on FY2023 Budget.

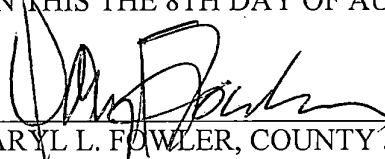
**Public Announcements/Comments (No. 31)**

None

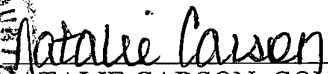
**Adjourn (No. 32)**

MOTION: Mr. Kaiser made a motion to adjourn. [Adjourned at 10:41 a.m.]

THE FOREGOING MINUTES FOR THE MONTH OF JULY A.D. 2022 WERE READ AND APPROVED IN REGULAR SESSION OF COURT ON THIS THE 8TH DAY OF AUGUST, A.D. 2022.

  
DARYL L. FOWLER, COUNTY JUDGE



  
NATALIE CARSON, COUNTY CLERK