

**MINUTES OF THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS  
REGULAR MEETING – FEBRUARY 13, 2023**

DeWitt County Commissioners Court met in regular session February 13, 2023 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, Precinct No. 2  
Commissioner James Kaiser, Precinct No. 3  
Commissioner Brian Carson, 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:**

**Livestock Show Proclamation (No. 1)**

MOTION: Mr. Afflerbach made a motion to adopt the resolution proclaiming February 25, 2023 through March 3, 2023 as DeWitt County Youth Livestock Show Week. Mr. Carson seconded the motion. Motion carried on a vote of 5-0.

**Copier Maintenance Agreement (No. 2)**

MOTION: Mr. Kaiser made a motion to approve the maintenance agreements with DeWitt Poth & Son for inspection and maintenance of the copiers in the Ag Extension Office. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

**Racial Profiling Report (No. 3)**

MOTION: Mr. Kaiser made a motion to receive Racial Profiling Report from DeWitt County Constable Precinct No. 2. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

**Constable Precinct No. 2 Activity Report (No. 4)**

MOTION: Mr. Kaiser made a motion to receive Constable Precinct No. 2 Activity. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

**Memorandum of Donation (No. 5)**

MOTION: Mr. Kaiser made a motion to approve a monetary donation of \$1500 from Devon Energy for public safety purposes for the DeWitt County Sheriff's Office pursuant to Local Government Code Section 81.032. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

**Racial Profiling Report (No. 6)**

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

**Contract Amendment (No. 7)**

MOTION: Mr. Afflerbach made a motion to approve a two (2) year Contract Amendment for Juvenile Offenders for detention services between DeWitt County and the Atascosa County beginning September 1, 2022 through August 31, 2024. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

**Road Damage Agreement (No. 7)**

MOTION: Mr. Kaiser made a motion to approve Court Order Number 2023-005 for a Road Damage and Repair Agreement between DeWitt County and Shaula Energy Project LLC in Precinct No. 4. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

**Resolution Adopting Results of a Resurvey of County Property (No. 8)**

MOTION: Mr. Afflerbach made a motion to adopt a resolution, Court Order Number 2023-006, for a correct Metes and Bounds description of the Precinct 1 barn location on State Highway 72 and authorize the payment to Thomas Surveyors for the survey work requested by Commissioner Afflerbach Pct. 1. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

**Certification of Recovered Funds (No. 9)**

MOTION: Mr. Kaiser made a motion to approve certification of receipt of revenue in the amount of \$305,301.75 not anticipated before the adoption of the FY 2023 budget; also adopt a special budget in the Road & Bridge Precinct 3 Fund for the limited purpose of expending funds to reimburse Texas Association of Counties Risk Management Pool in the amount of \$250,000.00 which was paid to the county through the Crime Coverage policy in July 2022. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

**Generator Maintenance Proposal (No. 10)**

MOTION: Mr. Pilchick made a motion to approve the proposal from Clifford Power Systems for periodic planned maintenance of the generator in the DeWitt County Annex building for a term of three (3) years. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

**Trane Boiler Service & Maintenance Agreement (No. 11)**

MOTION: Mr. Kaiser made a motion to approve proposal agreement for boiler service and maintenance in the DeWitt County Courthouse at the price of \$6,876.00 and authorize to take the 3% discount. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

**Renewal of Existing Depository Contract (No. 30)**

MOTION: Mr. Kaiser made a motion to receive the terms from First National Bank of Shiner/Cuero National Bank Branch for renewal of existing depository contract for two years terms negotiated by the court pursuant to Local Government Code §116.021. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

**County Treasurer’s Monthly Report (No. 31)**

MOTION: Mr. Afflerbach made a motion to receive and approve Order Number 2023-004 approving Treasurer’s Monthly Report. Mr. Carson seconded the motion. Motion carried on a vote of 5-0.

**Affordable Care Act Reporting and Tracking Renewal Services Information (No. 29)**

MOTION: Mr. Kaiser made a motion to approve the ACA Reporting and Tracking Service (ARTS) 2023 Renewal Confirmation Program Agreement HEBP Member; ACA Reporting and Tracking Service (ARTS) HEBP Member 2023 Fee Schedule for Renewing Participant and Contract Designation Form. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

**Authorize Auditor to Advertise for Bids (No. 26)**

MOTION: Mr. Kaiser made a motion to authorize the county auditor to advertise for bids for asphalt oils, concrete, fuel, and road materials. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

**Monthly Report of Officials (No. 27)**

County Auditor Carrie Rea reported that the auditor’s office had received reports from all officials.

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

**County Auditor's Monthly Report (No. 28)**

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.

**Minutes (No. 32)**

Court passed on this agenda item.

**Accounts Payable (No. 33)**

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. 34)**

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. 35)**

None

**Courthouse/Annex/Museum Expenditures/Maintenance/Improvements (No. 38)**

Judge Fowler reported that he reached out to Komatsu Architecture about the standing water out on southwest corner in the French-drain tube. They sent someone here to look, pull the grade off of the pre-existing one and it appears to be full of mud. Judge was advised to procure somebody with a vacuum truck to vacuum that out. Judge Fowler spoke with Glenn Ruschhaupt and he agreed to offer some guidance and maybe point the county to someone that might be able to help and do the least amount of damage doing the work.

Mr. Afflerbach reported that Judge Fowler had sent him out to look at some spots that are holding water on the courthouse lawn. Mr. Afflerbach reported that there are wet spots all over the lawn and it is more that he wants to take on. Judge Fowler will contact Jeff Smith.

Mr. Afflerbach reported on waiting for some changes on the DeWitt County Historical Museum roof regarding some questions that the roofer had.

**Legislative Update (No. 39)**

Judge Fowler reported several bills that have been filed that are of interest to the county on the oil & gas side. Judge Fowler is working with Steve Holzhauser.

**Personnel Policy (No. 36)**

MOTION: Mr. Kaiser made a motion to approve necessary amendments/changes to the personnel policy. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

**Certificate of Completion (No. 14)**

MOTION: Mr. Pilchick made a motion to receive Certificate of Completion for DeWitt County Justice of the Peace Pct. 1 Peggy Mayer from the Texas Justice Court Training Center for the successful completion of 20 hours of continuing education at the Justice of the Peace Seminar. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

**Affidavit Granting Permission to Enter Private Property (No. 15)**

MOTION: Mr. Afflerbach made a motion to receive affidavit granting permission to enter private property owned by Jerome Boehm on Boehm Road to fix drainage problems in Commissioner Precinct No. 1. Mr. Carson seconded the motion. Motion carried on a vote of 5-0.

**Affidavit Granting Permission to Enter Private Property (No. 16)**

MOTION: Mr. Afflerbach made a motion to receive affidavit granting permission to enter private property owned by Cory Pargmann on Smith Ranch Road for brush control and fence construction in Commissioner Precinct No. 1. Mr. Carson seconded the motion. Motion carried on a vote of 5-0.

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

MOTION: Mr. Kaiser made a motion to approve temporary right of way agreement with Burlington Resources for installation of three (3) temporary water lines on Henry Koopman Road in Commissioner Precinct No. 3. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0 with Judge Fowler absent.

**Temporary Right of Way (No. 18)**

MOTION: Mr. Kaiser made a motion to approve temporary right of way agreement with Burlington Resources for installation of a temporary water line on Czaja Bros. Road in Commissioner Precinct No. 3. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0 with Judge Fowler absent.

**Temporary Right of Way (No. 19)**

MOTION: Mr. Kaiser made a motion to receive temporary right of way agreement with Burlington Resources for installation of a temporary water line on Gus Meyer Road, A. Metting Road, and Gruenau Road in Commissioner Precinct No. 3. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0 with Judge Fowler absent.

**Temporary Right of Way (No. 20)**

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. Pilchick seconded the motion. Motion carried on a vote of 4-0 with Judge Fowler absent.

**Temporary Right of Way (No. 21)**

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

**Temporary Right of Way (No. 22)**

MOTION: Mr. Kaiser made a motion to approve temporary right of way agreement with Burlington Resources for installation of two (2) temporary water lines on Plasczyk Road in Commissioner Precinct No. 3. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0 with Judge Fowler absent.

**Temporary Right of Way (No. 23)**

MOTION: Mr. Kaiser made a motion to approve temporary right of way permit application from Burlington Resources for installation of two (2) temporary water lines permit on Muschalek Road in Commissioner Precinct No. 3. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0 with Judge Fowler absent.

**Temporary Right of Way (No. 24)**

MOTION: Mr. Kaiser made a motion to approve temporary right of way agreement with Swift Water Energy Services for installation of a temporary water line on Ryan Ranch Road, Alfred Blaschke Road, and Cabeza Road in Commissioner Precinct No. 3. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0 with Judge Fowler absent.

**Pipeline Crossing Permit (No. 25)**

MOTION: Mr. Kaiser made a motion to approve pipeline crossing permit with DCP South Central Texas LLC to cross Spies Road in Commissioner Precinct No. 1. Mr. Pilchick seconded the motion. Motion carried on a vote of 4-0 with Judge Fowler absent.

**Bonds (No. 37)**

None

**Discussion of Commissioner Precinct Operations (No. 40)**

Commissioner Precinct No. 1 reported on stabilizing Lindenau and Old San Antonio Roads.

Commissioner Precinct No. 2 reported on normal precinct operations.

Commissioner Precinct No. 3 reported on normal precinct operations.

Commissioner Precinct No. 4 reported on being contacted by a landowner, who recently purchased some property, regarding a county road that is not shown on the maps. County Attorney has done some research and it appears that the Commissioner Precinct No. 4 will be inheriting a road to maintain.

**Independent Contractor Agreement (No. 12)**

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

**Public Announcements/Comments (No. 41)**

None

**Adjourn (No. 42)**

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

**MINUTES OF THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS  
REGULAR MEETING – FEBRUARY 13, 2023**

DeWitt County Commissioners Court met in regular session February 13, 2023 at 11:00 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, Precinct No. 2  
Commissioner James Kaiser, Precinct No. 3  
Commissioner Brian Carson, Precinct No. 4

## **ADDENDUM TO POSTED AGENDA**

### **Executive/Closed Session (No. 1)**

Judge Fowler announced that the executive session is beginning at 11:00 a.m. on February 13, 2023 and the agenda is a stand-alone agenda item and under Section 551.074 of the Texas Government Code the Commissioners Court is enabled to use the statute to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee.

Judge Fowler announced that the executive/closed session recessed at 1:30 p.m. and reconvened in an executive/closed session at 9:00 a.m. on Tuesday, February 14, 2023.

Judge Fowler announced that the executive/closed session reconvened at 9:00 a.m. on Tuesday, February 14, 2023, recessed at 10:35 a.m. and reconvened in an executive/closed session at 9:00 a.m. on Wednesday, February 15, 2023. Notice was posted pursuant to Texas Open Meetings Act identifying that court was in recess and would reconvene on Wednesday, February 15, 2023 at 9:00 a.m.

Judge Fowler announced that the executive/closed session reconvened at 9:00 a.m. on Wednesday, February 15, 2023 in compliance with the Texas Open Meetings Act.

Judge Fowler announced that at 11:29 a.m. the closed session has ended and court is returning to open session to take up Item Number 2 on the agenda.

### **Discussion and Potential Action (No. 2)**

Judge Fowler announced that following three (3) days of inquiry, testimony and deliberation of the Commissioners' Court under the advice of counsel, the Commissioners' Court has decided to take no further action on this pending subject matter today. However, the court reserves its right to re-visit the matter in a future meeting conforming to the Texas Open Meeting Act.

## **MINUTES OF THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS REGULAR MEETING – FEBRUARY 27, 2023**

DeWitt County Commissioners Court met in regular session February 27, 2023 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, Precinct No. 2  
Commissioner James Kaiser, Precinct No. 3  
Commissioner Brian Carson, 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. 1)**

MOTION: Mr. Kaiser made a motion to receive the DeWitt County Annual Comprehensive Financial Report from Harrison, Waldrop & Uherek, L.L.P. for the period ending September 30, 2022. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

#### **Presentation of Certificate and Award (No. 3)**

Court presented a Certificate of Achievement for Excellence in Financial Reporting and an Award of Financial Reporting Achievement 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. 2)**

MOTION: Mr. Kaiser made a motion to receive the DeWitt County Annual Comprehensive Financial Report of Juvenile Probation Funds from Harrison, Waldrop & Uherek, L.L.P. for the period ending September 30, 2022. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

#### **Racial Profiling Report (No. 4)**

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.

#### **Certificate of Completion (No. 5)**

MOTION: Mr. Afflerbach made a motion to receive Certificate of Completion for Blair Duran from the Texas Judicial Academy for the successful completion of 13 hours of judicial and administrative education at the 2023 County Court Assistants Training Conference. Mr. Carson seconded the motion. Motion carried on a vote of 5-0.

#### **Commissioners Annual Road Report 2023 (No. 6)**

MOTION: Mr. Kaiser made a motion to set the timeline for the 2023 Commissioners Annual Road Report as 22<sup>nd</sup> of May, 2023. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

**Pipeline Crossing Permit (No. 7)**

MOTION: Mr. Pilchick made a motion to approve permit application for a pipeline from SilverBow Resources Operating LLC to cross Martinez Road in Commissioner Precinct No. 2. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

**Accounts Payable (No. 8)**

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. 9)**

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. 10)**

None

**Personnel Policy (No. 11)**

None

**Bonds (No. 12)**

None

**Courthouse/Annex/Museum Expenditures/Maintenance/Improvements (No. 13)**

Mr. Afflerbach reported on a delay with the roof project at the DeWitt County Historical Museum. The roof contractor discovered that the drawing was wrong. Mr. Afflerbach reported that the foundation work has been completed. There is still some plumbing work that needs to be done in regards to the drain line but Mr. Afflerbach does not think that will be an expense to the county.

Judge Fowler reported that Weaver & Jacobs will be repairing the plaster where office signs have to be removed in the courthouse due to office changes. Judge Fowler will purchase paint.

Judge Fowler reported that he has received request for office space in the Weber Annex building.

**Legislative Update (No. 14)**

Judge Fowler reported that he would be in Lubbock next week for judicial education. Judge Teel has arranged a meeting with Senator Middletown, who is the Senator, with the bill that would prohibit the counties from spending tax payer's funds to hire lobbyist. Judge Fowler will also be meeting with Steve Holzheasuer.

**Discussion of Commissioner Precinct Operations (No. 15)**

Commissioner Precinct No. 1 reported on finishing up work on Old San Antonio Road and Lindenau Road and is getting close to be ready to put prime oil down. Mr. Afflerbach reported that normally whenever there is a need to close a road it is put on the agenda and it comes to the court but he was told this morning that his contractor is ready to tear out a bridge on Old Gonzales Road but he is not able to get that on the agenda. Mr. Afflerbach wonders if he could print up a notification to go out to all of the emergency people and newspaper and then do a ratification for the road closure. The road would need to be closed starting March 6<sup>th</sup>.

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.

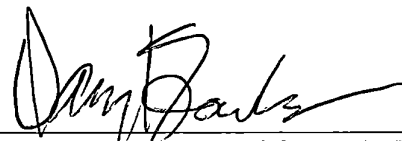
**Public Announcements/Comments (No. 16)**

None

**Adjourn (No. 17)**

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

THE FOREGOING MINUTES FOR THE MONTH OF FEBRUARY A.D. 2023 WERE READ AND APPROVED IN REGULAR SESSION OF COURT ON THIS THE 13TH DAY OF MARCH, A.D. 2023.



DARYL L. FOWLER, COUNTY JUDGE



ATTEST: Natalie Carson  
NATALIE CARSON, COUNTY CLERK