

**MINUTES OF THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS  
REGULAR MEETING – NOVEMBER 9, 2020**

DeWitt County Commissioners Court met in regular session November 9, 2020 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 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:**

**Drainage District Commissioners Update (No. 7)**

MOTION: Mr. Afflerbach made a motion to receive the notice of resignation of current Drainage District Secretary Mary Alice Perales and the appointment of Emil Garza as a Drainage District Commissioner pursuant to Texas Water Code 49.105. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

**Schedule Public Hearing Date (No. 2)**

MOTION: Mr. Randle made a motion to set a public hearing date of December 14, 2020 at 9:00 a.m. at the DeWitt County Courthouse to discuss the development and implementation of updated DeWitt County Subdivision and Manufactured Home Rental Community Regulations. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

**Contract for Fines and Fees Collection Services (No. 3)**

Nicole Borchard and Randall (Trevor) Balderrama with Linebarger Goggan Blair & Sampson LLP spoke to the court regarding the fines and fees collection services provided by their firm.

MOTION: Mr. Pilchick made a motion to enter into a contract between Linebarger Goggan Blair & Sampson LLP and DeWitt County for collection of fines and fees for DeWitt County Court and Justice Courts. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

**Order Authorizing Collection Fee in the Amount of 30% of Debts and Accounts Receivable (No. 4)**

MOTION: Mr. Kaiser made a motion to adopt a resolution authorizing the addition of a 30% collection fee on delinquent fines and fees and costs of court that have been referred for collection, Court Order Number 2020-065. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

**Contingent Fee Contract for Legal Services (No. 5)**

MOTION: Mr. Randle made a motion to allow the judge to enter the findings of the needs for the contingent fee contract for legal services into the records after a recess. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0. (See Page 7 for an additional motion)

**Notice of House Bill 2521 Oil & Gas Lease (No. 6)**

MOTION: Mr. Kaiser made a motion to receive Pooling Agreement and Ratification pursuant to Natural Resource Code 32.207 (HB2521) for Mineral File No. M-120304. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

**Request for Qualifications (No. 8)**

MOTION: Mr. Randle made a motion to authorize the county auditor to advertise for requests for qualifications (RFQ) for engineering services, including road and bridge design and construction and floodplain development permitting. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

**Proclamation for National Hospice Palliative Care Month (No. 9)**

MOTION: Mr. Kaiser made a motion to proclaim November 2020 as National Hospice and Palliative Care Month in DeWitt County, Court Order Number 2020-066. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

**Kologik Invoice (No. 10)**

MOTION: Mr. Afflerbach made a motion to approve payment of invoice for COPsync Software Support License continuation for Constable Pct. 2 pursuant to LGC 130.908 in the amount of \$600.00. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

**Guardian Security Solutions LC (No. 11)**

No action taken

**County Holiday Schedule (No. 12)**

|  |          |             |
|--|----------|-------------|
| New Year's Day   | Friday   | January 1   |
| Martin Luther King Jr. Day                                 | Monday   | January 18  |
| Presidents' Day  | Monday   | February 15 |
| Good Friday  | Friday   | April 2     |
| Memorial Day   | Monday   | May 31      |
| Independence Day   | Monday   | July 5      |
| *in observance of Independence Day on Sunday, July 4, 2020 |          |             |
| Labor Day  | Monday   | September 6 |
| Veterans Day   | Thursday | November 11 |
| Thanksgiving   | Thursday | November 25 |
|  | Friday   | November 26 |
| Christmas  | Friday   | December 24 |
|  | Monday   | December 27 |

MOTION: Mr. Afflerbach made a motion to approve the proposed dates on the list as the 2021 DeWitt County Holiday Schedule. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

**Pipeline Crossing Permit (No. 13)**

MOTION: Mr. Pilchick made a motion to approve pipeline crossing permit application of Hurd Enterprises Ltd. to cross Matthew-Adams Road in Commissioner Precinct No. 2. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0 with Judge Fowler absent.

**Pipeline Crossing Permit (No. 14)**

MOTION: Mr. Pilchick made a motion to approve pipeline crossing permit application of Hurd Enterprises Ltd. to cross Kaiser-Adams Road in Commissioner Precinct No. 2. Mr. Kaiser seconded the motion. Motion carried on a vote of 4-0 with Judge Fowler absent.

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

MOTION: Mr. Kaiser made a motion to approve temporary right of way agreement with Burlington Resources Oil & Gas LP for installation of a dual water line along Jaeger 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. 16)**

MOTION: Mr. Kaiser made a motion to approve temporary right of way agreement with Burlington Resources Oil & Gas LP for installation of a dual water line along H. 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. 17)**

MOTION: Mr. Kaiser made a motion to approve temporary right of way agreement with Burlington Resources Oil & Gas LP for installation of a dual water line along A. Metting Road, Jaeger Road & 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. 18)**

MOTION: Mr. Kaiser made a motion to approve temporary right of way agreement with Burlington Resources Oil & Gas LP for installation of a dual water line along Salt Creek Cemetery 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 approve temporary right of way agreement with Burlington Resources Oil & Gas LP for installation of a dual water line along Kubala Store Road in Commissioner Precinct No. 1. Mr. Randle seconded the motion. Motion carried on a vote of 4-0 with Judge Fowler absent.

**Occupational Medicine Client Information Form (No. 20)**

MOTION: Mr. Kaiser made a motion to authorize County Treasurer Carol Martin to submit an Occupational Medicine Client Information Form to Twin Fountains in order to establish a protocol for employees with worker's compensation injuries and for drug screening for worker's compensation or auto liability related accidents or incidents. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

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

County Auditor reported that her office had received reports from all officials except Sheriff and Elections.

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. 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. Randle made a motion to receive and approve Order Approving Treasurer's Monthly Report, Court Order Number 2020-064. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

### **Minutes (No. 24)**

MOTION: Mr. Kaiser made a motion to approve minutes of previous term of court. Mr. Pilchick 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. Randle 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

### **Personnel Changes (No. 28)**

Christopher Romans, Jailer, Sheriff Office; resignation effective November 2, 2020; 1 year 5 months of employment; vacation will be paid out on the last check

Isabelle Noblett, Dispatcher, Sheriff Office; hired effective October 19, 2020; Category 7 Step 1; rate of pay to be \$17.84/hour; next possible step increase October 19, 2021

Flo Rackley, Jailer, Sheriff; termination effective October 16, 2020; 11 years of employment; vacation will be paid out on the last check

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

### **Bonds (No. 29)**

None

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

Judge Fowler reported that the west side door (front door) would be closed sometime this week due to the French drain work.

Judge Fowler reported on the sensor that has gone bad on the newly installed Trane chiller.

MOTION: Mr. Kaiser made a motion to approve quote for \$1,500.00 to allow Trane to do the water treatment on the chillers. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

MOTION: Mr. Kaiser made a motion to approve the proposal for \$2,400.49 for repair of the roof at the annex. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

### **Legislative Update (No. 31)**

Judge Fowler gave a legislative update.

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

Commissioner Precinct No. 1 reported on getting ready to pave at the intersection of Lincke Road and Kubala Store Road to FM 108 and from the same intersection on Lincke Road to FM 108.

Commissioner Precinct No. 2 reported on finishing grinding on Hennessey Road. Mr. Pilchick reported that a gentleman contacted him about an obtaining an easement from the county on county owned property on FM 1447 in order to get to his property. Mr. Condie is going to work on preparing an easement.

Commissioner Precinct No. 3 reported on normal precinct operations.

Commissioner Precinct No. 4 reported on normal precinct operations.

### **Motorola Update (No. 33)**

Court received an update from DeWitt County Sheriff regarding Motorola project. Sheriff Bowen reported on the recent testing of the hand held radios. Next step will be to schedule a meeting before the end of the month with the stakeholders who want to use the radio system.

### **County Building Workshop (No. 34)**

Mr. Randle reported that the new building slab has been poured and steel was being delivered today.

**COVID-19 Disaster Update (No. 35)**

Court received an update regarding COVID-19 virus from Emergency Management Coordinator Cyndi Smith. As of November 6<sup>th</sup>, the rolling 14-day count was 43.

**Canvass of Election Returns (No. 36)**

Court postponed the canvass of election returns until later in this meeting.

**Recess**

Court recessed until 1:30 p.m.

**Reconvene**

Court reconvened at 1:30 p.m.

**Workshop on Competitive Procurement Processes & Contracting (No. 1)**

Court held a workshop on the competitive procurement process & contracting.

**Contingent Fee Contract for Legal Services (No. 5)**

MOTION: Mr. Randle made a motion that the court has reviewed and confirmed the findings as read by Judge Fowler. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

**Canvass of Election Returns (No. 36)**

Court canvassed the election returns for the November 3, 2020 General Election.

**Adjourn (No. 37)**

MOTION: Mr. Kaiser made a motion to adjourn. [Adjourned at 4:10 p.m.]

**MINUTES OF THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS  
REGULAR MEETING – NOVEMBER 23, 2020**

DeWitt County Commissioners Court met in regular session November 23, 2020 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 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:**

**Burn Ban (No. 1)**

MOTION: Mr. Afflerbach made a motion to enact a burn ban effective 12:01 a.m. tomorrow morning, Court Order Number 2020-067. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

**DeWitt County Historical Commission Appointments (No. 2)**

MOTION: Mr. Kaiser made a motion to approve the appointments of the DeWitt County Historical Commission members for the 2021-2022 term of service. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

**DeWitt County 175<sup>th</sup> Anniversary (No. 3)**

Court heard a presentation from Peggy Ledbetter and Mary Gayle Brindley regarding upcoming 175<sup>th</sup> Anniversary of DeWitt County.

**DeWitt County Historical Commission FY2021 Budget (No. 4)**

MOTION: Mr. Randle made a motion to receive the DeWitt County Historical Commission FY2021 budget. Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.



**DeWitt County Historical Commission FY2020 Annual Treasurer's Report (No. 5)**

MOTION: Mr. Kaiser made a motion to receive the DeWitt County Historical Commission FY2020 Annual treasurer's report. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

**Regional Public Defender Program (No. 6)**

MOTION: Mr. Kaiser made a motion to approve an Interlocal Agreement with Lubbock County acting through the Regional Public Defender for Capital Cases and pursuant to the Fair Defense Act, Texas Code of Criminal Procedure 26.044(b) and Texas Government Code Chapter 791 and also authorize the payment of invoices. Mr. Randle seconded the motion. Motion carried on a vote of 5-0.

**Purchase Order Authorization for Unbudgeted Item (No. 7)**

MOTION: Mr. Kaiser made a motion to adopt a court order for the request from Sheriff Carl Bowen to purchase 911 recording equipment and software support that was not requested during the FY2021 budget process, Court Order Number 2020-068; authorize the purchase order in the amount of \$10,297.50 to acquire 911 recorder from Commercial Electronics Corporation and transfer of funds from contingent and uncommitted non-departmental funds. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

**Motorola Update (No. 21)**

Court received an update from DeWitt County Sheriff regarding Motorola project.

**Temporary Right of Way (No. 8)**

MOTION: Mr. Kaiser made a motion to approve temporary right of way agreement with Select Energy Services for installation of two dual water lines along Simpson Ranch Road in Commissioner Precinct No. 3. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

**Temporary Right of Way (No. 9)**

MOTION: Mr. Kaiser made a motion to approve temporary right of way agreement with Select Energy Services for installation of a dual water line along Metting Road in Commissioner Precinct No. 3. Mr. Pilchick seconded the motion. Motion carried on a vote of 5-0.

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

County Judge's secretary Blair Duran advised the court that she labeled the agenda item wrong. It should have been a pipeline permit and not temporary right of way agreement."

MOTION: Mr. Afflerbach made a motion to approve pipeline crossing permit application from Burlington Resources along Dubose Ranch Road in Commissioner Precinct No. 1. Mr. Kaiser seconded the motion. Motion carried on a vote of 5-0.

### **Declare Fixed Assets as Salvage (No. 11)**

MOTION: Mr. Randle made a motion to declare certain inventory items as salvage pursuant to Local Government Code §263.152(A). Mr. Afflerbach seconded the motion. Motion carried on a vote of 5-0.

### **Authorize Auditor to Dispose of Salvage or Surplus Property (No. 12)**

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

### **Accounts Payable (No. 13)**

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

### **Ratified Accounts Payable (No. 14)**

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. 15)**

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

### **Personnel Changes (No. 16)**

Holly Mulligan, Part-Time Assistant, Elections; resignation effective November 25, 2020; 1 year 5 months of employment

Bonnie Hoffmann, Deputy, County Clerk; resignation effective November 20, 2020; 8 years 10 months of employment; vacation time will be paid out on last check

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

### **Bonds (No. 17)**

None

### **Courthouse/Annex Expenditures/Maintenance/Improvements (No. 18)**

Judge Fowler reported that the construction around the courthouse is still ongoing.

Judge Fowler reported that the county has had some communication with Koetter Fire Service about the cut off on the RBT so that some hand excavations can be done on the south side of the building where the piping and conduit is coming into the building.

Judge Fowler reported that Danny Tyl with Tyl Electric believes he would be able to replace the aluminum conduit that is eaten up with corrosion over a three (3)-weekend period.

### **Legislative Update (No. 19)**

No Legislative update.

### **Discussion of Commissioner Precinct Operations (No. 20)**

Commissioner Precinct No. 1 questioned if the pre-bid meeting would be held at a special Commissioner's Court meeting on December 2, 2020.

Commissioner Precinct No. 2 reported on normal precinct operations.

Commissioner Precinct No. 3 reported on normal precinct operations.

Commissioner Precinct No. 4 reported he had received an email from Texas Department of Transportation (TxDOT) regarding surplus materials.

### **County Building Workshop (No. 22)**

Mr. Randle reported that the steel is continually going up and concrete is being poured for columns.

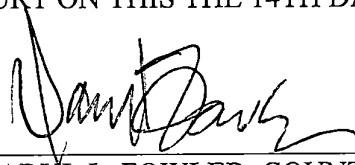
### **COVID-19 Disaster Update (No. 23)**

Court receive update regarding COVID-19 virus from Emergency Management Coordinator Cyndi Smith.

### **Adjourn (No. 24)**

MOTION: Mr. Kaiser made a motion to adjourn. [Adjourned at 10:23 a.m.]

THE FOREGOING MINUTES FOR THE MONTH OF NOVEMBER A.D. 2020 WERE READ AND APPROVED IN REGULAR SESSION OF COURT ON THIS THE 14TH DAY OF DECEMBER, A.D. 2020.



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DARYL L. FOWLER, COUNTY JUDGE

ATTEST: Natalie Carson  
NATALIE CARSON, COUNTY CLERK

