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COMMISSIONERS COURT MINUTES

August 28, 2023 Austin County Commissioners Court met in the 2nd floor Courtroom at the Austin County Courthouse with the following present:

Tim Lapham, County Judge
Mark Lamp, Commissioner, Precinct 1
Robert "Bobby" Rinn, Commissioner, Precinct 2
Leroy Cerny, Commissioner, Precinct 3
Chip Reed, Commissioner, Precinct 4
Andrea Cardenas, County Clerk

OPENING

CALL TO ORDER

INVOCATION

PLEDGES OF ALLEGIANCE

ROLL CALL AND CERTIFICATION OF QUORUM

CONSIDERATION/ADOPTION OF AGENDA

Remove #2 from agenda and move #19 before #6.

Approve amended agenda.

Motion to Approve: Commissioner Rinn, 2nd Commissioner Reed, passed (4-0).
Order #23-298

Per Judge Lapham, EMS was short of trucks over the weekend. Thank you to Commissioner Reed and his crew for assisting last night.

AL&M presented the Court with T-shirts in remembrance of 9/11.

1. PUBLIC HEARING ON BUDGET

9:11 a. m. Public Hearing opened.

No one spoke.

9:12 a.m. Public Hearing closed.

2. Petitions or Requests from the Public.

3. Consideration and action to adopt FY 2023-2024 Budget.

Will come back.

Addendum:

1. Consideration and action to set proposed tax rate and schedule public hearing.

Will come back.

4. Consideration and action to set salaries and allowances for county officials.

Will come back.

5. Petitions or Requests from the Public.

19. Discussion and action in reference to Agrilife issues:

- a. **4-H Rifle Team**
- b. **Storage**

b. Storage – Per Kailyn Capps (County Extension Agent), need more room for supplies. Per Stacie Villarreal (County Extension Agent), there are some Human Resources filing cabinets that need to be relocated. Additional shelving is necessary.

a. 4-H Rifle Team need to build onto rifle range. Would like to have a permanent structure for practice range. Michael Swinky (4-H Coach) provided highlights of program. Per Brian Gardner (4-H Coach), need a permanent place to train. Kailyn – can use for archery as well.

Per Commissioner Reed, speak outside of Court to see how the Court can proceed with a building.

Appoint committee consists of Commissioners Cerny and Reed to find a final solution.

Commissioner Reed, will find a temporary place to go.

#3 – continued.

Billy Doherty (County Auditor) found error on spreadsheets. Page 45, new total = \$13,287,570. Page 46, new number is \$22,214,201.

Per Judge Lapham, go on page 2 of revenue estimate \$21,470,658. Produces \$15,374,434 of Property Tax Revenue. Adding all revenue lines yields \$21,470,652. Difference between both numbers yields \$743,543 less revenue than expense.

Approve budget as presented.

Motion to Approve: Commissioner Reed, 2nd Commissioner Rinn, passed (4).
Order #23-299

#4 Continued

Approve salary and allowances for County Officials as presented.

Motion to Approve: Commissioner Rinn, 2nd Commissioner Lamp, passed (4-0).
Order #23-300

Addendum continued.

Set 2023-2024 Proposed Tax Rate at General M & O – .3211, F & M Lateral – .07600, Road and Bridge Special – .078, and Debt Requirement – .0449 for a total = .52

Motion to Approve: Commissioner Reed, 2nd Commissioner Lamp, passed (4-0).
Order #23-301

Schedule Public Hearing on the proposed Tax Rate for September 11, 2023 at 5:30 p.m. and regular Commissioners Court will start at 3:00 p.m. on September 11, 2023.

Motion to Schedule: Commissioner Rinn, 2nd Commissioner Reed, passed (4-0).
Order #23-302

6. Discussion and action regarding Austin County Commissioners' Court Agenda Item Request Form.

Per Judge Lapham, form will be online to submit items to the agenda.

No action.

7. Discussion and action regarding permit/approval process for utilities crossing multiple county locations/roads.

Per Jonathan Hopko (County Engineer), process is authorizing an overall project then broken up into smaller projects. Allows for no need to return to Court for approval of each project.

No action.

8. Discussion regarding Matterhorn Pipeline and action as appropriate.

Per Judge Lapham, agenda item should read Matterhorn Express Pipeline. Per Judge Lapham, he and Commissioner Reed will refrain from discussion due to their land being affected by pipelines.

Judge Lapham and Commissioner Reed exited the courtroom.

Johnathan Hopko (County Engineer) suggested having a meeting outside of Court.

Just need fees confirmed because there is conflicting information on the forms.

Will come back.

Court recessed at 10:53 a.m.

Court reconvened at 10: 58 a.m.

9. Discussion regarding LiDAR participation and action as appropriate.

Will come back.

10. Discussion and action regarding Austin County 911 Emergency Communications budget approval.

No action.

11. Discussion regarding billing rates for EMS services and action as appropriate.

Per Walter Morrow (EMS Director), SB2476 removes patients from billing disputes. Not all insurance pays off the fee schedule. Rates need to be adopted in Court to begin January 1, 2024.

Adopt the proposed billing rates for EMS.

Motion to Adopt: Commissioner Lamp, 2nd Commissioner Reed, passed (4-0).
Order #23-303

12. Open bid proposals and action as appropriate for the following:

- a. **Road Materials/Gravel**
- b. **Hauling (Road Materials)**
- c. **Asphalts, Liquid Asphalts, Emulsions & Dust Control**
- d. **Corrugated Culverts**
- e. **HOPE Culvert Pipe**
- f. **Concrete/Cement**
- g. **Fuel (Gasoline & Diesel)**
- h. **Surface Treatments, Asphalt Laydown and Asphalt Milling**

James Construction Group, LLC, ACT Pipe & Supply, Inc., Cleveland Asphalt Products, Inc., CEMEX, Inc., Martin Asphalt Company, P Squared Emulsions Plant, LLC, Wilson Culverts, Inc., Koy Concrete, LTD, Sealy Paving, Inc., Quality Hot Mix, Inc., Zbranek Gravel, LLC, Bernardo Trucking, Colorado Materials, LTD, G & S Asphalt, Inc., K-C Lease Service, Inc., Key Performance Petroleum, Huebner Concrete, Inc., 3L USA LLC, Texas Materials

Group, Inc., Preferred Pipe Distributors, LLC, Vulcan Materials Company, Cornerstone Paving and Construction, LLC, Waller County Asphalt, Ergon Asphalt & Emulsions, Inc., and Pihoda Gravel Co.

Once reviewed will bring back to Court.

No action.

13. Discussion regarding Industry Telephone ROW Easement at 1247 Main Street, Industry, Texas, and action as appropriate.

*Motion to Approve: Commissioner Rinn, 2nd Commissioner Cerny, passed (4-0).
Order #23-304*

14. Discussion regarding "Post Accident" Services and action as appropriate.

Per Stacie Dewald (HR Director), hospital does not have a full-time person to do post-accident, pre-employment and random drug and alcohol testing.

Per David Cremeens (General Manager for Driving Safety Services, LLC), company does on-site collections. Hours of operation is 24/7. Rapid tests are available.

Random tests are quarterly. There are no renewable contracts. Only need 30-day notice when the County decides not to use services. Services local companies. Recurring fee is administrative fee at \$200 per year.

Per Stacie Dewald (HR), need testing for CDL's. Need to be in compliance.

Enter Agreement with Driving Safety Services, LLC for drug and alcohol testing.

*Motion to Approve: Commissioner Cerny, 2nd Commissioner Rinn, passed (4-0).
Order #23-305*

15. Discussion regarding Austin County Investment Policy and action as appropriate.

No action.

16. Consideration and action to approve Resolution of Annual Review of Investment Policy of Austin County.

*Motion to Approve: Commissioner Reed, 2nd Commissioner Lamp, passed (4-0).
Order #23-306*

17. **Discussion and action to authorize certificate pay for S.O., Jail, and Dispatch.**
 - i. **Intermediate - \$600/yr.**
 - j. **Advanced - \$900/yr.**
 - k. **Master - \$1,200/yr.**

Motion to Authorize: Commissioner Rinn, 2nd Commissioner Lamp, passed (4-0).
Order #23-307

18. **Discussion and action to accept executed County Health Authority documents:**
 - a. **Statement of Elected/Appointed Officer**
 - b. **Oath of Office**
 - c. **Certificate of Appointment**

Motion to Accept: Commissioner Cerny, 2nd Commissioner Lamp, passed (4-0).
Order #23-308

20. **Discussion regarding Order of November 7, 2023 Special Election and action as appropriate.**

Motion to Approve: Commissioner Reed, 2nd Commissioner Rinn, passed (4-0).
Order #23-309

21. **Discussion regarding Notice of November 7, 2023 General Election and action as appropriate.**

Motion to Approve: Commissioner Reed, 2nd Commissioner Rinn, passed (4-0).
Order #23-310

22. **Discussion and action to approve Election Judges and Election Clerks.**

Motion to Approve: Commissioner Cerny, 2nd Commissioner Reed, passed (4-0).
Order #23-311

23. **Discussion and action to approve 2023-2024 Time Sheet Calendar.**

Motion to Approve: Commissioner Reed, 2nd Commissioner Cerny, passed (4-0).
Order #23-312

24. **Discussion and action to accept final plat for San Bernard Bend Subdivision, Pct. 4**

Motion to Approve: Commissioner Reed, 2nd Commissioner Rinn, passed (4-0).
Order #23-313

25. CONSENT AGENDA - Items listed are of routine nature and may be acted on in a single motion unless requested otherwise by member of Commissioners Court.

- a. Consideration and action to accept a \$5,000 special donation to Austin County EMS from The John and Maggie Selman Trust per Local Government Code 81.032.**
- b. Consideration and action to accept a \$440,000 special donation to Austin County Road and Bridge, Pct. 1**
- c. Consideration and action to approve Required Schooling Application for Brandy Robinson, Assistant District Attorney, TCDA 2023 Legislative Update, to be held September 19, 2023 in Round Rock, Texas.**
- d. Consideration and action to approve Required Schooling Application for Brandy Robinson, Assistant District Attorney, Annual Criminal & Civil Law Conference, to be held September 19-22, 2023, in Round Rock, Texas.**

*Motion to Approve: Commissioner Reed, 2nd Commissioner Lamp, passed (4-0).
Order #23-314*

26. Budgetary and Financial Claims - action as appropriate.

- a. Payment of Claims**

Regular bills = \$1,379,912.43 + Comdata \$13,467.26.

*Motion to Approve: Commissioner Reed, 2nd Commissioner Rinn, passed (4-0).
Order #23-315*

- b. Fund Transfers**

*Motion to Approve: Commissioner Rinn, 2nd Commissioner Lamp, passed (4-0).
Order #23-316*

- c. Budget Amendments**
- d. County Auditor's review of finances**

Per Billy Doherty (County Auditor), within budgetary constraints.

- e. County Treasurer's**
 - i. Payroll and Escrow Report – 08.25.2023**

*Motion to Approve: Commissioner Reed, 2nd Commissioner Lamp, passed (4-0).
Order #23-317*

ii. **Monthly Treasurer's Report – July 2023**

Motion to Approve: Commissioner Reed, 2nd Commissioner Lamp, passed (4-0).
Order #23-318

27. **Written end-of-the month reports submitted by County Offices.**
- a. **Statutory Court Report - July 2023**
 - b. **ACEMS - July 2023**
 - c. **Agrilife Extension - July 2023**

Motion to Accept: Commissioner Rinn, 2nd Commissioner Lamp, passed (4-0).
Order #23-319

#9 continued.

Need to do Lidar survey to finish FEMA study. \$160,000 cost to County. \$40,000 available from a donation from Heidelberg Materials.

No action.

Judge Lapham and Commissioner Reed exited the courtroom.

#8 continued.

Per Jonathan Hopko (County Engineer), applications are good. Problem with administrative fees Matterhorn should be paid. Options the Court has is to continue to a later date or deny application due to incorrect fees.

Issue is how to apply 1^{1/2}% fee to project(s).

Jack Ross (Ross Molina Oliveros, outside counsel for Matterhorn), will call Mr. Bob Bass (outside counsel for County.) Need to determine legally what fees can be charged.

Per Commissioner Lamp, postpone approving until September 11, 2023. Need time to speak with Bob Bass who created application.

Approve overall permit with exception of fees contingent on pipeline will act in good faith until fees have been reviewed by Allison Bass (Court's counsel) and agreement with regard to fees has been met.

Motion to Approve: Commissioner Lamp, 2nd Commissioner Cerny, passed (3-0).
Commissioner Reed and Judge Lapham not present.
Order #23-320

Judge Lapham and Commissioner Reed returned to Court.

Court recessed at 12:43 p.m.

28. EXECUTIVE SESSION

A closed meeting will be held concerning the following items

- a. Personnel Matter

Court reconvened at 2:43 p.m.

29. Action as appropriate on Executive Session

No action.

30. Commissioners Court Inquiry.

Per Commissioner Lamp, Kenny Burns (Burns Architect) has not received cost for dirt for Bellville EMS.

*Motion to Adjourn: Commissioner Reed, 2nd Commissioner Rinn, passed (4-0).
Order #23-321*

Court adjourned at 2:44 p.m.

**ALL SUPPORTING DOCUMENTS ON FILE WITH COUNTY CLERK AS PROVIDED BY
COMMISSIONERS COURT**

I, Andrea Cardenas, Austin County Clerk, attest to the minutes of the Commissioners Court proceedings for August 28, 2023.



Date: September 22, 2023

Andrea Cardenas

Andrea Cardenas, Austin County Clerk
Clerk of Commissioners Court
Austin County, Texas

FILED

2023 SEP 22 PM 4:00

Andrea Cardenas
COUNTY CLERK
AUSTIN COUNTY, CLERK