

COMMISSIONERS COURT MINUTES

Order # 26-006

March 9, 2026 Austin County Commissioners Court met in the 2nd floor Courtroom at the Austin County Courthouse with the following present:

OPENING

CALL TO ORDER

INVOCATION

PLEDGES OF ALLEGIANCE

ROLL CALL AND CERTIFICATION OF QUORUM

Tim Lapham, County Judge

Greg Mikel, Commissioner, Precinct 1

Robert "Bobby" Rinn, Commissioner, Precinct 2

Leroy Cerny, Commissioner, Precinct 3

Chip Reed, Commissioner, Precinct 4

Diane Day, County Clerk

Allison Mican, Deputy Clerk

CONSIDERATION/ADOPTION OF AGENDA

Motion to Approve: Commissioner Reed, 2nd Commissioner Cerny, passed (4-0)

OPEN AGENDA ITEMS

1. Petitions or Requests from the Public

(In accordance with the Texas Attorney General's opinion, any public comment that is made on an item that is not on the posted final agenda will only be heard by the Commissioners Court. No formal action, discussion, deliberation, nor comment will be made by the Commissioners Court.)

None.

2. Discussion and action to approve a resolution supporting legislation to improve county road infrastructure and safety.

Judge Lapham stated the intent is to try to get 5% of existing motor fuel and 5% of electric vehicle registration into the county road funds.

Motion to Approve: Commissioner Rinn, Commissioner Mikel 4-0

3. Discussion and action to approve a resolution adopting the Austin County Clerk's Office fee schedule for official and certified copies.

Stephanie Kovar (County Clerk's Office) presented a resolution outlining the payment structure for copies of documents from Official Public Records.

Please understand that Board of Trustees members use electronic devices of various kinds to access the materials relevant to the matters before us. Be assured, however, that, by mutual agreement and common practice of this Board of Trustees, these devices are not being used for texting, emailing, or other communications during public meetings.

Judge Lapham inquired if anyone had spoken to other counties.

Stephanie Kovar (County Clerk's Office) stated other counties do not have software that offers this option.

Commissioner Reed inquired if this would cause legal issues.

Stephanie Kovar (County Clerk's Office) stated no legal issues should occur. The Attorney General stated documents must be given to the customer in the form they were in when the request was submitted.

Motion to Approve: Commissioner Reed, 2nd Commissioner Cerny, passed (4-0)

4. Discussion regarding the purchase of a new belly dump trailer for Pct. 4 R&B and action as appropriate.

Commissioner Reed stated the dump truck was in a crash and totaled a couple of months ago. I have been looking at other trucks and trailers to replace the trailer and have decided to go with a powder-coated Dura Haul for \$43,700.00.

Motion to Approve: Commissioner Reed, 2nd Commissioner Cerny, passed (4-0)

5. Discussion regarding Burn Ban and action as appropriate.

The Drought Index map was presented and reviewed by the court.

Authority is given to Judge Lapham to lift the burn ban by the next court if possible.

The Sheriff's Office is to be notified of all burn permits for pasture burns.

No Action.

6. Consideration and action to grant fire code review authority to the county engineer or county engineer's designee, thereby creating the County Fire Marshall's Office as a part of the County Engineering Department.

A packet was provided for the court.

Judge Lapham stated that since some of the Subdivision Regulations include the fire code, in order to enforce it, we have to have a fire marshal.

Jonathan Hopko (County Engineer) emphasized that the subdivision regulations do have fire code regulations that have to be checked.

Judge Lapham stated this would be part of the County Engineer's office.

This agenda item states that whoever is in the County Engineer's Office has that authority to enforce the fire code.

Please understand that Board of Trustees members use electronic devices of various kinds to access the materials relevant to the matters before us. Be assured, however, that, by mutual agreement and common practice of this Board of Trustees, these devices are not being used for texting, emailing, or other communications during public meetings.

Commissioner Cerny made a motion to grant fire code review authority to the County Engineer or County Engineers designees, thereby creating the County Fire Marshall's Office as part of the County Engineers Department.

Motion to Approve: Commissioner Cerny, 2nd Commissioner Reed, passed (4-0)

7. Discussion regarding moratorium/ordinance on data centers and battery energy storage systems and action as appropriate.

Judge Lapham stated it's best to follow an ordinance similar to the landfill ordinance.

Judge Lapham stated a public hearing would need to be set. The notice must be in the paper for 30 days. We will have a public hearing on April 27, 2026, at 9:00 am.

Motion to schedule public hearing for April 27, 2026, at 9:00 am for public comment regarding battery energy storage systems.

Motion to approve: Commissioner, 2nd Commissioner Rinn, passed (4-0)

8. Discussion to adopt a Waiver Valuation Policy regarding professional appraisals of properties and easements for GLO grants with low and simply calculated monetary values and action as appropriate.

Judge Lapham stated his understanding is that this is for one of the grants. Waiver was read to the court. On small properties, this will save the appraisal cost. It's a policy we have to sign on government grants. If everyone is happy, we don't have to spend appraisal money just to have paperwork on file.

Motion to Approve: Commissioner Reed, 2nd Commissioner Rinn, passed (4-0)

9. Discussion and action to approve Final Plat for Bartlett Estates West.

Jonathan Hopko (County Engineer) stated when the preliminary plat was brought to court it was approved with conditions stating retention be platted separately. Changes and corrections have been made in regard to subdivision regulations and approval is requested.

Motion to Approve: Commissioner Reed, 2nd Commissioner Cerny 4-0

10. Discussion and action to approve Rosemary Subdivision Preliminary Plat.

Jonathan Hopko (County Engineer) stated this is a preliminary plat off FM 1458 just south of Zaruba Road with 8 lots and a roadway with a reserved section for retention.

Motion to Approve: Commissioner Reed, 2nd Commissioner Mikel, passed (4-0)

Please understand that Board of Trustees members use electronic devices of various kinds to access the materials relevant to the matters before us. Be assured, however, that, by mutual agreement and common practice of this Board of Trustees, these devices are not being used for texting, emailing, or other communications during public meetings.

11. Discussion and action regarding pricing and operational issues with CivicPlus.

Jonathan Hopko (County Engineer) explained the issue is we thought we had a full premium package. However, that is not the package we were given. We are not proceeding forward with the kickoff meeting until the issue is resolved. The county originally paid \$44,999.00 but with the change in package, we now owe an additional \$7,362.00, which we are asking the court for approval to move forward.

Commissioner Rinn emphasized that when we initially started we stated what package we wanted. When we started the kickoff, that was not the package we received.

Commissioner Reed inquired if, for \$7,000.00 more, this would for sure fix everything.

Jonathan Hopko (County Engineer) believes it is worth going up to the premium package due to the amount of work and personnel we have.

Commissioner Reed inquired about what was needed.

Jonathan Hopko (County Engineer) requested a motion to move forward with the premium package for \$12,637.00, and they will credit \$5,273.00 back to us.

Commissioner Reed emphasized that we need to be ADA compliant.

Judge Lapham emphasized that Jonathan Hopko (County Engineer) is asking approval for \$7,362.00 towards the premium package to move forward.

Motion to Approve: Commissioner Cerny, Commissioner Rinn, passed (4-0)

12. **CONSENT AGENDA**

- a. Consideration and action to Approve Minutes:
 - i. December 8, 2025 Revised
- b. Consideration and action to approve Resolution regarding SB8 Grant application.
- c. Consideration to approve inmate housing agreement between Calhoun County and Austin County.
- d. Consideration and action to approve Required Schooling Request for Ronnie Griffin, Pct. 3 Constable, to attend PIO Training, June 29-July 1, 2026, in Huntsville, Texas.
- e. Consideration and action to approve Required Schooling Request for Bryan Haevischer, Treasurer, to attend County Investment Conference, June 15-June 17, 2026, in Georgetown, Texas.
- f. Consideration and action to accept special donation(s), per local government code 81.032:
 - i. \$200 - West End Library
 - ii. \$100 - West End Library
 - iii. \$100 - West End Library

Please understand that Board of Trustees members use electronic devices of various kinds to access the materials relevant to the matters before us. Be assured, however, that, by mutual agreement and common practice of this Board of Trustees, these devices are not being used for texting, emailing, or other communications during public meetings.

- iv. \$200 - West End Library
- v. \$25 - West End Library
- vi. \$25 - West End Library
- vii. \$300 - West End Library
- viii. \$300 - West End Library
- ix. \$25 - West End Library
- x. \$500 - EMS
- xi. \$300 - EMS

Motion to Approve: Commissioner Rinn, 2nd Commissioner Mikel, passed (4-0)

13. BUDGETARY AND FINANCIAL CLAIMS - action as appropriate

- a. Payment of Claims

Total: \$3,219,239.42

Motion to Approve: Commissioner Reed, 2nd Commissioner Mikel, passed (4-0)

- b. Fund transfers

Total: \$960,869.91 (03.09.2026)

Motion to Approve: Commissioner Reed, 2nd Commissioner Rinn 4-0

- c. Budget Amendments

None.

- d. County Auditor's Review of Finances
- e. County Treasurer's
 - i. Payroll and Escrow Report

No Action.

14. Written end-of-the month reports submitted by County Offices

- a. Statutory Court - January 2026
- b. ArgiLife- November 2025, December 2025, and January 2026
- c. Jail Population Report - February 2026
- d. JP 3 - February 2026

Motion to Approve: Commissioner Cerny, 2nd Commissioner Reed, passed 4-0

Please understand that Board of Trustees members use electronic devices of various kinds to access the materials relevant to the matters before us. Be assured, however, that, by mutual agreement and common practice of this Board of Trustees, these devices are not being used for texting, emailing, or other communications during public meetings.

15. **Commissioners' Court Inquiry.**

(Pursuant to Texas Government Code Section 551.042, the Commissioners Court may inquire about a subject not specifically listed factual information given in response to the inquiry. Any deliberation or decision shall be limited to a proposal to place the subject on the agenda of a future meeting.)

Billy discussed issues with the internet going down. Spoke to Roy Mercer (Emergency Management Coordinator) about using Starlink. We need to implement a plan for activation when the internet goes down. The auditor's office has bought supplies in case this happens.

Motion to Adjourn: Commissioner Reed, Commissioner Cerny, passed (4-0)

Court adjourned at 10:00 am.

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

I, Diane Day, Austin County Clerk, attest to the minutes of the Commissioners Court proceedings for March 9, 2026.

Date: 4-21-2026

Diane Day, Austin County Clerk
Clerk of Commissioners Court
Austin County, Texas

By: Kayla Whitley
Deputy Clerk



FILED

APR 21 2026

Diane Day
County Clerk, Austin County, Texas

Please understand that Board of Trustees members use electronic devices of various kinds to access the materials relevant to the matters before us. Be assured, however, that, by mutual agreement and common practice of this Board of Trustees, these devices are not being used for texting, emailing, or other communications during public meetings.