

## MINUTES OF COMMISSIONERS' COURT MEETING

I.

Attached hereto is/are public notice(s) posted for the meeting of **July 24, 2017**.

II.

The minutes of the Regular Meeting of Fayette County, Texas, Commissioners' Court held in the Commissioners' Courtroom (3<sup>rd</sup> floor – Room 303) at the Fayette County Courthouse located at 151 North Washington Street, La Grange, Texas

III.

Attendance: County Judge Ed Janecka, **Absent**  
County Commissioner – Precinct No. 1, Jason McBroom, **Present**  
County Commissioner – Precinct No. 2, Gary Weishuhn, **Present**  
County Commissioner – Precinct No. 3, Harvey Berckenhoff, **Present**  
County Commissioner – Precinct No. 4, Tom Muras, **Present Pro-Tem**

IV.

County Officials/County Personnel present during all or any part of the meeting: **Julie Karstedt, County Clerk; Mandy Kasper, Deputy County Clerk; Cassie Austin, Court Administrator; Sharon Muzny, EMS Director; Kathy Kleiber, County Auditor; Janet Carrigan, Emergency Management Coordinator; Malissa Mieth, EMS Assistant Director; Harold Streicher, Assistant County Attorney;**

V.

Persons in attendance during all of any part of the meeting: **See attached "Exhibit A"**.

VI.

Meeting opened at **9 a.m.** on motion by Commissioner **Weishuhn**, seconded by Commissioner **Berckenhoff**, votes for **4**, votes against **0**.

VII.

### PLEDGE OF ALLEGIANCE

PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

PLEDGE OF ALLEGIANCE TO THE TEXAS FLAG

“Honor the Texas Flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.”

### INVOCATION

**AGENDA ACTION:**

1. **SUBJECT: Open public comments – petitions, requests or statements by the public. Close.**

**ACTION: Accepted comments from Janet Carrigan, Emergency Management Coordinator, who introduced Justin Gremminger a volunteer intern that has been experiencing County business. Closed public meeting.**

**PERSONS APPEARING BEFORE THE COURT: Janet Carrigan, Emergency Management Coordinator; Justin Gremminger**

**MOVED BY COMMR. Berckenhoff, SECONDED BY COMMR. McBroom.**

Commr. McBroom, vote for **X**, vote against. \_\_  
Commr. Weishuhn, vote for **X**, vote against \_\_  
Commr. Berckenhoff, vote for **X**, vote against \_\_  
Commr. Muras, vote for **X**, vote against \_\_  
Judge Janecka, vote for \_\_, vote against **Absent**

2. **SUBJECT: Consider and take appropriate action concerning whether or not to enter an Order Restricting Outdoor Burning in the unincorporated areas of the County effective July 24, 2017.**

**ACTION: Entered into burn ban effective July 24, 2017. See attachment hereto marked "Agenda Action 2 Exhibit".**

**PERSONS APPEARING BEFORE THE COURT:**

**MOVED BY COMMR. Weishuhn, SECONDED BY COMMR. McBroom.**

Commr. McBroom, vote for **X**, vote against. \_\_  
Commr. Weishuhn, vote for **X**, vote against \_\_  
Commr. Berckenhoff, vote for **X**, vote against \_\_  
Commr. Muras, vote for **X**, vote against \_\_  
Judge Janecka, vote for \_\_, vote against **Absent**

3. **SUBJECT: Acknowledge monthly call, collections, and financial report from EMS Director, Sharon Muzny.**

**ACTION: Acknowledged monthly calls, collections, and financial report from EMS Director, Sharon Muzny. See attachment hereto marked "Agenda Action 3 Exhibit".**

**PERSONS APPEARING BEFORE THE COURT: Sharon Muzny, EMS Director;**

**MOVED BY COMMR. Muras, SECONDED BY COMMR. Berckenhoff.**

Commr. McBroom, vote for **X**, vote against. \_\_\_  
Commr. Weishuhn, vote for **X**, vote against \_\_\_  
Commr. Berckenhoff, vote for **X**, vote against \_\_\_  
Commr. Muras, vote for **X**, vote against \_\_\_  
Judge Janecka, vote for \_\_\_, vote against **Absent**

4. **SUBJECT: Consider and take appropriate action concerning a renewal contract between Fayette County and Stryker/Pro Care for the maintenance and service of EMS stretchers and stairchairs.**

**ACTION: Renewed contract between Fayette County and Stryker/Pro Care for the maintenance and service of EMS stretchers and stairchairs. See attachment hereto marked "Agenda Action 4 Exhibit".**

**PERSONS APPEARING BEFORE THE COURT: Sharon Muzny, EMS Director**

**MOVED BY COMMR. Berckenhoff, SECONDED BY COMMR. McBroom.**

Commr. McBroom, vote for **X**, vote against. \_\_\_  
Commr. Weishuhn, vote for **X**, vote against \_\_\_  
Commr. Berckenhoff, vote for **X**, vote against \_\_\_  
Commr. Muras, vote for **X**, vote against \_\_\_  
Judge Janecka, vote for \_\_\_, vote against **Absent**

5. **SUBJECT: Consider and take appropriate action in approving Official Bond for Justice of the Peace, Precinct 1.**

**ACTION: Approved Official Bond for Justice of the Peace, Precinct 1, Dr. Randy Albers. See attachment hereto marked "Agenda Action 5 Exhibit".**

PERSONS APPEARING BEFORE THE COURT:

**MOVED BY COMMR. McBroom, SECONDED BY COMMR. Weishuhn.**

Commr. McBroom, vote for **X**, vote against. \_\_\_  
Commr. Weishuhn, vote for **X**, vote against \_\_\_  
Commr. Berckenhoff, vote for **X**, vote against \_\_\_  
Commr. Muras, vote for **X**, vote against \_\_\_  
Judge Janecka, vote for \_\_\_, vote against **Absent**

6. **SUBJECT: Consider and take appropriate action on Advance Funding Agreements, for the replacement or rehabilitation of three bridges off the state system, between the Texas Department of Transportation and Fayette County, Texas re: S. Knezek Rd. over Mulberry Creek; Willow Springs Rd. over Cummins Creek; and Piney Creek Rd. over Piney Creek (Prcts 1, 2 & 3).**

**ACTION: Signed Advance Funding Agreements, for the replacement or rehabilitation of three bridges off the state system, between the Texas Department of Transportation and Fayette County, Texas re: S. Knezek Rd. over Mulberry Creek; Willow Springs Rd. over Cummins Creek; and Piney Creek Rd. over Piney Creek (Prcts 1, 2 & 3).**

PERSONS APPEARING BEFORE THE COURT:

**MOVED BY COMMR. McBroom, SECONDED BY COMMR. Berckenhoff.**

Commr. McBroom, vote for **X**, vote against. \_\_\_  
Commr. Weishuhn, vote for **X**, vote against \_\_\_  
Commr. Berckenhoff, vote for **X**, vote against \_\_\_  
Commr. Muras, vote for **X**, vote against \_\_\_  
Judge Janecka, vote for \_\_\_, vote against **Absent**

7. **SUBJECT: Consider and take appropriate action regarding entering or amending an Order to abandon, and/or acknowledge private use of, and/or disclaim any public interest in the way, path, or road which is the subject of current litigation involving a portion of the former Old Flatonia-Moulton County Road.**

**ACTION: Agreed to amend the Order to abandon, and/or acknowledge private use of, and/or disclaim any public interest in the way, path, or road which is the subject of current litigation involving a portion of the former Old Flatonia-Moulton County Road.**

**PERSONS APPEARING BEFORE THE COURT: Harold Streicher, Assistant County Attorney;**

**MOVED BY COMMR. Berckenhoff, SECONDED BY COMMR. Weishuhn.**

Commr. McBroom, vote for **X**, vote against. \_\_\_  
Commr. Weishuhn, vote for **X**, vote against \_\_\_  
Commr. Berckenhoff, vote for **X**, vote against \_\_\_  
Commr. Muras, vote for **X**, vote against \_\_\_  
Judge Janecka, vote for \_\_\_, vote against **Absent**

8. **SUBJECT: Consider and take appropriate action concerning approving an Agreement with LexisNexis for provision of electronic legal research services for the County Attorney's Office.**

**ACTION: Signed agreement with LexisNexis for provision of electronic legal research services for the County Attorney's Office. See attachment hereto marked "Agenda Action 8 Exhibit".**

**PERSONS APPEARING BEFORE THE COURT: Harold Streicher, Assistant County Attorney;**

**MOVED BY COMMR. McBroom, SECONDED BY COMMR. Weishuhn.**

Commr. McBroom, vote for **X**, vote against. \_\_\_  
Commr. Weishuhn, vote for **X**, vote against \_\_\_  
Commr. Berckenhoff, vote for **X**, vote against \_\_\_  
Commr. Muras, vote for **X**, vote against \_\_\_  
Judge Janecka, vote for \_\_\_, vote against **Absent**

9. **SUBJECT: Consider and take appropriate action in authorizing the County Judge to sign, on behalf of the County, any and all additional documents concerning the Certificates of Obligation which were issued on July 10, 2017, and to ratify the previous signing by the County Judge, on behalf of the County, of any and all additional documents concerning the Certificates of Obligation.**

**ACTION: Allowed Judge to sign, on behalf of the County, any and all additional documents concerning the Certificates of Obligation which were issued on July 10, 2017, and to ratify the previous signing by the County Judge, on behalf of the County, of any and all additional documents concerning the Certificates of Obligation. See attachment hereto marked "Agenda Action 9 Exhibit".**

**PERSONS APPEARING BEFORE THE COURT:**

**MOVED BY COMMR. Muras, SECONDED BY COMMR. Berckenhoff.**

Commr. McBroom, vote for **X**, vote against. \_\_  
Commr. Weishuhn, vote for **X**, vote against \_\_  
Commr. Berckenhoff, vote for **X**, vote against \_\_  
Commr. Muras, vote for **X**, vote against \_\_  
Judge Janecka, vote for \_\_, vote against **Absent**

10. **SUBJECT: Consider and take appropriate action on adopting the civil fee changes, if any, for the 2018 Sheriffs' and Constables' Fees required under Texas Local Government Code, Section 118.131, and submitting the changes, if any, to the Texas Comptroller of Public Accounts.**

**ACTION: Adopted 2018 Sheriff's and Constables' Fees as they were last year with no changes. See attachment hereto marked "Agenda Action 10 Exhibit".**

**PERSONS APPEARING BEFORE THE COURT: Julie Karstedt, County Clerk; Harold Streicher; Assistant County Attorney**

**MOVED BY COMMR. McBroom, SECONDED BY COMMR. Weishuhn.**

Commr. McBroom, vote for **X**, vote against. \_\_  
Commr. Weishuhn, vote for **X**, vote against \_\_  
Commr. Berckenhoff, vote for **X**, vote against \_\_  
Commr. Muras, vote for **X**, vote against \_\_  
Judge Janecka, vote for \_\_, vote against **Absent**

11. **SUBJECT: Consider and take appropriate action concerning the Fayette County Employee Health Insurance renewal with the Texas Association of County Health and Employee Benefits Pool (TAC HEBP) effective 10/01/17.**

**ACTION: Deferred until Wednesday, July 26, 2017 at 8 a.m..**

**PERSONS APPEARING BEFORE THE COURT: Kathy Kleiber, County Auditor;**

**MOVED BY COMMR. Weishuhn, SECONDED BY COMMR. Berckenhoff.**

Commr. McBroom, vote for **X**, vote against. \_\_

Commr. Weishuhn, vote for **X**, vote against

Commr. Berckenhoff, vote for **X**, vote against \_\_

Commr. Muras, vote for **X**, vote against \_\_

Judge Janecka, vote for \_\_, vote against **Absent**

12. **SUBJECT: Consider and take appropriate action approving the Fayette County Liability Renewal Questionnaire with Texas Association of Counties Risk Management Pool renewing November, 2017.**

**ACTION: Approved signing the Fayette County Liability Renewal Questionnaire with Texas Association of Counties Risk Management Pool renewing November, 2017. See attachment hereto marked "Agenda Action 12 Exhibit".**

**PERSONS APPEARING BEFORE THE COURT: Kathy Kleiber, County Auditor;**

**MOVED BY COMMR. Muras, SECONDED BY COMMR. McBroom.**

Commr. McBroom, vote for **X**, vote against. \_\_

Commr. Weishuhn, vote for **X**, vote against

Commr. Berckenhoff, vote for **X**, vote against \_\_

Commr. Muras, vote for **X**, vote against \_\_

Judge Janecka, vote for \_\_, vote against **Absent**

13. **SUBJECT: Consider and take appropriate action approving the Texas County and District Retirement System Plan Assessment for Plan Year 2018.**

**ACTION: Approved Plan for year 2018 at 10.3% rate. See attachment hereto marked "Agenda Action 13 Exhibit".**

PERSONS APPEARING BEFORE THE COURT:

**MOVED BY COMMR. Berckenhoff, SECONDED BY COMMR. Weishuhn.**

Commr. McBroom, vote for **X**, vote against. \_\_

Commr. Weishuhn, vote for **X**, vote against

Commr. Berckenhoff, vote for **X**, vote against \_\_

Commr. Muras, vote for **X**, vote against \_\_

Judge Janecka, vote for \_\_, vote against **Absent**

14. **SUBJECT: Consider and take notice of the subdivision of real property applications that have been acknowledged as exempt from the Fayette County Subdivision Regulations by statute, as provided to the Fayette County Commissioners' Court by the Fayette County Inspector.**

**ACTION: Approved exemptions from the Fayette County Subdivision Regulations by statute, as provided to the Fayette County Commissioners' Court by the Fayette County Inspector. See attachment hereto marked "Agenda Action 14 Exhibit".**

PERSONS APPEARING BEFORE THE COURT:

**MOVED BY COMMR. Weishuhn, SECONDED BY COMMR. Berckenhoff.**

Commr. McBroom, vote for **X**, vote against. \_\_

Commr. Weishuhn, vote for **X**, vote against

Commr. Berckenhoff, vote for **X**, vote against \_\_

Commr. Muras, vote for **X**, vote against \_\_

Judge Janecka, vote for \_\_, vote against **Absent**

15. **SUBJECT: Consider and take appropriate action in authorizing Bethany Martel, Court Coordinator, to attend the TACA Conference, October 30 - November 2, 2017, in Austin, Texas.**

**ACTION: Allowed Bethany Martel, Court Coordinator, to attend the TACA Conference, October 30 - November 2, 2017, in Austin, Texas. See attachment hereto marked "Agenda Action 15 Exhibit".**

PERSONS APPEARING BEFORE THE COURT:

**MOVED BY COMMR. McBroom, SECONDED BY COMMR. Berckenhoff.**  
Commr. McBroom, vote for **X**, vote against. \_\_\_  
Commr. Weishuhn, vote for **X**, vote against \_\_\_  
Commr. Berckenhoff, vote for **X**, vote against \_\_\_  
Commr. Muras, vote for **X**, vote against \_\_\_  
Judge Janecka, vote for \_\_\_, vote against **Absent**

16. **SUBJECT: Consider and take appropriate action on property not sold at Sheriff's Sale - Cause No. 2450 - Fayetteville ISD.**

**ACTION: Approved property not sold at Sheriff's Sale - Cause No. 2450 - Fayetteville ISD. See attachment hereto marked "Agenda Action 16 Exhibit".**

PERSONS APPEARING BEFORE THE COURT:

**MOVED BY COMMR. Weishuhn, SECONDED BY COMMR. Berckenhoff.**  
Commr. McBroom, vote for **X**, vote against. \_\_\_  
Commr. Weishuhn, vote for **X**, vote against \_\_\_  
Commr. Berckenhoff, vote for **X**, vote against \_\_\_  
Commr. Muras, vote for **X**, vote against \_\_\_  
Judge Janecka, vote for \_\_\_, vote against **Absent**

17. **SUBJECT: Consider and take appropriate action on property not sold at Sheriff's Sale - Cause No. 3532 - Flatonia ISD.**

**ACTION: Approved property not sold at Sheriff's Sale - Cause No. 3532 - Flatonia ISD. See attachment hereto marked "Agenda Action 17 Exhibit".**

PERSONS APPEARING BEFORE THE COURT:

**MOVED BY COMMR. Berckenhoff, SECONDED BY COMMR. McBroom.**

Commr. McBroom, vote for **X**, vote against. \_\_

Commr. Weishuhn, vote for **X**, vote against

Commr. Berckenhoff, vote for **X**, vote against \_\_

Commr. Muras, vote for **X**, vote against \_\_

Judge Janecka, vote for \_\_, vote against **Absent**

18. **SUBJECT: Consider and take appropriate action on property not sold at Sheriff's Sale - Cause No. 3525 - La Grange ISD.**

**ACTION: Rejected on property not sold at Sheriff's Sale - Cause No. 3525 - La Grange ISD. See attachment hereto marked "Agenda Action 18 Exhibit".**

PERSONS APPEARING BEFORE THE COURT:

**MOVED BY COMMR. McBroom, SECONDED BY COMMR. Weishuhn.**

Commr. McBroom, vote for **X**, vote against. \_\_

Commr. Weishuhn, vote for **X**, vote against

Commr. Berckenhoff, vote for **X**, vote against \_\_

Commr. Muras, vote for **X**, vote against \_\_

Judge Janecka, vote for \_\_, vote against **Absent**

19. **SUBJECT: Consider and take appropriate action concerning salary changes, if any, made during the period of June 26, 2017 through July 23, 2017.**

**ACTION: Approved salary changes if any, made during the period of June 26, 2017 through July 23, 2017. See attachment hereto marked "Agenda Action 19 Exhibit".**

**PERSONS APPEARING BEFORE THE COURT: Kathy Kleiber, County Auditor;**

**MOVED BY COMMR. Weishuhn, SECONDED BY COMMR. Berckenhoff.**

Commr. McBroom, vote for **X**, vote against. \_\_  
Commr. Weishuhn, vote for **X**, vote against \_\_  
Commr. Berckenhoff, vote for **X**, vote against \_\_  
Commr. Muras, vote for **X**, vote against \_\_  
Judge Janecka, vote for \_\_, vote against **Absent**

20. **SUBJECT: Consider and take appropriate action concerning the fines and fees collected for the period of June 01, 2017 through June 30, 2017.**

**ACTION: Approved fines and fees collected for the period of June 01, 2017 through June 30, 2017. See attachment hereto marked "Agenda Action 20 Exhibit".**

**PERSONS APPEARING BEFORE THE COURT: Kathy Kleiber, County Auditor;**

**MOVED BY COMMR. McBroom, SECONDED BY COMMR. Berckenhoff.**

Commr. McBroom, vote for **X**, vote against. \_\_  
Commr. Weishuhn, vote for **X**, vote against \_\_  
Commr. Berckenhoff, vote for **X**, vote against \_\_  
Commr. Muras, vote for **X**, vote against \_\_  
Judge Janecka, vote for \_\_, vote against **Absent**

21. **SUBJECT: Consider and take appropriate action in approving the payment of currently due Fayette County bills and expenses.**

**ACTION: Approved payment of currently due Fayette County bills and expenses. See attachment hereto marked "Agenda Action 21 Exhibit".**

**PERSONS APPEARING BEFORE THE COURT: Kathy Kleiber, County Auditor;**

**MOVED BY COMMR. Weishuhn , SECONDED BY COMMR. McBroom.**

Commr. McBroom, vote for **X**, vote against. \_\_\_

Commr. Weishuhn, vote for **X**, vote against \_\_\_

Commr. Berckenhoff, vote for **X**, vote against \_\_\_

Commr. Muras, vote for **X**, vote against \_\_\_

Judge Janecka, vote for \_\_\_, vote against **Absent**

22. **SUBJECT: Consider and take appropriate action in approving the following minutes from previous meetings:**

**I. June 1, 2017 Special Meeting**

**II. June 8, 2017 Special Meeting**

**II. June 9, 2017 Special Meeting**

**IV. June 12, 2017 Regular Meeting**

**V. June 26, 2017 Regular Meeting**

**ACTION: Approved minutes from previous meetings.**

**PERSONS APPEARING BEFORE THE COURT: Julie Karstedt, County Clerk;**

**MOVED BY COMMR. Berckenhoff, SECONDED BY COMMR. McBroom.**

Commr. McBroom, vote for **X**, vote against. \_\_\_

Commr. Weishuhn, vote for **X**, vote against \_\_\_

Commr. Berckenhoff, vote for **X**, vote against \_\_\_

Commr. Muras, vote for **X**, vote against \_\_\_

Judge Janecka, vote for \_\_\_, vote against **Absent**

23. **SUBJECT: Discuss, consider, and take appropriate action concerning the EMS Headquarters and Station One.**

**ACTION: No action taken.**

PERSONS APPEARING BEFORE THE COURT:

MOVED BY COMMR. \_\_\_\_\_, SECONDED BY COMMR. \_\_\_\_\_  
Commr. McBroom, vote for \_\_\_\_, vote against. \_\_  
Commr. Weishuhn, vote for \_\_\_\_, vote against  
Commr. Berckenhoff, vote for \_\_\_\_, vote against \_\_  
Commr. Muras, vote for \_\_\_\_, vote against \_\_  
Judge Janecka, vote for \_\_\_\_, vote against \_\_\_\_\_

24. **SUBJECT: Budget Workshop to discuss all revenues/expenditures and tax rate for 2018 budget and take any action the Commissioners' Court deems necessary.**

**ACTION: Accepted comments from Kathy Kleiber, County Auditor, who shared that the Fayette County Appraisal District effective tax rate is going to be .4464 per \$100 valuation for 2017 taxes. See attachment hereto marked "Agenda Action 24 Exhibit".**

PERSONS APPEARING BEFORE THE COURT: **Kathy Kleiber. County Auditor;**

MOVED BY COMMR. **Muras**, SECONDED BY COMMR. **Berckenhoff**.  
Commr. McBroom, vote for **X**, vote against. \_\_  
Commr. Weishuhn, vote for **X**, vote against  
Commr. Berckenhoff, vote for **X**, vote against \_\_  
Commr. Muras, vote for **X**, vote against \_\_  
Judge Janecka, vote for \_\_\_\_, vote against **Absent**

25. **SUBJECT: Consider and take appropriate action to propose salaries, expenses, and allowances of elected county and precinct officers for the year 2018.**

**ACTION: Agreed to a 2% raise to elected county & precinct officials for 2018.**

**PERSONS APPEARING BEFORE THE COURT: Kathy Kleiber, County Auditor;**

**MOVED BY COMMR. Weishuhn, SECONDED BY COMMR. Berckenhoff.**

Commr. McBroom, vote for **X**, vote against. \_\_

Commr. Weishuhn, vote for **X**, vote against

Commr. Berckenhoff, vote for **X**, vote against \_\_

Commr. Muras, vote for **X**, vote against \_\_

Judge Janecka, vote for \_\_, vote against **Absent**

26. **SUBJECT: Consider and take appropriate action in authorizing the County Auditor to publish proposed salaries, expenses, and allowances of elected county and precinct officers for the year 2018.**

**ACTION: Authorized Auditor to publish proposed salaries, expenses, and allowances of elected county and precinct officers for the year 2018.**

**PERSONS APPEARING BEFORE THE COURT:**

**MOVED BY COMMR. Berckenhoff, SECONDED BY COMMR. McBroom.**

Commr. McBroom, vote for **X**, vote against. \_\_

Commr. Weishuhn, vote for **X**, vote against

Commr. Berckenhoff, vote for **X**, vote against \_\_

Commr. Muras, vote for **X**, vote against \_\_

Judge Janecka, vote for \_\_, vote against **Absent**

VIII.

Meeting adjourned at **9:40 a.m., July 24, 2017**, on motion by Commissioner **McBroom**, seconded by Commissioner **Berckenhoff**, votes for **4**, votes against **0**.

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Edward F. Janecka  
Fayette County Judge

\_\_\_\_\_  
Jason McBroom  
Commissioner, Precinct 1

\_\_\_\_\_  
Gary Weishuhn  
Commissioner, Precinct 2

\_\_\_\_\_  
Harvey Berckenhoff  
Commissioner, Precinct 3

\_\_\_\_\_  
Tom Muras  
Commissioner, Precinct 4

ATTEST:

\_\_\_\_\_  
Julie Karstedt  
County Clerk