

MINUTES OF COMMISSIONERS' COURT MEETING

I.

Attached hereto is/are public notice(s) posted for the meeting of **September 10, 2018**.

II.

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

III.

Attendance: County Judge Ed Janecka, **Present**
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**

IV.

County Officials/County Personnel present during all or any part of the meeting: **Julie Karstedt, County Clerk; Mandy Kasper, Deputy County Clerk; Sharon Muzny, EMS Director; Randy Novski, Chief Deputy Sheriff, Skip Caldwell, Airport Manager; Kathy Kleiber, County Auditor; Harold Streicher, Assistant County Attorney; Cassie Austin, Court Administrator; Clint Sternadel, Designated Representative Subdivision Enforcement;**

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 **Muras**, seconded by Commissioner **Berckenhoff**, votes for **5**, 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 Judge's comments on the Burn Ban still being in effect.

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 **X**, vote against __

2. **SUBJECT: Open and hold Public Hearing to consider the proposed 2019 Fayette County Budget, and to hear, consider and accept all comments. "This budget will raise more total property taxes than last year's budget by \$1,026,793.00 or 8.05%, and of that amount \$246,572.00 is tax revenue to be raised from new property added to the tax roll this year."**

ACTION: Opened Public Hearing at 9:02 a.m..

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 **X**, vote against __

2A. SUBJECT: Consider and accept all comments and close Public Hearing.

ACTION: Closed Public Hearing at 9:03 a.m. with no comments.

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 **X**, vote against __

3. SUBJECT: Budget Workshop to discuss all revenues/expenditures for 2019 Budget and take any action the Commissioners' Court deems necessary.

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 __

4. **SUBJECT: Consider and take appropriate action in the adoption of the 2019 County Budget, which will include approving and signing the Budget Certificate, and approving and signing the Order Adopting the Budget for Fiscal Year 2019.**

ACTION: Adopted 2019 County Budget, which included approving and signing the Budget Certificate, and approving and signing the Order Adopting the Budget for Fiscal Year 2019. See attachment hereto marked "Agenda Action 4 Exhibit".

PERSONS APPEARING BEFORE THE COURT:

MOVED BY COMMR. Muras, 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 **X**, vote against ___

5. **SUBJECT: Consider and take appropriate action in ratifying the property tax increase reflected in the adopted Budget and required to fund the 2019 County Budget.**

ACTION: Ratified the property tax increase reflected in the adopted Budget and required to fund the 2019 County Budget.

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 **X**, vote against ___

6. **SUBJECT: Consider and take appropriate action in the adoption of, and setting by written Order, the Debt Service Tax Rate of \$0.0077/\$100 for Tax Year 2018.**

ACTION: Approved Order in the adoption of the Debt Service Tax Rate of \$0.0077/\$100 for Tax Year 2018. See attachment hereto marked "Agenda Action 6 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 **X**, vote against ___

7. **SUBJECT: Consider and take appropriate action in the adoption of, and setting by written Order, the Maintenance and Operations Tax Rate of \$0.4363/\$100 for Tax Year 2018.**

ACTION: Adopted and set by written Order, the Maintenance and Operations Tax Rate of \$0.4363/\$100 for Tax Year 2018. See attachment hereto marked "Agenda Action 7 Exhibit".

PERSONS APPEARING BEFORE THE COURT:

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 **X**, vote against ___

8. **SUBJECT: Consider and take appropriate action on a motion that the Property Tax Rate be increased by the adoption of a Tax Rate of \$0.4440/\$100 for Tax Year 2018, which is effectively a 6.2 percent increase in the Tax Rate, and that an Order be adopted and signed, setting the Tax Rate of \$0.4440/\$100 for Tax Year 2018, with the revenue attributable to the tax rate increase being for the purpose of providing a minimal operating margin and a minimal reserve.**

ACTION: Set the Property Tax Rate at \$0.4440/\$100 for Tax Year 2018. See attachment hereto marked "Agenda Action 8 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 **X**, vote against ___

9. **SUBJECT: Acknowledge monthly calls, collection, and financial report from EMS Director Sharon Muzny.**

ACTION: Acknowledged monthly calls, collections, and financial report form EMS Director Sharon Muzny. See attachment hereto marked "Agenda Action 9 Exhibit".

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

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 **X**, vote against ___

10. **SUBJECT: Consider and take appropriate action by entering into an Addendum to the Agreement with Credit Bureau Systems, Inc. d/b/a Ambulance Medical Billing and Medical Accounts Receivable Systems (AMB-MARS), concerning collecting Legacy Accounts.**

ACTION: Entered into Addendum to the Agreement with Credit Bureau Systems, Inc. d/b/a Ambulance Medical Billing and Medical Accounts Receivable Systems (AMB-MARS), concerning collecting Legacy Accounts. See attachment hereto marked "Agenda Action 10 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 **X**, vote against ___

11. **SUBJECT: Consider and take appropriate action on Grant FY2019 Routine Airport Maintenance Program between Fayette County, Texas, on behalf of the Fayette Regional Air Center, and the Texas Department of Transportation.**

ACTION: Approved the Grant FY2019 Routine Airport Maintenance Program between Fayette County, Texas, on behalf of the Fayette Regional Air Center, and the Texas Department of Transportation. See attachment hereto marked "Agenda Action 11 Exhibit".

PERSONS APPEARING BEFORE THE COURT: Skip Cladwell, Airport Manager;

MOVED BY COMMR. Muras, 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 **X**, vote against ___

12. **SUBJECT: Consider and take appropriate action on adopting the civil fee changes, if any, for the 2019 Sheriffs' and Constables' Fee required under Texas Local Government Code, Section 118.131, and submitting the changes, if any, to the Texas Comptroller of Public Accounts.**

ACTION: Adopted the civil fees for the 2019 Sheriff's and Constables' Fee required under Texas Local Government Code, Section 118.131 with no changes. See attachment hereto marked "Agenda Action 12 Exhibit".

PERSONS APPEARING BEFORE THE COURT:

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 **X**, vote against ___

13. **SUBJECT: Consider and take appropriate action concerning County Child Welfare Services Non-Financial Agreement between Fayette County, Texas, and the Texas Department of Family and Protective Services.**

ACTION: Approved County Child Welfare Services Non-Financial Agreement between Fayette County, Texas, and the Texas Department of Family and Protective Services. See attachment hereto marked "Agenda Action 13 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 **X**, vote against ___

14. **SUBJECT:** Consider, receive, and enter into the Commissioners' Court minutes the four sworn Annual Road Reports, one from each of the four County Commissioners who each recently completed his report, concerning and listing roads, in their respective precincts; each report having been completed in compliance with and containing all of the information required by Sec. 251.005 and Sec. 251.018 of the Texas Transportation Code, as amended.

ACTION: Acknowledge that all reports were completed in compliance with and containing all of the information required by Sec. 251.005 and Sec. 251.018 of the Texas Transportation Code, as amended. See attachment hereto marked "Agenda Action 14 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 **X**, vote against ___

15. **SUBJECT:** Consider and take appropriate action concerning the 2019 Bid Calendar.

ACTION: Approved 2019 Bid Calendar with changes. See attachment hereto marked "Agenda Action 15 Exhibit".

PERSONS APPEARING BEFORE THE COURT: **Kathy Kleiber, 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 **X**, vote against ___

16. **SUBJECT: Consider and take appropriate action accepting and possibly awarding bids for (2) Tractors to be used for shredding, Road & Bridge No. 4.**

ACTION: Accepted all bids for (2) Tractors to be used for shredding, Road & Bridge No. 4 and deferred awarding until next meeting. See attachment hereto marked "Agenda Action 16 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 **X**, vote against ___

17. **SUBJECT: Consider and take appropriate action in approving a Termite Control Contract, with a maintenance period of ten years, between Bugman, Inc. and Fayette County for the Justice of Peace Precinct 4 Office.**

ACTION: Approved Termite Control Contract, with maintenance period of ten years, between Bugman, Inc. and Fayette County for the Justice of Peace Precinct 4 Office. See attachment hereto marked "Agenda Action 17 Exhibit".

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

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 **X**, vote against ___

18. **SUBJECT:** Consider and take notice that Sheriff Keith Korenek, Sergeant Randy Thumann, and Sergeant Ron Naumann attended the Annual Motor Vehicle Criminal Interdiction (MVCI) Association Conference, August 27-30, 2018 in San Diego, California; air fare and hotel were paid for by the Sheriff's Forfeiture Fund. Sergeant Randy Thumann received the Largest Heroin Seizure Award in the Nation in 2018; Sergeant Randy Thumann was also nominated for and received the "Bob Thomasson Officer of the Year Award", which is the highest achievement attainable in the U.S. for an Interdiction Officer.

ACTION: Acknowledge Sheriff Keith Korenek, Sergeant Randy Thumann, and Sergeant Ron Naumann attended the Annual Motor Vehicle Criminal Interdiction (MVCI) Association Conference, August 27-30, 2018 in San Diego, California; air fare and hotel were paid for by the Sheriff's Forfeiture Fund. Sergeant Randy Thumann received the Largest Heroin Seizure Award in the Nation in 2018; Sergeant Randy Thumann was also nominated for and received the "Bob Thomasson Officer of the Year Award", which is the highest achievement attainable in the U.S. for an Interdiction Officer. See attachment hereto marked "Agenda Action 18 Exhibit".

PERSONS APPEARING BEFORE THE COURT: Randy Noviskie, Chief deputy Sheriff;

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

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 **X**, vote against ___

19. **SUBJECT: Consider and take appropriate action in authorizing the County Auditor, Kathy Kleiber to attend the Auditors Fall Conference, October 16-19, 2018 in San Antonio, Texas.**

ACTION: Approved County Auditor, Kathy Kleiber to attend the Auditors Fall Conference, October 16-19, 2018 in San Antonio, Texas. See attachment hereto marked "Agenda Action 19 Exhibit".

PERSONS APPEARING BEFORE THE COURT:

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 **X**, vote against __

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

ACTION: Approved the payment of currently due Fayette County bills and expenses. See attachment hereto marked "Agenda Action 20 Exhibit".

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

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 **X**, vote against __

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

ACTION: Accepted all comments concerning EMS Headquarters and Station One Construction Project.

PERSONS APPEARING BEFORE THE COURT: Grayson Graves, Krueger Construction Co.; Clint Sternadel, Designated Representative Subdivision Enforcement;

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 **X**, vote against ___

VIII.

Meeting adjourned at **9:37 a.m., September 10, 2018**, on motion by Commissioner **Berckenhoff**, seconded by Commissioner **Weishuhn**, votes for **5**, votes against **0**.

APPROVED this _____ day of _____, 2018.

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