

MINUTES
MATAGORDA COUNTY COMMISSIONERS' COURT MEETING
MATAGORDA COUNTY COURTHOUSE, ROOM 300
1700 SEVENTH STREET, BAY CITY, TEXAS 77414
9:30 A.M., MONDAY, JANUARY 27, 2020

Call to Order

This **Regular Session** of the Matagorda County Commissioners' Court was called to order at 9:30 A.M., Monday, January 27, 2020, in the Matagorda County Commissioner's Courtroom, located on the Third Floor, 1700 Seventh Street, Room 300, Bay City, Texas, with County Judge McDonald presiding.

Others present were as follows: Denise Fortenberry, Kristen Kubecka, Amanda Campos, Skipper Osborne, Chris Peikert, Ona Lea Pierce, Faye Cunningham, Janet Hickl, Renee Huff, Katie Hutto, Deean Griffith, Jerry Lipinski, Jerica Garon, Mike Ferdinand, Bubba Cook, Mary Johnston, Mattie Watkins, Abby Herreth, Bill Orton, Mike Reddell, Jimmy Galvan, Janice Hawthorne, Loretta Griffin, Carmen Andrews, Becca Sitz, Jonathan Vavra, Dwight Vavra, Rhonda Hirsch, Stephen Pratt and Stephanie Wurtz.

1. Certification of quorum

County Judge McDonald certified a quorum in attendance with Commissioner Frick, Commissioner Gibson, Commissioner Graham and Commissioner Pollard.

2. Pledge of Allegiance – Commissioner Pollard

3. Texas Pledge – Commissioner Pollard

4. Prayer – Commissioner Graham

5. Consideration and possible action regarding approving Commissioner's Court Minutes for January 13, 2020

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Gibson, with all others concurring, to approve Commissioner's Court Minutes for January 13, 2020. Motion carried. Vote 5 ayes 0 nays

6. Consideration and possible action regarding contracts for the use of the Matagorda County Fairgrounds facilities

This being the next item for business, motion was duly made by Commissioner Graham and seconded by Commissioner Frick, with all others concurring, to approve one contract for the use of Matagorda County Fairgrounds facilities. Motion carried. Vote 5 ayes 0 nays

7. Consideration and possible action to accept the Matagorda County Historical Commission's Annual Report by Ona Lee Pierce

This being the next item for business, motion was duly made by Judge McDonald and seconded by Commissioner Frick, with all others concurring, to accept the Matagorda County Historical Commission's Annual Report by Ona Lee Pierce. Motion carried. Vote 5 ayes 0 nays

8. Consideration and possible action to approve the Board Appointments for Matagorda County Drainage District No. 1, 02/14/2020 through 02/14/2022

This being the next item for business, motion was duly made by Commissioner Graham and seconded by Commissioner Pollard, with all others concurring, to approve the Board Appointments for Matagorda County Drainage District No. 1, 02/14/2020 through 02/14/2022. Motion carried. Vote 5 ayes 0 nays

9. Consideration and possible action to approve the Board Appointments for Matagorda County Drainage District No. 2, 02/14/2020 through 02/14/2022

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Graham, with all others concurring, to approve the Board Appointments for Matagorda County Drainage District No. 2, 02/14/2020 through 02/14/2022. Motion carried. Vote 5 ayes 0 nays

10. Consideration and possible action to approve the Board Appointments for Matagorda County Drainage District No. 3, 02/14/2020 through 02/14/2022

This being the next item for business, motion was duly made by Commissioner Gibson and seconded by Commissioner Pollard, with all others concurring, to approve the Board Appointments for Matagorda County Drainage District No. 3, 02/14/2020 through 02/14/2022. Motion carried. Vote 5 ayes 0 nays

11. Consideration and possible action to approve the Board Appointments for Matagorda County Drainage District No. 4, 02/14/2020 through 02/14/2022

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Graham, with all others concurring, to approve the Board Appointments for Matagorda County Drainage District No. 4, 02/14/2020 through 02/14/2022. Motion carried. Vote 5 ayes 0 nays

12. Consideration and possible action to approve the Board Appointments for Matagorda County – Palacios Seawall Commission, 02/14/2019 through 02/14/2025

This being the next item for business, motion was duly made by Commissioner Gibson and seconded by Commissioner Pollard, with all others concurring, to approve the Board Appointments for Matagorda County – Palacios Seawall Commission, 02/14/2019 through 02/14/2025. Motion carried. Vote 5 ayes 0 nays

13. Consideration and possible action to approve the Board Appointments for the Matagorda County Hospital District Board of Managers, 02/14/2020 through 02/14/2022

This being the next item for business, motion was duly made by Judge McDonald and seconded by Commissioner Frick, with all others concurring, to approve the Board Appointments for the Matagorda County Hospital District Board of Managers, 02/14/2020 through 02/14/2022. Motion carried. Vote 5 ayes 0 nays

14. Consideration and possible action to approve the Board Appointments for the Matagorda County Conservation & Reclamation District No. 1, 02/14/2020 through 02/14/2022

This being the next item for business, motion was duly made by Commissioner Pollard and seconded by Commissioner Gibson, with all others concurring, to approve the Board Appointments for the Matagorda County Conservation & Reclamation District No. 1, 02/14/2020 through 02/14/2022. Motion carried. Vote 5 ayes 0 nays

15. Consideration and possible action to approve an Official Bond and Oath for Marlene Wells, as Child Support Administrator, for the term commencing on January 23, 2020 and authorize the County Judge to sign

This being the next item for business, motion was duly made by Judge McDonald and seconded by

Commissioner Frick, with all others concurring, to approve an Official Bond and Oath for Marlene Wells, as Child Support Administrator, for the term commencing on January 23, 2020 and authorize the County Judge to sign. Motion carried. Vote 5 ayes 0 nays

16. Consideration and possible action to approve an Official Bond and Oath for Stephanie Wurtz, as County Clerk, for the term commencing on January 1, 2020 and authorize the County Judge to sign

This being the next item for business, motion was duly made by Commissioner Graham and seconded by Commissioner Frick, with all others concurring, to approve an Official Bond and Oath for Stephanie Wurtz, as County Clerk, for the term commencing on January 1, 2020 and authorize the County Judge to sign. Motion carried. Vote 5 ayes 0 nays

17. Consideration and possible action to accept a Continuation Certificate Bond for Janice Hawthorne as Matagorda County District Clerk

This being the next item for business, motion was duly made by Commissioner Graham and seconded by Commissioner Frick, with all others concurring, to accept a Continuation Certificate Bond for Janice Hawthorne as Matagorda County District Clerk. Motion carried. Vote 5 ayes 0 nays

18. Consideration and possible action to approve a 3.87 Acre Subdivision named Hubbard Subdivision in the W.J. Maynard Survey, Abstract No. 356, Matagorda County, Texas

This being the next item for business, motion was duly made by Commissioner Graham and seconded by Commissioner Frick, with all others concurring, to approve a 3.87 Acre Subdivision named Hubbard Subdivision in the W.J. Maynard Survey, Abstract No. 356, Matagorda County, Texas. Motion carried. Vote 5 ayes 0 nays

19. Consideration and possible action to approve a Re-Plat of Lot 1-17 Block 5 of the Downey's Caney Creek Club Subdivision in the William Baxter League, Abstract No. 4, Matagorda County, Texas

This being the next item for business, motion was duly made by Commissioner Pollard and seconded by Commissioner Gibson, with all others concurring, to approve a Re-Plat of Lot 1-17 Block 5 of the Downey's Caney Creek Club Subdivision in the William Baxter League, Abstract No. 4, Matagorda County, Texas. Motion carried. Vote 5 ayes 0 nays

20. Consideration and possible action to accept the 2020 Joint Primary Contract for Election Services between the Matagorda County Democratic Party and Stephanie Wurtz, County Election Officer, for the Primary Election to be held March 3, 2020

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Graham, with all others concurring, to accept the 2020 Joint Primary Contract for Election Services between the Matagorda County Democratic Party and Stephanie Wurtz, County Election Officer, for the Primary Election to be held March 3, 2020. Motion carried. Vote 5 ayes 0 nays

21. Consideration and possible action to accept the 2020 Joint Primary Contract for Election Services between the Matagorda County Republican Party and Stephanie Wurtz, County Election Officer, for the Primary Election to be held March 3, 2020

This being the next item for business, motion was duly made by Commissioner Graham and seconded by Commissioner Pollard, with all others concurring, to accept the 2020 Joint Primary Contract for Election Services between the Matagorda County Republican Party and Stephanie Wurtz, County Election Officer, for the Primary Election to be held March 3, 2020. Motion carried. Vote 5 ayes 0 nays

22. Consideration and possible action to authorize the IT Department to pay the Tyler Invoice 020-22998,

in the amount of \$3, 009.83, out of the JP Technology Fund of 19-54470-460

This being the next item for business, motion was duly made by Commissioner Graham and seconded by Commissioner Frick, with all others concurring, to authorize the IT Department to pay the Tyler Invoice 020-22998, in the amount of \$3, 009.83, out of the JP Technology Fund of 19-54470-460. Motion carried. Vote 5 ayes 0 nays

23. Consideration and possible action to authorize the County Judge to sign the Cyber Liability Application for Public Entities

This being the next item for business, motion was duly made by Judge McDonald and seconded by Commissioner Gibson, with all others concurring, to table authorizing the County Judge to sign the Cyber Liability Application for Public Entities. Motion carried. Vote 5 ayes 0 nays

24. Consideration and possible action to approve the Matagorda County FY 2020 Emergency Management Performance Grant Application

This being the next item for business, motion was duly made by Judge McDonald and seconded by Commissioner Graham, with all others concurring, to approve the Matagorda County FY 2020 Emergency Management Performance Grant Application. Motion carried. Vote 5 ayes 0 nays

25. Consideration and possible action to authorize Sheriff Osborne to purchase two (2) 2019 Dodge Ram 1500 SSV 4X4s, in the amount of \$56,818.00, to be purchased through the State Buy Board from Grapevine Dodge Chrysler Jeep, Grapevine, Texas, paid out of Fund 010-55700-560

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Pollard, with all others concurring, to authorize Sheriff Osborne to purchase two (2) 2019 Dodge Ram 1500 SSV 4X4s, in the amount of \$56,818.00, to be purchased through the State Buy Board from Grapevine Dodge Chrysler Jeep, Grapevine, Texas, paid out of Fund 010-55700-560. Motion carried. Vote 5 ayes 0 nays

26. Consideration and possible action to approve the 2020 Equitable Sharing Agreement and Certification for the Matagorda County Sheriff's Office with the Department of Justice and Department of the Treasury and authorize Judge Nate McDonald and Sheriff Frank "Skipper" Osborne to sign

This being the next item for business, motion was duly made by Commissioner Pollard and seconded by Commissioner Gibson, with all others concurring, to approve the 2020 Equitable Sharing Agreement and Certification for the Matagorda County Sheriff's Office with the Department of Justice and Department of the Treasury and authorize Judge Nate McDonald and Sheriff Frank "Skipper" Osborne to sign. Motion carried. Vote 5 ayes 0 nays

27. Consideration and possible action to authorize Commissioner Graham to hire Pedro Gutierrez as of January 27, 2020 at \$13.50 per hour as a Light Equipment Operator due to past experience and CDL Class A License

This being the next item for business, motion was duly made by Commissioner Graham and seconded by Commissioner Frick, with all others concurring, to authorize Commissioner Graham to hire Pedro Gutierrez as of January 27, 2020 at \$13.50 per hour as a Light Equipment Operator due to past experience and CDL Class A License. Motion carried. Vote 5 ayes 0 nays

28. Consideration and possible action to approve a Credit Application for Southern Tire Mart, LLC, to allow Matagorda County to purchase Heavy Equipment Tires and Road Service

This being the next item for business, motion was duly made by Commissioner Graham and seconded by Commissioner Frick, with all others concurring, to approve a Credit Application for Southern Tire Mart, LLC,

to allow Matagorda County to purchase Heavy Equipment Tires and Road Service. Motion carried. Vote 5 ayes 0 nays

29. Consideration and possible action to approve the Memorandum of Understanding between OXEA and Matagorda County for Disaster Preparation and authorize the County Judge to sign

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Graham, with all others concurring, to approve the Memorandum of Understanding between OXEA and Matagorda County for Disaster Preparation and authorize the County Judge to sign. Motion carried. Vote 5 ayes 0 nays

30. Consideration and possible action to approve the Memorandum of Understanding between LyondellBasell and Matagorda County for Disaster Preparation and authorize the County Judge to sign

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Graham, with all others concurring, to approve the Memorandum of Understanding between LyondellBasell and Matagorda County for Disaster Preparation and authorize the County Judge to sign. Motion carried. Vote 5 ayes 0 nays

31. Consideration and possible action to authorize the County Judge to sign Hurricane Harvey Grant Application Forms which include the following: Urgent Need Designation, Beneficiary Survey Tabulation and FEMA Public Assistance Letter for the General Land Office

This being the next item for business, motion was duly made by Judge McDonald and seconded by Commissioner Graham, with all others concurring, to authorize the County Judge to sign Hurricane Harvey Grant Application Forms which include the following: Urgent Need Designation, Beneficiary Survey Tabulation and FEMA Public Assistance Letter for the General Land Office. Motion carried. Vote 5 ayes 0 nays

32. Consideration and possible action to authorize the County Judge to sign the State Award Packages for DR-4332-163, Matagorda County Erosion Control and DR-4332-164, Matagorda County Critical Generators

This being the next item for business, motion was duly made by Judge McDonald and seconded by Commissioner Graham, with all others concurring, to authorize the County Judge to sign the State Award Packages for DR-4332-163, Matagorda County Erosion Control and DR-4332-164, Matagorda County Critical Generators. Motion carried. Vote 5 ayes 0 nays

33. Consideration and possible action to enroll all county employees into TAC's Cybersecurity course mandated by Texas Government Code Section 2054.5191 and require completion by June 14, 2020 and authorize Chris Peikert to compile the employee email information for enrollment

This being the next item for business, motion was duly made by Commissioner Graham and seconded by Commissioner Frick, with all others concurring, to enroll all county employees into TAC's Cybersecurity course mandated by Texas Government Code Section 2054.5191 and require completion by June 14, 2020 and authorize Chris Peikert to compile the employee email information for enrollment. Motion carried. Vote 5 ayes 0 nays

34. Consideration and possible action to approve the Contract Agreement between Matagorda County and Wadsworth Community Center FY 2018 to 2019

This being the next item for business, motion was duly made by Commissioner Pollard and seconded by Commissioner Graham, with all others concurring, to approve the Contract Agreement between Matagorda County and Wadsworth Community Center FY 2018 to 2019. Motion carried. Vote 5 ayes 0 nays

35. Consideration and possible action to approve the Contract Agreement between Matagorda County and Midfield Fire Department FY 2018 to 2019

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Graham, with all others concurring, to approve the Contract Agreement between Matagorda County and Midfield Fire Department FY 2018 to 2019. Motion carried. Vote 5 ayes 0 nays

36. Consideration and possible action to approve the Contract Agreement between Matagorda County and Sargent Fire Department FY 2018 and 2019

This being the next item for business, motion was duly made by Commissioner Pollard and seconded by Commissioner Gibson, with all others concurring, to approve the Contract Agreement between Matagorda County and Sargent Fire Department FY 2018 and 2019. Motion carried. Vote 5 ayes 0 nays

37. Consideration and possible action to approve the Contract Agreement between Matagorda County and Wadsworth Community Center FY 2020 to 2021

This being the next item for business, motion was duly made by Commissioner Pollard and seconded by Commissioner Frick, with all others concurring, to approve the Contract Agreement between Matagorda County and Wadsworth Community Center FY 2020 to 2021. Motion carried. Vote 5 ayes 0 nays

38. Consideration and possible action to approve the Contract Agreement between Matagorda County and Wadsworth Fire Department FY 2020 to 2021

This being the next item for business, motion was duly made by Commissioner Pollard and seconded by Commissioner Gibson, with all others concurring, to approve the Contract Agreement between Matagorda County and Wadsworth Fire Department FY 2020 to 2021. Motion carried. Vote 5 ayes 0 nays

39. Consideration and possible action to approve the Contract Agreement between Matagorda County and Palacios Fire Department FY 2020 to 2021

This being the next item for business, motion was duly made by Commissioner Gibson and seconded by Commissioner Pollard, with all others concurring, to approve the Contract Agreement between Matagorda County and Palacios Fire Department FY 2020 to 2021. Motion carried. Vote 5 ayes 0 nays

40. Consideration and possible action to approve the Contract Agreement between Matagorda County and Midfield Fire Department FY 2020 to 2021

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Graham, with all others concurring, to approve the Contract Agreement between Matagorda County and Midfield Fire Department FY 2020 to 2021. Motion carried. Vote 5 ayes 0 nays

41. Consideration and possible action to approve the Contract Agreement between Matagorda County and Sargent Fire Department FY 2020 to 2021

This being the next item for business, motion was duly made by Commissioner Pollard and seconded by Commissioner Frick, with all others concurring, to approve the Contract Agreement between Matagorda County and Sargent Fire Department FY 2020 to 2021. Motion carried. Vote 5 ayes 0 nays

42. Consideration and possible action to approve the Contract Agreement between Matagorda County and Tres Palacios Fire Department for purchase of 2000 Gallon Tanker

This being the next item for business, motion was duly made by Judge McDonald and seconded by Commissioner Frick, with all others concurring, to approve the Contract Agreement between Matagorda County and Palacios Fire Department for purchase of 2000 Gallon Tanker. Motion carried. Vote 5 ayes 0 nays

- 43. Consideration and possible action to approve the Contract Agreement between Matagorda County and Sargent Fire Department for purchase of 4000 Gallon Tanker**
This being the next item for business, motion was duly made by Commissioner Pollard and seconded by Commissioner Frick, with all others concurring, to approve the Contract Agreement between Matagorda County and Sargent Fire Department for purchase of 4000 Gallon Tanker. Motion carried. Vote 5 ayes 0 nays
- 44. Consideration and possible action to approve the Contract Agreement between Matagorda County and Midfield Fire Department for purchase of various firefighting vehicles**
This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Graham, with all others concurring, to approve the Contract Agreement between Matagorda County and Midfield Fire Department for purchase of various firefighting vehicles. Motion carried. Vote 5 ayes 0 nays
- 45. Consideration and possible action to approve a Septic Maintenance Contract between Matagorda Transfer Station and Coastal Aerobic Systems, LLC, and allow the County Judge to sign**
This being the next item for business, motion was duly made by Commissioner Graham and seconded by Commissioner Frick, with all others concurring, to approve a Septic Maintenance Contract between Matagorda Transfer Station and Coastal Aerobic Systems, LLC, and allow the County Judge to sign. Motion carried. Vote 5 ayes 0 nays
- 46. Consideration and possible action to approve re:SearchTX Participation Agreement between Matagorda County and Tyler Technologies**
This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Graham, with all others concurring, to approve re:SearchTX Participation Agreement between Matagorda County and Tyler Technologies. Motion carried. Vote 5 ayes 0 nays
- 47. Consideration and possible action to approve the Contract Agreement between Matagorda County and STW, Inc. for 2020**
This being the next item for business, motion was duly made by Commissioner Pollard and seconded by Commissioner Frick, with all others concurring, to approve the Contract Agreement between Matagorda County and STW, Inc. for 2020. Motion carried. Vote 5 ayes 0 nays
- 48. Consideration and possible action to approve Matagorda County Treasurer's Office Monthly Report for October 2019**
This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Graham, with all others concurring, to approve Matagorda County Treasurer's Office Monthly Report for October 2019. Motion carried. Vote 5 ayes 0 nays
- 49. Consideration and possible action to approve Payment of Bills**
This being the next item for business, motion was duly made by Commissioner Pollard and seconded by Commissioner Graham, with all others concurring, to approve Payment of Bills. Motion carried. Vote 5 ayes 0 nays
- 50. Consideration and possible action to ratify Demand Checks from January 17, 2020**
This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Graham, with all others concurring, to ratify Demand Checks from January 17, 2020. Motion carried. Vote 5 ayes 0 nays

51. **Consideration and possible action to approve Line Item Transfers**

This being the next item for business, motion was duly made by Commissioner Graham and seconded by Commissioner Frick, with all others concurring, to approve Line Item Transfers. Motion carried. Vote 5 ayes 0 nays

52. **Consideration and possible action to approve Emergency Amendments**

This being the next item for business, motion was duly made by Commissioner Graham and seconded by Commissioner Frick, with all others concurring, to approve Emergency Amendments. Motion carried. Vote 5 ayes 0 nays

53. **Meet in Executive Session:**

Under section 551.074 of the Texas Government Code to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee and to hear a complaint or charge against an officer or employee

This being the next item for business, motion was duly made at 11:26 a.m. by Commissioner Graham and seconded by Commissioner Gibson, with all others concurring, to meet in Executive Session:

Under section 551.074 of the Texas Government Code to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee and to hear a complaint or charge against an officer or employee

Motion carried. Vote 5 ayes 0 nays

54. **Reconvene open session and consider taking action on the matters discussed in Executive Session:**

Under section 551.074 of the Texas Government Code to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee and to hear a complaint or charge against an officer or employee

This being the next item for business, motion was duly made at 1:31 p.m. by Commissioner Graham and seconded by Commissioner Frick, with all others concurring, to Reconvene open session:

Under section 551.074 of the Texas Government Code to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee and to hear a complaint or charge against an officer or employee

Motion was duly made by Commissioner Graham, and seconded by Commissioner Frick, to terminate the Human Resources Director's position as the head of the department. Motion carried. Vote 3 ayes from Commissioner Graham, Commissioner Frick and Judge McDonald and 2 nays from Commissioner Gibson and Commissioner Pollard.

55. **Public Comments**

This being the next item for business, no action required.

56. Adjournment

Motion was duly made at approximately 1:33 p.m. by Commissioner Graham and seconded by Commissioner Frick, with all others concurring, to adjourn the meeting. Motion carried. Vote 5 ayes 0 nays

Approved in Open Court, the 10th day of February, 2020.



NATE McDONALD
County Judge



GARY GRAHAM
Commissioner Precinct No. One



KENT POLLARD
Commissioner Precinct No. Two
Judge Pro Tem



JAMES GIBSON
Commissioner Precinct No. Three



CHARLES "BUBBA" FRICK
Commissioner Precinct No. Four

ATTEST:



Stephanie Wurtz, County Clerk

