

MINUTES
MATAGORDA COUNTY COMMISSIONERS' COURT MEETING
MATAGORDA COUNTY COURTHOUSE, ROOM 300
1700 SEVENTH STREET, BAY CITY, TEXAS 77414
9:30 A.M., MONDAY, OCTOBER 25, 2021

Call to Order

This **Regular Session** of the Matagorda County Commissioners' Court was called to order at 9:30 A.M., Monday, October 25, 2021, 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: Jennifer Chau, Skipper Osborne, Tressa Leadford, Loretta Griffin, Becky Cook, Lisa Krobot, Amanda Campos, Bill Orton, Chris Peikert, Ricky Bort, Becca Sitz, Steven Reis, Doug Matthes, Jim Powell, Jessica Russell, Scott Hardwick, Mike Reddell, Anthony Maenza, Mike Estlinbaum, Mitch Thames, Viviana Vega, Crystal Morones and Stephanie Wurtz.

1. Certification of quorum

County Judge McDonald certified a quorum in attendance with Commissioner Cook, Commissioner Pollard, Commissioner Shimek and Commissioner Frick.

2. Pledge of Allegiance – Commissioner Frick

3. Texas Pledge – Commissioner Frick

4. Prayer – Commissioner Shimek

5. Consideration and possible action regarding approving Commissioner's Court Minutes for October 18, 2021

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Shimek, with all others concurring, to approve Commissioner's Court Minutes for October 18, 2021. 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, no action required.

7. Consideration and possible action to accept a Right of Entry Consent Form from LTRA to access county property on FM 521 at the Tres Palacios River for the purpose of conducting field surveys, and allow County Judge, Nate McDonald to sign

This being the next item for business, motion was duly made by Judge McDonald and seconded by Commissioner Shimek, with all others concurring, to accept a Right of Entry Consent Form from LTRA to access county property on FM 521 at the Tres Palacios River for the purpose of conducting field surveys, and allow County Judge, Nate McDonald to sign. Motion carried. Vote 5 ayes 0 nays

8. Consideration and possible action to approve an Application to cross a county road from Underground Services Markham, LLC., to lay a 14 inch Brine Pipeline under and along the following road located in Precinct #4: CR 417 (Hoffman Road) Matagorda County, Texas

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Pollard, with all others concurring, to approve an Application to cross a county road from Underground Services Markham, LLC., to lay a 14 inch Brine Pipeline under and along the following road located in Precinct #4: CR 417 (Hoffman Road) Matagorda County, Texas. Motion carried. Vote 5 ayes 0 nays

9. Consideration and possible action to approve the Resolution regarding the 2022 Indigent Defense Grant Program and application, designating the County Judge, Nate McDonald as the Authorized Official, 130th District Judge, Denise Fortenberry as the Program Director and contact person, and County Auditor, Kristen Kubecka as the Financial Officer for this Grant

This being the next item for business, motion was duly made by Judge McDonald and seconded by Commissioner Cook, with all others concurring, to approve the Resolution regarding the 2022 Indigent Defense Grant Program and application, designating the County Judge, Nate McDonald as the Authorized Official, 130th District Judge, Denise Fortenberry as the Program Director and contact person, and County Auditor, Kristen Kubecka as the Financial Officer for this Grant. Motion carried. Vote 5 ayes 0 nays

10. Consideration and possible action to approve and accept an Agreement between Texas Department of Transportation and Matagorda County for the construction of the Sargent Bridge Control Building, and authorize County Judge, Nate McDonald to sign once this Agreement is updated with Exhibit B and Exhibit D

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 and accept an Agreement between Texas Department of Transportation and Matagorda County for the construction of the Sargent Bridge Control Building, and authorize County Judge, Nate McDonald to sign once this Agreement is updated with Exhibit B and Exhibit D. Motion carried. Vote 5 ayes 0 nays

11. Consideration and possible action to implement a new Public Information Act Policy for Matagorda County and name County Attorney, Jennifer Kim Chau as the Public Information Officer for Matagorda County, with the exception of the Matagorda County Sheriff's Office, whose Public Information Officer shall Mike Glaspie

This being the next item for business, motion was duly made by Judge McDonald and seconded by Commissioner Pollard, with all others concurring, to implement a new Public Information Act Policy for Matagorda County and name County Attorney, Jennifer Kim Chau as the Public Information Officer for Matagorda County, with the exception of the Matagorda County Sheriff's Office, whose Public Information Officer shall Mike Glaspie. Motion carried. Vote 5 ayes 0 nays

12. Consideration and possible action to approve the 100% Designs of the following plans, by Urban Engineering, pertaining to the GLO Contract #20-065-123-C430 Project:

- **#6 & #11 Midfield Generators; and**
- **#7 Markham MUD Sewer**

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Pollard, with all others concurring, to approve the 100% Designs of the following plans, by Urban Engineering, pertaining to the GLO Contract #20-065-123-C430 Project:

- #6 & #11 Midfield Generators; and
- #7 Markham MUD Sewer

Motion carried. Vote 5 ayes 0 nays

13. Consideration and possible action to approve a Resolution casting all Matagorda County votes to David Cobb for the Board of Directors of the Matagorda County Appraisal District for the 2022-2023 Term, and authorize the County Judge to fill out and sign the Official Ballot

This being the next item for business, motion was duly made by Judge McDonald and seconded by Commissioner Shimek, with all others concurring, to approve a Resolution casting all Matagorda County votes to David Cobb for the Board of Directors of the Matagorda County Appraisal District for the 2022-2023 Term, and authorize the County Judge to fill out and sign the Official Ballot. Motion carried. Vote 5 ayes 0 nays

14. Consideration and possible action to authorize Matagorda County to submit Grant Applications for the Bridge Park State HWY 35, applying to LCRA, Texas Parks and Wildlife, and Texas Department of Transportation

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Shimek, with all others concurring, to authorize Matagorda County to submit Grant Applications for the Bridge Park State HWY 35, applying to LCRA, Texas Parks and Wildlife, and Texas Department of Transportation. Motion carried. Vote 5 ayes 0 nays

15. Discussion regarding the Matagorda County District Attorney's authority under Texas Government Code 45.261(C) to request for the Matagorda County Attorney to criminally prosecute violations in Matagorda County under the Texas Health and Safety Code Chapters 341 and 343

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

16. Consideration and possible action to approve the Matagorda County Commissioner's Court Variance Form. This form is to be used by any person in Matagorda County seeking a variance from Matagorda County Ordinances

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Shimek, with all others concurring, to approve the Matagorda County Commissioner's Court Variance Form. This form is to be used by any person in Matagorda County seeking a variance from Matagorda County Ordinances. Motion carried. Vote 5 ayes 0 nays

17. Consideration and possible action to approve the signing of a Certifications and Assurance Form by County Judge Nate McDonald and Sheriff Frank D. "Skipper" Osborne certifying Matagorda County does not have written policy, procedures or agreements that limits or impedes Department of Homeland Security issuance of detainees as required for grant compliance

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Pollard, with all others concurring, to approve the signing of a Certifications and Assurance Form by County Judge Nate McDonald and Sheriff Frank D. "Skipper" Osborne certifying Matagorda County does not have written policy, procedures or agreements that limits or impedes Department of Homeland Security issuance of detainees as required for grant compliance. Motion carried. Vote 5 ayes 0 nays

18. Consideration and possible action to authorize the purchase of a 2021 Ford Explorer in the amount of \$35,661.10, through the State BuyBoard from Silsbee Ford. Payment to be taken out of 010-55700-560

This being the next item for business, motion was duly made by Commissioner Pollard and seconded by Commissioner Shimek, with all others concurring, to authorize the purchase of a 2021 Ford Explorer in the amount of \$35,661.10, through the State BuyBoard from Silsbee Ford. Payment to be taken out of 010-55700-560. Motion carried. Vote 5 ayes 0 nays

19. Consideration and possible action to approve the 2021 annual payment of \$1,000.00, made payable to the Sargent Volunteer Fire Department for electricity cost of Justice of the Peace, Precinct #6

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 2021 annual payment of \$1,000.00, made payable to the Sargent Volunteer Fire Department for electricity cost of Justice of the Peace, Precinct #6. Motion carried. Vote 5 ayes 0 nays

20. Consideration and possible action to approve Invoices from the following Departments; Precinct #2 and Matagorda County Sheriff's Department

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Cook, with all others concurring, to approve Invoices from the following Departments; Precinct #2 and Matagorda County Sheriff's Department. Motion carried. Vote 5 ayes 0 nays

21. Consideration and possible action to accept the 2021 3rd Quarter and YTD Internal Review Report

This being the next item for business, motion was duly made by Commissioner Pollard and seconded by Commissioner Frick, with all others concurring, to accept the 2021 3rd Quarter and YTD Internal Review Report. Motion carried. Vote 5 ayes 0 nays

22. Consideration and possible action to approve Matagorda County Treasurer's Office Monthly Investment Report for September 2021

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Pollard, with all others concurring, to approve Matagorda County Treasurer's Office Monthly Investment Report for September 2021. Motion carried. Vote 5 ayes 0 nays

23. Consideration and possible action to approve Line Item Transfers

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

24. Consideration and possible action to approve Payment of Demand Checks

This being the next item for business, motion was duly made by Commissioner Shimek and seconded by Commissioner Pollard, with all others concurring, to approve Payment of Demand Checks. Motion carried. Vote 5 ayes 0 nays

25. Consideration and possible action to approve Emergency Amendments

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

26. Meet in Executive Session:

Under Section 551.072 of the Texas Government Code to consult with attorney representing the county in an executive session to discuss a real estate matter

Under Section 551.0725 of the Texas Government Code to consult with attorney(s) representing the county in an executive session regarding the deliberation of contract being negotiated

Under Section 551.071(2) of the Texas Government Code to consult with attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter

Under Section 551.074(a)(1) and (2) 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

Under Section 551.076 of the Texas Government Code to deliberate the deployment or specific occasions for implementation, of security personnel or devices; or a security audit

Under Section 551.086 of the Texas Government Code to consider and take action regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations

This being the next item for business, motion was duly made at 10:41 a.m. by Commissioner Frick and seconded by Commissioner Shimek, with all others concurring, to meet in Executive Session:

Under Section 551.072 of the Texas Government Code to consult with attorney representing the county in an executive session to discuss a real estate matter

Under Section 551.0725 of the Texas Government Code to consult with attorney(s) representing the county in an executive session regarding the deliberation of contract being negotiated

Under Section 551.071(2) of the Texas Government Code to consult with attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter

Under Section 551.074(a)(1) and (2) 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

Under Section 551.076 of the Texas Government Code to deliberate the deployment or specific occasions for implementation, of security personnel or devices; or a security audit

Under Section 551.086 of the Texas Government Code to consider and take action regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations

Motion carried. Vote 5 ayes 0 nays

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

Under Section 551.072 of the Texas Government Code to consult with attorney representing the county in an executive session to discuss a real estate matter

Under Section 551.0725 of the Texas Government Code to consult with attorney(s) representing the county in an executive session regarding the deliberation of contract being negotiated

Under Section 551.071(2) of the Texas Government Code to consult with attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter

Under Section 551.074(a)(1) and (2) 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

Under Section 551.076 of the Texas Government Code to deliberate the deployment or specific occasions for implementation, of security personnel or devices; or a security audit

Under Section 551.086 of the Texas Government Code to consider and take action regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations

This being the next item for business, motion was duly made at 2:24 p.m. by Commissioner Frick and seconded by Commissioner Shimek, with all others concurring, to Reconvene open session:

Under Section 551.072 of the Texas Government Code to consult with attorney representing the county in an executive session to discuss a real estate matter

Under Section 551.0725 of the Texas Government Code to consult with attorney(s) representing the county in an executive session regarding the deliberation of contract being negotiated

Under Section 551.071(2) of the Texas Government Code to consult with attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter

Under Section 551.074(a)(1) and (2) 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

Under Section 551.076 of the Texas Government Code to deliberate the deployment or specific occasions for implementation, of security personnel or devices; or a security audit

Under Section 551.086 of the Texas Government Code to consider and take action regarding commercial or financial information that the governmental body has received from a business prospect

that the governmental body seeks to have locate, stay or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations

Motion was duly made by Judge McDonald and seconded by Commissioner Shimek, with all others concurring, to approve Quote #3636 from Secure Tech. Motion carried. Vote 5 ayes 0 nays

28. Public Comments

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

29. Adjournment

Motion was duly made at approximately 2:16 p.m. by Commissioner Shimek and seconded by Commissioner Pollard, with all others concurring, to adjourn the meeting. Motion carried. Vote 5 ayes 0 nays

Approved in Open Court, the 1st day of November, 2021.



NATE McDONALD
County Judge



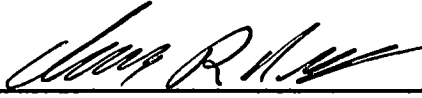
EDWARD "BUBBA" COOK
Commissioner Precinct No. One



KENT POLLARD
Commissioner Precinct No. Two

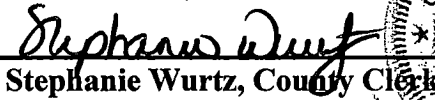


TROY SHIMEK
Commissioner Precinct No. Three



CHARLES "BUBBA" FRICK
Commissioner Precinct No. Four

ATTEST:



Stephanie Wurtz, County Clerk

