

MINUTES
MATAGORDA COUNTY COMMISSIONERS' COURT MEETING
MATAGORDA COUNTY COURTHOUSE, ROOM 300
1700 SEVENTH STREET, BAY CITY, TEXAS 77414
9:30 A.M., MONDAY, AUGUST 19, 2019

Call to Order

This **Regular Session** of the Matagorda County Commissioners' Court was called to order at 9:30 A.M., Monday, August 19, 2019, 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: Kristen Kubecka, Denise Fortenberry, Skipper Osborne, Chris Peikert, Elmo Duke, Scott Mead, Sandy Guerrero, James Guerrero, Bill Balboa, Mark Kubecka, Rob Cromie, Nasir Kureshy, Jim Gardner, Jimmy Galvan 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 Graham

3. Texas Pledge – Commissioner Graham

4. Prayer – Commissioner Gibson

5. Consideration and possible action regarding approving Commissioner's Court Minutes for August 12, 2019

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 August 12, 2019. Motion carried. Vote 5 ayes 0 nays

5a. Consideration and possible action regarding approving Commissioner's Court Minutes for July 12, 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 Commissioner's Court Minutes for July 12, 2019. 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 the Matagorda County Fairgrounds facilities. Motion carried. Vote 5 ayes 0 nays

7. Presentation by Mid-Coast Oyster Growers Association

This being the next item for business, no action required

8. Consideration and possible action to support Mid-Coast Oyster Growers Association and provide aid with obtaining representation on TPWD task force

This being the next item for business, motion was duly made by Commissioner Gibson and seconded by Commissioner Pollard, with all others concurring, to support Mid-Coast Oyster Growers Association and provide aid with obtaining representation on TPWD task force. Motion carried. Vote 5 ayes 0 nays

9. Consideration and possible action to approve an addition to Contracts related to Bid #18-005 (Road Material) and Bid #18-0006 (Road Construction with Equipment) for the FY 2019, to include 2 CFR 200.326 and 2 CFR Part 200 Appendix II Required Contract Clauses

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 addition to Contracts related to Bid #18-005 (Road Material) and Bid #18-0006 (Road Construction with Equipment) for the FY 2019, to include 2 CFR 200.326 and 2 CFR Part 200 Appendix II Required Contract Clauses. Motion carried. Vote 5 ayes 0 nays

10. Consideration and possible action to approve the Homeland Security Cyber Hygiene Acceptance Letter

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 the Homeland Security Cyber Hygiene Acceptance Letter. Motion carried. Vote 5 ayes 0 nays

11. Consideration and possible action to approve the DIR Shared Services New Customer Form in order to establish a county DIR Shared Service account

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 DIR Shared Services New Customer Form in order to establish a county DIR Shared Service account. Motion carried. Vote 5 ayes 0 nays

12. Consideration and possible action to approve a change to hourly rate pay scale to reflect entry level rate shift to eliminate the \$11.31 and \$904.23 level, effective January 1, 2020 (see attached revised 2020 pay scale)

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 a change to hourly rate pay scale to reflect entry level rate shift to eliminate the \$11.31 and \$904.23 level, effective January 1, 2020 (see attached revised 2020 pay scale). Motion carried. Vote 5 ayes 0 nays

13. Consideration and possible action to accept a contribution in the amount of \$2,000.00, from Oxea Corporation for expenses toward the Matagorda County Household Hazardous Waste Collection Event to be held October 19, 2019

This being the next item for business, motion was duly made by Commissioner Graham and seconded by Commissioner Gibson, with all others concurring, to accept a contribution in the amount of \$2,000.00, from Oxea Corporation for expenses toward the Matagorda County Household Hazardous Waste Collection Event to be held October 19, 2019. Motion carried. Vote 5 ayes 0 nays

14. Second Public Hearing at 9:45 AM to discuss the 2019 Proposed Maintenance and Operation tax rate of .42941 and the 2019 Proposed Interest and Sinking tax rate of .00401 (for a total tax rate of .43342)

This being the next item for business, motion was duly made at 10:04 a.m. by Commissioner Graham and seconded by Commissioner Gibson, with all others concurring, to enter into a Public Hearing set for 9:45 a.m. to discuss the 2019 Proposed Maintenance and Operation tax rate of .42941 and the 2019 Proposed Interest and Sinking tax rate of .00401 (for a total tax rate of .43342). Motion carried. Vote 5 ayes 0 nays

At 10:06 a.m., motion was duly made by Commissioner Graham, and seconded by Commissioner Gibson, with all others concurring, to enter back into regular session of Commissioners' Court. Motion carried. Vote 5 ayes 0 nays

15. Consideration and possible action to approve the FY 2020 Healthy County Value – Added Benefit Program Elections 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 the FY 2020 Healthy County Value – Added Benefit Program Elections and authorize the County Judge to sign. Motion carried. Vote 5 ayes 0 nays

16. Consideration and possible action to accept the Deputation of Robin Daniel as Deputy District Clerk

This being the next item for business, motion was duly made by Commissioner Frick and seconded by Commissioner Gibson, with all others concurring, to accept the Deputation of Robin Daniel as Deputy District Clerk. Motion carried. Vote 5 ayes 0 nays

17. Consideration and possible action to approve an Order authorizing Matagorda County Attorney, Denise M. Fortenberry, to file suit to abate against Chance Stone and Michael Cody Felts, who has caused, permitted, or allowed a nuisance condition on, or has an interest in, the property upon which the offending condition exists. The County Attorney shall bring any issues relating to the expenditure of funds back to the court, as needed, for approval

This being the next item for business, motion was duly made by Commissioner Gibson and seconded by Commissioner Graham, with all others concurring, to approve an Order authorizing Matagorda County Attorney, Denise M. Fortenberry, to file suit to abate against Chance Stone and Michael Cody Felts, who has caused, permitted, or allowed a nuisance condition on, or has an interest in, the property upon which the offending condition exists. The County Attorney shall bring any issues relating to the expenditure of funds back to the court, as needed, for approval. Motion carried. Vote 5 ayes 0 nays

18. Consideration and possible action to approve an Order authorizing Matagorda County Attorney, Denise M. Fortenberry, to file suit to abate against Theresa Clark Estate c/o Cassandra Clark, who has caused, permitted, or allowed a nuisance condition on, or has an interest in, the property upon which the offending condition exists. The County Attorney shall bring any issues relating to the expenditure of funds back to the court, as needed, for approval

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 an Order authorizing Matagorda County Attorney, Denise M. Fortenberry, to file suit to abate against Theresa Clark Estate c/o Cassandra Clark, who has caused, permitted, or allowed a nuisance condition on, or has an interest in, the property upon which the offending condition exists. The County Attorney shall bring any issues relating to the expenditure of funds back to the court, as needed, for approval. Motion carried. Vote 5 ayes 0 nays

19. Consideration and possible action to approve an Order authorizing Matagorda County Attorney, Denise M. Fortenberry, to file suit to abate against Sean and Liana White, who has caused, permitted, or

allowed a nuisance condition on, or has an interest in, the property upon which the offending condition exists. The County Attorney shall bring any issues relating to the expenditure of funds back to the court, as needed, for approval

This being the next item for business, motion was duly made by Commissioner Gibson and seconded by Commissioner Graham, with all others concurring, to approve an Order authorizing Matagorda County Attorney, Denise M. Fortenberry, to file suit to abate against Sean and Liana White, who has caused, permitted, or allowed a nuisance condition on, or has an interest in, the property upon which the offending condition exists. The County Attorney shall bring any issues relating to the expenditure of funds back to the court, as needed, for approval. Motion carried. Vote 5 ayes 0 nays

20. Consideration and possible action to approve an Order authorizing Matagorda County Attorney, Denise M. Fortenberry, to file suit to abate against Jaime Lake, who has caused, permitted, or allowed a nuisance condition on, or has an interest in, the property upon which the offending condition exists. The County Attorney shall bring any issues relating to the expenditure of funds back to the court, as needed, for approval

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 Order authorizing Matagorda County Attorney, Denise M. Fortenberry, to file suit to abate against Jaime Lake, who has caused, permitted, or allowed a nuisance condition on, or has an interest in, the property upon which the offending condition exists. The County Attorney shall bring any issues relating to the expenditure of funds back to the court, as needed, for approval. Motion carried. Vote 5 ayes 0 nays

21. Consideration and possible action to approve an Interlocal Agreement with UTMB for Forensic Pathology Services for 2020-2022

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 Interlocal Agreement with UTMB for Forensic Pathology Services for 2020-2022. Motion carried, Vote 5 ayes 0 nays

22. Public Hearing at 9:55 AM to discuss the 2020 Matagorda County Budget

This being the next item for business, motion was duly made at 10:29 a.m. by Commissioner Graham, and seconded by Commissioner Frick, with all others concurring, to enter into a Public Hearing set at 9:55 a.m. to discuss the 2020 Matagorda County Budget. Motion carried. Vote 5 ayes 0 nays

At 10:31 a.m., motion was duly made by Commissioner Graham, and seconded by Commissioner Gibson, with all others concurring, to enter back into regular session of Commissioners' Court. Motion carried. Vote 5 ayes 0 nays

23. Consideration and possible action to approve and adopt the 2020 Matagorda County Budget

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 and adopt the 2020 Matagorda County Budget. Motion carried. Vote 5 ayes 0 nays

24. Consideration and possible action to set Monday, August 26, 2019 at 9:45 AM as the date and time to adopt the 2019 Proposed Maintenance and Operation Tax Rate of .42941, and the 2019 Proposed Interest and Sinking Tax Rate of .00401, making the total Tax Rate of .43342

This being the next item for business, motion was duly made by Commissioner Graham and seconded by Commissioner Frick, with all others concurring, to set Monday, August 26, 2019 at 9:45 AM as the date and time to adopt the 2019 Proposed Maintenance and Operation Tax Rate of .42941, and the 2019 Proposed

Interest and Sinking Tax Rate of .00401, making the total Tax Rate of .43342. Motion carried. Vote 5 ayes 0 nays

25. Consideration and possible action to approve Matagorda County Treasurer's Office Quarterly Investment report for 2nd Quarter 2019

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 Matagorda County Treasurer's Office Quarterly Investment report for 2nd Quarter 2019. Motion carried. Vote 5 ayes 0 nays

26. Consideration and possible action to approve Bank Drafts

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 Bank Drafts. Motion carried. Vote 5 ayes 0 nays

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

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 Payment of Demand Checks. Motion carried. Vote 5 ayes 0 nays

28. Consideration and possible action to approve Line Item Transfers

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 Line Item Transfers. Motion carried. Vote 5 ayes 0 nays

29. 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

30. Meet in Executive Session:

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 551.071 of the Texas Government Code to consult with attorney(s) representing the county in an executive session concerning pending litigation, contemplated litigation, or settlement offers

This being the next item for business, motion was duly made at 10:46 a.m. by Commissioner Graham and seconded by Commissioner Gibson, with all others concurring, to meet in Executive Session:

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 551.071 of the Texas Government Code to consult with attorney(s) representing the county in an executive session concerning pending litigation, contemplated litigation, or settlement offers

Motion carried. Vote 5 ayes 0 nays

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

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 551.071 of the Texas Government Code to consult with attorney(s) representing the county in an executive session concerning pending litigation, contemplated litigation, or settlement offers

This being the next item for business, motion was duly made at 10:49 a.m. by Commissioner Gibson and seconded by Commissioner Graham, with all others concurring, to Reconvene open session:

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 551.071 of the Texas Government Code to consult with attorney(s) representing the county in an executive session concerning pending litigation, contemplated litigation, or settlement offers

34. **Public Comments**

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

35. **Adjournment**

Motion was duly made at approximately 10:52 a.m. by Commissioner Gibson 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 26th day of August, 2019.



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

