

**MINUTES**  
**MATAGORDA COUNTY COMMISSIONERS' COURT MEETING**  
**MATAGORDA COUNTY COURTHOUSE, ROOM 300**  
**1700 SEVENTH STREET, BAY CITY, TEXAS 77414**  
**9:30 A.M., MONDAY, FEBRUARY 29, 2016**

**Call to Order**

This **Special Session** of the Matagorda County Commissioners' Court was called to order at 9:30 A.M., Monday the 29<sup>th</sup> day of February 2016 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: Sheriff Osborne, Cathy Ezell, Denise Fortenberry, Tammy McDonald, Mike Reddell, Doug Matthes, Cristyn Hallmark, Dwight Baker, Ruben Gonzales, Chris Peiker, Raleigh Conklin, Davy Crockett, John Woolsey, Gayle Watkins, Jr., Steven Reis, Jamie Bludau, Courtney Harvey, Carmen Andrews, Chelsea Beltran, David Pettit, D C Dunham, Harriet Townsend and Janet Hickl

**1. Certification of quorum**

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

**2. Pledge of Allegiance – Commissioner Gibson**

**3. Texas Pledge – Commissioner Gibson**

**4. Prayer – Commissioner Pollard**

**5. Consideration and possible action to regarding approving Commissioners Court Minutes for February 22, 2016**

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 Commissioners Court Minutes for February 22, 2016. Motion carried. Vote 5 ayes 0 nays

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

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

**7. Consideration and possible action to approve Kebo Oil and Gas's Continuation Certificate for Heavy Load Bond #104691398 (Precinct #3), in the amount of \$150,000.00, and extended until February 7, 2017**

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 Kebo Oil and Gas's Continuation Certificate for Heavy Load Bond #104691398 (Precinct #3), in the amount of \$150,000.00, and extended until February 7, 2017. Motion carried. Vote 5 ayes 0 nays

**8. Consideration and possible action to approve a Proclamation declaring March 2, 2016 as Texas Independence Day in Matagorda County**

This being the next item for business, motion was duly made by County Judge McDonald and seconded by Commissioner Pustka, with all others concurring, to approve a Proclamation declaring March 2, 2016 as Texas Independence Day in Matagorda County. Motion carried. Vote 5 ayes 0 nays

**9. Consideration and possible action to accept the recommendation of the appointed panel (Commissioner Pollard, Commissioner Gibson and Tammy McDonald, County Treasurer) and appoint Carmen Andrews as the Human Resources and Payroll Director, effective February 29, 2016**

This being the next item for business, motion was duly made by Commissioner Pustka and seconded by Commissioner Frick, with all others concurring, to accept the recommendation of the appointed panel (Commissioner Pollard, Commissioner Gibson and Tammy McDonald, County Treasurer) and appoint Carmen Andrews as the Human Resources and Payroll Director, effective February 29, 2016. Motion carried. Vote 5 ayes 0 nays

**10. Consideration and possible action to increase line item 010-51020-496 (salary of Human Resources and Payroll Director) from \$55,000 to \$60,000 with the difference for 2016 to come from contingency line 010-54790-409 effective February 29, 2016**

This being the next item for business, motion was duly made by Commissioner Pollard and seconded by Commissioner Gibson with all others concurring, to increase line item 010-51020-496 (salary of Human Resources and Payroll Director) from \$55,000 to \$60,000 with the difference for 2016 to come from contingency line 010-54790-409 effective February 29, 2016. Motion carried. Vote 5 ayes 0 nays

**11. Consideration and possible action to order that the Human Resources and Payroll Department become operational February 29, 2016**

This being the next item for business, motion was duly made by Commissioner Pustka and seconded by Commissioner Frick, with all others concurring, to order that the Human Resources and Payroll Department become operational February 29, 2016. Motion carried. Vote 5 ayes 0 nays

**12. Consideration and possible action to move the two Payroll Clerks in the Auditor's office into the vacant positions in the Human Resources and Payroll Sub-Department. Specifically, Chelsea Beltran to assume the position of Human Resources Administrator and Courtney Harvey to assume the position of Payroll Administrator effective February 29, 2016**

This being the next item for business, motion was duly made by Commissioner Frick, and seconded by Commissioner Pollard, with all others concurring, to move the two Payroll Clerks in the Auditor's office into the vacant positions in the Human Resources and Payroll Sub-Department. Specifically, Chelsea Beltran to assume the position of Human Resources Administrator and Courtney Harvey to assume the position of Payroll Administrator effective February 29, 2016. Motion carried. Vote 5 ayes 0 nays

**13. Consideration and possible action to move the Human Resources and Payroll Director, Human Resources Administrator and Payroll Administration to the Treasurer's Office with all equipment and records regarding Human Resources and Payroll effective February 29, 2016. Additionally, to order the Auditor to allow Carmen Andrews access to and use of Internal Auditor's computer to process payroll until officially on the STW system**

This being the next item for business, motion was duly made by Commissioner Pollard, and seconded by Commissioner Gibson, with all others concurring, to move the Human Resources and Payroll Director, Human Resources Administrator and Payroll Administration to the Treasurer's Office with all equipment and records regarding Human Resources and Payroll effective February 29, 2016. Additionally, to order the Auditor to allow Carmen Andrews access to and use of Internal Auditor's computer to process payroll until officially on the STW system. Motion carried. Vote 5 ayes 0 nays

**14. Consideration and possible action to remove and replace current Investment Officer, Cathy Ezell, with Tammy McDonald, County Treasurer, and direct necessary changes to County's Investment Policy**

This being the next item for business, motion was duly made by Commissioner Pustka, and seconded by Commissioner Frick, with all others concurring, to remove and replace current Investment Officer, Cathy Ezell, with Tammy McDonald, County Treasurer, and direct necessary changes to County's Investment Policy. Motion carried. Vote 5 ayes 0 nays

**15. Consideration and possible action to order access levels per Attachment A effective at the close of Commissioners' Court on February 29, 2016 and permit the County Judge to sign any documents necessary to effectuate this order**

This being the next item for business, motion was duly made by Commissioner Pollard, and seconded by Commissioner Gibson, with all others concurring, to order access levels per Attachment A effective at the close of Commissioners' Court on February 29, 2016 and permit the County Judge to sign any documents necessary to effectuate this order. Cathy Ezell and Kristen Kubecka will have full access to Prosperity Bank. Motion carried.

Vote 5 ayes 0 nays

**16. Consideration and possible action to approve the Request for Proposal regarding Roof Replacement/Repair for various County buildings**

This being the next item for business, motion was duly made by Commissioner Pustka, and seconded by Commissioner Frick, with all others concurring, to approve the Request for Proposal regarding Roof Replacement/Repair for various County buildings. Motion carried. Vote 5 ayes 0 nays

**17. Consideration and possible action to declare a Detroit Generator (Asset #3568) 75 kw 1992, Serial #3Z-977586 from Precinct #4 as salvage, and authorize it to be sold at County Auction**

This being the next item for business, motion was duly made by Commissioner Frick, and seconded by Commissioner Pustka, with all others concurring, to declare a Detroit Generator (Asset #3568) 75 kw 1992, Serial #3Z-977586 from Precinct #4 as salvage, and authorize it to be sold at County Auction. Motion carried. Vote 5 ayes 0 nays

**18. Consideration and possible action to approve a Resolution authorizing the submittal of the Communication Repeater Installation Grant (Grant #3111601) for Emergency Management to the Office of the Governor, Homeland Security Division**

This being the next item for business, motion was duly made by County Judge McDonald, and seconded by Commissioner Frick, with all others concurring, to approve a Resolution authorizing the submittal of the Communication Repeater Installation Grant (Grant #3111601) for Emergency Management to the Office of the Governor, Homeland Security Division. Motion carried. Vote 5 ayes 0 nays

**19. Consideration and possible action to authorize Information Services to order an Upgrade and Maintenance for Piracle's Check Writing system to be used by the County Tax Assessor's Office, with the \$998.00 coming out of the IT Budget, and authorize the County Judge to sign the Order Form Agreement**

This being the next item for business, motion was duly made by Commissioner Pollard, and seconded by Commissioner Pustka, with all others concurring, to authorize Information Services to order an Upgrade and Maintenance for Piracle's Check Writing system to be used by the County Tax Assessor's Office, with the \$998.00 coming out of the IT Budget, and authorize the County Judge to sign the Order Form Agreement. Motion carried. Vote 5 ayes 0 nays

**20. Consideration and possible action to approve the formation of Guerra Subdivision, being a subdivision of a 12.1 Acre Tract of land, situated in the G. J. Williams Survey, Abstract No. 103, and in the Perry Reed Survey, Abstract No. 376, Matagorda County, Texas, being a portion of Lots five (5), six (6), seven (7) and eight (8), Block Two (2), of the Mainfold subdivision of the Pybus Ranch, as per Plat thereof recorded in Volume 21, Page 1, of the Matagorda County Deed Records**

This being the next item for business, motion was duly made by Commissioner Frick, and seconded by Commissioner Pustka, with all others concurring, to approve the formation of Guerra Subdivision, being a subdivision of a 12.1 Acre Tract of land, situated in the G. J. Williams Survey, Abstract No. 103, and in the Perry Reed Survey, Abstract No. 376, Matagorda County, Texas, being a portion of Lots five (5), six (6), seven (7) and eight (8), Block Two (2), of the Mainfold subdivision of the Pybus Ranch, as per Plat thereof recorded in Volume 21, Page 1, of the Matagorda County Deed Records. Motion carried. Vote 5 ayes 0 nays

**21. Consideration and possible action to approve a re-plat of Lots 32-37 of Colorado River Estates, Section 2, out of the Stephen F. Austin Survey, Abstract No. 2, 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 table approving a re-plat of Lots 32-37 of Colorado River Estates, Section 2, out of the Stephen F. Austin Survey, Abstract No. 2, Matagorda County, Texas. Motion carried.

Vote 5 ayes 0 nays

**22. Consideration and possible action to approve a Resolution authorizing the submittal of the Palacios Youth Opportunity Grant (Grant #2774703 for the Palacios HUB to the Office of the Governor, Juvenile Justice Division**

This being the next item for business, motion was duly made by County Judge McDonald, and seconded by Commissioner Frick, with all others concurring, to approve a Resolution authorizing the submittal of the Palacios Youth Opportunity Grant (Grant #2774703 for the Palacios HUB to the Office of the Governor, Juvenile Justice Division. Motion carried. Vote 5 ayes 0 nays

**23. Consideration and possible action to approve a Contract between Matagorda County and the Cedar Lane Home Demonstration Club for the Management of Cedar Lane Community Center, with the term beginning January 1, 2016 and ending December 31, 2017, for the amount of \$1,800.00 per year**

This being the next item for business, motion was duly made by Commissioner Pustka, and seconded by Commissioner Frick, with all others concurring, to approve a Contract between Matagorda County and the Cedar Lane Home Demonstration Club for the Management of Cedar Lane Community Center, with the term beginning January 1, 2016 and ending December 31, 2017, for the amount of \$1,800.00 per year. Motion carried. Vote 5 ayes 0 nays

**24. Consideration and possible action to accept the Sheriff's FY 2015 Chapter 59 Asset Forfeiture Audit Report**

This being the next item for business, motion was duly made by Commissioner Pustka, and seconded by Commissioner Frick, with all others concurring, to accept the Sheriff's FY 2015 Chapter 59 Asset Forfeiture Audit Report. Motion carried. Vote 5 ayes 0 nays

**25. Consideration and possible action to approve a Resolution authorizing the submittal of a Victim's Assistance Coordinator Grant (Grant #3100301) for the Matagorda County District Attorney's Office**

This being the next item for business, motion was duly made by Commissioner Pollard, and seconded by Commissioner Pustka, with all others concurring, to approve a Resolution authorizing the submittal of a Victim's Assistance Coordinator Grant (Grant #3100301) for the Matagorda County District Attorney's Office. Motion carried. Vote 5 ayes 0 nays

**26. Consideration and possible action to approve a check in the amount of \$300.00 for the Beach Permit Change Fund**

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 check in the amount of \$300.00 for the Beach Permit Change Fund. Motion carried. Vote 5 ayes 0 nays

27. **Meet in Executive session:**

**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; and**

**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**

This being the next item for business, motion was duly made at 10:17 am by Commissioner Pustka, and seconded by Commissioner Pollard, with all others concurring, to Meet in Executive session:

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; and

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

Motion carried. Vote 5 ayes 0 nays

28. **Reconvene open session and consider taking action on the matters discussed in:**

**Executive Session 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; and**

**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**

This being the next item for business, motion was duly made at 11:52 am by Commissioner Gibson, and seconded by Commissioner Pollard, with all others concurring, to Reconvene open session and consider taking action on the matters discussed in:

Executive Session 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; and

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. No action taken

Motion carried. Vote 5 ayes 0 nays

29. Public Comments

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

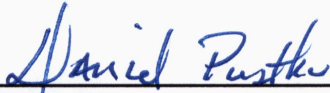
30. Adjournment

Motion was duly made at approximately 11:54 am by Commissioner Pustka and seconded by Commissioner Frick, with all others concurring, to adjourn the meeting. Motion carried. Vote 5 ayes 0 nays

Approved in Open Court, this the 7<sup>th</sup> day of March, 2016.



NATE McDONALD,  
County Judge



DANIEL PUSTKA,  
Commissioner Precinct No. One



KENT POLLARD  
Commissioner Precinct No. Two



JAMES GIBSON, Judge Pro Tem  
Commissioner Precinct No. Three



CHARLES "BUBBA" FRICK  
Commissioner Precinct No. Four



ATTEST:



Janet Hickl, County Clerk