

THE STATE OF TEXAS §

COUNTY OF VICTORIA §

Be it remembered that on this the **8th day of August A.D., 2022**, the Commissioners Court convened in **Regular Session** at the Victoria County Courthouse in the City of Victoria, Victoria County, Texas, with His Honor, Ben Zeller, County Judge, presiding and the following Commissioners attending:

Danny Garcia,	Commissioner Precinct No. 1	
Kevin M. Janak,	Commissioner Precinct No. 2	
Gary Burns,	Commissioner Precinct No. 3	
Clint C. Ives,	Commissioner Precinct No. 4	Absent
and		
Heidi Easley,	County Clerk and Ex-Officio Clerk	



**COUNTY OF VICTORIA
MINUTES
COMMISSIONERS' COURT OF VICTORIA COUNTY, TEXAS
MONDAY, AUGUST 15, 2022, 10:00 AM, SPECIAL TERM
VICTORIA COUNTY COURTHOUSE
115 N. BRIDGE ST., ROOM 241, SECOND FLOOR, VICTORIA, TX**

1. Call to Order.

(1-0:00)

1. August 15, 2022. Ben Zeller, County Judge, called to order the Commissioners Court Special Term for Monday, August 15, 2022 at 10:00 a.m.

2. Invocation and Pledges.

(2-0:00)

2. August 15, 2022. Judge Ben Zeller opened the meeting with prayer and the reciting of the Pledges of Allegiance of the United States of America and the State of Texas.

3. Citizens Communication.

(3-1:18)

3. August 15, 2022. Judge Ben Zeller opened the meeting to anyone wishing to address general County business which was not on the meeting agenda.

Republican Chair Bill Pozzi informed the Court that the Republican party has submitted all the requirements needed to complete the process of filling the County Treasurer vacancy. Mr Pozzi stated there were six great candidates that responded to apply for the position and Paige Foster was selected to fill the position as the Victoria County Treasurer. Judge Zeller responded and stated the appointment of Paige Foster would be on next Monday's agenda.

Peggy Hester, a Victoria County resident, thanked the Court for hearing facts concerning the age and content of inappropriate materials at the Victoria Public Library. Mrs. Hester stands for protecting the innocence of children and appreciates the Court for their response to what was shown to them a couple of weeks ago.

Diana Rhodes, a Victoria County resident, thanked Commissioner Kevin Janak and Commissioner Clint Ives for their dedication and support of the Victoria Historical Commission and stated they would be missed.

Stan Reinke, a Victoria County resident, feels that the purpose of the inappropriate books at the Victoria Public Library is to corrupt children and grandchildren. Mr. Reinke informed the Court that he had submitted an application to be on the Victoria Public Library Board and asked for the Court's consideration.

Laurie Eder, a Victoria County resident, spoke about Texas Penal Code Section 43.20 and asked the Court to look at the guiding principles that the library, library board, and librarian operate under. Ms. Eader asked the Court to have a discussion regarding what is appropriate and valuable for our community and how to apply that in the current library policies in regards to protecting our children and future generations.

Gay Patek, a Victoria County resident, presented two petitions to the Court in support of protecting innocent children through content and age-appropriate books, materials, and activities purchased with taxpayer dollars, grant funded money or donated to the Victoria Public Library. Ms. Patek spoke about the American Library Association. She asked for a children's collection policy to be written that puts boundaries on what could be brought into the 17 and younger section, whether it be books, materials or activities in the Victoria Public Library.

James Hester, a Victoria County resident, voiced his concerns regarding the issues with transgender individuals.

Fire Marshal Richard Castillo stated the burn ban for Victoria County would remain in effect. Mr. Castillo also thanked everyone that helped with the Volunteer Fire Department Fundraiser this past weekend.

Commissioner Janak informed the public that Parsons Road will be closed for an additional three weeks in order to complete the drainage project. He also asked for prayers for the American citizens that are still trapped behind enemy lines in Afghanistan.

Commissioner Gary Burns spoke about commenting in Citizens Communication regarding the Victoria Public Library issue.

Judge Zeller stated it's about having a decision made regarding this situation. He stated there is a need for a policy to play and address the concerns. He commented that the role of Victoria County is making appointments to the Victoria Library Board, which will be done next month. He still welcomes and encourage continued feedback from the public and stated at the end of the day it would be up to the City of Victoria to make a decision.

Andrew Abrameit supports the approval of the Mustang Valley Subdivision and recognized the developers for their excellent job on the subdivision. County Judge Zeller stated that there is an agenda item for the Mustang Valley Subdivision final plat, which might need to be passed on. County Engineer informed the Court that the developer needs to complete the maintenance bond. Mr. Abrameit also spoke about how the Victoria Central Appraisal District should focus on customer service.

Hearing no further comments, Judge Ben Zeller continued with the next agenda item.

4. Consider approval of minutes and take appropriate action.

(4-25:11)

4. August 15, 2022. Moved by Kevin Janak and seconded by Gary Burns, the Commissioners Court approved the minutes of the Commissioners Court meeting held on August 8, 2022. Motion adopted.

5. Consider approval of accounts payable and take appropriate action.

(5-25:22)

5. August 15, 2022. Moved by Gary Burns and seconded by Kevin Janak, the Commissioners Court approved the accounts payable as presented by Michelle Samford, County Auditor.

Regular Accounts	8/15/2022	\$496,637.85
Supplemental Accounts	8/5/2022 – 8/11/2022	\$216,407.61

Motion adopted.

6. Receive monthly and quarterly reports from various county officials and departments and take appropriate action.

(6-25:50)

6. August 15, 2022. Moved by Danny Garcia and seconded by Kevin Janak, the Commissioners Court received the monthly reports from Justice of the Peace, Precinct No. 1; Constable, Precinct No. 1; Pre-Trial Services; and County Extension Agent-Ag/Natural Resources. Motion adopted.

7. Consider approval of bond forfeiture releases and take appropriate action.

(7-26:20)

7. August 15, 2022. None. No action taken.

8. Consider approval of CMC Interim vendor payments and take appropriate action.

(8-26:32)

8. August 15, 2022. Moved by Gary Burns and seconded by Kevin Janak, the Commissioners Court approved the interim vendor payments for Citizens Medical Center dated August 11, 2022 in the amount of \$2,357,390.60 and the ACH report dated August 11, 2022 in the amount of \$2,203,273.73. Motion adopted.

9. Presentation of the 2021 Distinguished Service Award (DSA) to the Victoria Historical Commission and take appropriate action.

(9-27:20)

9. August 15, 2022. Heritage Director Jeff Wright explained the Distinguished Service Award and introduced members of the Historical Commission, Betty Tovar, Diana Rhodes, Catherine Swift, and Paul Janda. The Commissioners Court presented the Victoria Historical Commission with the 2021 Distinguished Service Award (DSA). Moved by Danny Garcia and seconded by Kevin Janak, the Commissioners Court received the 2021 Distinguished Service Award for the Victoria Historical Commission. Motion adopted. Diana Rhodes proudly announced that they are in the process of getting the inscription done for the William Wood Memorial School marker in Wood Hi and the Zion Lutheran Church in Mission Valley has been approved. Jeff Wright informed that he would be leading a Courthouse tour this Saturday.

10. Set a date for public hearings on the adoption of the proposed 2023 Victoria County

Budget, and the 2022 tax rate and take appropriate action.

(10-31:46)

10. August 15, 2022. County Judge Ben Zeller stated the public hearings for the adoption of the proposed 2023 Victoria County Budget and 2022 Tax Rate dates are as follows:

Public Hearing – September 6, 2022 at 10:00 a.m. in Commissioner's Court

Adoption of 2023 Victoria County Budget and 2022 Tax Rate - September 12, 2022 at 10:00 a.m. in Commissioner's Court

Moved by Gary Burns and seconded by Kevin Janak, the Commissioners Court approved the dates for the public hearing on September 6, 2022 and the adoption of the proposed 2023 Victoria County Budget and 2022 Tax Rate on September 12, 2022. Motion adopted.

11. Consider approval of the 2023 County Holiday Schedule and take appropriate action.

(11-33:19)

11. August 15, 2022. Moved by Kevin Janak and seconded by Gary Burns, the Commissioners Court approved the 2023 Victoria County holiday schedule. Motion adopted.

12. Consider adopting rates and percentage breakdown for Road and Bridge revenues for 2023 and take appropriate action.

(12-33:59)

12. August 15, 2022. Moved by Kevin Janak and seconded by Danny Garcia, the Commissioners Court adopted the rates and percentage breakdown for the 2023 Road and Bridge Revenues. Motion adopted.

13. Consider approval of the following items in regards to the Victoria Central Appraisal District and take appropriate action:

a. Hear a presentation from the Victoria Central Appraisal District.

(13a-34:49)

13a. August 15, 2022. Lou Svetlik, Chairman of the Victoria Central Appraisal District, gave a presentation regarding Texas State Comptroller Map Audit and IAAO Audit Comparison for the Victoria Central Appraisal District. John Haliburton, Chief Appraiser, spoke about MAPS vs. IAAO. The Court held a lengthy discussion with Mr. Svetlik and Mr. Haliburton. Robby Burdge, Chairman for Port of Victoria, spoke to the Court about his conversation with Mr. Larry Clark, Strategic Initiative Director of IAAO. Mr. Burdge believes they should be transparent and look at what can be done to do better. Kinsey McGrew, Senior Property Tax Consultant, informed the Court about taxpayers' concerns on being treated fair and equally by the Victoria Central Appraisal District. Ms. McGrew spoke about the process of helping taxpayers with their issues and stated how the taxpayers have trust issues with the Victoria Central Appraisal District. Duane Crocker, Councilman, stated how important this issue is and the complaints he heard about the appraisal district. Mr. Crocker also spoke about having the taxpayers trust the Victoria Central Appraisal District. Mr. Crocker asked that citizens' concerns be addressed and considered the audit being done which could help the taxpayers trust the Appraisal District. JonAnn Welch, a

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Victoria business owner, stated she had been a victim and bullied by the Victoria Central

Appraisal District and now uses a Property Tax Consultant. She explained her situations with the Appraisal District. Allan Juneke, Senior Property Tax Consultant, spoke about situations and concerns he has dealt with by helping taxpayers. Lee Swearingen with the Ron Brown Company spoke about property values and stated people are treated poorly when they go to the Victoria Central Appraisal District and asked the Court to support the audit. Mr. Svetlik spoke about the audit now being called a gap analysis and stated that people wanting to respond to the Appraisal District could go in front of their administrative board and there is a complaint box. The Court continued to talk about the Resolution, people applying for a position on the ARB board, the trust people have with the Appraisal District, how the State Comptroller performs audits and customer service at the Victoria Central Appraisal District. No action taken.

Consider approval of the following items in regards to the Victoria Central Appraisal District and take appropriate action:

b. Resolution No. 2022-0063 supporting an audit or other third-party review of the process and valuations.

(13b-34:49)

13b. August 15, 2022. Moved by Gary Burns and seconded by Ben Zeller, the Commissioners Court approved Resolution No. 2022-0063 supporting an audit or other third-party review of the process and valuations of the Victoria Central Appraisal District. Commissioner Janak and Commissioner Garcia voted nay. Motion failed.

14. Consider approval of the final plat for Mustang Valley Subdivision, located in Precinct 2, and take appropriate action.

(14-2:07:41)

14. August 15, 2022. County Engineer John Johnston reviewed the process and stated that everything was in compliance but the bond for maintenance of roadways was not reviewed by legal counsel and legal counsel identified issues that needed to be addressed with the bond. Judge Zeller asked what the impact of the bond not being completed would be on the developer. The Court discussed the bond issue. Jayson Moore, with Mustang Valley Development, stated he could get the digital copy of the bond within hours but the original stamped bond would have to be sent overnight. Moved by Gary Burns and seconded by Kevin Janak, the Commissioners Court approved the final plat for Mustang Valley Subdivision located in Precinct No. 2, and authorizing the County Judge to sign with the bond being contingent on legal approval. Motion adopted. Commissioner Janak mentioned that the Mustang Valley Subdivision is a very nice subdivision across from Mission Valley School and the developers did a great job with the drainage.

15. Consider approval of the following items by the Victoria County Public Health Department and take appropriation action:

a. emocha Business Associate Agreement (BAA).

(15a-2:17:42)

15a. August 15, 2022. Public Health Director David Gonzales provided information to the Court. Moved by Kevin Janak and seconded by Gary Burns, the Commissioners Court approved the emocha Business Associate Agreement (BAA) for the Victoria County Public Health Department. Motion adopted.

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Consider approval of the following items by the Victoria County Public Health

Department and take appropriation action:

b. Fully executed Texas Department of Family and Protective Services Grant Agreement contract No. HHS001105400020.

(15b-2:17:42)

15b. August 15, 2022. David Gonzales, Public Health Director, provided the Court with information. Moved by Kevin Janak and seconded by Gary Burns, the Commissioners Court received the fully executed Texas Department of Family and Protective Services Grant Agreement Contract No. HHS001105400020 for the Victoria County Public Health Department. Motion adopted.

16. Consider approval the following Resolution No. 2022-0066 accepting donations from the public for the Victoria County Animal Control and take appropriate action.

(16-2:18:44)

16. August 15, 2022. Moved by Gary Burns and seconded by Danny Garcia, pursuant to Local Government Code §81.032, the Commissioners Court approved Resolution No. 2022-0066 accepting donations from anonymous donors in the amounts of \$10.00 cash and \$4.00 cash to assist with the adoptions of animals at Victoria County Animal Control. Motion adopted.

17. Consider the following items regarding the Federal Aviation Administration (FAA) grants for the Victoria Regional Airport:

a. Approval of Airport Improvement Program (AIP) Project No. 3-48-0219-024-2022 in an amount not to exceed \$300,000.00, designate an authorized representative for the grant, approve local match, and take appropriate action.

(17a-2:19:02)

17a. August 15, 2022. Moved by Gary Burns and seconded by Danny Garcia, the Commissioners Court approved the Airport Improvement Program (AIP) Project No. 3-48-0219-024-2022 in the amount not to exceed \$300,000.00, designate an authorized representative for the grant, and approved the local match in regards to the Federal Aviation Administration (FAA) grants. Motion adopted.

Consider the following items regarding the Federal Aviation Administration (FAA) grants for the Victoria Regional Airport:

b. Approval of Airport Infrastructure Grant (AIG) Project No. 3-48-0219-025-2022 in the amount of \$295,000.00, designate an authorized representative for the grant, approve local match, and take appropriate action.

(17b-2:19:02)

17b. August 15, 2022. Moved by Gary Burns and seconded by Danny Garcia, the Commissioners Court approved the Airport Infrastructure Grant (AIG) Project No. 3-48-0219-025-2022 in the amount of \$295,000.00, designate an authorized representative for the grant, and approve the local match in regards to the Federal Aviation Administration (FAA) grants. Motion adopted.

18. Consider approval of payment for closing costs in connection to the Henderson Road and Bridge Replacement Project property purchases and take appropriate action:

a. 0.4095-acres from Darren Cory Heilker Management Trust.

(18a-2:24:39)

18a. August 15, 2022. John Johnston, County Engineer, provided information to the Court. Moved by Kevin Janak and seconded by Danny Garcia, the Commissioners Court approved the payment for closing costs for 0.4095 acres from Darren Corey Heilker Management Trust in connection to the Henderson Road and Bridge Replacement Project. Motion adopted.

Consider approval of payment for closing costs in connection to the Henderson Road and Bridge Replacement Project property purchases and take appropriate action:

b. 0.5143-acres from Zorilla-Malone Properties, LLC.

(18b-2:24:39)

18b. August 15, 2022. County Engineer John Johnston provided the Court with information. Moved by Kevin Janak and seconded by Danny Garcia, the Commissioners Court approved the payment for closing costs for 0.5143 acres from Zorilla-Malone Properties, LLC in connection to the Henderson Road and Bridge Replacement Project. Motion adopted.

19. Consider approval of plat exemption request for Brian H. Ferguson at TBD FM 444 in Precinct No. 4 and take appropriate action.

(19-2:25:27)

19. August 15, 2022. County Engineer John Johnston and Commissioner Janak provided information to the Court. Moved by Kevin Janak and seconded by Danny Garcia, the Commissioners Court approved the plat exemption request from Brian H. Ferguson at TBD FM 444 in Precinct No. 4. Motion adopted.

20. Consider approval of a request for payment No. 14 in connection to the Rehabilitate and Widen Roadway Project for McCoy Road and Bayer Road in Precinct No. 1 to Union Pacific Railroad Company in the amount of \$9,759.99 and take appropriate action.

(20-2:26:17)

20. August 15, 2022. John Johnston, County Engineer, provided information to the Court. Moved by Danny Garcia and seconded by Kevin Janak, the Commissioners Court approved the request for payment no. 14 to Union Pacific Railroad Company in the amount of \$9,759.99 in connection to the Rehabilitate and Widen Roadway Project for McCoy Road and Bayer Road in Precinct No. 1. Motion adopted.

21. Ratify agreement for retention of RBC Capital Markets, LLC as Victoria County's Financial Advisor and take appropriate action.

(21-2:27:00)

21. August 15, 2022. Moved by Gary Burns and seconded by Kevin Janak, the Commissioners Court ratified the agreement for retention of RBC Capital Markets, LLC as Victoria County's Financial Advisor. Motion adopted.

22. Consider approval of the Detention and Residential Contracts between Victoria Regional Juvenile/Justice and Detention Facility and Ellis County and take

appropriate action.

(22-2:27:18)

22. August 15, 2022. Moved by Kevin Janak and seconded by Gary Burns, the Commissioners Court approved the Detention and Residential Contracts between Victoria Regional Juvenile Justice Center and Ellis County. Motion adopted.

23. Consider approval of Citizens Medical Center Emergency Expansion & Renovation AIA Document G702 for Payment No. 22 and take appropriate action.

(23-2:27:32)

23. August 15, 2022. Moved by Kevin Janak and seconded by Gary Burns, the Commissioners Court approved the Citizens Medical Center Emergency Department Expansion and Renovation AIA Document G702 Application for Payment No. 22 in the amount of \$328,134.43. Motion adopted.

24. Consider approval of the following 2022 budget amendments and take appropriate action:

(24-2:28:27)

24. August 15, 2022. Moved by Danny Garcia and seconded by Kevin Janak, the Commissioners Court approved the 2022 budget amendments for:

- a. General Fund/Various Departments, Expenditures – Line item transfer
- b. Road and Bridge, Precinct No. 2, Expenditures – Line item transfer
- c. County Specialty Court, Revenues and Expenditures - Increase
- d. General Fund/Sheriff's Office, Expenditures - Line item transfer

Motion adopted.

25. Consider approval of personnel changes and take appropriate action.

(25-2:28:45)

25. August 15, 2022. Moved by Danny Garcia and seconded by Gary Burns, the Commissioners Court approved that payroll be processed in compliance with policy and personnel changes:

- a. Ben Zeller, County Judge - County Judge's Office:
 - 1. Resignation of Lee Bowman, Veterans Officer, with 69.49 PTO and 12.53 Compensatory hours due, effective August 5, 2022.
- b. Pama Hencerling, Chief Probation Officer - Juvenile Detention:
 - 1. Employment of Kenneth Ty Wells, JSO, at a rate of \$16.14 per hour, Budget Code 100-573-1156, effective August 16, 2022.
 - 2. Resignation of Leroy Fillmore, JSO, effective August 5, 2022.
- c. Justin Marr, Sheriff - Sheriff's Office:
 - 1. VCSO Salary Adjustment Certification for Jonathan Billman, to be paid Advanced Certificate Pay of \$46.15 per pay period, effective September 2, 2022. Certification date for Jonathan Billman is January 31, 2022.

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Budget Coding: Enforcement/CID Certificate Pay 100-563-1137.
Remarks: Corporal Billman has obtained his Intermediate TCOLE

License.

2. VCSO Salary Adjustment Certification for Matthew Cornett, to be paid Master Certificate Pay of \$69.23 per pay period, effective September 2, 2022. Certification date for Matthew Cornett is July 12, 2022. Budget Coding: Special Crimes Certificate Pay 100-564-1137. Remarks: Deputy Cornett has obtained his Master Peace Officer's License through TCOLE.
3. VCSO Salary Adjustment Certification for Melinda Charleston, to be paid Intermediate Certificate Pay of \$23.08 per pay period, effective September 2, 2022. Certification date for Melinda Charleston is March 28, 2022. Budget Coding: Detention Certificate Pay 100-565-1137. Remarks: Melinda Charleston received her Intermediate Jailer Proficiency on 03/28/2022.
4. VCSO Salary Adjustment Certification for Brian Laake, to be paid Intermediate Certificate Pay of \$23.08 per pay period, effective September 2, 2022. Certification date for Brian Laake is February 18, 2022. Budget Coding: Detention Certificate Pay 100-565-1137. Remarks: Brian Laake received his Intermediate Jailer Proficiency on 02/18/2022.
5. VCSO Salary Adjustment Certification for Connor Patterson, to be paid Intermediate Certificate Pay of \$23.08 per pay period, effective September 2, 2022. Certification date for Connor Patterson is May 27, 2022. Budget Coding: Detention Certificate Pay 100-565-1137. Remarks: Connor Patterson received his Intermediate Jailer Proficiency on 05/27/2022.
6. VCSO Salary Adjustment Certification for Ryan Vasquez, to be paid Intermediate Certificate Pay of \$23.08 per pay period, effective September 2, 2022. Certification date for Ryan Vasquez is July 30, 2022. Budget Coding: Detention Certificate Pay 100-565-1137. Remarks: Deputy Vasquez has obtained his Intermediate Jailer Certificate.
7. Employment of Shane Carver, Detention Deputy-Tier 1, at a rate of \$24.25 per hour, Budget Codes 100-565-1114-23.25 and 100-565-1136-1.00, effective August 30, 2022.
8. Employment of Agustin M. Galvan, Cook, to be paid \$19.69 per hour, Budget Code 100-565-1123, effective August 16, 2022.
- d. David Gonzales, Public Health Director - Victoria County Public Health Department:
 1. Resignation of Brittany Dean, CMA, effective August 12, 2022.

Motion adopted.

26. **Closed meeting pursuant to V.T.C.A. Government Code §551.087 to discuss economic development, §551.0745 to discuss Boards and Commissions, and §551.074 to discuss personnel.**
(26-2:29:09)
 26. August 15, 2022. The Commissioners Court went into closed session at 12:30 p.m., pursuant to V.T.C.A. Government Code §551.087, to discuss economic development.
27. **Pursuant to V.T.C.A. Government Code §551.102, return to an open meeting and take action deemed necessary based upon discussion in the closed meeting.**

(27-3:36:05)

27. August 15, 2022. The Commissioners Court returned to open meeting at 1:37 p.m., pursuant to V.T.C.A. Government Code §551.102, with no action taken.

28. Adjourn.

(28-3:36:17)

28. August 15, 2022. The Commissioners Court adjourned the meeting of August 15, 2022.