

THE STATE OF TEXAS §

COUNTY OF VICTORIA §

Be it remembered that on this the **9th day of January A.D., 2023**, 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
Jason Ohrt,	Commissioner Precinct No. 2
Gary Burns,	Commissioner Precinct No. 3
Kenneth Sexton,	Commissioner Precinct No. 4
and	
Heidi Easley,	County Clerk and Ex-Officio Clerk

and the following orders were passed:



COUNTY OF VICTORIA

MINUTES

COMMISSIONERS' COURT OF VICTORIA COUNTY, TEXAS

MONDAY, JANUARY 9, 2023, 10:00 AM, Regular Term

VICTORIA COUNTY COURTHOUSE

115 N. BRIDGE ST., ROOM 241, SECOND FLOOR, VICTORIA, TX

1. Call to Order.

(1-0:00)

1. January 9, 2023. Ben Zeller, County Judge, called to order the Commissioners Court Regular Term for Monday, January 9, 2023 at 10:03 a.m.

2. Invocation and Pledges.

(2-0:00)

2. January 9, 2023. 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.

(3-2:14)

3. January 9, 2023. Judge Ben Zeller opened the meeting to anyone wishing to address general County business which was not on the meeting agenda.

County Judge Zeller welcomed Commissioner, Precinct No. 2 Jason Ohrt and Commissioner, Precinct No. 4 Kenneth Sexton to Commissioners Court.

Bill Pozzi, Republican Chair, mentioned that Veteran Will Martin passed away this weekend. Commissioner Garcia stated Mr. Martin will be missed. Mr. Pozzi also mentioned the school board election will be held on May 6, 2023 and welcomed individuals to run for two open positions.

Commissioner Gary Burns thanked Fire Marshal Richard Castillo and the Victoria County Volunteer Fire Department for their help at Patriot Park.

County Judge Zeller gave an update on the Jersey College and Victoria College nursing school programs.

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

4. Consider approval of the minutes for December 19, 2022, and January 1, 2023, and take appropriate action.

(4-6:59)

4. January 9, 2023. Moved by Danny Garcia and seconded by Jason Ohrt, the Commissioners Court approved the minutes of the Commissioners Court meetings held on December 19, 2022 and January 1, 2023. Motion adopted.

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

(5-7:30)

5. January 9, 2023. Moved by Gary Burns and seconded by Kenneth Sexton, the Commissioners Court approved the accounts payable as presented by Michelle Samford, County Auditor.

Regular Accounts	1/9/2023	\$983,562.69
Supplemental Accounts	12/16/2022 – 1/5/2023	\$1,195,002.17

Motion adopted.

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

(6-8:11)

6. January 9, 2023. Moved by Danny Garcia and seconded by Jason Ohrt, the Commissioners Court received the monthly reports from the County Judge; Commissioners, Precincts Nos. 1 and 4; District Clerk; Criminal District Attorney; and Justices of the Peace, Precincts Nos. 2 - 4. Motion adopted.

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

(7-8:40)

7. January 9, 2023. None. No action taken.

8. Consider the following items related to Citizens Medical Center and take appropriate action:

a. Ratify CMC interim vendor payments dated December 22, 2022, and December 29, 2022.

(8a-8:52)

8a. January 9, 2023. Moved by Danny Garcia and seconded by Jason Ohrt, the Commissioners Court ratified the interim vendor payments for Citizens Medical Center dated December 22, 2022 in the amount of \$817,148.39 and the ACH report dated December 22, 2022 in the amount of \$3,613,638.74 and the interim vendor payments for Citizens Medical Center dated December 29, 2022 in the amount of \$700,781.25 and the ACH report dated December 29, 2022 in the amount of \$1,131,212.62. Motion adopted.

Consider the following items related to Citizens Medical Center and take appropriate action:

a. Receive minutes, accounts payable, payroll, and personnel changes from December 21, 2022.

(8b-8:52)

8b. January 9, 2023. Moved by Danny Garcia and seconded by Jason Ohrt, the Commissioners Court received the minutes, accounts payable, payroll and personnel changes from Citizens Medical Center for December 21, 2022. Motion adopted.

Consider the following items related to Citizens Medical Center and take appropriate action:

c. Approve interim vendor payments dated January 5, 2023.

(8c-8:52)

8c. January 9, 2023. Moved by Danny Garcia and seconded by Jason Ohrt, the Commissioners Court approved the interim vendor payments for Citizens Medical Center dated January 5, 2023 in the amount of \$346,370.75 and the ACH report dated January 5, 2023 in the amount of \$1,056,880.16. Motion adopted.

9. Receive a Proclamation for Law Enforcement Appreciation Day 2023 and take appropriate action.

(9-10:35)

9. January 9, 2023. County Judge Zeller read the Proclamation to the Court. The Court thanked the law enforcement offices for their service. Moved by Gary Burns and seconded by Kenneth Sexton, the Commissioners Court received a Proclamation recognizing January 9, 2023 as Law Enforcement Appreciation Day in Victoria County. Motion adopted.

10. Consider approval of bonds of elected officials and take appropriate action.

(10-16:58)

10. January 9, 2023. Moved by Danny Garcia and seconded by Jason Ohrt, the Commissioners Court approved the bonds for the Justice of the Peace, Precinct No. 3 Robert B. Whitaker and County Judge Court at Law No. 1 Travis H. Ernst. Motion adopted.

11. Consider reappointment of Dr. John McNeill as Public Health Authority and take appropriate action.

(11-31:23)

11. January 9, 2023. County Judge Zeller discussed the role of the Public Health Authority. Moved by Danny Garcia and seconded by Jason Ohrt, the Commissioners Court approved the reappointment of Dr. John McNeill as Public Health Authority for Victoria County. Judge Zeller administered the Statement and Oath of Office for Dr. McNeill. Motion adopted.

12. Consider the appointment of County Judge Pro Tem and take appropriate action.

(12-18:08)

12. January 9, 2023. Moved by Kenneth Sexton and seconded by Danny Garcia, the Commissioners Court appointed Gary Burns as County Judge Pro Tem for the year 2023. Motion adopted.

13. Consider Victoria County Mileage Reimbursement Rates beginning January 1, 2023, and take appropriate action.

(13-19:17)

13. January 9, 2023. Moved by Gary Burns and seconded by Kenneth Sexton, the Commissioners Court approved the standard mileage reimbursement rates for Victoria County at 65.5 cents per mile, beginning January 1, 2023. Motion adopted.

14. Consider approval of Order No. 2023-0001 authorizing Debt Service Payments for 2023, and take appropriate action.

(14-20:13)

14. January 9, 2023. Moved by Gary Burns and seconded by Jason Ohrt, the Commissioners Court approved Resolution No. 2023-0001 authorizing debt service payments for the fiscal year 2023. Motion adopted.

15. Consider approval of Resolution No. 2023-0002 determining the General Prevailing

Wage for 2023 and take appropriate action.

(15-21:17)

15. January 9, 2023. John Johnston, County Engineer, provided information to the Court. Moved by Danny Garcia and seconded by Jason Ohrt, the Commissioners Court approved Resolution No. 2023-0002 determining the General Prevailing Wage Rate for the year 2023. Motion adopted.

16. Consider approval of Order No. 2023-0003 for the following 2023 Victoria County Appropriations and take appropriate action:

(16-21:56)

16. January 9, 2023. Moved by Danny Garcia and seconded by Jason Ohrt, the Commissioners Court approved Order No. 2023-0003 for the following 2023 Victoria County Appropriations:

a. Gulf Bend Center	\$ 50,000.00
b. Mid-Coast Family Services	\$ 5,000.00
c. Victoria Economic Development Corporation	\$ 54,000.00
d. Victoria County Senior Citizens Center	\$ 10,000.00
e. Victoria Soil and Water Conservation	\$ 1,500.00
f. Volunteer Fire Departments	\$ 50,000.00

Motion adopted.

17. Consider approval of Order No. 2023-0004 appropriation to the City of Victoria for Fire, Rescue, and Emergency Services in the amount of \$2,154,029.40 and take appropriate action.

(17-23:00)

17. January 9, 2023. Moved by Jason Ohrt and seconded by Danny Garcia, the Commissioners Court approved Order No. 2023-0004 for appropriation to the City of Victoria for Fire, Rescue, and Emergency Services in the amount of \$2,154,029.40. Motion adopted.

18. Consider approval of Order No. 2023-0005 for appropriation to the Community Action Committee for Meals on Wheels Victoria for \$8,500.00 in order to carry out its duties for 2023 and take appropriate action.

(18-24:14)

18. January 9, 2023. Moved by Danny Garcia and seconded by Jason Ohrt, the Commissioners Court approved Order No. 2023-0004 for appropriation to the Community Action Committee for Meals on Wheels Victoria in the amount of \$8,500.00 for the year 2023. Motion adopted.

19. Consider approval of Resolution No. 2023-0006 authorizing substitutions, withdrawals, and additions of pledged collateral for 2023 and take appropriate action.

(19-25:46)

19. January 9, 2023. Moved by Danny Garcia and seconded by Gary Burns, the Commissioners Court approved Resolution No. 2023-0006 authorizing the substitutions, withdrawals, and additions of pledged collateral for the fiscal year 2023. Motion adopted.

20. Pursuant to Local Government Code §263.152 authorizes the sale of surplus and

salvage property of Victoria County and Citizens Medical Center and take appropriate action.

(20-26:16)

20. January 9, 2023. County Auditor Michelle Samford provided information to the Court. Moved by Danny Garcia and seconded by Kenneth Sexton, pursuant to Local Government Code §263.152, the Commissioners Court authorized the sale of surplus and salvage property of Victoria County and Citizens Medical Center. Motion adopted.

- 21. Consider approval of allocation of 2023 Child Safety Fee Revenues and take appropriate action.**

(21-28:02)

21. January 9, 2023. County Judge Zeller spoke in regards to the Child Safety Fee. Moved by Danny Garcia and seconded by Gary Burns, the Commissioners Court approved the allocation of the 2023 Child Safety Fee Revenues. Motion adopted.

- 22. Pursuant to Local Government Code §262.024(a)(9), grant discretionary bid exemption for Victoria County purchases through a state-licensed auctioneer and take appropriate action.**

(22-38:02)

22. January 9, 2023. Moved by Gary Burns and seconded by Kenneth Sexton, pursuant to Local Government Code §262.024 (a)(9), the Commissioners Court approved the grant discretionary bid exemption for Victoria County purchases through a state licensed auctioneer. Motion adopted.

- 23. Pursuant to Local Government Code §262.024(a)(11), grant discretionary bid exemption for Victoria County vehicle and equipment repairs and take appropriate action.**

(23-38:49)

23. January 9, 2023. Moved by Gary Burns and seconded by Jason Ohrt, pursuant to Local Government Code §262.024(a)(11), the Commissioners Court approved the grant discretionary bid exemption for Victoria County vehicle and equipment repairs. Motion adopted.

- 24. Consider authorization for the Victoria County Auditor to conduct the Chapter 59 Asset Forfeiture Report required by Article §59.06 of the Code Criminal Procedure for all Victoria County law enforcement agencies, upon their requests and take appropriate action.**

(24-39:45)

24. January 9, 2023. County Auditor Michelle Samford provided information to the Court. Moved by Danny Garcia and seconded by Jason Ohrt, the Commissioners Court authorized the Victoria County Auditor to conduct the Chapter 59 Asset Forfeiture Report required by Article §59.06 of the Code of Criminal Procedure for all Victoria County law enforcement agencies, upon their requests. Motion adopted.

- 25. Pursuant to Local Government code 262.024(a)(8), and (d) grant food bid exemptions**

at intervals of six months for the Victoria County Sheriff's Office and Victoria Regional Juvenile Justice Center and take appropriate action.

(25-40:43)

25. January 9, 2023. Moved by Kenneth Sexton and seconded by Gary Burns, pursuant to Local Government Code 262.024(a)(8) and (d), the Commissioners Court approved the grant food bid exemptions at intervals of six months for the Victoria County Sheriff's Office and Victoria Regional Juvenile Justice Center. Motion adopted.

- 26. Receive the Racial Profiling Report for 2022 from the Victoria County Sheriff's Office and take appropriate action.**

(26-41:11)

26. January 9, 2023. Sheriff Justin Marr provided information to the Court. Moved by Danny Garcia and seconded by Kenneth Sexton, the Commissioners Court received the Racial Profiling Report for 2022 from the Victoria County Sheriff's Office. Motion adopted.

- 27. Consider approval of the following items for the Victoria County Health Department and take appropriate action:**

a. Extension to Contract with Luminare Incorporated through 4/30/2023.

(27a-42:31)

27a. January 9, 2023. Michelle Samford, County Auditor, provided information to the Court. January 9, 2023. Moved by Danny Garcia and seconded by Jason Ohrt, the Commissioners Court approved the extension to the contract with Luminare Incorporated through 4/30/2023 for the Victoria County Public Health Department. Motion adopted.

Consider approval of the following items for the Victoria County Health Department and take appropriate action:

b. Receive a fully executed agreement for Consulting Services with aha! Process Inc for Be Well Victoria.

(27b-42:31)

27b. January 9, 2023. County Auditor Michelle Samford provided the Court with information. Moved by Danny Garcia and seconded by Jason Ohrt, the Commissioners Court received the fully executed agreement for Consulting Services with aha! Process Inc. for Be Well Victoria for the Victoria County Public Health Department. Motion adopted.

- 28. Consider approval of the District Office Lease renewal between U.S. House of Representatives Congressman Michael Cloud and Victoria County for office space at 111 N. Glass St. and take appropriate action.**

(28-43:37)

28. January 9, 2023. Moved by Jason Ohrt and seconded by Kenneth Sexton, the Commissioners Court approved the District Office Lease renewal between U.S. House of Representatives Congressman Michael Cloud and Victoria County for office space at 111 N. Glass Street. Motion adopted.

- 29. Consider approval of the Final Plat for Dry Creek Acres Subdivision, located in Pct. 2, and take appropriate action.**

(29-44:33)

29. January 9, 2023. County Engineer John Johnston provided information to the Court. Moved by Jason Ohrt and seconded by Danny Garcia, the Commissioners Court approved the Final Plat for Dry Creek Acres Subdivision located in Precinct No. 2. Motion adopted.

30. Consider approval and authorization to advertise bids for Victoria County 311 E. Constitution Fiber Optic Cable Project and take appropriate action.

(30-46:02)

30. January 9, 2023. County Engineer John Johnston provided information to the Court. Moved by Danny Garcia and seconded by Gary Burns, the Commissioners Court approved and authorized to advertise for bids for Victoria County 311 E. Constitution Fiber Optic Cable Project. Motion adopted.

31. Consider approval of Law Enforcement Officer Reimbursement Program Agreement No. 70T02021T6114N288, Modification No. 00004, and take appropriate action.

(31-48:11)

31. Robin Knipling, Grant Administrator, provided information to the Court. January 9, 2023. Moved by Gary Burns and seconded by Kenneth Sexton, the Commissioners Court approved the Law Enforcement Officer Reimbursement Program Agreement No. 70T02021T6114N288, Modification No. 00004. Motion adopted.

32. Ratify FY22 Operation Lone Star (OLS) Grant Adjustment, Grant No. 4381001 and take appropriate action.

(32-49:09)

32. January 9, 2023. Grant Administrator Robin Knipling provided information to the Court. Moved by Danny Garcia and seconded by Gary Burns, the Commissioners Court ratified the FY22 Operation Lone Star (OLS) Grant Adjustment, Grant No. 4381001 for the Victoria County Sheriff's Office. Motion adopted.

33. Receive the 2022 Fourth Quarter Request for Plat Exemption Report from the County Engineer and take appropriate action.

(33-51:36)

33. January 9, 2023. County Engineer John Johnston provided information to the Court. Moved by Gary Burns and seconded by Kenneth Sexton, the Commissioners Court received the 2022 Fourth Quarter Plat Exemption Request Report from County Engineer John Johnston. Motion adopted.

34. Consider approval of FY22 Operation Stonegarden Budget Adjustment, Grant No. 3186207, and take appropriate action.

(34-52:52)

34. January 9, 2023. Grant Administrator Robin Knipling provided the Court with information. Moved by Danny Garcia and seconded by Jason Ohrt, the Commissioners Court approved the FY22 Operation Stonegarden Budget Adjustment, Grant No. 3186207 for Victoria County. Motion adopted.

35. Receive the fully executed County Assistance Program Allocation from the Texas Department of Transportation for the fiscal year 2023 and take appropriate action.

(35-53:35)

35. January 9, 2023. Moved by Danny Garcia and seconded by Kenneth Sexton, the Commissioners Court received the fully executed County Assistance Program Allocation from the Texas Department of Transportation for the fiscal year 2023. Motion adopted.

36. Consider approval of Citizens Medical Center Emergency Department Expansion &

Renovation AIA Document G702 Application for Payment No. 27 and take appropriate action.

(36-54:12)

36. January 9, 2023. Moved by Kenneth Sexton, seconded by Gary Burns, and Jason Ohrt abstaining, the Commissioners Court approved the Citizens Medical Center Emergency Department Expansion and Renovation AIA Document G702 Application for Payment No. 27 in the amount of \$63,324.50. Motion adopted.

37. Receive for the record a Discretionary Funds Budget Amendment for the CDA Contraband Forfeiture Fund (370) and take appropriate action.

(37-55:20)

37. January 9, 2023. Moved by Danny Garcia and seconded by Kenneth Sexton, the Commissioners Court received for the record the Discretionary Funds Budget Amendment for the CDA Contraband Forfeiture Fund (370) as an increase to expenditures. Motion adopted.

38. Consider approval of the following 2023 budget amendments and take appropriate action:

(38-56:11)

38. January 9, 2023. Moved by Danny Garcia and seconded by Jason Ohrt, the Commissioners Court approved the 2023 budget amendments for:

- a. General Fund, Various Departments, Expenditures - Increase
- b. Gulf of Mexico Energy Security Act, Expenditures - Increase
- c. Leose Fund, Expenditures - Increase

Motion adopted.

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

(39-56:47)

39. January 9, 2023. Moved by Jason Ohrt and seconded by Danny Garcia, the Commissioners Court approved that payroll be processed in compliance with policy and personnel changes:

- a. Danny Garcia, Commissioner, Precinct No. 1 - Road and Bridge, Precinct No. 1:
 - 1. Transcript from the County Judges and Commissioners Association of Texas for continuing education hours for the year 2022 for Danny Garcia, Commissioner, Precinct No. 1.
- b. Kevin Janak, Commissioner, Precinct No. 2 - Road and Bridge, Precinct No. 2:
 - 1. Transcript from the County Judges and Commissioners Association of Texas for continuing education hours for the year 2022 for Kevin Janak, Commissioner, Precinct No. 2.
- c. Gary Burns, Commissioner, Precinct No. 3 - Road and Bridge, Precinct No. 3:
 - 1. Transcript from the County Judges and Commissioners Association of Texas for continuing education hours for the year 2022 for Gary Burns, Commissioner, Precinct No. 3.

- d. Clint Ives, Commissioner, Precinct No. 4 - Road and Bridge, Precinct No. 4:
 - 1. Transcript from the County Judges and Commissioners Association of Texas for continuing education hours for the year 2022 for Clint Ives, Commissioner, Precinct No. 4.
- e. Ashley Hernandez, Tax Assessor Collector - County Tax Office:
 - 1. Transcript from the Tax Assessor-Collector Association of Texas for continuing education hours for the year 2022 for Ashley Hernandez, Tax Assessor-Collector.
 - 2. Salary and position/other change code for Darlene Blanton, from Assistant Chief Deputy, at a rate of \$19.35 per hour, Budget Code 100-499-1104 to Chief Deputy, at a rate of \$25.71 per hour, Budget Code 100-499-1103, effective December 31, 2022.
- f. Constance Filley Johnson, Criminal District Attorney - Criminal District Attorney's Office:
 - 1. Correction (Emp Cat) for Ernest Gutierrez, Administration Chief, from Non-Essential to Essential, effective December 17, 2022.
- g. Justin Marr, Sheriff - Sheriff's Office:
 - 1. Resignation of Ruben Gamez, Inmate Services Assistant, with 45.98 PTO and 36.93 Compensatory hours due, effective January 17, 2023.
 - 2. Position/other change for Shane Carver, Detention Dep-Tier 1 (Tier 2), at a rate of \$25.86 per hour, from Budget Codes 100-565-1114-23.25, 100-565-1136-1.00, and 360-560-1114-1.61 to Budget Codes 100-565-1114-24.86 and 100-565-1136-1.00, effective December 31, 2022.
 - 3. Employment of Tiffany Bateman, Clerk III, at a rate of \$16.58 per hour, Budget Code 100-563-1121-16.58, effective January 10, 2023.
 - 4. Salary and position/other change for Neko Gonzales, from Detention Dep-Tier 1 (DO Tier1), at a rate of \$18.53 per hour, Budget Code 100-565-1114 to 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 December 17, 2022.
- h. Pama Hencerling, Chief Probation Officer - Juvenile Detention:
 - 1. Employment of Wendy Annette Saldana, Extra Help-PRN, at a rate of \$14.50 per hour, Budget Code 100-573-1130, effective December 27, 2022.
 - 2. Employment of Antonio Campuzano, Jr., Juvenile Supervision Officer (JSO), at a rate of \$16.14 per hour, Budget Codes 100-573-1156, effective December 27, 2022.
- i. Vinicio Llerena, Executive Director - Victoria Regional Airport:
 - 1. Salary change for Hunter Nichols, Line Attendant, from a rate of \$16.50 per hour, Budget Code 321-606-1110 to a rate of \$17.00 per hour, effective December 31, 2022.
 - 2. Salary change for Aaron Slaughter, Line Attendant, from a rate of \$15.75 per hour, Budget Code 321-606-1110 to a rate of \$17.00 per hour, effective December 31, 2022.
 - 3. Position/other change (cell) for Fred Taylor, FBO Line Supervisor, Budget Code 321-606-1109, effective December 31, 2022. Other Remarks: Maximum Cell Phone Allowance \$1,080.00 321-606-1139. Remarks: 2023 Budget Amendment requested 321-606-1139.

- j. David Gonzales, Public Health Director - Victoria County Public Health Department:
 - 1. Salary change for Stephanie Morales, Nurse, from a rate of \$18.25 per hour, Budget Code 810-633-1106 to a rate of \$19.50 per hour, effective December 31, 2022.
 - 2. Employment of Isabel Garcia, Nurse, at a rate of \$19.00 per hour, Budget Code 810-633-1106, effective January 18, 2023.
- k. Kim Plummer, District Clerk - District Clerk's Office:
 - 1. Correction (g/l and cat.) for Bobbi Ellinger, Asst. Chief Deputy, from a rate of \$19.94 per hour, Budget Codes 100-450-1104 (18.83) and 123-450-1104 (1.11) to a rate of \$22.26 per hour, Budget Codes 100-450-1104 (18.83), 125-450-1104 (1.50) and 123-450-1104 (1.93), effective December 17, 2022.
 - l. Correction to 2023 Salary Orders for Juvenile Detention Probation; County Clerk; Sheriff's Office; Commissioner, Precinct No. 2 Office, and Commissioner, Precinct No. 3 Office.

Motion adopted.

40. Adjourn.

(40-57:34)

40. January 9, 2023. The Commissioners Court adjourned the meeting of January 9, 2023.