

THE STATE OF TEXAS §

COUNTY OF VICTORIA §

Be it remembered that on this the **27th day of March A.D., 2023**, the Commissioners Court convened in **Special 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, March 27, 2023, 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. March 27, 2023. Ben Zeller, County Judge, called to order the Commissioners Court Special Term for Monday, March 27, 2023 at 10:00 a.m.

2. Invocation and Pledges.

(2-0:00)

2. March 27, 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.

(3-1:37)

3. March 27, 2023. Judge Ben Zeller opened the meeting to anyone wishing to address general County business which was not on the meeting agenda.

Kenneth Schustereit, a Victoria County Resident, spoke about potential flooding events and a redrawing of the floodplain.

John Johnston, County Engineer, updated the court about FEMA floodplain maps and county residents ability to protest and deadlines.

4. Consider approval of minutes and take appropriate action.

(4-10:48)

4. March, 2023. Moved by Kenneth Sexton and seconded by Gary Burns, the Commissioners Court approved the minutes of the Commissioners Court meeting held on March 27, 2023. Motion adopted.

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

(5-11:22)

5. March 27, 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	3/27/2023	\$357,185.99
Supplemental Accounts	3/17/2023 – 3/23/2023	\$185,964.53

Motion adopted.

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

(6-11:48)

6. March 27, 2023. Moved by Danny Garcia and seconded by Jason Ohrt, the Commissioners Court received the monthly reports from the Sheriff. Motion adopted.

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

(7-12:13)

7. March 27, 2023. None. No action taken.

- 8. Consider approval of CMC Interim vendor payments, accounts payable, payroll, and personnel changes and take appropriate action.**

(8-12:21)

8. March 23, 2023. Moved by Danny Garcia and seconded by Jason Ohrt, the Commissioners Court approved the interim vendor payments for Citizens Medical Center dated March 23, 2023 in the amount of \$601,290.87 and the ACH report dated March 23, 2023 in the amount of \$2,147,448.16 Motion adopted.

- 9. Discuss and consider a term sheet for a requested tax abatement agreement with Prairie Energy and take appropriate action.**

(9-14:53)

9. March 27, 2023. Robert Opersteny, Victoria County resident Pct. 3 spoke against tax abatement with Prairie Energy.

Ron Reyna, Victoria County Resident Pct. 3 spoke for the tax abatement with Prairie Energy.

The Commissioners Court returned to open meeting at 1:28 p.m. Moved by Gary Burns and seconded by Kenneth Sexton, the Commissioners Court approved the Term Sheet for tax abatement agreement with Prairie Energy. Motion adopted.

- 10. Receive for the record the following items from the Victoria County Emergency Management Office and take appropriate action:**

(10a-13:39)

10a. March 27, 2023. Moved by Gary Burns and second by Kenneth Sexton, the Commissioners Court received approval notices from TDEM and FEMA for the Victoria County Hazard Mitigation Plan . Motion adopted.

Receive for the record the following items from the Victoria County Emergency Management Office and take appropriate action:

(10b-13:39)

10b. March 27, 2023. Moved by Gary Burns and second by Kenneth Sexton, the Commissioners Court received final approved 2023-2028 Victoria County, Texas Multi-Jurisdiction Hazard Mitigation Plan. Motion adopted.

- 11. Consider the following items from the Victoria County Public Health Department and take appropriate action:**

a.Approval of the Tuberculosis Prevention and Control-State (TB/PC-State) Contract No. HHS001182200025 Amendment No. 1

(11-32:56)

11a. March 27, 2023. Moved by Kenneth Sexton and seconded by Jason Ohrt, the Commissioners Court approved, Tuberculosis Prevention and Control-State (tb/PC-State) Contract No. HHS001182200025 Amendment No. 1

Consider the following items from the Victoria County Public Health Department and take appropriate action:

b. Approval of the HIV Health and Social Services Supplemental (State Services R) Contract No. 5610/ SR2-565-01

(11-32:56)

11b. March 27, 2023. Moved by Kenneth Sexton and seconded by Jason Ohrt, the Commissioners Court approved, HIV Health and Social Services Supplemental (State Services R) Contract No. 5610/SR2-565-01

Consider the following items from the Victoria County Public Health Department and take appropriate action:

c. Approval of DSHS Contract No. HHS001313500001(Public Health Infrastructure Grant)

(11-32:56)

11c. March 27, 2023. Moved by Kenneth Sexton and seconded by Jason Ohrt, the Commissioners Court approved, DSHS Contract No. HHS001313500001 (Public Health Infrastructure Grant)

Consider the following items from the Victoria County Public Health Department and take appropriate action:

d. Receive for the record a fully executed Family Connects Program Agreement FY23 Amendment 1

(11-32:56)

11d. March 27, 2023. Moved by Kenneth Sexton and seconded by Jason Ohrt, the Commissioners Court received for the record a fully executed Family Connects Program Agreement FY23 Amendment 1

Consider the following items from the Victoria County Public Health Department and take appropriate action:

e. Receive for the record a fully executed HIV Health and Social Services Supplemental (State Services R) Contract No. 5610/SR4-565-03

(11-32:56)

11e. March 27, 2023. Moved by Kenneth Sexton and seconded by Jason Ohrt, the Commissioners Court received for the record a fully executed HIV Health and Social Services Supplemental (State Services R) Contract No. 5610/SR4-565-03

Consider the following items from the Victoria County Public Health Department and take appropriate action:

f. Receive for the record a fully executed Ryan White Service Delivery (Ryan White) Contract No. 5610/2-565-01

(11-32:56)

11f. March 20, 2023. Moved by Kenneth Sexton and seconded by Jason Ohrt, the Commissioners Court received for the record a fully executed Ryan White Service Delivery (Ryan White) Contract No. 5610/2-565-01

- 12. Consider approval of the correction to the payment request for Grantworks in the amount of \$4,630.46 in connection with Tx-CDBG contract No. 20-066-004-C033 Hurricane Harvey Buyout/Acquisition-General Land Office (GLO) and take appropriate action.**

(12-36:54)

12. March 27, 2023. Robin Knipling, Administrative Services provided information to the court. Moved by Gary Burns and seconded by Kenneth Sexton, the Commissioners Court approved the correction to the payment request for Grantworks in the amount of \$4,630.46 in connection with Tx-CDBG contract No. 20-066-004-C033 Hurricane Harvey Buyout. Motion adopted.

- 13. Consider approval of the following items from Constar Construction for the Community Development Block Grant-Disaster Relief (CDBG-DR) Program, Grant No. 20-065-094-C262 for Fordyce Rd. Street Improvements and take appropriate action:**

(13a-37:47)

13a. March 27, 2023. County Engineer, John Johnston, and Robin Knipling provided information to court.

Commissioner Precinct No. 3, Gary Burns spoke. Moved by Gary Burns and seconded by Kenneth Sexton, the Commissioners Court approved Constar construction for the Community Development Block Grant Disaster Relief (CDBG-DR) Program

Consider approval of the following items from Constar Construction for the Community Development Block Grant-Disaster Relief (CDBG-DR) Program, Grant No. 20-065-094-C262 for Fordyce Rd. Street Improvements and take appropriate action:

(13b-37:47)

13b. March 27, 2023. County Engineer, John Johnston, and Robin Knipling provided information to court.

Commissioner Precinct No. 3, Gary Burns spoke. Moved by Gary Burns and seconded by Kenneth Sexton, the Commissioners Court approved Constar construction for the Community Development Block Grant Disaster Relief (CDBG-DR) Program, Grant No. 20-065-094-C262 for Fordyce Rd. Street Improvements. Motion adopted

Consider approval of the following items from Constar Construction for the Community Development Block Grant-Disaster Relief (CDBG-DR) Program, Grant No. 20-065-094-C262 for Fordyce Rd. Street Improvements and take appropriate action

(13c-37:47)

13c. March 27, 2023. County Engineer, John Johnston, and Robin Knipling provided information to court. Commissioner Precinct No. 3, Gary Burns spoke. Moved by Gary Burns and seconded by Kenneth Sexton, the Commissioners Court approved Constar construction for the Community Development Block Grant Disaster Relief (CDBG-DR) Program, Grant No. 20-065-094-C262 for Fordyce Rd. Improvements. Motion adopted

- 14. Consider approval of the plat exemption request from Michael Allen Barton on Levi Road in Pct. No. 1 and take appropriate action.**

14-41:38)

14. March 27, 2023. County Engineer, John Johnston spoke. Moved by Danny Garcia and seconded by Jason Ohrt the Commissioners Court approved the plat exemption request

from Michael Allen Barton on Levi Road in Pct. No. 1. Motion adopted

- 15. Consider approval of the following plat exemption requests from Mr. & Mrs. Ernst at Midway Rd., South in Pct. No. 4 and take appropriate action:**

(15a-43:12)

15a. March 27, 2023. Commissioner Precinct No. 4, Kenneth Sexton abstained due to conflict of interest. County Engineer, John Johnston spoke. Moved by Jason Ohrt and seconded by Gary Burns, the Commissioners Court approved the plat exemption requests from Ernst/Blanchard Plat South in Pct. No 4., And adjusting of property lines. Motion adopted

Consider approval of the following plat exemption requests from Mr. & Mrs. Ernst at Midway Rd., South in Pct. No. 4 and take appropriate action:

(15b-43:12)

15b. March 27, 2023. Commissioner Precinct No. 4, Kenneth Sexton abstained due to conflict of interest. County Engineer, John Johnston spoke. Moved by Jason Ohrt and seconded by Gary Burns, the Commissioners Court approved the plat exemption requests from Ernst/Blanchard Plat South in Pct. No 4, and adjusting of property lines. Motion adopted

- 16. Consider approval of Resolution 2023-0051 designating the Authorized Official, Program Director, and Financial Officer; and authorizing the submission of the FY2024 grant application for the multi-year Indigent Defense Improvement Grant Program through the Texas Indigent Defense Commission and take appropriate action.**

(16-48:45)

16. March 27, 2023. Pre-Trial Services, Nora Kucera introduced her new hire to Pre-Trial Services, Rosie Mendiola. Moved by Danny Garcia and seconded by Jason Ohrt, the Commissioners Court approved Resolution 2023-0051 designating the Authorized Official Program Director and Financial Officer; Authorize the submission of the FY2024 grant application for the multi-year Indigent Defense Improvement Grant Program. Motion adopted

- 17. Hear an operation update regarding the Victoria Regional Airport and take appropriate action.**

(17-49:07)

17. March 27, 2023. Executive Director, Lenny Llerena provided information to court regarding the Victoria Regional Airport. No action taken.

- 18. Discuss and consider the purchase of new road maintenance equipment for Road & Bridge precincts and take appropriate action.**

(18-55:26)

18. March 27, 2023. Commissioner Precinct. No. 1 Danny Garcia spoke. County Judge, Ben Zeller spoke. Moved by Danny Garcia and seconded by Jason Ohrt, the Commissioners Court approved the purchase of new road maintenance equipment for Road & Bridge precincts. Motion adopted.

- 19. Receive for the record the notice of appointment for Commissioner Jason Ohrt for the remaining 2022-23 term to the Victoria Central Appraisal District Board of**

Directors and take appropriate action.

(19-1:09:41)

19. March 27, 2023. Moved by Kenneth Sexton and seconded by Jason Ohrt, the Commissioners Court received the notice of appointment for Commissioner Jason Ohrt for the remaining 2022-23 term to the Victoria Central Appraisal District Board of Directors.

- 20. Consider approval of Resolution No. 2023-0045 for a road donation in Pct. 4 from Tessia Stastny for the installation of a driveway and pipe culvert to improve drainage on 371 Hollybrook Dr. Inez, Texas in the amount of \$200 and take appropriate action.**

(20-1:10:34)

20. March 27, 2023. Moved by Kenneth Sexton and seconded by Jason Ohrt, the Commissioners Court approved Resolution No. 2023-0045 for a road donation from Tessia Stastny in the amount of \$200 for installation of a driveway and pipe culvert at 371 Hollybrook Drive, Inez, Texas in Precinct No. 4 to improve drainage. Motion adopted.

- 21. Receive for the record 2023 Discretionary Fund Budget Amendment for CDA Contraband Forfeiture Fund (370) and take appropriate action.**

(21-1:11:00)

21. March 27, 2023. Moved by Jason Ohrt and seconded by Danny Garcia, the Commissioners Court received 2023 Discretionary Fund Budget Amendment for CDA Contraband Forfeiture Fund (370). Motion adopted.

- 22. Consider approval of the following 2023 budget amendments and take appropriate action:**

(22-1:11:30)

22. March 27, 2023. Moved by Gary Burns and seconded by Kenneth Sexton, the Commissioners Court approved the 2023 budget amendments for:

- a. General Fund, Various Departments, Expenditures
- b. Airport Capital Projects Fund, Expenditures
- c. General Fund, Sheriff's Office, Expenditures

- 23. Consider approval of personnel changes and take appropriate action.**

(23-1:12:07)

24. March 20, 2023. Moved by Gary Burns and seconded by Kenneth Sexton, the Commissioners Court approved that payroll be processed in compliance with policy and personnel changes:

- a. Pama Hencerling, Chief Probation Officer - Juvenile Detention:
 - 1. TJJD Salary Adjustment for Asha N. Hargrove, Juvenile Detention Officer (JSO), to be paid \$46.42 per pay period, effective March 31, 2023. Certification date for Asha N. Hargrove is 2/24/2023. Budget Coding: Post-Adj Secure (JSO) 231-578-1135. Remarks: Asha N. Hargrove became a certified JSO on 11/17/2021. The 2022 salary adjustment of \$46.42 should begin on pay date 03/31/2023. One payment of \$46.42 should be paid on 03/31/2023 and \$46.42 thereafter.
 - 2. Resignation of Asha N. Hargrove, Juvenile Supervision Officer, with 4.50 hours compensatory hours due. Effective March 24, 2023.
 - 3. TJJD Salary Adjustment for Brittnei Rosalez, Juvenile Detention

Officer (JSO), to be paid \$46.42 per pay period, effective March 31, 2023. Certification date for Brittnei Rosalez is 2/24/2023. Budget Coding: Post-Adj Secure (JSO) 231-578-1135. Remarks: Brittnei Rosalez became a certified JSO on 11/17/2021. The 2022 salary adjustment of \$46.42 should begin on pay date 03/31/2023. One payment of \$46.42 should be paid on 03/31/2023 and \$46.42 Thereafter.

4. TJJD Salary Adjustment for George Ortiz, Juvenile

Detention Officer (JSO), to be paid \$46.42 per pay period, effective March 31, 2023. Certification date for George Ortiz is 02/24/2023. Budget Coding: Post-Adj Secure (JSO) 231-578-1135. Remarks: George Ortiz became a certified JSO on 3/31/2023. The 2023 salary adjustment of \$46.42 should begin on pay date 03/31/2023. One payment of \$46.42 should be paid on 03/31/2023 and \$46.42 thereafter.

5. TJJD Salary Adjustment for Paul Nunez, Juvenile

Detention Officer (JSO), to be paid \$46.42 per pay period, effective March 31, 2023. Certification date for Asha Hargrove is March 31, 2023. Budget Coding: Post-Adj Secure (JSO) 231-578-1135. Remarks: Paul Nunez became a certified JSO on 2/24/2023. The 2023 salary adjustment of \$46.42 should begin on pay date 3/31/2023. One payment of \$46.42 should be paid on 3/31/2023 and \$46.42 thereafter.

6. Employment of Jason Banks, (Juvenile Supervision Officer)

JSO at a rate of \$16.14 per hour, Budget Code 100-573-1156, effective March 28, 2023.

7. Employment of Terrean Len Steele, (Juvenile Supervision Officer)

JSO-PT at a rate of \$15.00 per hour, at 28-36 hours weekly. Budget Code 100-573-1157, effective March 28, 2023.

b. Ben Zeller, County Judge- Commissioners Court/Administrative Services:

1. A certificate of completion for Giani Cantu, Chief of Staff, from The V.G. Young Institute of County Government, including 12 hours of Education Training, 65th Annual VG Young School for Commissioners Court.

2. Position change for Loria Rose, Administrative Assistant, at a rate of \$20.00 per hour, Budget Code 100-401-1103 to \$21.15 per hour, Budget Code 100-401-1103, effective March 11, 2023

c. Jason Ohrt, Commissioner, Precinct No. 2 - Road and Bridge, Precinct No. 2:

1. Certificate of Completion for Jason Ohrt, Commissioner, Precinct No. 2 - Road and Bridge, Precinct No. 2 from the V.G. Young Institute of County Government for 13 hours of educational training for the 65th Annual VG Young School for Commissioners Courts for Jason Ohrt, Commissioner, Precinct No. 2.

d. Kenneth Sexton, Commissioner, Precinct No. 4 - Road and Bridge, Precinct No. 4:

1. Certificate of Completion for Kenneth Sexton, Commissioner, Precinct No. 4 - Road and Bridge, Precinct No. 4 from the V.G. Young Institute of County Government for 13 hours of educational training for the 65th Annual VG Young School for Commissioners Courts for Kenneth Sexton, Commissioner, Precinct No. 4.

e. Constance Filley Johnson, Criminal District Attorney- District Attorney's Office

1. Employment of (Re), Correction, Jordan Fries, First Asst./App CDA, at a rate of \$57.07 per hour, Budget Codes 100-475-1140 (\$50.07), 370-475-1140 (\$7.63), effective April 4, 2023.
- f. Mark Sloat, Director of Animal Services- Animal Services
 1. Resignation of Alexander Garza, Animal Control Officer, with 59.57 PTO and 32.94 Compensatory hours due, effective March 28, 2023.
 2. Dismissal of Nicolas Bennett, Animal Control Officer, effective March 20, 2023.
- g. Gary Burns, Commissioner, Precinct No. 3 - Road and Bridge, Precinct No. 3:
 1. Retirement of Luis Dimas, Sr. Equipment Operator, with 21.60 PTO and 1.02 Compensatory hours due, effective March 30, 2023.
- h. Vinicio Llerena, Airport Executive Director, Victoria Regional Airport:
 1. Salary Change for Dalton Blanton, Line Attendant, from a rate of \$15.50 per hour, Budget Code 321-606-1110 to a rate of \$16.25 per hour, effective March 11, 2023.

Motion adopted.

- 24. Closed meeting pursuant to V.T.C.A Government Code §551.074 to discuss personnel - various departments, §551.071 to conduct a private consultation with the County's attorney regarding matters protected by the attorney-client privilege, and §551.087 Economic Development.**

(24-1:12:58)

24 March 27, 2023. 2023. The Commissioners Court went into closed session at 11:13: a.m., pursuant to V.T.C.A Government Code §551.074 to discuss personnel - various departments, §551.071 to conduct a private consultation with the County's attorney regarding matters protected by the attorney-client privilege, and §551.087 Economic Development.

- 25. Pursuant to V.T.C.A. Government Code §551.102, return to an open meeting and take any action deemed necessary based upon discussion in the closed meeting.**

(25-3:29:25)

25. March 27, 2023 The Commissioners Court returned to open meeting at 1:28 p.m., pursuant to V.T.C.A. Government Code §551.102, return to an open meeting and take any action deemed necessary based upon discussion in the closed meeting.

- 26. Adjourn.**

(26-3:30:24)

26. March 27, 2023. The Commissioners Court adjourned the meeting of March 27, 2023.