

STATE OF TEXAS

COUNTY OF WHARTON

BE IT REMEMBERED that a Regular Court Session was held on Monday, February 23, 2009 at 9:30 A.M. in the Commissioners' Courtroom of the Wharton County Courthouse Annex Building with the following in attendance:

John W. Murrile,	County Judge
Leroy Dettling,	Commissioner Pct.1
D.C. "Chris" King,	Commissioner Pct.2
Philip Miller,	Commissioner Pct.3
Jimmy Kainer,	Commissioner Pct.4

The meeting was called to order at 9:37 A.M., Leroy Dettling, Commissioner Pct.1 gave the invocation, County Judge Murrile led in the Pledge of Allegiance, and the following business was transacted, to-wit:

Agenda items are in the order they were taken in the meeting.

Public
Comments

County Judge Murrile congratulated County Auditor Sharon H. Boedeker on her certificate of excellent financing of achievement.

Emergency Manager, Andy Kirkland announced that February 22, 2009 through February 28, 2009 as severe weather week.

Tracy Broadway and Dan Mathews addressed the court. They announced the new Radio Station KIOX and that they would cover the Commissioners' Court meetings.

Proclamation
09-13 United
States Navy
Day

County Judge Murrile read Proclamation 09-13 United States Navy Day.

Motion by Philip Miller, second by Jimmy Kainer to proclaim United States Navy Day as March 14, 2009 in Wharton County Proclamation 09-13.

All Voted AYE. Motion Carried.

1. Accepting
Homeland
Security
Grant

Motion by Chris King, second by Leroy Dettling to accept grant from Homeland Security in the amount of \$426,000.00 to be split between the City of Wharton, City of El Campo and Wharton County for radio equipment.

All Voted AYE. Motion Carried.

2. Set Public
Hearing

Commissioner Dettling addressed this issue.

Motion by Leroy Dettling, second by Philip Miller to set Public Hearing for

setting the speed limit on CR 154 and CR 162 on Monday, March 23, 2009 at 10:00 A.M.

All Voted AYE. Motion Carried.

3. County Wellness Program Diane Gertson and Jodie Macek addressed the court. They attended a TAC Program on the County's Wellness Program. There will be a meeting for County Employees on Thursday, February 26, 2009. Letter sent out with times.

4. Agreement With Motorola Bill Copeland addressed this issue.

Motion by Chris King, second by Philip Miller to authorize County Judge Murrile to sign Service Agreement with Motorola for console equipment for the period of March 1, 2009 through December 31, 2009. Money in the Sheriff's Budget.

All Voted AYE. Motion Carried.

5. Ratification Chief Bill Copeland addressed the court.

Motion by Chris King, second by Philip Miller to approve ratification of lease agreement for four new copiers for the Sheriff's Office and the property insurance on machines.

All Voted AYE. Motion Carried.

6. 10:00 A.M. Public Hearing OPEN PUBLIC HEARING-10:00 A.M. Creation of Emergency Service District 3 and 4.

Emergency Service District 3

Attorney Paul Webb for the City of Wharton addressed the court. They have worked out the boundaries with Emergency Service District 4 City of El Campo. He thanked both cities and officials for all their help on working this out.

Emergency Service District 4

Philip Spenrath Mayor of El Campo addressed the court. They will promote and create public safety.

CLOSE PUBLIC HEARING AT 10:06 A.M.

7. Order Special Election Motion by Chris King, second by Leroy Dettling to order special election for the creation of Emergency Service District 3 for May 9, 2009.

Commissioner King voted-Aye
Commissioner Dettling voted-Aye
Commissioner Miller voted-No
Commissioner Kainer voted-No

County Judge Murrile voted-Aye

Motion Carried 3-2

8. Order Special
Election

Motion by Philip Miller, second by Jimmy Kainer to order special election for the creation of Emergency Service District 4 for May 9, 2009.

All Voted AYE. Motion Carried.

9. Order Joint
Election

Election Administrator Judy Owens addressed the court.

Motion by Chris King, second by Philip Miller order a joint election for May 9, 2009.

All Voted AYE. Motion Carried.

10. Waive Optical
Scan Ballots

Election Administrator Judy Owens addressed the court.

Motion by Chris King, second by Jimmy Kainer to waive the use of optical Scan ballots for the May 9, 2009 Special Election.

All Voted AYE. Motion Carried.

11. Interlocal
Agreement
Matagorda
County

Chief Bill Copeland and Captain T.J. Sparkman addressed the court.

Motion by Philip Miller, second by Chris King to authorize County Judge Murrile to sign Interlocal Agreement Providing for Housing of Inmates from Wharton County in the Matagorda County Jail.

All Voted AYE. Motion Carried.

12. Railroad
Crossings
Agreements

Motion by Philip Miller, second by Jimmy Kainer to Authorize County Judge to sign Crossing Project Work Authorization Agreements between the State of Texas, the Kansas City Southern Railway Company and Wharton County.

All Voted AYE. Motion Carried.

13. Railroad
Crossings
Louise

Motion by Philip Miller, second by Jimmy Kainer to authorize County Judge Murrile to sign Joint Agreement in the Interest of Public Safety closing the Market Street, Victoria Street and Main Street at-grade crossings in Louise with Kansas City Southern Railway Company and the Texas Mexican Railway Company.

All Voted AYE. Motion Carried.

14. Abandon and Vacate Streets Louise
Motion by Philip Miller, second by Jimmy Kainer abandon and vacate portions on Market, Victoria and Main Streets in the town of Louise.
All Voted AYE. Motion Carried.
15. Purchase Gradall Precinct 4
Commissioner Kainer addressed this issue.
Pass till the March 9, 2009 agenda.
16. Sell Used Gradalls Precinct 4
Commissioner Kainer addressed this issue.
Pass till the March 9, 2009 agenda.
17. Damaged Dozer Precinct 4
Pass till the March 9, 2009 agenda.
18. Approve Refund
Tax Assessor Collector addressed this issue.
Will revisit.

Recess for break at 10:55 A.M.

Reconvene at 11:15 A.M.

19. Ratify payroll and Benefits
Motion by Philip Miller, second by Jimmy Kainer to ratify approval of payroll in the amount of \$235,783.58 and payroll benefits in the amount of \$104,373.07 as presented on February 9, 2009
All Voted AYE. Motion Carried.
20. Ratify Time Sensitive 02-09-09
Motion by Philip Miller, second by Leroy Dettling to ratify approval of time sensitive invoices in the amount of \$61,546.98 as presented on February 9, 2009.
All Voted AYE. Motion Carried.
21. Payroll and Benefits 02-27-09
Motion by Philip Miller, second by Jimmy Kainer to authorize County Treasurer and County Auditor to pay and release time sensitive invoices presented in the amount of \$117,863.31, payroll and applicable benefits for February 27, 2009 to be ratified by Commissioners' Court on March 9, 2009.
All Voted AYE. Motion Carried.

22. Ratify
Electronic
Fuel Fund
- County Treasurer Donna Kocurek addressed this issue.
- Motion by Chris King, second by Leroy Dettling to ratify electronic fund transfer in the amount of \$10,553.87 and \$17,517.68 to Susser Petroleum.
- All Voted AYE. Motion Carried.
23. 2008-2009
Budget
Adjustments
- County Auditor Sharon H. Boedeker read the 2008 budget adjustments into the minutes.
- Motion by Philip Miller, second by Jimmy Kainer to approve the 2008 budget adjustments as stated by the County Auditor.
- All Voted AYE. Motion Carried.
- County Auditor Sharon H. Boedeker read the 2009 budget adjustments into the minutes.
- Motion by Leroy Dettling, second by Chris King to approve the 2009 budget Adjustments as stated by the County Auditor.
- All Voted AYE. Motion Carried.
24. 2008-2009
Budget
Amendments
- County Auditor Sharon H. Boedeker read the 2008 budget amendments into the minutes.
- Motion by Philip Miller, second by Chris King to approve the 2008 budget amendments as stated by the County Auditor.
- All Voted AYE. Motion Carried.
- County Auditor Sharon H. Boedeker read the 2009 budget amendments into the minutes.
- Motion by Chris King, second by Leroy Dettling to approve the 2009 budget amendments as stated by the County Auditor.
- All Voted AYE. Motion Carried.
25. 4th Quarter
2008
Investment
Report
- County Treasurer Donna Kocurek read the 4th Quarter 2008 Treasurer's Investment Report into the minutes.
- Motion by Jimmy Kainer, second by Philip Miller to approve the 4th Quarter 2008 Treasurer's Investment Report.

All Voted AYE. Motion Carried.

26. Precinct budget Transfers Wes Birdwell and Eric Scheibe with Halff Associates presented an update on the Master Drainage Plan.

Recess for lunch at 12:26 P.M.

Reconvene at 01:37 P.M.

Revisit-

26. Precinct budget Transfer Motion by Chris King, second by Leroy Dettling to transfer \$80,500.00 out of Commissioners' Precincts budget and go into the Wharton Drainage Budget 2009.

All Voted AYE. Motion Carried.

Motion by Chris King, second by Leroy Dettling to resend motion.

All Voted AYE. Motion Carried.

27. Amend WA #6 Motion by Chris King, second by Philip Miller to amend recently authorized WA #6 for Halff Associates to perform engineering services to the County through 2009 from \$140,000.00 to 0.00.

All Voted AYE. Motion Carried.

28. Railroad Crossings Pass at this time.

29. WA #6 Railroad Pass at this time.

30. San Bernard Project Motion by Chris King, second by Philip Miller to authorize County Judge Murrile to sign Interlocal agreement between Wharton County and City of East Bernard regarding San Bernard Clearing Project after the City of East Bernard has signed.

All Voted AYE. Motion Carried.

31. Land purchase Louise JP.3 Office Commissioner Miller addressed this issue.
Motion by Philip Miller, second by Jimmy Kainer to authorize County Judge Murrile to sign the earnest money contract with The First State Bank of Louise for JP. 3 Building a 200 X 150 lot in the amount of \$16,500.00.

All Voted AYE. Motion Carried.

Revisit-
18. Approve refund Motion by Philip Miller, second by Jimmy Kainer to authorize refund of over-payment to First American Real Estate Tax Service in the amount of \$4,102.24 for 2007 taxes per section 31.11 (A.2) Texas Property Tax Code.

All Voted AYE. Motion Carried.

32. Accept Monthly Reports Commissioner Miller read the monthly reports into the minutes.

Motion by Philip Miller, second by Leroy Dettling to accept monthly reports as stated.

All Voted AYE. Motion Carried.

33. Permits Pct.1- Bore, Ratification Boling Municipal Water District.

Motion by Leroy Dettling, second by Philip Miller to approve bore on Caney St.

All Voted Aye. Motion Carried.

Have \$200.00 check.

Pct.2-None

Pct.3-None

Pct.4-None

34. Pay claims Batch 50
\$3,860.23

2008 travel bill for County Attorney G.A. "Trey" Maffett
Have a bill for Juvenile Detention
Have a bill for Xerox copies
Have a bill for autopsies.

Motion by Philip Miller, second by Chris King to authorize payment for 2008 bills out of 2009 funds.

All Voted AYE. Motion Carried.

Batch 50
JP.1 Clerk there is a question about mileage.

Pay exact mileage.

\$267,439.42
\$2,916.66
\$37,503.86

Motion by Jimmy Kainer, second by Chris King to pay claims.

All Voted AYE. Motion Carried.

ADJOURN

Motion by Leroy Dettling, second by Jimmy Kainer to adjourn.

All Voted AYE. Motion Carried.