

STATE OF TEXAS

COUNTY OF WHARTON

BE IT REMEMBERED that a Regular Court Session was held on Monday, May 11, 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 9:30 A.M., Leroy Dettling, Commissioner Pct.1 gave the invocation, County Judge John W. 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.

Proclamation 09-22 Mental Health Awareness Commissioner Dettling read proclamation #09-22 Mental Health Awareness into the minutes.

Motion by Leroy Dettling, second by Chris King to approve proclamation 09-22 Declaring May as Mental Health Awareness month in Wharton County.

All Voted AYE. Motion Carried.

Proclamation 09-26 Hurricane Awareness Week Commissioner King read proclamation #09-26 Hurricane Awareness Week into the minutes.

Motion by Chris King, second by Philip Miller to approve proclamation 09-26 designating the week of May 24, 2009 through May 30, 2009 in Texas and Wharton County as Hurricane Awareness week.

All Voted AYE. Motion Carried.

Proclamation 09-25 Older Americans Month County Judge Murrile read proclamation #09-25 Older Americans Month into the minutes.

Motion by Philip Miller, second by Jimmy Kainer to approve proclamation 09-25 to designate the month of May in Wharton County as Older Americans Month.

All Voted AYE. Motion Carried.

- Proclamation
09-24 Fibromyalgia
Awareness Day
- Denice Raybon read proclamation #09-24 Fibromyalgia Awareness Day into the minutes.
- Motion by Jimmy Kainer, second by Chris King to approve proclamation 09-24 to designate May 12, 2009 as Fibromyalgia Awareness Day.
- All Voted AYE. Motion Carried.
- 1.Resolution
09-23 FM 1301
Overpass Project
- Commissioner Miller read resolution 09-23 into the minutes.
- Motion by Chris King, second by Philip Miller to approve resolution 09-23 Supporting the City of Wharton on the FM 1301 Overpass Project.
- All Voted AYE. Motion Carried.
- 2.Resolution
09-27 Under-
Valuation of Oil
& Gas Properties
- Commissioner King read resolution 09-27 into the minutes.
- Motion by Chris King, second by Philip Miller to approve resolution 09-27 Under-Valuation of Oil & Gas Properties.
- All Voted AYE. Motion Carried.
- 3.Acceptance of
Texas Book
Festival Award
- Barbara Goodell addressed the court.
- Motion by Philip Miller, second by Chris King to approve the acceptance of the Texas Book Festival award in the amount of \$2,010.00.
- All Voted AYE. Motion Carried.
- 4.Moving funds
from part-time
to temporary
Library budget
- Barbara Goodell addressed the court. They total amount their needing to transfer from part-time to temporary is \$716.16.
- Motion by Chris King, second by Philip Miller to authorize 10 hours of funds to come from part-time to temporary in the total amount of \$716.16 from the Library's budget.
- All Voted AYE. Motion Carried.
- 14.Sheriff's Dept.
bid tabulation
for vehicles
- Lt. Danny Marek addressed the court.
- Will revisit.

- 7.Contract for J.P. Offices & GHS for Collections Motion by Philip Miller, second by Jimmy Kainer to authorize County Judge Murrile to sign contract for Collection of Delinquent Court Fees and Fines for Justice of Peace cases between GHS, Ltd., and Wharton County.
- All Voted AYE. Motion Carried.
- 23.Contract with RWS Architects For JP.3 building Malcolm Gaus addressed the court.
- Motion by Philip Miller, second by Jimmy Kainer to Authorize County Judge Murrile to sign contract with Polasek Construction Inc., for Justice of Peace #3 Building with a completion date of October 9, 2009.
- All Voted AYE. Motion Carried.
- 5.Alternatives for T1 line I.T. Director Darlene Munoz addressed the court with the alternative to T1 line for the Annex Building.
- 6.Agreement with AT&T for MIS Motion by Jimmy Kainer, second by Leroy Dettling to Authorize County Judge Murrile to sign agreement between Wharton County and AT&T for Managed Internet Services (MIS).
- All Voted AYE. Motion Carried.
- Revisit 14.Sheriff's Dept bid tabulation for vehicles Lt. Danny Marek with the Sheriff's Department addressed the court. They are wanting 3 Mercury Marquis (2 for investigators and 1 for the civil deputy) at the price of \$14,382.00 each and a van in the amount of \$14,200.00 from Von Der Au Ford. This is to come from the Sheriff's forfeiture fund and the District Attorney to contribute \$10,000.000 for the van.
- Motion by Philip Miller, second by Chris King to authorize purchase of 3 Mercury Marquis in the amount of \$14,382.00 each and 1 cargo van in the amount of \$14,200.00 from Von Der Au Ford and reduce their vehicle fleet by 4.
- All Voted AYE. Motion Carried.
- 24.Seized vehicle Auction with City of El Campo Lt. Danny Marek announced the date not set hope to do by the end of June.
- 11.Set Special Session to canvass votes for ESD 3 & 4 Election Administrator Judy Owens addressed the court.
- Set date to canvass vote for Emergency Service District No.3 and No.4 to Monday, May 18, 2009 at 8:30 A.M.

Recess for break at 10:26 A.M.

Reconvene at 10:45 A.M.

8. Maintenance quote with ESRI for Rural Addressing
Motion by Philip Miller, second by Jimmy Kainer Authorize County Judge Murrile to sign Maintenance Quote with ESRI, Inc., for 911 Rural Addressing.
All Voted AYE. Motion Carried.
9. Purchase Gradall for Pct.4
Commissioner Kainer addressed this issue.
Motion by Jimmy Kainer, second by Philip Miller to go out for bids for gradall. Open on June 4, 2009 and present and award on June 8, 2009.
All Voted AYE. Motion Carried.
10. Sell Gradall in Ritchie Brothers Auction
Commissioner Kainer addressed this issue. Commissioner Kainer is wanting to sell 4100 gradall in the Ritchie Brothers Auction June 10, 2009 through June 12, 2009 in Houston.
Motion by Jimmy Kainer, second by Philip Miller to authorize the sell of the 4100 gradall in the Ritchie Brothers Auction.
All Voted AYE. Motion Carried.
21. ATM machine for Courthouse Annex Building
County Treasurer Donna Kocurek addressed the court. The bank has an ATM machine they will let us use. We will need a phone line and electrical hookup. The cost will be \$74.25 for hookup and \$19.18 a month for the phone line.
Motion by Leroy Dettling, second by Jimmy Kainer to approve and to come out of the 401 Commissioners' Court budget.
All Voted AYE. Motion Carried.
25. Review Outstanding Invoices with Half Associates
Wes Birdwell with Half Associates addressed the court. He went over outstanding invoices with the county.
50% Grant \$103,442.63 Tres Palacios \$206,885.25
Retain - 10,344.26 <Outstanding \$251,885.25>
Actual 93,098.37
Matagorda co. + 23,550.00
Net 09 cost \$116,648.37 <90,236.88 Net County Cost>
Texas Water District Board to hold 10% of grant till project finished.

Motion by Chris King, second by Leroy Dettling to pay outstanding invoices with Halff Associates in the total amount of \$183,335.25 to come from contingency, with \$100,000.00 to come from Fuel appropriations and \$83,335.25 from Kleas appropriations.

All Voted AYE. Motion Carried.

Need to make changes in Drainage Criteria Manual. Need to set fee schedule at budget time.

27.Meet In
Closed
Session

The County Judge, all Commissioners', and the County Attorney are going into closed session at 11:31 A.M. to deliberate the following matter regarding Civil Action Regarding Removal of obstruction in County Road 119.

28.Reconvene
Open Session

Reconvene open session at 11:50 A.M.

Motion by Leroy Dettling, second by Chris King to authorize County Attorney To take all appropriate action on lawsuit on County Road 119.

All Voted AYE. Motion Carried.

12.2008-2009
Budget
Adjustments

County Auditor read the 2008 budget adjustments into the minutes.

Motion by Chris King, second by Leroy Dettling to approve the 2008 budget adjustments as stated by the County Auditor.

All Voted AYE. Motion Carried.

County Auditor read the 2009 budget adjustments into the minutes.

Motion by Jimmy Kainer, second by Leroy Dettling to approve the 2009 budget adjustments as stated by the County Auditor.

All Voted AYE. Motion Carried.

13.2009
Budget
Amendments

County Auditor read the 2009 budget amendments into the minutes.

Motion by Philip Miller, second by Chris King to approve the 2009 budget Amendments as stated by the County Auditor.

All Voted AYE. Motion Carried.

26. Move storage unit for Glen Flora Fire Department
 Commissioner King addressed this issue. Motion by Chris King, second by Jimmy Kainer to approve placing the storage unit for the Glen Flora Fire Department.
 All Voted AYE. Motion Carried.
- Recess for lunch at 12:00 P.M.
- Reconvene at 1:10 P.M.
29. Approve April Minutes
 Motion by Chris King, second by Leroy Dettling to approve April's Commissioners' Court Minutes.
 All Voted AYE. Motion Carried. Commissioner Miller absent for vote.
30. Monthly Reports
 County Judge Murrile read the monthly reports into the minutes.
 Motion by Leroy Dettling, second by Chris King to accept monthly reports as stated by County Judge Murrile.
 All Voted AYE. Motion Carried. Commissioner Miller absent for vote.
31. Permits
 Pct.1-H&L New Gulf, Bore on Derrick St., Whistle St., Reservoir St., Production Blvd., and Exploration St.
 Motion by Leroy Dettling, second by Chris King to approve.
 Pct.3-Accock/A Operating L.P., Ratify Hwy 71S to FM 2674 to CR 230 to location.
 Motion by Philip Miller, second by Jimmy Kainer to approve.
 All Voted AYE.
 Pct.2 & Pct.4-No permits
15. Ratify payroll and benefits
 Motion by Chris King, second by Philip Miller ratify approval of payroll in the amount of \$243,637.59 and payroll benefits in the amount of \$407,324.38 as presented on April 27, 2009.
 All Voted AYE. Motion Carried.
16. Approve changes to sick bank policy
 County Treasurer Donna Kocurek addressed this issue.
 14.06 delete last sentence.
 14.06 number 5 change 180 days to 90 days 720 hours.

Motion by Chris King, second by Philip Miller, to amend 14.06 number 5 to 480 hours effective May 11, 2009.

All Voted AYE. Motion Carried.

County Treasurer told to change days to hours.

17.Monthly Cash
& Investment
Report 01-09

County Treasurer Donna Kocurek read the report into the minutes.

Motion by Chris King, second by Leroy Dettling to approve the monthly Cash and Investment Report submitted by the County Treasurer for January 2009 and authorize publication of Affidavit of same in accordance with Local Government Code 114.026.

All Voted AYE. Motion Carried.

18.Ratify time
sensitive
04-13-09

Motion by Chris King, second by Leroy Dettling to ratify approval of time sensitive invoices in the amount of \$961.64 presented on April 13, 2009.

All Voted AYE. Motion Carried.

19.Payroll &
Benefits
05-15-09

Motion by Philip Miller, second by Jimmy Kainer to authorize County Treasurer and County Auditor to pay and release time sensitive invoices as presented in the amount of \$85,865.07, payroll and applicable benefits for May 15, 2009.

All Voted AYE. Motion Carried.

20.Ratify time
sensitive
04-27-09

Motion by Philip Miller, second by Leroy Dettling to ratify approval of time sensitive invoices in the amount of \$551,279.83 as presented on April 27, 2009.

All Voted AYE. Motion Carried.

22.Monthly Cash
& Investment
Report 02-09

County Treasurer Donna Kocurek read the report into the minutes.

Motion by Philip Miller, second by Jimmy Kainer to approve the monthly Cash And Investment Report submitted by the County Treasurer for February 2009 and Authorize publication of Affidavit of same in accordance with Local Government Code 114.026.

All Voted AYE. Motion Carried.

32.Pay claims

Batch 50
08-Amegy Bank High-tech \$368.50
08-Konica Minolta \$16.05
08-Waukesha-Pearce Pct.1 \$130.09
County Attorney-Insurance Net. \$92.50

Pct.4-Quailty Hot Mix \$8,494.92

Motion by Chris King, second by Philip Miller to approve batch 50 less AT&T in the amount of \$646.22 and Grainger in the amount of \$28.08 with the new total amount of \$9,102.06.

All Voted AYE. Motion Carried.

\$287,159.61

\$9,102.06

Motion by Philip Miller, second by Jimmy Kainer to approve claims.

All Voted AYE. Motion Carried.

ADJOURN

Motion by Jimmy Kainer, second by Chris King to adjourn.

All Voted AYE. Motion Carried.