

STATE OF TEXAS

COUNTY OF WHARTON

BE IT REMEMBERED that a Regular Court Session was held on Monday, December 14, 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 9:33 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.*

1. Loan Star  
Libraries FY 10  
Grant

Barbara Goodell addressed the court.

Motion by Philip Miller, second by Leroy Dettling to accept and authorize County Judge Murrile to sign Loan Star Libraries FY 10 Grant in the amount of \$14,561.00.

All Voted AYE. Motion Carried.
2. Library long-  
Range plan

Barbara Goodell addressed the court.

Motion by Philip Miller, second by Jimmy Kainer to approve the revised library long-range plan as required by the Texas State Library as filed.

All Voted AYE. Motion Carried.
3. Resolution  
#09-44  
Ray Rolf

Commissioner Leroy Dettling read the resolution #09-44 Ray Rolf into the minutes.

Motion by Leroy Dettling, second by Philip Miller to approve resolution #09-44 Ray Rolf for his dedication and service to Wharton County and wish him well in his retirement.

All Voted AYE. Motion Carried.

4. Texas General Obligation Refunding Bonds 2010  
 Jim Gilley and Ben Rosenberg with Costal Securities addressed the court.  
 Cynthia Redwine with Vinson & Elkins addressed the court.  
 Motion by Philip Miller, second by Leroy Dettling to approve refunding bond series 2010.  
 Motion by Philip Miller, second by Leroy Dettling to rescind motion and second.  
 Pass till the December 28, 2009 agenda.
5. Public Hearing speed limit CR 269  
 Open Public Hearing at 10:44 A.M. to discuss setting speed limit on CR 269.  
 Raphael Harrison addressed the court about the speed limit on CR 269.  
 Commissioner King addressed this issue. The road is only 15 feet wide and there is not a shoulder.  
 Close Public Hearing at 10:50 P.M.
6. Set speed limit on CR 269  
 Motion by Chris King, second by Philip Miller to set speed limit at 35 mph for entire CR 269.  
 All Voted AYE. Motion Carried.
7. Bid package Internet 2010  
 Commissioner Miller addressed this issue. This would be a way to save the county money on postage. A letter would be sent to all the bidders.  
 Motion by Philip Miller, second by Jimmy Kainer to approve posting all bid packages on the internet for 2010.  
 All Voted AYE. Motion Carried.
8. Security at Wharton Tax Offices  
 Pass on this item.
23. Agreement with Linebarger Gogan Blair & Sampson, LLP for delinquent taxes  
 Chip Sutton addressed the court.  
 Motion by Philip Miller, second by Chris King to accept renewal of agreement between Wharton County and Linebarger Gogan Blair & Sampson, LLP for the collection of the delinquent ad valorem taxes for a two year contract effective January 1, 2010 through December 31, 2012.  
 All Voted AYE. Motion Carried.

26. Order authorizing quitclaim of right of way easement

Homer Humphrey addressed the court.

Motion by Chris King, second by Philip Miller to approve order and authorize County Judge Murrile to sign the quitclaim deed of right of way easement to Homer Humphrey.

All Voted AYE. Motion Carried.

Recess at 11:05 A.M.

Reconvene at 11:29 A.M.

9. Copier lease Ikon Office Solutions Pct.4

Motion by Jimmy Kainer, second by Philip Miller to authorize County Judge Murrile to sign lease for copier with Ikon Office Solutions and Pct.4.

All Voted AYE. Motion Carried.

Commissioner Dettling absent for the vote.

Commissioner Dettling arrived at 11:33 A.M.

10. Purchase of pickup through HGAC

Commissioner Kainer addressed this issue.

Motion by Jimmy Kainer, second by Philip Miller to authorize Commissioner Kainer to purchase pickup through HGAC in the amount of \$28,673.00.

All Voted AYE. Motion Carried.

11. Burned dozer Proceeds Pct.4 2010 budget

Commissioner Kainer addressed this issue. He is asking to take the proceeds from the dozer that burned in 2009 in the amount of \$23,125.00 and add this to his 2010 budget to purchase another dozer.

Motion by Jimmy Kainer, second by Chris King to authorize the funds of \$23,125.00 to be used in 2010 to purchase a dozer.

All Voted AYE. Motion Carried.

12. Pct.4 bids for tractor with slope mower

Motion by Jimmy Kainer, second by Philip Miller to authorize Commissioner Kainer to go out for bids to purchase a used tractor with slope mower to be opened on December 31, 2009 at 9:00 A.M. in the County Auditor's Office and present in court on December 31, 2009.

All Voted AYE. Motion Carried.



20. Appoint board members for ESD #1, EDS#2, ESD#3 and ESD#4. ESD #1  
Darrell Smith-2 year term-January 1, 2010 thru December 31, 2011  
Patrick Hlavaty-2 year term-January 1, 2010 thru December 31, 2011  
William "Bubba" Wilcox, Sr.-1 year term-January 1, 2010 thru December 31, 2010  
(unexpired term of Wayne Allen)

ESD #2  
Chris Mirse-2 year term-January 1, 2010 thru December 31, 2011  
Alison Mazoch-2 year term-January 1, 2010 thru December 31, 2011

ESD #3  
Larry Bubela-1 year term-January 1, 2010 thru December 31, 2010  
David Clayton-1 year term-January 1, 2010 thru December 31, 2010  
Curtis Edwards-2 year term-January 1, 2010 thru December 31, 2011  
Johnna Sheek-2 year term-January 1, 2010 thru December 31, 2011  
Herman Wolff, Jr.-2 year term-January 1, 2010 thru December 31, 2011

ESD #4  
Keith Bram-1 year term-January 1, 2010 thru December 31, 2010  
Bob Little-1 year term-January 1, 2010 thru December 31, 2010  
Gary Charbula-2 year term-January 1, 2010 thru December 31, 2011  
John Crowell-2 year term-January 1, 2010 thru December 31, 2011  
Melissa Green-2 year term-January 1, 2010 thru December 31, 2011

Motion by Jimmy Kainer, second by Chris King to appoint board members for ESD #1, ESD #2, ESD #3, and ESD #4 as listed.

All Voted AYE. Motion Carried.

21. Wharton/  
Matagorda  
CPS Director Motion by Philip Miller, second by Leroy Dettling to appoint Don Hillis and Sara Judkins to the Wharton-Matagorda Children's Protective Services Board of Directors for January 1, 2010 through December 31, 2012.

All Voted AYE. Motion Carried.

22. Transfer funds Pct.3 budget Motion by Philip Miller, second by Jimmy Kainer to transfer funds from road materials in the amount of \$1,863.00 to cover shortage for month of November 2009.

All Voted AYE. Motion Carried.

24. Temporary position for 2009 in the Tax Assessor's Office Motion by Philip Miller, second by Leroy Dettling to approve funds from travel to temporary at a 3A for two weeks in the amount of \$734.00.

All Voted AYE. Motion Carried.

Recess for lunch at 12:00 P.M.

Reconvene at 1:26 P.M.

Commissioner Kainer absent.

25. Clarification on vacation benefits Commissioner King addressed this issue.

Commissioner Kainer arrived at 1:33 P.M.

27. Designate time and place for 2010 Commissioners' Court Motion by Philip Miller, second by Leroy Dettling to set date of meetings as the 2<sup>nd</sup> and 4<sup>th</sup> Monday of the month at 9:30 A.M. at the Wharton County Courthouse Annex, 309 E. Milam St., Wharton, Tx. for the 2010 Commissioners' Court.  
All Voted AYE. Motion Carried.

28. 2009 Budget adjustments County Auditor Sharon H. Boedeker read the 2009 budget adjustments into the minutes.  
Motion by Leroy Dettling, second by Philip Miller to approve the 2009 budget adjustments as stated.

All Voted AYE. Motion Carried.

29. 2009 Budget amendments County Auditor Sharon H. Boedeker read the 2009 budget amendments into the minutes.  
Motion by Philip Miller, second by Jimmy Kainer to approve the 2009 budget amendments as stated.

All Voted AYE. Motion Carried.

30. 2010 Salary authorization Motion by Philip Miller, second by Leroy Dettling to set signed salary authorization date as January 11, 2010.

All Voted AYE. Motion Carried.

31. Clarify sick bank and disability pay Clarify sick bank and disability pay regarding days other than work days for County Treasurer.

Discussion only.

32. Postage machine District Courts Building County Treasurer Donna Kocurek addressed this issue. This contract will save the county \$113.00 a month.  
 Motion by Philip Miller, second by Leroy Dettling to approve lease agreement with Pitney Bowes for the District Courts Building postage machine.  
 All Voted AYE. Motion Carried.
33. Postage Machine Courthouse Annex County Treasurer Donna Kocurek addressed this issue. This contract will save the county \$400.00 a year.  
 Motion by Philip Miller, second by Jimmy Kainer to approve lease agreement with Pitney Bowes for the Courthouse Annex postage machine.  
 All Voted AYE. Motion Carried.
34. Night depository contract Motion by Jimmy Kainer, second by Chris King to approve night depository contract with Prosperity Bank for Pct.2.  
 All Voted AYE. Motion Carried.
35. Ratify payroll and benefits for 11-8-2009 Motion by Philip Miller, second by Leroy Dettling to ratify approval of payroll in the amount of \$246,895.12 and payroll benefits in the amount of \$393,204.70 as presented on November 28, 2009.  
 All Voted AYE. Motion Carried.
36. Ratify time sensitive 11-23-2009 Motion by Leroy Dettling, second by Jimmy Kainer to ratify approval of time sensitive invoices in the amount of \$58,507.84 as presented to Commissioners' Court on November 23, 2009.  
 All Voted AYE. Motion Carried.
37. Time sensitive and payroll benefits 12-15-2009 Motion by Philip Miller, second by Jimmy Kainer to authorize County Treasurer and County Auditor to pay and release time sensitive invoices in the amount of \$17,075.06 as presented, payroll and applicable benefits for December 15, 2009 to be ratified by Commissioners' Court on December 28, 2009.  
 All Voted AYE. Motion Carried.
38. Lease agreement with Xerox for El Campo Annex tax office Motion by Leroy Dettling, second by Philip Miller to approve and authorize County Judge Murrile to sign lease agreement with Xerox for copy/fax machine in the El Campo Annex Tax Office.  
 All Voted AYE. Motion Carried.

39. Lunch  
Wharton  
Extension  
Office  
Lunch was served and a year end report was given by the Wharton County Extension Office at their year end luncheon.
40. Eagle Scout  
Project JP.3  
Commissioner Miller addressed this issue. Vincent Lutringer is working on his Eagle Scout project and would like to put an awning over the table and bench at the JP.3 playground equipment. This will be of no cost to the county.  
  
Motion by Philip Miller, second Jimmy Kainer to approve project for Eagle Scout Vincent Lutringer at the JP.3 and Library Offices on the playground to put awning over the table.  
  
All Voted AYE. Motion Carried.  
  
Commissioner King absent for the vote.
41. 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.  
  
Commissioner King absent for the vote.
42. Permits  
Pct.1-3-No permits  
  
Pct.4-Heavy Load, Cimarex Energy Co., Ingress FM 961 turn right on CR 459 to location.  
  
Motion by Jimmy Kainer, second by Chris King to approve pending receiving bond and original permit.  
  
All Voted AYE. Motion Carried.
- Public Comments  
Loss Control Representative Odean Slaton with Texas Association of Counties Introduced himself to court.
43. Pay Claims  
Batch 50 \$779.77  
  
Motion by Philip Miller, second by Leroy Dettling to approve batch 50.  
  
All Voted AYE. Motion Carried.

\$316,734.12  
\$10.00  
\$22,301.38  
\$100,637.27

Motion by Leroy Dettling, second by Chris King to pay claims.

All Voted AYE. Motion Carried.

ADJOURN

Motion by Leroy Dettling, second by Chris King to adjourn.

All Voted AYE. Motion Carried.