

**MINUTES**  
**WALLER COUNTY COMMISSIONER'S COURT**  
**REGULAR SESSION**  
**WEDNESDAY – MARCH 2, 2022**

**BE IT REMEMBERED** that the Honorable Commissioner's Court of Waller County, Texas, met in **REGULAR SESSION** on Wednesday, the 2<sup>nd</sup> day of March 2022 at its meeting place in the Commissioners Courtroom of the Waller County Courthouse, Hempstead, Texas. The meeting was called to order by Waller County Judge Trey Duhon at 9:01 a.m. with the following members of the Court present to-wit:

Carbett "Trey" J. Duhon III, County Judge  
John A. Amsler, Commissioner Precinct 1  
Walter Smith, Commissioner Precinct 2  
Kendric D. Jones, Commissioner Precinct 3  
Justin Beckendorff, Commissioner Precinct 4  
Debbie Hollan, County Clerk

Delivery of Invocation by: Commissioner Amsler  
Pledge to the American Flag and Texas Flag led by: Commissioner Beckendorff

1. **Approval of Agenda.**

Motion made by Commissioner Smith, seconded by Commissioner Beckendorff.

**Motion carried** by 5-0 vote.

*Judge Trey Duhon – Yes*

*Commissioner Amsler – Yes*

*Commissioner Smith – Yes*

*Commissioner Jones – Yes*

*Commissioner Beckendorff – Yes*

**PUBLIC COMMENT**

To slow the spread of COVID-19, the public may make public comment at the beginning of the meeting by teleconference. **Local callers should call 979-921-6212.** Non-local callers should call 800-576-1131. The user code for both numbers is **14329937**. Callers will be asked if they would like to make public comment. After public comment, the teleconference line will be closed. The public may continue to watch the meeting streamed online at <http://wallercountytexas.com/live>.

The following public members made public comment:

1. Lasha Roberts

**CONSENT AGENDA**

Items identified within the consent agenda are of a routine nature, and will be passed with one vote without being discussed separately. If a member of the court or public requests that a particular item be discussed, that agenda item will be pulled from the Consent Agenda and discussed as part of the regular agenda at the appropriate time. One vote will approve the remaining items on the Consent Agenda.

2. **Approval of the minutes** – February 22, 2022 Regular Session

3. **Request to approve payment on the following:**

(a) \$6,269.00 for invoice # 7839 to Harris County from line item 125-423-540705 (Transport to Morgue).

(b) \$152,201.75 for invoice # 02152022GWA to Waller County Appraisal District from line item 125-437-540500 [Tax Appraisal District] for 2<sup>nd</sup> quarter allocation payment as allocated in the 2022 Budget.

4. Request by County Auditor for approval and/or ratification of Accounts Payable.

Motion to approve consent agenda made by Commissioner Jones, seconded by Commissioner Beckendorff.

**Motion carried** by 5-0 vote.

*Judge Trey Duhon – Yes*

*Commissioner Amsler – Yes*

*Commissioner Smith – Yes*

*Commissioner Jones – Yes*

*Commissioner Beckendorff – Yes*

### **COMMISSIONER, PRECINCT 3**

5. Discuss and take action to approve the appointment of a committee to review the OPEB Liability. *No backup submitted.*

Motion to approve Consent Agenda made by Commissioner Beckendorff, seconded by Commissioner Jones.

Motion made by Commissioner Beckendorff to create an OPEB committee which would consist of the County Auditor, the Assistant Auditor, the Treasurer, Commissioner Jones, a representative from the Sheriff's Department, representative from Road & Bridge, seconded by Commissioner Jones.

**Motion carried** by 5-0 vote.

*Judge Trey Duhon – Yes*

*Commissioner Amsler – Yes*

*Commissioner Smith – Yes*

*Commissioner Jones – Yes*

*Commissioner Beckendorff – Yes*

### **SHERIFF**

6. Discuss and take action to approve Waller County Towing Ordinance.

Motion to approve made by Commissioner Beckendorff, seconded by Commissioner Jones.

Motion to table agenda item made by Commissioner Beckendorff, seconded by Commissioner Jones.

**Motion carried** by 5-0 vote. **Item TABLED.**

*Judge Trey Duhon – Yes*

*Commissioner Amsler – Yes*

*Commissioner Smith – Yes*

*Commissioner Jones – Yes*

*Commissioner Beckendorff – Yes*

7. Discuss and take action to approve Motorola Agreement.

Motion to approve made by Commissioner Jones, seconded by Commissioner Beckendorff.

**Motion carried** by 5-0 vote.

*Judge Trey Duhon – Yes*

*Commissioner Amsler – Yes*

*Commissioner Smith – Yes*

*Commissioner Jones – Yes*

*Commissioner Beckendorff – Yes*

### **COUNTY ENGINEER**

8. Discuss and take action to approve a variance request to the Waller County Subdivision and Development Regulations regarding Appendix A – Engineering Design Standards 4.3.5 650' minimum centerline radius from Bluestem Development Company.

Motion to approve made by Commissioner Beckendorff, seconded by Commissioner Jones.

**Motion carried** by 5-0 vote.

*Judge Trey Duhon – Yes*

*Commissioner Amsler – Yes*

*Commissioner Smith – Yes*

*Commissioner Jones – Yes*

*Commissioner Beckendorff – Yes*

9. Discuss and take action to approve the contract with EHRA for Professional Surveying, Engineering and Construction Services for the replacement of Clemons Switch Road Bridge over Bessies Creek at a cost of \$115,867.00. Funding to be paid from 110-530-590000 (Bridge Replacement).

Motion to approve made by Commissioner Jones, seconded by Commissioner Beckendorff.

**Motion carried** by 5-0 vote.

*Judge Trey Duhon – Yes*

*Commissioner Amsler – Yes*

*Commissioner Smith – Yes*

*Commissioner Jones – Yes*

*Commissioner Beckendorff – Yes*

10. Discuss and take action to approve the transfer of \$40,000.00 from ARP Funds to 110-524-581800 (Furniture) for the cost of office furniture for new employees and staffing moves at the Road & Bridge Department.

Motion to approve made by Commissioner Beckendorff, seconded by Commissioner Jones.

Commissioner Jones made motion to be paid out of line item 110-530-587516, seconded by Commissioner Smith.

**Motion carried** by 5-0 vote.

*Judge Trey Duhon – Yes*

*Commissioner Amsler – Yes*

*Commissioner Smith – Yes*

*Commissioner Jones – Yes*

*Commissioner Beckendorff – Yes*

## **TAX ASSESSOR COLLECTOR**

11. Discuss and take action to authorize the County Judge to sign a resale deed for the private tax resale of property currently held in trust by Waller County pursuant to Section 34.05(h)(2) of the Texas Tax Code.

Motion to approve made by Commissioner Jones, seconded by Commissioner Beckendorff.

**Motion carried** by 5-0 vote.

*Judge Trey Duhon – Yes*

*Commissioner Amsler – Yes*

*Commissioner Smith – Yes*

*Commissioner Jones – Yes*

*Commissioner Beckendorff – Yes*

## **ELECTIONS**

12. Discuss and take action to approve Joint Resolution authorizing Elections Administrator to contract for Elections Services with local entities countywide for the May 7, 2022 Election.

Motion to approve made by Commissioner Jones, seconded by Commissioner Beckendorff.

**Motion carried** by 5-0 vote.

*Judge Trey Duhon – Yes*

*Commissioner Amsler – Yes*

*Commissioner Smith – Yes*

*Commissioner Jones – Yes*

*Commissioner Beckendorff – Yes*

13. Discuss and take action for approval to post the Notice of Election in a newspaper of general circulation for the May 7, 2022 Election.

Motion to approve made by Commissioner Beckendorff, seconded by Commissioner Smith.

**Motion carried** by 5-0 vote.

*Judge Trey Duhon – Yes*

*Commissioner Amsler – Yes*

*Commissioner Smith – Yes*

*Commissioner Jones – Yes*

*Commissioner Beckendorff – Yes*

## **RECYCLE CENTER**

14. Discuss and take action to approve the accepted recycling materials and fees.

*No backup submitted.*

Motion to approve made by Commissioner Jones, seconded by Commissioner Beckendorff.

Motion to amend charging out of county residents .50 cents for disposal per pound for TV's and for Printers by Commissioner Beckendorff, seconded by Commissioner Amsler.

**Amendment carried** by 5-0 vote.

*Judge Trey Duhon – Yes*

*Commissioner Amsler – Yes*

*Commissioner Smith – Yes*

*Commissioner Jones – Yes*

*Commissioner Beckendorff – Yes*

**Amended Motion carried** by 5-0 vote.

*Judge Trey Duhon – Yes*

*Commissioner Amsler – Yes*

*Commissioner Smith – Yes*

*Commissioner Jones – Yes*

*Commissioner Beckendorff – Yes*

***Advanced to Agenda Items #16, #18-23***

**MISCELLANEOUS**

16. Discuss and take action to amend County policies in relation to COVID-19.

*No action taken.*

18. Discuss and take action to deliberate business and financial issues in executive session based on determination and recommendation from the District Attorney's Office that deliberation in an open meeting regarding business and financial issues related to the purchase, exchange, lease, or value of real properties in Precinct 1, Precinct 3, and Precinct 4 would have a detrimental effect on the position of the County in negotiations with third persons.

Motion to approve made by Commissioner Beckendorff, seconded by Commissioner Jones.

**Motion carried** by 5-0 vote.

*Judge Trey Duhon – Yes*

*Commissioner Amsler – Yes*

*Commissioner Smith – Yes*

*Commissioner Jones – Yes*

*Commissioner Beckendorff – Yes*

19. Discuss and take action to deliberate business and financial issues in executive session based on a determination and recommendation from the District Attorney's Office that deliberation in an open meeting regarding business and financial issues related to a contract being negotiated would have a detrimental effect on the position of the County in negotiations with third persons.

Motion to approve made by Commissioner Jones, seconded by Commissioner Beckendorff.

**Motion carried** by 5-0 vote.

*Judge Trey Duhon – Yes*

*Commissioner Amsler – Yes*

*Commissioner Smith – Yes*

*Commissioner Jones – Yes*

*Commissioner Beckendorff – Yes*

**EXECUTIVE SESSION**

20. Deliberate the appointment, employment, or duties of the Waller County Commissioners Court Director of Policy and Administration pursuant to Section 551.074 of the Government Code.
21. Deliberate business and financial issues related to the purchase, exchange, lease, or value of real properties in Precinct 1, Precinct 3, and Precinct 4 pursuant to Government Code Sections 551.072 and 551.0725.
22. Deliberate business and financial issues related to a contract being negotiated pursuant to Government Code Section 551.0725.
23. Consultation with District Attorney and outside counsel pursuant to Government Code Section 551.071.

**Court convened to Executive Session at 10:30 a.m.**

**Court reconvened from Executive Session at 3:17 p.m.**

**MISCELLANEOUS**

- 15. Discuss and take action to approve settlement offers in the matter of Texas Opioid multi-district litigation, cause number 2018-63587, currently pending in the 152<sup>nd</sup> District Court in Harris County, Texas, and authorize execution of settlement documents.

Motion to approve made by Commissioner Jones, seconded by Commissioner Beckendorff.

**Motion carried** by 5-0 vote.

|                               |                                  |                                       |
|-------------------------------|----------------------------------|---------------------------------------|
| <i>Judge Trey Duhon</i> – Yes | <i>Commissioner Amsler</i> – Yes | <i>Commissioner Smith</i> – Yes       |
|                               | <i>Commissioner Jones</i> – Yes  | <i>Commissioner Beckendorff</i> – Yes |

- 17. Discuss and take action to approve public finance counsel agreement with Bickerstaff Health Delgado Acosta and order authorizing contingent fee agreement with public finance counsel.

Motion to approve made by Commissioner Jones, seconded by Commissioner Beckendorff.

**Motion carried** by 5-0 vote.

|                               |                                  |                                       |
|-------------------------------|----------------------------------|---------------------------------------|
| <i>Judge Trey Duhon</i> – Yes | <i>Commissioner Amsler</i> – Yes | <i>Commissioner Smith</i> – Yes       |
|                               | <i>Commissioner Jones</i> – Yes  | <i>Commissioner Beckendorff</i> – Yes |

***Proceeded with Agenda Item #24***

- 24. Reconvene in Open Session to take any action necessary on matters discussed in Executive Session.

Judge Duhon made motion that we extend an offer to Robert Pechukas for that position at a salary of \$105,000.00 plus benefits, seconded by Commissioner Beckendorff.

**Motion carried** by 4-1 vote.

|                               |                                  |                                       |
|-------------------------------|----------------------------------|---------------------------------------|
| <i>Judge Trey Duhon</i> – Yes | <i>Commissioner Amsler</i> – Yes | <i>Commissioner Smith</i> – No        |
|                               | <i>Commissioner Jones</i> – Yes  | <i>Commissioner Beckendorff</i> – Yes |

**ADJOURN MEETING**

Motion to **adjourn** meeting by Commissioner Amsler, seconded by Commissioner Jones.

**Motion carried** by 5-0 vote.

|                               |                                  |                                       |
|-------------------------------|----------------------------------|---------------------------------------|
| <i>Judge Trey Duhon</i> – Yes | <i>Commissioner Amsler</i> – Yes | <i>Commissioner Smith</i> – Yes       |
|                               | <i>Commissioner Jones</i> – Yes  | <i>Commissioner Beckendorff</i> – Yes |

Meeting was **ADJOURNED** at 3:20 p.m.

I **ATTEST** that the above proceedings are the true and correct minutes taken in my capacity as Ex-Officio for the Commissioners’ Court of Waller County.



*Debbie Hollan*  
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 Debbie Hollan  
 Waller County Clerk

**APPROVED** this the **9<sup>th</sup>** day of **March 2022**.

*Trey Duhon*  
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 Carbett “Trey” J. Duhon, III  
 County Judge