



DIANE DAY
AUSTIN COUNTY CLERK

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COMMISSIONERS COURT MINUTES

Order #25-179

October 13, 2025 Austin County Commissioners Court met in the 2nd floor Courtroom at the Austin County Courthouse with the following present:

Tim Lapham, County Judge
Greg Mikel, Commissioner, Precinct 1
Robert "Bobby" Rinn, Commissioner, Precinct 2
Leroy Cerny, Commissioner, Precinct 3
Chip Reed, Commissioner, Precinct 4
Allison Gerik, Deputy Clerk

9:00 A.M. OPENING

CALL TO ORDER

INVOCATION

PLEDGES OF ALLEGIANCE

ROLL CALL AND CERTIFICATION OF QUORUM

Motion to Approve: Commissioner Reed, 2nd Commissioner Mikel, passed (4-0)

1. Proclamation and special recognitions: a. Breast Cancer Awareness Month

Breast Cancer Awareness Proclamation read to the court by Judge Lapham. Picture taken with the court.

Motion to Approve: Commissioner Rinn, 2nd Commissioner Mikel, passed (4-0)

2. Petitions or Requests from the Public.

Judge advised the fire departments have been busy past couple days fighting fires and the county is here to help them.

3. Presentation of Audit FY 2021-2022

Billy Doherty (County Auditor) introduced representative, Todd Pruitt, with Patillo, Brown, & Hill LLP. Todd Pruitt (Patillo, Brown, & Hill LLP) thanked the court for allowing him to perform the audit for FY 2022. Audit Financial Statement book reviewed with court. Significant risk was also discussed.

The county was issued a unmodified opinion which is the highest opinion one can receive.

Motion to Approve: Commissioner Reed, 2nd Commissioner Rinn, passed (4-0)

4. Discussion regarding imposition of a burn ban and action as appropriate.

Judge Lapham presented a drought index from the Forest Service.

Commissioner Reed approved to put burn ban into effect.

Motion to Approve: Commissioner Reed, 2nd Commissioner Rinn, passed (4-0)

5. Consideration and action to amend subdivision variance granted 09.22.25 on Tranquil Ln, Pct. 2.

Jonathan Hopko (County Engineer) stated when passed at previous meeting the owner did not understand what exactly was going to be done. As a result of Jonathan Hopko (County Engineer) and Commissioner Rinn speaking with the owner it was determined the owner wanted to modify and divide into 3.

Motion to Approve: Commissioner Rinn, 2nd Commissioner Mikel, passed (4-0)

6. Consideration and action to declare the following items as surplus:

- a. 5- 2.2 SCBA (tag numbers: 03877, 04210, 04209, 03875, 02197)**
- b. 17- Scott 30-minute low pressure bottles (tag numbers: 04206, 03981, 03873, 03983, 03874, 04208, 04207, 03872, 03987, 03982, 03985, 03989, 03984, 03878, 03990, 03988, 03871)**

Motion to Approve: Commissioner Reed, 2nd Commissioner Rinn, passed (4-0)

7. Discussion regarding the purchase of new computers and software for the D.A.'s Office and action as appropriate.

Brandy Robinson (District Attorney) stated she put in a request for technology budget a few months ago but was told to hold off until Brandon Hoff (IT department) is completely done making replacements. Now that this is complete, there are still quite a few items still needing replacement. Currently the biggest necessity would be laptops. Most computers in the District Attorney's Office are 5 years or older. It was also stated that soon all evidence will become digital to stay up to date. Currently 2 attorneys already have laptops, leaving the rest of the personnel needing laptops. It is requested that the purchases be made from the technology fund.

Commissioner Reed asked what the comparison of forfeiture to computer fund is.

Billy Doherty (County Auditor) stated the laptops requested would require 20% of the FY 2025-2026 technology fund in October.

Commissioner Cerny requested half be taken out of forfeiture fund and half out of technology fund.

Brandy Robinson (District Attorney) advised the court needs to understand how forfeiture money is collected. The District Attorney's Office has always been conservative with spending because they never know when that money amount will run out. Forfeiture funds are collected through money taken from criminal suspects. The amount collected has lessened over the past few years. Legislatures are constantly trying to ban counties from doing this.

Sheriff Brandes advised the forfeiture fund has also helped buy tools for the task force.

Brandy Robinson (District Attorney) stated the goal was never to use for reoccurring expenses for the county.

Commissioner Reed expressed that he understands and has seen forfeiture funds spent for whatever and however you want and that computers could come out of funds.

Brandy Robinson (District Attorney) explained there are different types of forfeiture funds. Forfeiture funds can be used as a courtesy to the county but cannot be used for reoccurring items.

Commissioner Reed stated this is not something we are doing every time.

Judge Lapham stated if we use forfeiture fund, we would be using criminal money to prosecute criminals.

Brandy Robinson (District Attorney) emphasized that the forfeiture fund is used and is about to be used to buy officers training manuals. When supplementary equipment is

needed it is purchased through the forfeiture fund. This was considered necessary so that is why a request was submitted back in June.

Commissioner Reed explained that the difference must be understood between the amounts in the forfeiture and technology fund.

Brandy Robinson (District Attorney) stated she understands that difference but explained most computers needing to be replaced are 7-10 years old and that we wait till we absolutely need them to submit replacement request.

Commissioner Cerny inquired if the county can purchase computers through technology fund and the District Attorney's Office purchase programs out of their funding.

Brandy Robinson (District Attorney) emphasized software subscriptions are prohibited from being purchased with the forfeiture fund. No county offices can operate budgets around their forfeiture budget.

Commissioner Rinn inquired if this amount was added to the new budget.

Judge Lapham stated it is known that currently there are issues being faced with CJIS compliance on certain computers. However, if laptops were purchased, would desktops be needed also?

Brandy Robinson (District Attorney) confirmed just laptops are needed to be purchased.

Commissioner Cerny agreed laptops would be worth the little more amount.

Brandy Robinson (District Attorney) explained that most agencies have switched to digital evidence in the county which is creating an issue causing the district attorneys office to need to make the switch to digital evidence soon. Therefore it would be best to get laptops we know would work with digital evidence when we make that switch.

Commissioner Cerny inquired if subscription services can be purchased from forfeiture fund.

Brandy Robinson (District Attorney) emphasized that subscriptions can not be purchased from the forfeiture fund, only one-time purchases can.

Commissioner Cerny asked Billy Doherty (County Auditor) what his thoughts were.

Billy Doherty (County Auditor) suggested to purchase laptops through the technology fund, software out of maintenance fund, and docking stations can come out of personal office funds.

Commissioner Cerny made motion to follow Billy Doherty (County Auditor) suggestion to purchase laptops through the technology fund, software purchased out of maintenance

fund, and docking stations purchased out of personal office funds and address monitors later.

Motion to Approve: Commissioner Cerny, 2nd Commissioner Rinn, passed (4-0)

Judge Lapham advised Brandy Robinson (District Attorney) to obtain cost for monitors and bring to next court for discussion.

8. Discussion regarding shredding service for D.A.'s Office and action as appropriate.

Brandy Robinson (District Attorney) explained the reason to use private company is that usually most shredding is done by Juvenile Probation and due to the nature of our work it is not proper for Juvenile Probation to shred due to possibly seeing their own case files. Private companies have shredded for us in the past. Currently the district attorney's office has a hallway full of boxes to be shredded.

Commissioner Rinn inquired how long it has been since the last shredding took place.

Brandy Robinson (District Attorney) stated the last shredding took place approximately 4 years ago. The company can come in pick up the boxes and take off site for shredding.

Commissioner Cerny stated it would be better if the company came and did it on site.

Brandy Robinson (District Attorney) stated wherever the shredding is done is fine just needs to be completed by independent company.

Chief Walter Morrow (EMS Chief) stated he is willing to help due to having patient forms that need to be shredded.

Commissioner Cerny request an on-site price be given to the court.

Brandy Robinson (District Attorney) advised maybe we could make it worth it with county wide shredding.

Billy Doherty (County Auditor) will get price quote from representative and report back to court.

9. Discussion regarding the purchase of a new vehicle for SO Drone Program and action as appropriate.

Per Sheriff Brandes, the current drone deputy goes daily to fly for multiple law enforcement agencies also including the District Attorney's office. Any emergency in the county the drone deputy responds.

Lt. Donald Darracq (Sheriff Office) stated originally when the drone program first started the drone deputy was placed in an older unit. The unit has gotten us by for the time being but recently was damaged in an accident. Tegeler has advised the truck would need to be ordered with a delivery time of 90-120 days. Caldwell Country also gave a quote which was less than Tegeler however the Sheriff Office request we go with a local dealership to keep the money local with the hope of using SB 22 money. Would need to accept Tegeler's quote to get truck ordered.

Commissioner Cerny motions to accept quote from Tegler not to exceed \$50,400.00 out of SB22 funds.

Motion to Approve: Commissioner Cerny, 2nd Commissioner Rinn, passed (4-0)

10. Discussion regarding transport deputies' compensation and action as appropriate.

Per Sheriff Brandes, the 2 transport deputy positions are now filled.

Lt. Donald Darracq (Sheriff Office) explained previously the court allowed is to forgo comp pay requirements and pay immediate overtime. However, nobody was interested in using their time off for transports. We are requesting the court to vacate order and just pay out comp once the deputies receive their 480 hours of comp time.

Commissioner Reed inquired how often a deputy will go over their 480 hours of comp time.

Per Lt. Donald Darracq (Sheriff Office), he does not have access to view that information but everyone is different so not sure.

Judge Lapham asked when the positions were filled.

Lt. Donald Darracq (Sheriff Office) advised they filled the positions 2 weeks ago.

Commissioner Cerny emphasized at the end of the day this is just cheaper.

Commissioner Cerny motions to remove the 480-hour comp time exemption for inmate transport granted August 12, 2024.

Motion to Approve: Commissioner Cerny, 2nd Commissioner Reed, passed (4-0)

11. Discussion regarding fuel log policy and action as appropriate.

Removed.

- 12. Consideration and action to approve lease purchase with Welch State Bank for Constable, Pct. 3 vehicle.**

Needing to be approved so a lease purchase can be made. The lease would consist of 3 payments for a 2025 Ford expedition.

Motion to Approve: Commissioner Reed, 2nd Commissioner Rinn, passed (4-0)

13. CONSENT AGENDA

- a. Consideration and action to approve minutes:**

i. 08.25.25

- b. Consideration and action to approve temporary access agreements on Shupak Rd, between Austin County, Pct. 2 and the following property owners:**

i. Ford- Wright

ii. Shupak

- c. Consideration and action to approve Private Roadway Name Request for Thicket Lane to be added to the Austin County 911 Road Map, Pct. 1**

- d. Consideration and action to approve Required Schooling Application for Bernice Berger, Justice of the Peace, Pct. 4, to be held March 30, 2026 – April 2, 2026, in Round Rock, Texas.**

- e. Consideration and action to adopt FY 2026 Austin County Resolution for Indigent Defense Grant Program.**

- f. Consideration and action to approve Right-of-Way Permit request for installation of fiber cable by Industry Communications, on Hofheinz Rd, Pct. 2**

- g. Consideration and action to approve Right-of-Way permit request for Installation of 12 fiber cables by Industry Communications, on Pilcik Rd., Pct. 2**

- h. Consideration and action to appoint Commissioner Leroy Cerny to the Austin County Appraisal District Board for a 2- year Term to run January 1, 2026 through December 31, 2027.**

- i. Consideration and action to accept salary orders from the District Judge for County Auditor's Office.**

- j. Consideration and action to renew Medical Director contract between Benjamin Oei, M.D., and Austin County.**

Motion to Approve: Commissioner Reed, 2nd Commissioner Rinn, passed (4-0)

- 14. Discussion regarding request for approval of Denai development facility and action as appropriate.**

Removed.

15. Discussion and action regarding Alen's Creek – Sector 2 Stormwater Mitigation Project – Grant #22-085-007-0235

a. Rescind contract award

Motion to approve: Commissioner Reed, 2nd Commissioner Cerny, passed (4-0)

b. Receive and review previously unconsidered evidence considering the lower bid as best per Local Government Code 262.027 c2

Commissioner Reed stated the letter from Southern Infrastructure Group was read and a response was appreciated. Therefore, we would like to give Southern Infrastructure Group the chance to come up and speak.

Howard Birch (Southern Infrastructure Group) inquired if there is an objection to Southern Infrastructure Group. No documentation has been received or provided with the court's intent. All things were outlined in public bidding process to keep transparent and equal. Southern Infrastructure Group is requesting Austin County create an equal playing field. Southern Infrastructure Group can perform the project and want to know why they were not awarded.

Judge Lapham explained there is a hesitation from the court because we were immediately given a letter by an attorney. As a result of receiving this letter our attorney has advised us to be careful of what we say.

Howard Birch (Southern Infrastructure Group) stated they do not work with attorneys but were caught off guard.

Court Recessed at 10:40am.

Court Reconvened at 10:56am.

Judge Lapham emphasized the best thing to do is meet with all the commissioners in an executive meeting during the executive item line.

c. Award bid contract

Commissioner Reed motions to award construction bid to Solid Bridge Construction.

Motion to Approve: Commissioner Reed, 2nd Commissioner Mikel, passed (4-0)

16. Discussion regarding Website and Permitting System/ Software and action as appropriate.

Per Jonathan Hopko (County Engineer), the permitting department has been looking into CivicPlus as the new permitting software. This would also serve as the website due

to the mandate coming in 2027. Software program functions were explained to the court.

Commissioner Cerny inquired if the contract must be signed yearly.

Jonathan Hopko (County Engineer) stated the contract does have to be signed yearly. Dianna Grobe (County Judge Chief of Staff) explained the website looks a lot more user friendly but have not looked into privileges yet.

Commissioner Reed asked if the Website and Permitting are combined in the contract.

Per Judge Lapham, all cost is different.

Jonathan Hopko (County Engineer) advised if implemented today we will go live in 6 months.

Judge Lapham suggested a committee be created to review everything first.

Jonathan Hopko (County Engineer) will create a committee to review everything then bring it back to court.

Commissioner Rinn motioned to table until committee can review.

Motion to Table: Commissioner Rinn, 2nd Commissioner Cerny, passed (4-0)

17. Budgetary and Financial Claims- action as appropriate.
a. Payment of Claims

Total: \$1,032,434.46

Total: \$1,912,569.41

Motion to Approve: Commissioner Rinn, 2nd Commissioner Reed, passed (4-0)

b. Fund Transfers

Total: \$869,078.47 (September 30, 2025)

Total: \$1,418,515.34 (October 6, 2025)

Total: \$11,956.79 (October 7, 2025)

Total: \$146,324.23 (October 13, 2025)

Motion to Approve: Commissioner Rinn, 2nd Commissioner Cerny, passed (4-0)

- c. Budget Amendments**
- d. County Auditor's review of finances**
- e. County Treasurer's
 - i. Payroll and Escrow Report – 10.03.2025****

Motion to Approve: Commissioner Cerny, 2nd Commissioner Mikel, passed (4-0)

- 18. Written end-of-the month reports submitted by County Offices**
 - a. Justice of the Peace, Pct 3- September 2025**
 - b. Constable Pct. 1 – September 2025**
 - c. Jail Population- September 2025**
 - d. TxDMV- September 2025**
 - e. EMS- August & September 2025**

Motion to Approve: Commissioner Reed, 2nd Commissioner Mikel, passed (4-0)

Court Recessed at 11:34am.

EXECUTIVE SESSION - A closed meeting will be held concerning the following items:

- 1. Economic Development Matter - Castleman**
- 2. Legal Matter**

Court Reconvened at 11:59am.

19. Action as appropriate on Executive Session

Commissioner Reed motions to accept settlement agreement concerning Justice Center.

Motion to Approve: Commissioner Reed, 2nd Commissioner Mikel, passed (4-0)

20. Commissioners' Court Inquiry

Burn ban will take effect shortly once letter is signed by Judge Lapham.

Court adjourned at 12:10pm

Motion to Adjourn: Commissioner Reed, 2nd Commissioner Mikel, passed (4-0)

ALL SUPPORTING DOCUMENTS ON FILE WITH COUNTY CLERK AS PROVIDED
BY
COMMISSIONERS COURT

I, Diane Day, Austin County Clerk, attest to the minutes of the Commissioners Court proceedings for October 13, 2025.

Date: October 28, 2025

Diane Day, Austin County Clerk
Clerk of Commissioners Court
Austin County, Texas

By: Allison Gerik
Allison Gerik, Deputy Clerk



FILED
2025 OCT 28 AM 10:51

Diane Day
COUNTY CLERK
AUSTIN COUNTY, TEXAS