

The Austwell City Council met for their regular monthly meeting on Tuesday, February 23, 2021, at 6:00 PM at the community center. Seven citizens, County Commissioner Blaine Wolfshohl, Assistant District Attorney Tim Poynter, and City Commissioners Bonnie Mutschler and Andy Biery attended the meeting. Mayor Molly Garcia and City Secretary Josephine Spence did not attend.

Commissioner Biery called the meeting to order and led the pledge of allegiance to the flag. Commissioner Mutschler congratulated citizens on withstanding the recent frigid weather. Commissioner Biery explained that the meeting held on February 5, 2021, was to fill the vacancy left on the council when Donnie Denton resigned. By a provision in the Texas Constitution providing for the participation of a "holdover officer", the Texas Municipal League had recommended that Mr. Denton come back to serve on the council one more time after his resignation to allow the election of someone to fill the vacant council seat. Andy Biery had been selected to fill that position and had been sworn in by Refugio County Sheriff Gonzalez. As a public comment, Skip Upton encouraged citizens to participate in city government.

No secretary's report was available although it had been requested. Water system director Rene Rodriguez was not in attendance due to a heavy workload caused by the recent winter storm, but it was reported that water and wastewater services were returning to normal and that a complete water system report would be presented at the next meeting.

Minutes of the special meeting held on February 5 which included the selection and installation of Andrew "Andy" Biery to fill the Place 1 Commissioner's position were read and approved. Minutes of the January 11 meeting were unavailable.

Following discussion of the procedures for the election of mayor pro tem, the item was tabled because neither council member could vote for himself/herself to provide the majority vote. Assistant District Attorney Tim Poynter made a statement regarding the legality regarding the the selection of the mayor pro tem. Commissioner Biery moved to table the action on this issue. Motion was seconded and approved.

Consideration of the mowing contract included discussion regarding production of a city map to indicate areas to be mowed and separation of the basic contract into two contracts, one for mowing city properties and one for general cleaning and maintenance at the park and community center. Discussion followed regarding the mowing of alleyways and easements, as well as consideration of mowing done by citizen volunteers. Publishing the advertisement calling for bids was postponed until the map could be completed and validated.

Reports on income and expenses for the RV park were unavailable. Consideration was given to the use of a citizen volunteer as RV park host. Action on this item was tabled until information has been gathered and the revision of the rules and regulations document has been completed.

Discussion on the previous city secretary's dismissal and the current secretary's selection, duties, responsibilities, salary, and contract were incomplete because of lack of information. The previous secretary was hired by a majority vote of the council in open session. The hiring process and job description of the current secretary have not been officially explained. An employee handbook should be made available for city officials and employees. Assistant District Attorney Poynter offered comments on the employment status of the previous secretary. Commissioner Biery suggested the employment of someone with a background in accounting

who could begin the process of preparing for an audit while also performing other secretarial duties. Action was tabled until additional information can be gathered.

Establishing a policy for the distribution of keys to the public area of the community center and the office area of the building was considered. Motion was made by Commissioner Biery, seconded by Commissioner Mutschler, and passed to have additional copies of the front door key made so that all council members may have a key to the public area of building but allowing the office space to be separately locked.

The necessity of an audit of the city financial records in order for the city to be eligible for grants was considered. The previous rejection of an offer by a CPA to organize financial documents and prepare them for audit was discussed. The financial plan adopted at the June 2020 meeting was reviewed. Council members may be required to petition for documents under the Freedom of Information Act in order to receive material related to this issue. It was suggested that hiring a secretary with a background in accounting might be a step in solving the problems. Action on this matter was tabled.

An extension of the necessity of an audit was the consideration of the status of FEMA grants administered by Grantworks. A review of the financial policy adopted at the June 22, 2020, council meeting held with representatives from Grantworks included designating four individuals who are authorized to sign checks, requiring two authorized signatures on every check and annual audits. Council members may petition for documents under the Freedom of Information Act in order to receive material related to this issue.

Explanations of the policy for handling checks, getting information about city bank accounts, and determining whose names are on signature cards was not available. Commissioner Biery moved that the council request credit card information for the last six months, the addition of the names of Commissioners Biery and Mutschler to the signature card at Wells Fargo Bank, and the removal of the name of current city secretary Josephine Spence from the signature card. Motion was seconded and passed.

Before adjournment, County Commissioner Blaine Wolfshohl announced that he has invited a representative from LNV Engineering to make a presentation to the Austwell city council and citizens regarding updates to the pier and the city park at an upcoming meeting.

Commissioner Mutschler moved that the meeting be adjourned. The motion was seconded and approved.

Minutes submitted by Commissioner Bonnie Mutschler
due to absence of city secretary