

NOTICE OF MEETING OF THE
COMMISSIONERS' COURT OF TITUS COUNTY, TEXAS

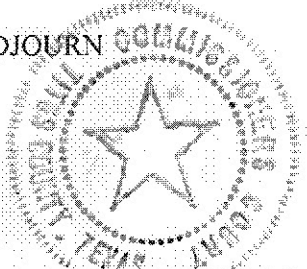
Notice is hereby given that a Regular Meeting of the Commissioners' Court of Titus County, Texas, will be held on the 11th day of January, 2010, at 9:00 o'clock A.M., in the Titus County Courthouse, County Courtroom, 100 West First Street, Suite 205, Mt Pleasant TX 75455, at which time the following subjects will be discussed not necessarily in the order presented:

PLEDGE OF ALLEGIANCE

INVOCATION

1. Public comments and/or requests for information on non-agenda items in accordance with Section 551.042, Texas Open Meetings Act
2. Presentation on Loop Project
3. Review minutes for December 28, 2009 Special Meeting
4. Consider and Possibly Approve Pauper's Funeral
5. Consider and Possibly Approve Purchase of following for County Clerk's Office:
 - a. Plat Monitor & Printer
 - b. 3 Adobe Standard
 - c. Digitizing and uploading pre-1974 Marriage Licenses
 - d. Agreement with NetData regarding Disaster Recovery Program
6. Consider and Possibly Approve Loan to Tri Lakes VFD
7. Presentation of Mental Health Parity Act and consider and possibly take action
8. Consider and possibly approve travel and seminars for Titus County employees and elected officials
9. Approve oral and written reports of county officials
10. Consider and Possibly Approve Treasurer's Report
11. Approve budget amendments
12. Sign pay orders and approve payments
13. Closing comments by County Judge and Commissioners, if any

ADJOURN



Commissioners' Court of Titus County, Texas

County Judge

I, the undersigned County Clerk, do hereby certify that the above Notice of Meeting of the Commissioners' Court of Titus County, Texas, is a true and correct copy of said Notice, and that I posted a true and correct copy of said Notice on the bulletin board and doors of the Titus County Courthouse and Annex, places readily accessible to the general public at all times, prior to 9:00 o'clock A.M., on the 8th day of January, 2010, and remained so posted for at least 72 hours preceding the scheduled time of said meeting.

County Clerk / Deputy County Clerk

COMMISSIONERS COURT
REGULAR MEETING
JANUARY 11, 2009

BE IT REMEMBERED THAT THE TITUS COUNTY COMMISSIONERS COURT met in a Special Meeting on Monday, January 11, 2009 at 9:10 a.m. in the Titus County Courtroom with the following members present:

ELECTED OFFICIALS

SAM W. RUSSELL, not in attendance	COUNTY JUDGE
DON BOGGS	COMMISSIONER PRECINCT 1
MIKE FIELDS	COMMISSIONER PRECINCT 2
PHILLIP HINTON	COMMISSIONER PRECINCT 3
THOMAS HOCKADAY	COMMISSIONER PRECINCT 4
TERESA PRICE	COUNTY CLERK
TIM INGRAM	SHERIFF
DEBBIE RHEA	TREASURER
NORMA NARRAMORE	DEMOCRATIC CHAIR

PUBLIC ATTENDING MEETING

CARL JOHNSON, AUDITOR	MIKE AHRENS	BOBBY SPEARMAN
ANGIE PASCUAL	STEVE AUSTIN	BRIAN LEE
BOBBY PALMER	JANICE CHISM	KENNY ROLLINS
JENNIE TARABORELLI	MARK HEIDAKER	PAUL HEIDAKER

Pledge of Allegiance: Led by Mike Fields

Invocation: Commissioner Don Boggs

1. IN THE MATTER OF PUBLIC COMMENTS AND/OR REQUESTS FOR INFORMATION ON NON-AGENDA ITEMS IN ACCORDANCE WITH SECTION 551-042, TEXAS OPEN MEETINGS ACT.

Steve Austin thanked the Court for allowing him to come and give a report on the Titus County Historical Commission and the activities during the year of 2009. The Historical Commission turned in the newly elected officers list for approval and review, submitting them to the Texas Historical Commission and a revised list of its officers and members. A monthly display has been maintained in the courthouse lobby with topics such as: Texas History, Veterans History, World War I, II, and Vietnam. We also celebrated Texas History in honoring our veterans. The Veterans of Foreign Wars, American Legion, DAV and the Commission have been touring the local cemeteries, marking the veteran graves with the appropriate flags and providing to the historic data base information from the headstones. The Commission has had the opportunity to nominate and submit for award the consideration of the web site of Robert Turner for TitusHistory.Com for Excellence in Media Award. Mr. Austin reported the loss of two of its members, Robert Turner and Judy Hammonds who are resources that will be sorely missed and difficult to replace. The Commission has created some liaisons with the Chamber of Commerce, Main Street Committee and City Planning Dept. and corresponds regularly. Main Street Committee, through the City, have provided funds for the preservation process in which 100 photographs from the Pioneers and Hero book have been removed from their frames, placed in archival boxes, cataloged and placed in acid free paper. All work on the project was done by volunteers. The archived boxes have been placed in the vault of the

Library. Mr. Austin mentions many goals for 2010; one project is the Statute at the South East corner. The Commission is asking the public to help determine the extent of the restoration necessary. The Commission is also attempting to secure the whistle from the tower units of the refinery that had been donated. They are looking to restore possible tourist attractions such as the Fort Sherman Projects and reviving the train depot among many other goals that encourage the interest in history and preservation of Mt. Pleasant.

2. Presentation on the Loop Project by Jennie Taraborelli

For update listen to Audio: Track 4 Time 5:30

3. IN THE MATTER OF REVIEWING MINUTES FOR COMMISSIONERS COURT SPECIAL MEETING ON DECEMBER 28, 2009.

Commissioner Boggs requested minor changes. Item 2 changes ~~accepted~~ to ~~is amended~~ on Item 6 change ~~lakes~~ to ~~Lake Regional MHMR~~ and to correct the spelling of ~~possibly~~ in the heading of the same item and Item 9a change from ~~oping~~ to ~~copying~~ Commissioner Boggs makes a motion to accept the minutes as amended.

Motion was made by Commissioner Boggs to accept the minutes as amended and seconded by Commissioner Hinton. County Clerk reminds the Court the item states ~~review~~ not ~~consider~~ and possibly ~~approve~~ Commissioner Boggs states because there is no action then the motion does not need to be withdrawn. Commissioner Fields states, ~~since~~ there is no action it will be tabled until the next meeting to vote on.

4. IN THE MATTER OF CONSIDERING AND POSSIBLY APPROVING PAUPER'S FUNERAL.

A request for the pauper's funeral for Richard Brown who shows no assets; the total expense will be \$950.00. Commissioner Hockaday makes a motion to pay the pauper's funeral.

Motion made by Commissioner Hockaday and seconded by Commissioner Hinton to approve the payment of the pauper's funeral.

Discussion: Commissioner Boggs asks why if the deceased lives in Omaha, Texas, which is Morris County. Before he could complete his statement Commissioner Hockaday explained he lived in Titus County with an Omaha address. Satisfied with the response Commissioner Boggs stated he was ready to vote.

Motion carried unanimously

Attachment # 4

5. IN THE MATTER CONSIDERING AND POSSIBLY APPROVING THE COUNTY CLERK'S OFFICE:

- a. Plat Monitor & Printer

Shawn from Kaybro Technology and the Purchasing Agent William White teamed up and saved the County \$307.02 on the hardware. Auditor Carl Johnson asked for the total and the Clerk replied, ~~the~~ hardware was \$1652.95, travel of \$675.00, and onsite training of \$590.00 for a total of 2917.95. Commissioner Fields ask if the items qualify to be paid through R&M and the Clerks response was yes.

Motion was made by Commissioner Hinton and seconded by Commissioner Boggs to approve the purchase of the Plat Monitor & Printer with R&M Funds.

Motion carries unanimously.

Attachment #5a

b. 3 Adobe Standard

The Clerk explains the use of the software is to scan items that are not part of the NetData software. When asked she informs the Court an approximate cost of \$89.99 times 3 totaling \$269.97. Commissioner Fields asks the Clerk if these items qualified as R&M expense and did she recommend the purchase of these items. Again, her response was yes.

Motion was made by Commissioner Hinton and seconded by Commissioner Boggs to approve the purchase of 3 Adobe Standard with R&M Funds.

Motion carries unanimously.

c. Digitizing and uploading pre-1974 Marriage Licenses

Commissioner Boggs asks again for assurance that this purchase would not burden in anyway the server. The County Clerk reassured the Court that the system was currently at 94.7% which was 1% less than previously mentioned and that her office would not upload or scan any large sums to documents that could overload the system. The total for the project \$3150.00, she also informed the Court that Shawn from Kaybro Technology suggested going through ACS because they already had the documents on film, in storage. Commissioner Fields explained the Court's concern was if we had to change software would this program be compatible. The Clerk responded positively. Commissioner Fields again asks if the Clerk recommends the purchase using R&M Funds. The Clerk responds, Yes.

Motion was made by Commissioner Boggs and seconded by Commissioner Hinton to approve the purchase of Digitized Marriage Records with R&M Funds.

Motion carries unanimously.

d. Agreement with NetData regarding Disaster Recovery Program

Commissioner Fields states that by law we do have to have a system in place in case something major happens. NetData has a system in place that would have us up and running in just a few days. What we are running into we are getting so close and we were waiting on an invoice. Auditor restates from previous court that this had not been done in the past and he was able to make an agreement with NetData to reduce the fee from \$10,000 to \$5,000. Reminding the Court if continued to next year the cost will be \$10,000 and can be terminated at anytime. Auditor requested the Court to pass as Maintenance. I and II at \$5,000. Commissioner Fields spoke to John Paul and he also stated the fee would be \$5000 for 1 year. John Paul also wanted the Court to understand that the system was so close to its capacity that he would take a mainframe from Madison County and would keep the system available, in case of computer problems; until the Court could decide the system they would go with. Commissioner Fields had spoken to the County Tax Assessor, Judy Cook, who he explained informed him that she thought it would be a short period of time with the new program that they would be able to remove data from the system which would relieve it some. But our mainframe is 7 yrs old which has lasted 2 years longer than it should. County Clerk informs the Court of HB 1739 which assesses a fee of \$10 to all civil cases filed in the County and can be used specifically for digitizing records and would enable the Court to offset the expense of a Disaster Program. The Clerk continued to say this fee would need to be passed through Court. Based on an average of the last three years this would generate about \$5000. Commissioner Field stated his knowledge of the HB and that he, the Commissioners and Judge would look at the Bill and maybe place the item on a future agenda and possibly vote on. Commissioner Fields reiterates that the County will have the Disaster Recovery Program in place for \$5000 instead of \$10,000. It is my understanding this is a state mandate; the County is required to have a program set up in case of a natural disaster. Also, NetData has agreed to keep a mainframe available until a decision is made by the Court as to the system the Court will go with. Auditor tells the court the Clerk has agreed to pay for the service through R&M. The Clerk

requests the Court to stipulate the \$5000 Disaster Recovery Policy begin upon purchase and continue for one year. Commissioner Fields reminds the Court of his conversation with NetData and he was told the policy would be effective October 1, 2009 to September 31, 2010 and that the Court should have acted on this earlier. Commissioner Hockaday asked the Auditor to see if it was a possibility. The Auditor agreed to ask NetData but informed the Court that he had rather them prorate to price rather than the date of the contract.

Motion was made by Commissioner Hinton and seconded by Commissioner Hockaday to approve the purchase of the Disaster Recovery Program with R&M funds.

Discussion: Commissioner Boggs notes on Level I and II there was a catch all, number 3 and 4 respectively and asks, "Is their standard rate of billing \$150 an hour?" Commissioner Boggs continues to read, "Buyer, recognizing that other services may be needed from Seller, agrees to pay standard hourly billing rates of one hundred-fifty dollars per hour and expenses in return for other services rendered." He states, "I'm not sure what that may be, that's awfully open ended." County Auditor suggests the Court table this item and talk to NetData or the Court could approve up to \$5000. Commissioner Boggs states he does not know why they would put it in the Policy because the County has a contract with NetData. The Auditor explains the other contract was strictly for the software and cost in bringing it in and loading it up is not in that price. He assumes that in the process of coming over here the extent of the work in case of tornado they would charge \$150 per hour in addition to the \$5000 where they are capturing the data. Commissioner Boggs continues, "In contracts, anytime I see one of those 'if anything happens' lets narrow that down to 'if what happens'" Bobby Palmer, from the Tribune asks "The question is, are they going to charge us \$5000 or are they going to charge \$2500, because there is only 6 months left on the value." Commissioner Boggs asks if the Court could postpone action on this item until the Court could find some clarification of what exactly the contract involves, as far as the "everything else" Commissioner Fields asks for a withdrawal of motion. Commissioner Hinton withdraws motion. Commissioner Boggs asks, "When did we get this contract?" Commissioner Hockaday states, "I don't know" County Clerks informs the court, "August 7th" The Auditor states, "I did not see that contract, I just saw the invoice in October. That's when I called them" Commissioner Hockaday stated "I had not seen the contract either" The County Clerk states, "The contract was in your packet that I provide for you on August 7th"

Motion was made by Commissioner Hinton and seconded by Commissioner Hockaday to table until the next meeting.

Motion carries unanimously.

6. IN THE MATTER OF CONSIDERING AND POSSIBLY APPROVING THE LOAN TO TRI LAKES VFD.

Commissioner Fields informs the Court that Tri Lakes VFD could save about \$1,000 if the Court would write one check. Texas Forest Service will pay \$153,900, Titus County \$16,000 with reimbursement of \$1,100 to the County from Tri Lakes VFD, totaling \$171,000.

Motion was made by Commissioner Hinton and seconded by Commissioner Boggs to provide one check to Tri Lakes VFD in the amount of \$171,000 for the purchase of a fire truck.

Motion carries unanimously.

7. IN THE MATTER OF PRESENTATION OF THE MENTAL HEALTH PARITY ACT AND TO CONSIDER AND POSSIBLY TAKE ACTION ON.

Speaker Angie Pascual, with Health First, informs the Court effective October 3rd the Federal Government passed a law or enhanced the law stating if you had a fully insured plan or self funded health plan, and if your plan chooses to cover Mental Health services then you must do so at the same level that you cover medical/surgical expenses. This was to go into effect as you renewed after October 3rd. See Attachment for previous plan and audio Track 11- time 5:30

Motion was made by Commissioner Boggs and seconded by Commissioner Hinton to keep the Mental Health as is.

Motion carries unanimously.

8. IN THE MATTER OF CONSIDERING AND POSSIBLY APPROVING TRAVEL AND SEMINAR FOR TITUS COUNTY EMPLOYEES AND ELECTED OFFICIALS.

Sheriff Ingram is requesting training in dealing with abuse and sexual abuse for Investigator Baxter on Jan 11-15, 2010. There will be no additional cost to the County other than travel according to the Sheriff Ingram. Robert Arrellano is requesting to attend school from February 8-12, 2010 in Odessa \$480 for the motel and \$275 for the Texas District and County Attorney Assoc. and \$180 for meals. Commissioner Boggs asked if the request had been signed by John Mark Cobern, the County Attorney. Commissioner Fields noted the request had been signed by the County Attorney. A request was presented for travel expense for County Clerk School at A&M round trip mileage of \$215 and 4 days for meals at \$160 totaling \$375. Total of room, bills, and everything is a total of \$790. 05. County clerk informs the Court that this request has already been approved in a previous meeting. County Auditor explains that Amber keeps all requests in her files. Commissioner Fields ask if Mrs. Jeffery would be attending the conference. The Clerk tells the Court she will not be accompanied by anyone. Commissioner Hinton made a motion to approve travel and seminars.

Motion was made by Commissioner Hinton and seconded by Commissioner Boggs to approve the travel and seminar for Titus County Employees and Elected Officials.

Motion carried unanimously.

Commissioner Hinton asks to be excused for an appointment and was granted by the Court.

9. IN THE MATTER OF CONSIDERING AND POSSIBLY APPROVING ORAL AND WRITTEN REPORTS OF COUNTY OFFICIALS.

Commissioner Fields explains as the Court was looking over the reports that the Judge Russell could not be here today something had come up that he had to be gone. Following a meeting the Court had with Jennie he did not have time to get everything together and in order, we were little late getting started and that is the reason why he had to look for everything. Commissioner Fields apologizes for not having the necessary paperwork in the appropriate order. Commissioner Hockaday makes a motion to approve oral and written reports.

Motion was made by Commissioner Hockaday to approve oral and written reports and was seconded by Commissioner Boggs.

Motion carries unanimously.

Attachment #9

10. IN THE MATTER OF CONSIDERING AND POSSIBLY APPROVING THE TREASURER'S REPORT.

Commissioner Hockaday made the motion to approve the Treasurer's report and was seconded from Commissioner Boggs.

Motion carries unanimously.

Attachment #10

11. IN THE MATTER OF CONSIDERING AND POSSIBLY APPROVING BUDGET AMENDMENTS.

County Auditor informs the Court of Amendments #43 through #46 has to do with last year's clean at the end of the year.

- Amendment #43 the Park Fund adjusted per revenue and expense

- Amendment #44 the County Clerk R& M adjusted per revenue
- Amendment #45 Homeland Security adjusted per revenue
- Amendment #46 from JP to technology adjusted per revenue

The Auditor reminds the Court of the consolidation of the position of the Environmental Officer into the Sheriff's department which had an original budget of \$15000 for a truck. Sheriff Ingram is asking if he can use the funds budgeted for the truck to buy a patrol car. Commissioner Hockaday adds the budget would need to be amended regardless to move the \$15000 to the Sheriff's office. County Auditor suggests that we leave the money in the Environmental Dept. for this year and fund all expense out of that department. Commissioner Hockaday stated the smart thing to do is to hold the position open in case the Sheriff's office got in a bind down the road. Commissioner Hockaday suggested, after speaking to the other Commissioners the need to place the truck at the maintenance barn to run errands and to change the location of the inventory from the Environmental Dept. to the Maintenance Barn.

Motion was made for Commissioner Boggs to approve the budget amendments and was seconded by Commissioner Hockaday.

Motion carries unanimously.

Attachment #11

12. IN THE MATTER OF SIGNING PAY ORDERS AND APPROVING PAYMENTS.

Motion was made by Commissioner Hockaday and seconded by Commissioner Boggs to sign pay orders and approve payments.

Motion carries unanimously.

Attachment #12

13. IN THE MATTER OF CLOSING COMMENTS BY COUNTY JUDGE AND COMMISSIONERS.

No comments from Commissioner Boggs or Commissioner Hockaday. Commissioner Fields reminds the Court of the upcoming chili supper sponsored by Tri-Lakes VFD on February 6, 2010 at 11 am

IN THE MATTER OF ADJOURNMENT

Motion was made by Commissioner Hockaday and seconded by Commissioner Boggs to adjourn.

Motion carried unanimously.