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**COMMISSIONERS' COURT OF TITUS COUNTY, TEXAS
REGULAR MEETING
September 13, 2010**

PUBLIC OFFICIALS AND PUBLIC ATTENDING:

**Sam W. Russell, County Judge
Mike Fields, Commissioner Precinct 2
Thomas Hockaday, Commissioner Precinct 4
Carl Johnson, County Auditor
Joyce Simpson, Assistant to County Judge
Captain Brad Fosdick
Lydia Gonzalez
Sheryl Preddy
Lou Antonelli
Jennie Tarraborelli
Jimmy Parker
Lee Alsup
Tommy James
Michelle Clark
Steve Phillips**

**Don Boggs, Commissioner Pct 1
Phillip Hinton, Commissioner Pct 3
Teresa Price, County Clerk
Debby Rhea, County Treasurer
Tim Ingram, County Sheriff
Charity Jeffers
Jackson Smith
Brian Lee
Brian Whitfield
Mike Ahrens
Lanny Shultice
Wesley McCollum
Jerry Clark
J. C. Hollingsworth**

Judge Sam W. Russell called the Regular Meeting to order on September 13, 2010 noting that for the record, notices have been posted for the appropriate amount of time prior to the convening of this meeting according to government regulations.

Judge Sam W. Russell led the Commissioners' Court in the Pledge of Allegiance. Commissioner Thomas Hockaday gave the invocation.

1. Public Comments and/or Requests for Information on Non-agenda Items in accordance with Section 551.042, Texas Open Meetings Act

Teresa Price, County Clerk, presented Lydia Gonzalez with a certificate for the completion of AOP (Acknowledgement of Paternity) training and Charity Jeffers for completing Continuing Education Program for Probate School.

Jackson Smith addressed the court regarding Open Records Request at the Sheriff's office. He had requested records for septic inspection reports. He got the bill, paid it but did not get the information requested. It was 192 pages and was told that it was too sensitive. Mr. Jackson did not know of anything in the reports that might be considered sensitive. Mr. Jackson stated that he had called Commissioners Fields and Hockaday and since then, the inspectors did start inspecting.

Judge Russell asked if he had taken the request through the County Attorney's office to see if there was any legal reason why the information could not be provided. Mr. Jackson stated that he had and then asked why his money was not refunded to him if this was considered confidential information. Judge Russell could not answer that question.

2. Presentation and update on Titus County Pass-Through Program

Ms. Jennie Taraborelli gave an update on the Loop Project. ROW acquisition is ongoing for the FM 2348 project. Settlement has been reached with ten of the twenty-three property owners and has been sent to the title company. Acquisition has not started on the FM 1000 project.

There is still a critical issue on 271 Project regarding the increase in size of Wetland No. 2. The Core can request the landowners to return the land to its original permit. Discussions have been initiated with Ms. Jennifer Walker, Section Leader with the Fort Worth District of the USACE, regarding this expansion. The most favorable outcome from Titus County's perspective is enforcement action against the landowner. This should allow for restoration of the area and will let the project move forward under the existing permit. An investigation could automatically begin including the original delineation and the approximate boundaries of the expanded area compared to the original and the video of the area. An expedited review has been requested as construction activities have already commenced. This should be final by Thanksgiving.

Clearing and grubbing on US 271 ROW is progressing with clearing occurring from both the north and south end. Several of the landowners in the mid-part of the alignment still have not completed the relocation of fencing or the removal of cattle.

Commissioner Fields asked when to anticipate the FONSI on FM 1000. Ms. Taraborelli stated that the holdup is that the Court Reporter has not released the transcript from the Public Hearing. Once that is received, all documents will be submitted to TxDOT/FHWA.

Commissioner Boggs asked about the removal of the cars located on 271 and was told that it was the responsibility of the landowner.

3. Consider and Possibly approve minutes for Commissioners Court on August 23, 2010 Special Meeting

Motion was made by Commissioner Don Boggs and seconded by Commissioner Mike Fields to approve the minutes as corrected. Motion carried unanimously.

4. Open bids and Consider and Possibly Approve the following: 3 each – 2 ton units; 2 each – 3 ton units; 8 each – 4 ton units; 5 each – 5 ton units and 1 each – 7.5 ton unit, 15 SEER Energy Star Rated

Motion was made by Commissioner Don Boggs and seconded by Commissioner Thomas Hockaday to table this item until determination can be made on how to proceed on the grant. Motion carried unanimously.

5. Consider and Possibly Approve Proclamation Proclaiming the Week of September 19-25, 2010 as "Resource Conservation and Development Councils Week" in Titus County

Motion was made by Commissioner Phillip Hinton and seconded by Commissioner Thomas Hockaday to approve Proclamation proclaiming the Week of September 19-25, 2010 as "Resource Conversation and Development Councils Week" in Titus County. Motion carried unanimously.

6. Consider and Possibly Approve Agreement between Titus County Sheriff's Office and North Atlantic Extradition Service for holding of prisoners in Titus County Jail

Sheriff Ingram and Captain Fosdick explained that this is an agreement with the North Atlantic Extradition Service for the Titus County jail to house layover of prisoners in the amount of \$50.00 per day. The agreement outlines that North Atlantic will be financially responsible for all medical costs incurred by its prisoners while in the custody of the Titus County Jail as well as any other costs or expenses which may exceed the ordinary, usual and customary costs expected of prisoners housed in Titus County Jail. All delivery or transportation needs for such prisoners will be met and supplied by North Atlantic Extradition Service and not by Titus County.

Motion was made by Commissioner Thomas Hockaday and seconded by Commissioner Don Boggs to approve Agreement between Titus County Sheriff's Office and North Atlantic Extradition Service for holding of prisoners in Titus County Jail. Motion carried unanimously.

7. Consider and Possibly Approve Contract between the Department of State Health Program Vital Statistics Unit and Titus County beginning 09/01/2010 and ending 08/31/2012

Motion was made by Commissioner Don Boggs and seconded by Commissioner Mike Fields to table this item until such time that County Clerk, Teresa Price, has a chance to review. Motion carried unanimously.

8. Consider and Possibly Approve changes to the Titus County Employee Benefit Plan

County Auditor, Carl Johnson, stated that this was for clarification for insurance purposes and has nothing to do with the retirement plan. Judge Russell asked if this wasn't considered part of the retirement package. He was told that two attorneys had looked at it and that the County Attorney had changed the wording for clarification purposes. If someone retires from Titus County with health insurance and goes to work somewhere else that offers insurance as a benefit, then the county will drop their insurance.

Motion was made by Commissioner Mike Fields and seconded by Commissioner Thomas Hockaday to approve changes to the Titus County Employee Benefit Plan as outlined. Motion carried unanimously.

9. Consider and Possibly Approve Travel and Seminars for Titus County Employees and Elected Official

Travel was turned in for the following: Cleve Johnson, Constable Pct 2, requested permission for he and Jewel Lee to attend a mandated course on Law Update in Sulphur Springs on October 21, 2010; Sheriff's office for Lt. Terry McDowell and Deputy Michael Kirkwood to attend a Law Enforcement Expo with TCLEOSE credit through TEEK in Dallas September 29-October 1, 2010; Jennifer Baxter and Sue Kruse from the Sheriff's department to attend Advanced Law Enforcement Dispatch class held in Frisco September 20-21 and for Ken Wilson and Sgt Aaron Baxter to attend Forensic Pathology for Death, Homicide and Criminal Investigation training course in Denton September 22-23, 2010 and James Webster from JP #2 office to attend Court Personnel Seminar in Rockwall February 9-11, 2011. When asked why this could not wait until after the 1st of the year to approve, Mr. Johnson said that it was in order to get a reservation since they book up fast.

Commissioner Boggs asked if Titus County had a forensic lab or how the above course would help. Sheriff Ingram answered in that even though we don't have a forensic lab, this information is vital in obtaining information related to crimes.

Motion was made by Commissioner Don Boggs and seconded by Commissioner Phillip Hinton to approve travel and seminars. Motion carried unanimously.

10. Approve Oral and Written Reports of County Officials

No oral reports were presented. Written reports were turned in from District Clerk; County Clerk; City of Talco VFD; Winfield VFD; Cookville VFD and cash audit from Auditor's Office.

Motion was made by Commissioner Thomas Hockaday and seconded by Commissioner Phillip Hinton to approve oral and written reports of County Officials. Motion carried unanimously.

11. Consider and Possibly Take Action on Treasurer's Report

Motion was made by Commissioner Phillip Hinton and seconded by Commissioner Don Boggs to approve Treasurer's report. Motion carried unanimously.

12. Approve Budget Amendments

There were no budget amendments.

13. Sign Pay Orders and Approve Payments

Motion was made by Commissioner Thomas Hockaday and seconded by Commissioner Phillip Hinton to sign pay orders and approve payments. Motion carried.

14. Closing Comments by County Judge and Commissioners, if any

Commissioner Don Boggs stated that he has completed the rough draft of the Personnel Manual with the exception of the FLMA regulations, the cell phone policy and the technology policy and asked if the court wanted to act on it now or wait until it is all completed. It was

determined that a rough copy would be left in the Judge's office for anyone to look at for comment.

Commissioner Hockaday noted that the benches on the West walkway were broken and asked if they could be removed and replaced before someone gets hurt. Commissioner Fields is to take care of this.

Judge Russell informed the court that there would be a "Welcome to Winfield" dedication marker service at 12:30 at Winfield across from the post office and invitation is open to everyone.

Adjourn

Motion was made by Commissioner Don Boggs and seconded by Commissioner Mike Fields to adjourn. Motion carried unanimously.