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[Link to Audio](#)

[Link to Audio](#)

[Link to Agenda](#)

[Link to Attachments](#)

COMMISSIONERS' COURT
SPECIAL MEETING
APRIL 25, 2011

NOTICE IS HEREBY GIVEN THAT THE TITUS COUNTY COMMISSIONERS' COURT MET IN A SPECIAL MEETING ON THURSDAY, APRIL 25, 2011 AT 9:00 AM. IN THE TITUS COUNTY COURTROOM, WITH THE FOLLOWING MEMBERS PRESENT.

ELECTED OFFICIALS

BRIAN P. LEE
DON BOGGS
MIKE FIELDS
PHILLIP HINTON
THOMAS HOCKADAY
DIANNE NORRIS
CARL JOHNSON
SHERYL PREDDY

COUNTY JUDGE
COMMISSIONER PRECINCT 1
COMMISSIONER PRECINCT 2
COMMISSIONER PRECINCT 3
COMMISSIONER PRECINCT 4
COUNTY CLERK
COUNTY AUDITOR
COUNTY TREASURER

PUBLIC ATTENDING MEETING

STEVE AUSTIN, TCHC & VSO
BARBARA BRUECHNER
PAUL LINDSEY

GERRY EVENWEL
JOHN LIVINGSTON
DAVID BIRD

BRAD FOSDICK
MIKE AHRENS
CAROLYN NORMAN

PLEDGE OF ALLEGIANCE LED BY: JUDGE BRIAN P. LEE
INVOCATION: COMMISSIONER THOMAS HOCKADAY

- 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. (LISTEN TO AUDIO TRACK 1, 00:00:55).
 - A. BARBARA BRUECHNER WOULD LIKE TO COMMENT ON MATTER NUMBER 4. JUDGE LEE EXPRESSED THAT HE WOULD LIKE HER TO ADDRESS HER CONCERNS WHEN THAT MATTER IS RAISED.
 - B. GERRY EVENWEL RAISES AN INQUIRY REGARDING THE SPECIAL MEETING ON APRIL 26, 2011 AT 3:00 REGARDING REDISTRICTING.

- 2) CONSIDER AND POSSIBLY APPROVE PROCLAMATION PROCLAIMING APRIL 2011 AS CHILD ABUSE PREVENTION MONTH. (LISTEN TO AUDIO TRACK 1, 00:01:58)

JUDGE LEE INTRODUCES THE REPRESENTATIVES FROM THE COURT APPOINTED SPECIAL ADVOCATES ("CASA") AND THE CONSIDERATION OF NAMING APRIL AS THE CHILD ABUSE PREVENTION MONTH.

MANDY KENNEDY, FROM SULPHUR SPRINGS, IS A SUPERVISOR WITH LAKE COUNTRY CASA WHO SERVES HOPKINS, RAINS, FRANKLIN AND TITUS COUNTIES. THEY HAVE BEEN IN TITUS COUNTY SINCE EARLY 2000. CASA IS AN ORGANIZATION THAT IS NATIONALLY RECOGNIZED AND CERTIFIED THROUGH THE STATE OF TEXAS TO REPRESENT THE BEST INTEREST OF CHILDREN WHO HAVE BEEN REMOVED FROM THEIR FAMILIES BECAUSE OF ABUSE OR NEGLECT. CASA SERVED 131 CHILDREN IN TITUS COUNTY; THIS YEAR MICHELLE WOODRUFF WILL BE THE NEW SUPERVISOR FOR TITUS COUNTY. SHE HAS ALREADY SECURED AN OFFICE HERE IN THE WAYNE GOLD CHURCH BY THE CHAMBER BUILDING. SHE HAS BEGUN GATHERING VOLUNTEERS IN TITUS COUNTY. VOLUNTEERS ARE IMPORTANT BECAUSE OF FAMILY CODE RESTRICTIONS. A CHILD WHO HAS BEEN REMOVED FROM THEIR FAMILY MUST BE APPOINTED A GUARDIAN AND AN ATTORNEY BECAUSE LEGAL INTERESTS AND BEST INTEREST ARE TWO DIFFERENT THINGS. THE COUNTY MUST PAY FOR THE ATTORNEY; HOWEVER A CASA VOLUNTEER TAKES ON THE GUARDIAN ROLE WITHOUT TAKING A FEE FROM THE COUNTY. THE VOLUNTEERS ARE ORDINARY CITIZENS THAT COME FORWARD AND PARTICIPATE IN TRAINING THROUGH NATIONAL STANDARD CURRICULUM, 32 HOURS CLASSROOM TRAINING AND 12 HOURS OF CONTINUING EDUCATION. OUR GOAL THIS YEAR, IN TITUS COUNTY, IS TO ASSIGN A VOLUNTEER TO EACH AND EVERY CHILD WHO NEEDS A CASA VOLUNTEER.

MICHELLE WOODRUFF SPEAKS REGARDING ABUSE AND NEGLECT. THE STATISTICS SHOW THAT TITUS COUNTY HAS THE HIGHEST STATISTICS AT 49%, WITHIN THE COUNTIES THAT LAKE COUNTRY CASA SERVES. MICHELLE STATES THAT SHE BELIEVES THE SUCCESS OF CASA IN TITUS COUNTY WILL BE BASED ON THE KNOWLEDGE OF THE PROGRAM. THERE IS A LIGHT VIGIL AT THE COURTHOUSE FOR THE CHILDREN THAT HAVE BEEN LOST TO CHILD ABUSE AND NEGLECT ON **THURSDAY, APRIL 28, 2011 AT 7:00.**

JUDGE LEE: "WE ARE GOING TO MAKE APRIL CHILD ABUSE PREVENTION AWARENESS MONTH.

WHEREAS: TITUS COUNTY PRIDES ITSELF ON GIVING BACK TO THE COMMUNITY, CONTRIBUTING TO THE QUALITY OF LIFE AMONG OUR CITIZENS; AND

WHEREAS: CHILD ABUSE PREVENTION IS A COMMUNITY RESPONSIBILITY AND FINDING SOLUTIONS DEPENDS ON INVOLVEMENT AMONG ALL PEOPLE; AND

WHEREAS: EFFECTIVE CHILD ABUSE PREVENTION PROGRAMS SUCCEED BECAUSE OF PARTNERSHIPS AMONG A VARIETY OF ENTITIES AND INCLUDING BUT NOT LIMITED TO, SCHOOLS, RELIGIOUS ORGANIZATIONS, LAW ENFORCEMENT AGENCIES, CHILD PROTECTIVE SERVICES, CASA (COURT APPOINTED SPECIAL ADVOCATES), CHILDREN'S ADVOCACY CENTERS, PROSECUTION AGENCIES, MEDICAL PROFESSIONALS, MENTAL HEALTH PROFESSIONALS AND OTHER COMMUNITY-BASED NON-PROFIT ORGANIZATIONS; AND

WHEREAS: MORE THAN 500 ALLEGED VICTIMS OF CHILD ABUSE AND NEGLECT WERE REPORTED IN TITUS COUNTY IN 2010; AND

WHEREAS: EVERYONE IN THE COMMUNITY SHOULD BECOME MORE AWARE OF CHILD ABUSE PREVENTION AND CONSIDER HELPING PARENTS RAISE THEIR CHILDREN IN SAFE, NURTURING ENVIRONMENTS AS WELLS AS SUPPORTING LOCAL PROFESSIONALS DEDICATED TO MEETING THE NEEDS OF CHILD ABUSE VICTIMS; AND

WHEREAS: THE COUNTY OF TITUS, TEXAS URGES ALL CITIZENS TO WORK TOGETHER TO REDUCE CHILD ABUSE AND NEGLECT AND TO SIGNIFICANTLY IMPROVE THE RESPONSE OF OUR COMMUNITY WHEN CHILD ABUSE OCCURS IN THE MONTHS AND YEAR AHEAD; AND

WHEREAS: THIS EFFORT WILL GIVE ABUSED AND NEGLECTED CHILDREN IN OUR COMMUNITY AND AROUND THE COUNTRY, A CHANCE FOR A SAFE AND POSITIVE FUTURE

NOW, THEREFORE, WE, THE TITUS COUNTY COMMISSIONERS DO HEREBY PROCLAIM THE MONTH OF APRIL, 2011, TO BE CHILD ABUSE PREVENTION MONTH IN TITUS COUNTY, TEXAS AND URGE ALL CITIZENS TO JOIN IN A NATIONAL EFFORT TO RAISE AWARENESS AND HELP REDUCE CHILD ABUSE AND NEGLECT IN YEARS TO COME.

MOTION MADE BY COMMISSIONER HINTON AND SECONDED BY COMMISSIONER FIELDS TO APPROVE THE PROCLAMATION TO MAKE APRIL CHILD ABUSE PREVENTION AWARENESS MONTH. MOTION CARRIED UNANIMOUSLY. (LISTEN TO TRACK 1 00:12:04 AND/OR SEE ATTACHMENT #1).

- 3) CONSIDER AND POSSIBLY APPROVE MINUTES FROM APRIL 11, 2011 REGULAR MEETING OF THE COMMISSIONERS' COURT. (LISTEN TO AUDIO TRACK 1, 00:11:02)

THE MOTION MADE BY COMMISSIONER HOCKADAY AND SECONDED BY COMMISSIONER HINTON. MOTION CARRIED UNANIMOUSLY. (LISTEN TO TRACK 1, 00:11:30)

4) UPDATE FROM JENNIE TARABORELLI REGARDING THE LOOP PROJECT. (LISTEN TO AUDIO TRACK 1, 00:12:07 AND/OR SEE ATTACHMENT #2).

- A. BARBARA BRUECHNER WANTS TO BRING TO THE ATTENTION OF THE COMMISSIONERS' COURT AND LAND OWNERS WHO ARE CURRENTLY IN NEGOTIATIONS WITH PROPERTY ACQUISITIONS, HER EXPERIENCE WITH TREES BEING CLEARED ON HER MOTHER'S PROPERTY. DURING HER NEGOTIATIONS WITH PROPERTY ACQUISITIONS SHE STATES THAT THERE WERE TWO OCCASIONS WHERE SHE WAS TOLD THAT THE TREES WITHIN THE RIGHT OF WAY, ON HER MOTHER'S LAND, MIGHT BE ALLOWED TO STAY. WHEN THE CLEARING STARTED, THE SUPERVISOR OF THE PROJECT SAID THAT WAS NEVER THE CASE ON THE PROJECT. MRS. BRUECHNER FEELS THAT THEY WERE MISLED ON THIS MATTER AND WOULD LIKE TO RAISE AWARENESS ABOUT THIS TO OTHER PROPERTY OWNERS. MRS. BRUECHNER ADDED THAT THEY WANT THE OTHER PROPERTY OWNERS TO KNOW THAT THERE WILL BE NO TREES IN THE RIGHT OF WAY ON THIS CONSTRUCTION PROJECT.
- B. JENNIE TARABORELLI RESPONDS TO MRS. BRUECHNER. AS YOU KNOW WHEN WE BUY A RIGHT OF WAY IT ULTIMATELY BECOMES THE RIGHT OF WAY OF THE STATE OF TEXAS. IN SOME CASES THE STATE WILL ALLOW, DEPENDING ON THE USE OF THE LAND AND OTHER THINGS, FOR SOME OF THE TREES TO STAY WITHIN THE RIGHT OF WAY. TREES ARE NOT COMPENSABLE UNDER STATE LAW, SO WHETHER YOU PAID FOR THEM, OR NOT, IT DOES NOT REALLY HAVE AN EFFECT ON THE VALUE THAT THE PROPERTY OWNER RECEIVES. THE ATLANTA DISTRICT HAS DETERMINED THAT ALL TREES HAVE TO BE CLEARED FROM THE RIGHT OF WAY TO MAKE IT READY FOR THE ULTIMATE CONFIGURATION; IN ADDITION, THEY HAVE ACQUIRED A UTILITY ZONE FOR FUTURE UTILITIES. I HATE TO SEE ANY OF THE TREES COME DOWN, BUT IT IS THE NATURE OF ROADWAY CONSTRUCTION TO HAVE TO CLEAR THE RIGHT OF WAYS.

COMMISSIONER BOGGS: IN SOME CASES THEY WILL ALLOW CERTAIN TREES TO STAY, BUT IN THIS CASE THEY DENIED THE REQUEST?

JENNIE TARABORELLI: IN THIS CASE THEY WERE VERY SPECIFIC ABOUT HAVING A UTILITY BUFFER ON EACH SIDE OF THE RIGHT OF WAY FOR FUTURE UTILITIES. THERE IS A 30 FOOT BUFFER ON EACH SIDE OF THE RIGHT OF WAY FOR UTILITIES AS WE MOVE INTO THE FUTURE. ATLANTA WAS VERY SPECIFIC ABOUT RETAINING THE INTEGRITY OF THAT ZONE. THE STATE WANTS THIS LAND TO BE PRESERVED FOR THEIR USE AS THEY SEE FIT.

JUDGE LEE: GOING FORWARD, DO THE HOMEOWNERS ALONG THIS ROUTE KNOW WHAT TREES ARE GOING TO BE REMOVED.

JENNIE TARABORELLI: WE HAVE STAKED THE RIGHT OF WAY, MOST OF THE HOMES HAVE RELOCATED FENCES IN PREPARATION FOR THE CLEARING AND GRUBBING CONTRACT. FOR THOSE PROPERTIES WHO HAVE YET RELOCATED FENCING, WE HAVE CORRESPONDED WITH THEM TO LET THEM KNOW. WE HAD TO DO A MIGRATORY BIRD NESTING SURVEY SO SOME TREES HAVE BEEN MARKED TO NOT REMOVE AT THIS POINT. ALL TREES THAT ARE WITHIN THE PINS WILL BE REMOVED, AND I BELIEVE EVERYONE KNOWS THAT.

JUDGE LEE: DOES ANYONE HAVE ANY QUESTIONS RELATED TO THIS SUBJECT, BARBARA?

BARBARA BRUECHNER: "I JUST WANTED TO CLARIFY, WHAT WE ARE SPECIFICALLY ADDRESSING RIGHT NOW IS THE INFORMATION THAT IS BEING GIVEN BY PROPERTY ACQUISITION TO PEOPLE WHO ARE JUST NOW ENTERING NEGOTIATIONS, THOSE OF US ON 2348 HAVE SETTLED, WE ARE BEING BULLDOZED. THE PEOPLE ON FM 1000 ARE JUST NOW ENTERING NEGOTIATIONS AND WE DON'T WANT THEM TO HAVE THE FALSE HOPE LIKE WE DID THAT SOME OF THE TREES WILL REMAIN, OUR HOPE IS THAT PROPERTY ACQUISITIONS WILL CORRECT THIS INFORMATION."

JUDGE LEE: "AND WHEN YOU SAY THIS INFORMATION YOU WANT THEM TO STRESS THAT THESE TREES WILL BE GONE AND IT IS NOT BEING CONSIDERED ON A CASE BY CASE INFORMATION, THAT IF THE TREES ARE WITHIN THE RIGHT OF WAY LINE THOSE TREES ARE GOING TO BE GONE.

JENNIE TARABORELLI: I WILL MENTION IT TO THE ACQUISITION PROJECT MANAGER WITH THE DECISION ON THIS MATTER WITH THE UTILITY ZONE, SO THAT THERE IS NO MORE CONFUSION LIKE THERE HAS APPARENTLY BEEN WITH THE BRUECHNER'S. THEN AGAIN I KNOW THAT PARCEL MAPS ARE PART OF THE PACKAGE THAT EVERYONE GOT, YOU CAN SEE THE CURVE IN THE ROAD, WE HAVE PUT STAKES UP A COUPLE OF DIFFERENT TIMES IN THAT AREA, YOU SHOULD BE ABLE TO TELL HOW THE RIGHT OF WAY LINE WOULD APPEAR WHEN IT WAS CLEARED, BUT AGAIN WE SENT THE SURVEYORS OUT THIS LAST TIME AND I THINK THE STAKES WERE PLACED A LITTLE CLOSER AT THE BRUECHNER'S REQUEST SO THAT THEY COULD GET THEIR FENCING PUT INTO PLACE AND SEE WHERE IT NEEDED TO BE.

JUST TO GO OVER SOME OF THE ACTIVITIES THAT HAVE HAPPENED OVER THE LAST COUPLE OF WEEKS ON THE PROJECTS.

WE ARE STILL DOING SOME MITIGATION ACTIVITIES FOR THE 271 ARCHEOLOGICAL DATA RECOVERY. THAT WILL CONTINUE THROUGH THE REST OF THIS YEAR. THE HISTORICAL COMMISSION IS NOW REPORTING TO US ON A QUARTERLY BASIS. THIS MONTH THEY HAVE CONTINUED TO GO THROUGH VARIOUS ANALYSIS AND REPORTING TASKS TO GET ALL THE ARTIFACTS RECOVERED THAT WERE RECOVERED PROPERLY RECORDED, ETC.

ANOTHER ENVIRONMENTAL ISSUE IS THAT THE TRIBUNAL COORDINATION HEARING FOR THE FM 2348 PROJECT. THAT TRIBUNAL COORDINATION CAME TO AN END ON MARCH 17, WE WERE RELEASED BY THE HISTORICAL COMMISSION AND TXDOT TO PROCEED WITH ANY CONSTRUCTION ACTIVITIES NECESSARY FOR THAT ROAD. THAT IS ANOTHER MILESTONE THAT WE HAVE MET AND MOVED PAST.

ONE OF THE LARGEST ITEMS THAT WE HAVE DEALT WITH OVER THE LAST MONTH IS THE FEDERAL HIGHWAY ADMINISTRATION ("FHWA") AUDIT OF ALL RIGHT OF WAY FILES. IN THIS CASE IT WAS A JOINT AUDIT REVIEW FOR FHWA AND TXDOT RIGHT OF WAY COMMISSION, AS THEY WERE BOTH AT THE ATLANTA DISTRICT REVIEWING OUR FILES. ON APRIL 6 THE TXDOT ATLANTA DISTRICT NOTIFIED TITUS COUNTY THAT AN AUDIT WILL BE CONDUCTED ON THE TITUS COUNTY PROGRAM. AFTER TALKING WITH THEM THE AUDIT INCLUDED US 2761 AND FM 2348. THEY ASKED FOR ALL FILES WHICH INCLUDED 60 ACQUISITION AND 36 RELOCATION FILES, AND ALL CONDEMNATION RECORDS. THE REVIEW HAPPENED ON APRIL 19-20, THE RESULTS OF THE AUDIT WERE POSITIVE.

JUDGE LEE: OBVIOUSLY RIGHT OF WAY ACQUISITION IS THE MOST CONTROVERSIAL PART OF THIS WHOLE PROJECT. WHO IS THE PARTY THAT THE GOVERNMENT IS LOOKING OUT FOR, WHAT ARE THEY TRYING TO DETERMINE.

JENNIE TARABORELLI: THEY ARE LOOKING FOR A COUPLE OF THINGS.

- (1) BECAUSE THIS PROPERTY IS CHANGING HANDS FROM AN INDIVIDUAL PROPERTY OWNER INTO THE STATE OF TEXAS, THEY WANT TO MAKE SURE THAT THE PROPERTY WAS ACQUIRED IN AN APPROPRIATE FASHION SO THAT THERE WILL BE NO LIENS FILED IN THE FUTURE, NO DISPUTES OVER APPROPRIATE PARTIES.
- (2) ANOTHER THING THAT THEY ARE LOOKING FOR IS THAT THE PROPERTY OWNER RECEIVED ALL OF THE ACCOMMODATIONS AND BENEFITS, WHICH ARE SPELLED OUT IN FEDERAL LAW; HOW YOU PURCHASE PROPERTY FOR A STATE OR FEDERAL ROADWAY PROJECT. DID THEY RECEIVE FAIR COMPENSATION AS DEFINED BY THE LAW, DUE PROCESS, ETC.

JUDGE LEE: ALTHOUGH THIS DOESN'T GIVE COMFORT TO A FRUSTRATED PROPERTY OWNER, AT LEAST WE KNOW AS GRUELING AND UNPLEASANT AS THE PROCESS IS, IT WAS GONE ABOUT THE APPROPRIATE WAY.

JENNIE TARABORELLI: YES, SIR. I CERTAINLY CAN SYMPATHIZE AND EMPATHIZE WITH THIS. NO ONE WANTS TO SEE THEIR PROPERTY CONVERTED FROM PERSONAL PROPERTY TO STATE PROPERTY FOR A ROADWAY... UNDER STATE AND FEDERAL LAW IT IS THE FACT THAT THE NEED OF MANY OUTWEIGHS THE RIGHTS OF THE INDIVIDUAL PROPERTY OWNER... IT IS NEVER A FUN PROCESS, NOBODY LIKES IT, BUT

UNFORTUNATELY THE ROADS IN A COMMUNITY LIKE TITUS COUNTY REQUIRES THAT WE EXPAND THE ROADS LIKE 2348 AND 271....

ON THE FM 1000 PROJECT, NO OFFERS HAD BEEN MADE AND THAT IS WHY IT WAS EXEMPTED FROM THIS COMPLIANCE AUDIT. ON MARCH 24 WE RECEIVED SOME COMMENTS BACK ON THE PARCEL PLATS FROM THE ATLANTA DISTRICT, WHICH HAVE BEEN REVIEWED AND CORRECTED AND HAS BEEN FORWARDED TO THE APPRAISER, WHICH WILL THEN GO TO THE ACQUISITION AGENT AT WHICH TIME THE ACQUISITION PROCESS WILL START.

THE US 271 IS STILL ON TRACK FOR THE MAY 2 DEADLINES FOR SUBMITTAL FOR REVIEW.

FM 2348 PLAN SET IS FINALIZED AND IT HAS BEEN DECIDED TO HOLD OFF ON THE SUBMISSION OF THAT.

FINALLY, WE HAVE PRODUCED A MAP OF THE THREE PROJECTS. THE MAP CAN BE OBTAINED AT THE COUNTY CLERK'S OFFICE, OUR OFFICE BY CALLING 903-717-8922, OR BY E-MAIL AT vmitchell@ptp.net.

- 5) CONSIDER AND POSSIBLY APPROVE PAYMENT OF AMBULANCE TRANSPORT FEES TO TITUS REGIONAL MEDICAL CENTER. (TABLED FROM MARCH 14, 2011) (LISTEN TO TRACK 1, 00:57:07).

- A. JUDGE LEE: "I AM GOING TO MAKE A MOTION TODAY THAT THE COUNTY PAY TRMC FOR OUTSTANDING CHARGES RELATED TO AMBULANCE TRANSPORT FEES, SOME OF WHICH GO BACK AS FAR AS OCTOBER OF 2005. ON JANUARY 17TH OF THIS YEAR, SHORTLY AFTER I CAME INTO OFFICE, THIS TOTAL WAS \$39,982.56.

AS OF TODAY, THAT TOTAL WILL BE SLIGHTLY HIGHER DUE TO ADDITIONAL TRANSPORT FEES INCURRED SINCE JANUARY 17TH. THERE MAY ALSO BE SOME REDUCTIONS TO THIS TOTAL WHEN I ASK THE HOSPITAL FOR A FINAL REVIEW TO BE SURE THAT NONE OF THE CHARGES WERE IN EXCESS OF MEDICARE RATES.

AMBULANCE CHARGES ARE INCURRED WHEN THE COUNTY JAIL DEEMS IT APPROPRIATE TO CALL FOR AN AMBULANCE IN A GIVEN EMERGENCY SITUATION. BASED ON MY REVIEW OF THE DATES AND AMOUNTS OF THESE INDIVIDUAL CHARGES, THE VOLUME OF AMBULANCE CHARGES HAVE BEEN SIGNIFICANTLY REDUCED IN THE LAST YEAR OR TWO DUE TO CLOSER MONITORING BY OUR JAIL.

APPROXIMATELY A YEAR AND A HALF AGO, A MEETING WAS HELD WITH HOSPITAL ADMINISTRATION AND A COUPLE OF OUR COMMISSIONERS. AT THAT TIME IT WAS AGREED THAT IF TRMC WOULD REDUCE AMBULANCE CHARGES TO MEDICARE RATES, ESSENTIALLY THE LOWEST PRICE POINT, THAT THE COUNTY WOULD PAY THE AMBULANCE TRANSPORT CHARGES. THE HOSPITAL UNDERSTOOD THIS TO MEAN OUTSTANDING CHARGES AS WELL AS FUTURE CHARGES. AT LEAST ONE OF OUR COMMISSIONERS WAS OF THE OPINION THAT THIS WOULD APPLY TO FUTURE CHARGES AND DID NOT FEEL THAT OUTSTANDING CHARGES WERE GOING TO BE PAID.

I'VE HAD ALL OF THE MEETINGS, DISCUSSIONS AND PHONE CALLS ON THIS SUBJECT THAT I'M GOING TO HAVE, BOTH AS A MEMBER OF THE HOSPITAL BOARD, AND AS COUNTY JUDGE. IT'S TIME TO VOTE ON THIS MATTER....

"I WOULD THEREFORE MAKE A MOTION THAT THE COUNTY PAY ALL OUTSTANDING AND FUTURE NON-INDIGENT AMBULANCE TRANSPORT CHARGES AT MEDICARE RATES ONCE THEY HAVE EXHAUSTED COLLECTION EFFORTS FROM THE INMATE. I WILL REQUEST THAT TRMC MAKE A FINAL REVIEW OF OUTSTANDING CHARGES AND CONFIRM THAT NO INDIVIDUAL CHARGES EXCEED MEDICARE RATES." **(SEE ATTACHMENT #2 FOR THE COMPLETE SUMMARY OF AGENDA ITEM 5)**

THE LAW STATES THAT THE COUNTY HAS THE RIGHT TO COLLECT FROM THAT INMATE. FREE AMBULANCE SERVICE IS NOT A RIGHT TO AN INMATE. THEY WILL SIGN THE PAPERWORK SO THAT THEY UNDERSTAND THAT. THE HOSPITAL HAS ASSURED ME THAT THEY WILL EXHAUST THEIR COLLECTION EFFORTS BEFORE THEY ATTEMPT TO BILL US. IN THE CASE OF AN INDIGENT INMATE, THEY WILL NOT BILL US FOR THEIR COSTS.

COMMISSIONER HOCKADAY: DO WE HAVE ANYTHING FROM OUR COUNTY COUNSEL THAT SAYS WE DO OR DO NOT OWE THIS?

JUDGE LEE: I BELIEVE THAT WE DO OWE THIS. I THINK THAT THERE ARE SOME DIFFERENCES OF OPINION, BUT THE FACT THAT WE OWE THIS IS NOT IN QUESTION. THE QUESTION IS IF THE HOSPITAL IS LEGALLY OBLIGATED TO PROVIDE THESE SERVICES WHETHER THEY ARE PAID FOR OR NOT. THE HOSPITAL IS NOT THREATENING TO WITHDRAW AMBULANCE SERVICES.

CAPTAIN BRAD FOSDICK: BY THE TEXAS CODE OF CRIMINAL PROCEDURE THE INMATE IS RESPONSIBLE FOR THEIR BILLS. IT DOESN'T SAY WHO HAS TO COLLECT THOSE BILLS, IT DOESN'T SAY THAT THE HOSPITAL HAS TO COLLECT OR THE COUNTY HAS TO COLLECT THOSE BILLS, IT DOES SAY THAT EITHER OF THEM CAN COLLECT. IF THE HOSPITAL HAS EXHAUSTED ITS COLLECTION EFFORTS, THEY INDICATED THAT WILL NOT FILE A LIEN AGAINST THAT INMATE. HOWEVER, THE COUNTY CAN FILE THAT LIEN IN AN EFFORT TO COLLECT THAT DEBT. IF THE

COUNTY IS FORCED TO PAY THESE BILLS AND BE FAIR TO THE HOSPITAL THEN WE NEED TO GO AHEAD AND PURSUE, IF THE INMATE IS NOT INDIGENT, THEN WE NEED TO GO AHEAD AND PURSUE. IF WE DO THIS IT MAY CUT DOWN ON AMBULANCE RUNS, BECAUSE WE DO HAVE INMATES THAT CLAIM TO NEED AN AMBULANCE TRANSPORT TO GET OUT OF THE JAIL, AND THEY ARE NOT ACTUALLY SICK AND THE JAIL PERSONNEL IS NOT QUALIFIED TO MAKE THAT DETERMINATION. THESE BILLS NEED TO BE SCREENED PRIOR TO PAYING THEM. I CAN MAKE THE DETERMINATION OF INDIGENCE, OR NOT, BY THE FILES THAT WE HAVE.

COMMISSIONER FIELDS: THERE ARE SOME CASES THAT WE DO NEED TO PAY AND THERE ARE OTHER CASES THAT WE SHOULD NOT BE RESPONSIBLE FOR. COMMISSIONER FIELDS FEELS THAT IT WAS NOT THE DUTY OF THE COUNTY TO PAY FOR A MEDICAL BILL IF THE INMATE BROUGHT THE INJURY ONTO HIMSELF. COMMISSIONER FIELDS ALSO STATES THAT HE SUPPORTS OUR COUNTY HOSPITAL, BUT AT THE SAME TIME WE HAVE A RESPONSIBILITY TO THE TAX PAYERS OF TITUS COUNTY AND KEEP THE TAXES AS LOW AS WE CAN.

CARL JOHNSON: EXPRESSES HIS POSITION THAT HE FEELS THAT IT IS NOT THE RESPONSIBILITY OF THE COUNTY, THAT IT IS THE INDIVIDUALS RESPONSIBILITY. IT IS HIS UNDERSTANDING THAT EITHER ENTITY CAN COLLECT THE BILLS AND THE HOSPITAL ALREADY HAS A STAFF FOR COLLECTING THESE BILLS AND THE COUNTY DOES NOT. IT WOULD MAKE MORE SENSE, IN CARL JOHNSON'S POINT OF VIEW, THAT IT MAKES MORE SENSE THAT THE HOSPITAL COLLECT THE BILLS BECAUSE THEY ARE ALREADY EQUIPPED AND STAFFED FOR THAT ACTIVITY.

COMMISSIONER BOGGS: IN THE FUTURE WHEN THEY RECEIVE THE INMATE THEY WILL GO AFTER THE INMATE FOR PAYMENT UNTIL THEIR EFFORTS ARE EXHAUSTED AND THEN THE COUNTY WILL GO AFTER THE PROPERTY, IF THE INMATE HAS ANY PROPERTY.

CARL JOHNSON: DOESN'T THINK IT IS THE RESPONSIBILITY OF THE COUNTY TO COLLECT THE BILLS. THE HOSPITAL IS ALREADY IN THE BUSINESS OF COLLECTING BILLS, THE COUNTY IS NOT.

JUDGE LEE: I TRY TO THINK OF THIS AS ONE OF THE TAX PAYERS, HOW WOULD I WANT THIS TO BE HANDLED. IF WE SAY "HOSPITAL PAYS ALL THE AMBULANCE TRANSPORT FEES FROM THAT JAIL" JUDGE LEE BELIEVES THAT WILL INVITE ABUSE OF THAT PRIVILEGE AND RESULT IN MORE AMBULANCE TRANSPORTS. WHETHER IT IS THE COUNTY OR THE HOSPITAL DISTRICT, IT IS STILL TAX PAYERS PAYING FOR THIS. THE SYSTEM THAT IS BEING SUGGESTED HERE WILL PRODUCE THE LEAST AMOUNT OF TAX PAYER EXPENSE. AGAIN, THE COUNSEL FOR THE HOSPITAL BELIEVES THAT THEY ARE NOT OBLIGATED TO PROVIDE AMBULANCE SERVICE TO THE JAIL. THEY ARE NOT USING THAT AS A THREAT, BUT THEY DO HAVE FLEXIBILITY IN DETERMINING HOW THEY PROVIDE AMBULANCE SERVICE, THEY DON'T HAVE TO PROVIDE SERVICE BUT THEY CHOOSE TO DO SO. IF A

PRIVATE COMPANY TAKES ON THE RESPONSIBILITY FOR AMBULANCE SERVICE, YOU WILL BE PAYING FOR IT.

WE HAVE A MOTION BY MYSELF AND SECONDED BY COMMISSIONER BOGGS: I MAKE A MOTION THAT THE COUNTY PAY ALL OUTSTANDING AND FUTURE NON-INDIGENT AMBULANCE TRANSPORT CHARGES AT MEDICARE RATES ONCE THE HOSPITAL HAS EXHAUSTED COLLECTION EFFORTS FROM THE INMATE. I WILL MAKE A REQUEST THAT TITUS REGIONAL MAKE A FINAL REVIEW OF OUTSTANDING CHARGES AS OF RIGHT NOW AND CONFIRM NO INDIVIDUAL CHARGES EXCEED MEDICARE RATES, AND I WILL ALSO ASK THAT WITH THE COOPERATION OF CAPTAIN FOSDICK THAT WE REVIEW ANY OUTSTANDING CHARGES AND MAKE SURE THAT THEY ARE CHARGES THAT WE FEEL MEET THESE CRITERIA

THE MOTION MADE BY JUDGE BRIAN LEE AND SECONDED BY COMMISSIONER BOGGS. MOTION FAILED. (LISTEN TO TRACK 1, 01:20:50 AND/OR SEE ATTACHMENT #3)

- 6) CONSIDER AND POSSIBLY APPROVE PURCHASE OF A NEW TRACTOR AND BRUSH HOG, PCT. 1. (TABLED FROM MARCH 28, 2011) (LISTEN TO TRACK 1, 01:20:45)

- A. COMMISSIONER BOGGS: AFTER REVIEWING THE BIDS SUBMITTED, THE CONROY NEW HOLLAND WAS CHOSEN AND DELIVERY IS BEING DISCUSSED NOW.

THEY MET THE LOW BID AND SATISFIED THE REQUIREMENTS OF THIS EQUIPMENT.

MOTION MADE BY COMMISSIONER BOGGS AND SECONDED BY COMMISSIONER FIELDS. MOTION CARRIED UNANIMOUSLY (LISTEN TO TRACK 1, 01:22:27)

- 7) CONSIDER AND POSSIBLY APPROVE PAYMENT OF PAUPER'S FUNERAL FOR VALTON ROSS. (LISTEN TO TRACK 1, 00:27:15 AND/OR SEE ATTACHMENT 2)

MOTION MADE BY COMMISSIONER HINTON AND SECONDED BY COMMISSIONER BOGGS. MOTION CARRIED UNANIMOUSLY (LISTEN TO TRACK 1, 01:23:04)

- 8) CONSIDER AND POSSIBLY APPROVE PURCHASE OF TWO FUJITSU S1500 SCANNERS FOR COUNTY ATTORNEY'S OFFICE TO BE PAID OUT OF COUNTY COURT IT ACCOUNT. (LISTEN TO TRACK 1, 01:23:13)

- A. PAUL LINDSEY: AS PART OF THE COURT COST THAT EACH DEFENDANT PAYS AFTER THEIR CASE IS ADJUDICATED TO THE COUNTY COURT, THERE IS A \$4.00 INFORMATION TECHNOLOGY FEE. THAT MONEY IS TO BE SPENT TO ENHANCE TECHNOLOGY FOR THE COURT. THE SCANNERS WOULD BE USED TO SCAN THE

CASES WHEN THEY COME IN. FORWARDING COPIES TO PROBATION WOULD BE ABLE TO BE DONE ELECTRONICALLY AND SAVE ON PAPER. WE ALSO PREPARE DISCOVERY FOR DEFENSE ATTORNEYS WHICH WILL ALSO BE ABLE TO BE FORWARDED ELECTRONICALLY.

THE COST WILL BE \$928.00 FOR TWO SCANNERS.

MOTION MADE BY COMMISSIONER HOCKADAY AND SECONDED BY COMMISSIONER HINTON. MOTION CARRIED UNANIMOUSLY (LISTEN TO TRACK 1, 01:25:35)

- 9) CONSIDER AND POSSIBLY APPROVE ENTERING INTO A CONSULTING AGREEMENT WITH PRESTON RISK CONSULTING TO ASSIST THE COUNTY WITH OUR PROPERTY AND CASUALTY INSURANCE COVERAGE. (LISTEN TO TRACK 1, 01:25:40)

A. JUDGE LEE: "I UNDERSTAND THAT YOU HAVE WORKED WITH PRESTON RISK IN THE PAST AND THEY HAVE DONE A GOOD JOB. THIS IS SIMPLY ASKING FOR PERMISSION TO ENTER INTO THAT AGREEMENT ONCE AGAIN FOR THEM TO TAKE A LOOK AT AND GET THE BEST PRICE FOR OUR PROPERTY AND CASUALTY INSURANCE.

MOTION MADE BY COMMISSIONER BOGGS AND SECONDED BY COMMISSIONER FIELDS. MOTION CARRIED UNANIMOUSLY (LISTEN TO TRACK 1, 01:26:30 AND/OR SEE ATTACHMENT #4)

- 10) CONSIDER AND POSSIBLY AUTHORIZE PAUL LINDSEY TO RESEARCH SECURITY UPGRADES FOR THE COURTROOM. (LISTEN TO TRACK 1, 01:26:32)

A. JUDGE LEE: I HAVE BEEN FEELING THIS WAY FOR A GOOD WHILE. THE RECENT SHOOTING IN BOWIE COUNTY JUST MADE ME EVEN MORE THOUGHTFUL OF THIS. PAUL LINDSEY HAS THE KNOWLEDGE, BACKGROUND AND EXPERIENCE TO RESEARCH AND UPGRADE THE SECURITY FOR THE COURTROOMS.

MOTION MADE BY COMMISSIONER FIELDS AND SECONDED BY COMMISSIONER HOCKADAY. MOTION CARRIED UNANIMOUSLY. (LISTEN TO TRACK 1, 01:32:08)

11) CONSIDER AND POSSIBLY APPROVE PERMISSION FOR THE COUNTY CLERK TO HIRE TWO (2) PART-TIME EMPLOYEES TO SCAN DEED RECORDS FROM 1895 THROUGH 2005. THIS MONEY WILL COME FROM THE RECORDS MANAGEMENT FUND. (LISTEN TO TRACT 1, 01:32:21)

A. DIANNE NORRIS: OUR DEED RECORDS ARE SCANNED IN FROM 2006 FORWARD, HOWEVER THE OLDER DEEDS ARE NOT. WE WILL SCAN IN THE OLDER DEEDS AND THEY WILL BE AVAILABLE FOR VIEWING ON THE COMPUTERS.

COMMISSIONER BOGGS: WILL THE ORIGINALS DEEDS BE RETAINED

DIANNE NORRIS: AS LONG AS I AM HERE THE ORIGINALS WILL BE RETAINED.

JUDGE LEE: DO YOU HAVE ANY IDEA HOW LONG IT WILL TAKE TO DO THIS.

DIANNE NORRIS: I AM HOPING WITHIN A YEAR, I WILL KNOW MORE AFTER WE GET INTO IT, IF IT WILL TAKE LONGER, BUT I AM HOPING ONE YEAR.

COMMISSIONER HOCKADAY: PART TIME WORKS HOW MANY HOURS, 900?

CARL JOHNSON: YES, 950 HOURS.

MOTION MADE BY COMMISSIONER FIELDS AND SECONDED BY COMMISSIONER HINTON. MOTION CARRIED UNANIMOUSLY. (LISTEN TO TRACK 1, 01:34:41).

12) CONSIDER AND POSSIBLY APPROVE PURCHASE OF TWO (2) COMPUTERS FOR COUNTY CLERK'S OFFICE TO KEEP UP WITH NECESSARY UPDATES FROM NETDATA. THE \$2208.00 WILL COME FROM THE RECORDS MANAGEMENT FUND. (LISTEN TO TRACK 1, 01:35:27)

A. DIANNE NORRIS: NETDATA IS GOING TO HAVE ALL OF THESE UPDATES DONE IN ALL OF THE COUNTIES THAT THEY SERVICE. AT THE USER'S CONFERENCE, I WAS TOLD THAT THEY WERE GOING TO USE THREE COUNTIES TO TEST THE UPGRADES AND THEY WANTED US TO BE ONE OF THOSE COUNTIES. THIS IS A GREAT OPPORTUNITY FOR US. THE COMPUTER THAT APRIL HAS DID NOT GET UPDATED WHEN THE OTHERS DID AND THIS COMPUTER NEEDS TO BE UPDATED FOR THE UPGRADES FROM NETDATA.

MOTION MADE BY COMMISSIONER BOGGS AND SECONDED BY COMMISSIONER FIELDS. MOTION CARRIED UNANIMOUSLY. (LISTEN TO TRACK 1, 01:37:44).

13) CONSIDER AND POSSIBLY APPROVE PLAT FOR CASON RANCHETTS, PHASE ONE, LOTS 1, 2, AND 7 FOR GREGG HAYES, CROSS CREEK CATTLE, J. PEACOCK SURVEY A-4309, TITUS COUNTY, TEXAS COUNTY ROAD 4950. (LISTEN TO AUDIO TRACK 1, 01:38:12)

- A. GREG HAYES WASN'T ABLE TO BE HERE TODAY, THEREFORE; DIANNE NORRIS PRESENTED THE PLAT FOR APPROVAL.
- B. JUDGE LEE: IS THERE ANYTHING CONTROVERSIAL AT ALL? DO WE HAVE ANY FLOOD PLAIN ISSUES HERE?
- C. MOTION MADE BY COMMISSIONER HOCKADAY THAT WE APPROVE THE PLAT FOR CASON RANCHETTS, PHASE ONE, LOTS 1, 2 AND 7 WITH THE UNDERSTANDING THAT THIS PROPERTY IS NOT IN THE FLOOD PLAIN AS PER THE MOST RECENT FLOOD PLAIN MAPS THAT WERE PROVIDED TO THE COUNTY.

MOTION MADE BY COMMISSIONER HOCKADAY AND SECONDED BY COMMISSIONER HINTON. MOTION CARRIED UNANIMOUSLY. (LISTEN TO TRACK 1, 01:44:33).

14) CONSIDER AND POSSIBLY APPROVE TRAVEL AND SEMINARS FOR TITUS COUNTY EMPLOYEES AND ELECTED OFFICIALS. (LISTEN TO TRACK 1, 01:45:11).

- A. MOTION MADE BY COMMISSIONER FIELDS AND SECONDED BY COMMISSIONER HINTON. MOTION CARRIED UNANIMOUSLY. (LISTEN TO TRACK 1, 01:50:47 AND/OR SEE ATTACHMENT 5).

15) APPROVE ORAL AND WRITTEN REPORTS OF COUNTY OFFICIALS. (LISTEN TO TRACK 1, 01:51:01).

- A. MOTION MADE BY COMMISSIONER BOGGS AND SECONDED BY COMMISSIONER HINTON. MOTION CARRIED UNANIMOUSLY. (LISTEN TO TRACK 1, 01:52:04 AND/OR SEE ATTACHMENT #6).

16) CONSIDER AND POSSIBLY APPROVE TREASURER'S REPORT. (LISTEN TO TRACK 1, 01:52:12).

- A. MOTION MADE BY COMMISSIONER BOGGS AND SECONDED BY COMMISSIONER HINTON. MOTION CARRIED UNANIMOUSLY. (LISTEN TO TRACK 1, 01:52:53 AND/OR SEE ATTACHMENT #7).

17) APPROVE BUDGET AMENDMENTS.

A. NONE AT THIS TIME.

18) SIGN PAY ORDERS AND APPROVE PAYMENTS. (LISTEN TO TRACK 1, 01:53:12)

A. MOTION MADE BY COMMISSIONER HINTON AND SECONDED BY COMMISSIONER FIELDS. MOTION CARRIED UNANIMOUSLY. (LISTEN TO TRACK 1, 01:53:21).

19) CLOSING COMMENTS BY COUNTY JUDGE AND COMMISSIONERS, IF ANY. (LISTEN TO TRACK 1, 01:53:31).

A. JUDGE LEE: TOMORROW AT 3:00 PM WE WILL BEGIN OUR REDISTRICTING DISCUSSIONS WILL MR. BASS.

HOPEFULLY AFTER OUR MEETING HERE ALL OF YOU WILL BE ABLE TO ATTEND A LUNCH AND TOUR AT THE COMMUNITY COLLEGE.

B. COMMISSIONER HOCKADAY: THIS PAST THURSDAY THEY FINISHED 4205 EXT OF 1ST STREET AND IS NOW OPEN TO THE PUBLIC.

C. COMMISSIONER FIELDS: WE HAVE A BUILDING THAT THE COUNTY PURCHASED HERE A YEAR OR SO AGO, AND I WOULD LIKE TO GIVE THE RENTERS NOTICE TO EXPAND THE COUNTY OFFICES. JUDGE LEE EXPLAINS THAT THEY HAVE BEEN NOTIFIED.

D. COMMISSIONER BOGGS: "I HOPE AT SOME TIME WE CAN REVISIT THE HOSPITAL DEAL. I HAVE, MY WHOLE LIFE, WHOEVER I'VE ASKED TO DO SOMETHING FOR ME, AND THEY PERFORMED THAT TASK IN GOOD FAITH AS BEST AS THEY CAN, A TAX ENTITY OR NOT, IF I RECEIVE A BILL, I PAY THAT BILL. I THINK TO ASK THEM TO PERFORM SERVICES THAT THEY KNOW WE ARE NOT GOING TO PAY IS SOMETHING THAT I AM NOT VERY PROUD OF.

20) IN THE MATTER OF ADJOURNMENT. (LISTEN TO AUDIO TRACK 1, 01:57:05).

THE MOTION MADE BY COMMISSIONER HOCKADAY AND SECONDED BY COMMISSIONER HINTON TO ADJOURN. MOTION CARRIED UNANIMOUSLY. (LISTEN TO TRACK 1, 01:57:09)

STATE OF TEXAS
COUNTY OF TITUS

The above and foregoing is a true and complete Transcription of my notes taken in my capacity as County Clerk of the Commissioners Court of Titus County, Texas, on the _____ day of _____, 2011 at the time and place heretofore set forth.

Attested to this _____ day of _____, 2011.

DIANNE NORRIS, Titus County Clerk