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COMMISSIONERS' COURT
SPECIAL MEETING
September 26, 2011

Notice is hereby given that the Titus County Commissioners' Court met in a special meeting on Monday, September 26, 2011 at 9:00 a.m. in the Titus County Courtroom, with the following members present:

Brian P. Lee	County Judge
Don Boggs	Commissioner Precinct 1
Mike Fields	Commissioner Precinct 2
Phillip Hinton	Commissioner Precinct 3
Thomas Hockaday	Commissioner Precinct 4
Dianne Norris	County Clerk
Carl Johnson	County Auditor
Sheryl Preddy	County Treasurer
Judy Cook	County Tax Assessor
Judge Kay McNutt	JP Precincts 1,3&4
Leonard Rockwell	Election Administrator
Tim Ingram	County Sheriff

Public Attending Meeting:

Barbara Bruechner	O.M. Adams	Karen Adams
A.T. Riddle	Mat Gibson	Judy Gibson
Trish Scarborough	Margie Thomas	Gerry Evenwel
Brad Eubanks	T. Landrum	Steve Aikman
Judy Lee	Doyle W McGee	Keith Kridler
Carolyn Norman	Judy Green	John Walker
Elmer Patton	Eric Bruechner	James Baker
Michael Hughes	Nigel Christopher	Doug Hobbs
Dixie Spruill	Mike Ahrens	Chief Larry McRae
Ted Aikman	Cleve Johnson	Scott Spruill
Sherri Spruill	T. Buffalo	Troy Sellers
Wiley Carpenter	Jona Carpenter	Joe Prince
Emily Aikman	Kristen Frazier	Sandra Price
Norma Narramore	Jake Narramore	

Pledge of Allegiance led by:	Judge Lee
Invocation by:	Judge Lee

1) Pursuant to section 551.042, Texas Open Meeting Act, the Court is open to hear public comments and/or requests for information on non-agenda items. (Listen to audio track 1, 00:01:54).

- a. Judge Lee: This is an opportunity to discuss non-agenda items. Despite the fact that we had hearings on the two important matters for today, and theoretically your time for input has been offered during those two times. However, I will ask you one more time, if there is somebody has that has new and fresh ideas that you would like to share with the Commissioners' Court I will give you a little bit of time. If you just want to re-hash the same things you had an opportunity to the last couple of times, I will ask you to let somebody use that time instead. Is anybody here to address a non-agenda item?
- b. Trish Scarborough: My comment is how we got here, which is EFH, which is the parent company of Luminant. In the Dallas Morning News, on September 16 on the front page, a headline said EFH (Energy Future Holdings). Ms. Scarborough reads excerpts of the aforementioned Dallas Morning News article. Ms. Scarborough closes by saying that we need to pay attention to how we treat our County Employees and "do not throw anybody under the bus".
- c. Barbara Bruechner: Presents a question pertaining to the budget. In regards to the budget, I think you are all aware that many of the taxpayers are asking to balance the budget. In light of the fact that the Commissioners' salaries and travel allowances are above average, that they take a 10% salary cut and a 50% travel cut. I think that taxpayers would like to see a vote taken on that. I am just wondering if that will be part of the discussion when we get to the budget.
 - i. Judge Lee: We have discussed it and if they have anything that they would like to say then I will give them that opportunity.
- d. Mr. Buffalo: Reminds the Commissioners' Court that they are all elected officials...you need to consider those as you proceed.

- 2) Consider and possibly approve minutes from September 12, 2011 regular meeting of the Commissioners' Court. (Listen to audio track 1, 00:10:44)

Motion made by Commissioner Boggs and seconded by Commissioner Hinton to approve the acceptance of the minutes from September 12, 2011 regular meeting.
Motion carried unanimously.

- 3) Consider and possibly approve minutes from the Public Hearing of the Commissioners' Court from August 31, 2011 and September 12, 2011. (Listen to audio track 1, 00:11:09)

Motion made by Commissioner Boggs and seconded by Commissioner Fields to approve the acceptance of the minutes from August 31, 2011 and September 12, 2011. Motion carried unanimously.

- 4) Adopt the 2011-2012 Budget. (Listen to audio track 1, 00:11:42).

- a. Judge Lee: I just want to personally express to you my appreciation for your participation in our budget process. It has been a while since we have had this many people involved. This is what is supposed to happen each and every year, do not forget that this process occurs every year, this is nothing new nor nothing special, you have the right to come up here and express your opinion on everything from car allowances to salaries and everything in between. This is your time, you have those hearing dates set aside and available, so remember that in the future when September comes along next year remind yourself that this is your time to be heard. Also by your votes every couple of years, you determine who sits up here in these chairs, and you have the right to make changes there, you have the right to say "I want a piece of that" or you have the right to determine who is it that is going to be sitting there. I can assure you that your perspective changes once you sit up here and no longer can you continue to make choices that only make you happy. You realize that there are a lot more opinions out there than just the ones that you have, and there are many legitimate factors to be considered than just simply no more taxes. Please do not think that we are not listening to you if we do not arrive to the conclusion that 100% supports your position.

Ultimately, the county budget and the tax rate are determined by this group of five votes. My decision is based on what I believe to be the best use of tax dollars, the least amount of tax dollars to serve the most people in the most equitable way.

- b. Commissioner Boggs: There are a couple of things that I would like to say, specifically about the budget. What you said about the compensation that we receive...I do debate that we are the fourth highest paid office in the County; there are three other elected officials that make more than Commissioners do. The item in the paper brought out several comparisons of what our compensation is and what other compensation are around the state. One thing not brought out is that for example, Bowie County has a \$21,000.00 a year travel allowance and they have cars. There are Newton County, Wilson County, Trenton County, Jim Wells County, they all get cars in addition to the travel allowance. Some other Counties like Jackson and Harper Counties have a small travel allowance but they also have a key to the gas tank at their barn to use for their personal use. Counties like Maverick County have a large amount of square miles but $\frac{1}{4}$ of the roads that Titus County has. Garza County has a salary supplement for their Commissioners. Brewster County has a \$3500.00 a year salary supplement. Cass County has a \$1200.00 a year salary supplement. Therefore, there are many different ways to compensate Commissioners around the State. I just wanted to make that clear that I do not think that the travel allowance is too high, I think that it compensates the Commissioners for the efforts that they use their vehicles for, pay insurance for, pay maintenance for, and other various expenses. It comes down to the fact that I, personally feel because I have a smaller vehicle, I will take a small cut in my travel allowance. I mentioned during the budget workshop that I would take an 18% cut in my travel allowance.
- c. Carl Johnson: I think everybody has gone over the budget. I would suggest that you make a motion to approve the budget that has been on public display since August 31 and then address the amendments. I think it would be the clearest way to say: We started with the budget that everybody has looked at; we are going to approve it that way with the following changes. Then the only other item that needs to be remembered by everyone is that this is an ongoing adjustment to this budget, we are not where we finally want to be with the budge. We have health insurance adjustments to make over the next three or four months and we may

have to make other adjustments as we go along. There is \$600,000.00 roughly, reduced in this budget from the prior years in actual expenses. Our goal is to get to \$800,000.00. We are not through necessarily with the budget just because we approve what we do today.

- d. Judge Lee: It is my understanding that Commissioner Boggs made that adjustment to his allowance, the only other change that I am aware of to the budget is specifically related to the Volunteer Fire Departments. We had initially suggested a flat \$1000.00 per month for each of the Departments. After further discussion and some assistants of those Departments of the Volunteers, we have decided that will be a three tiered approach. The total dollars between the six will still be an average of \$1000.00 a month, yet we are going to allocate \$1200.00 to two of those Departments, \$1000.00 per month to two, and \$800.00 for the other two.

Motion made by Judge Lee to approve the 2011-2012 Budget as stated and seconded by Commissioner Fields. Motion carried unanimously.

5) Adopt the 2011 Tax Rate. (Listen to audio track 1, 00:20:45)

- a. Carl Johnson: There are actually two tax rates involved: One is the Interest and Sinking fund to pay the interest and principal on the bonds, at this point it is almost all interest. That is 13.48 cents per hundred. The Maintenance and Operations Budget which operates the County Operations is 25.24 cents per hundred for a total rate of 38.72 cents per hundred is the proposed rate.
- b. Commissioner Boggs: I wanted to bring out the fact, I was curious about previous tax rates in Titus County. I found it interesting between the years of 1970 and 1989 the M&O tax rate was 25.83 cents per hundred and what are we going to on the M&O.
- c. Carl Johnson: 25.24 cents per hundred.
- d. Commissioner Boggs: So I believe it is a fair tax rate, it accomplishes not all of what we need, but some of what we need, and for the rest of it we will see if we can find it within.

Motion made by Judge adopt the 2011 Tax Rate for the upcoming year in the amount of 38.72 cents per hundred being split again 13.48 and 25.24 between Interest and Sinking Fund and Maintenance and Operations, and seconded by Commissioner Fields. Motion carried unanimously.

Judge Lee explains that the Health Insurance Auditor requested that the presentation be postponed until the Commissioner's Court Meeting due to an emergency.

6) Consider and possibly approve 2011 Tax Year Resolution for Exemptions and Discounts.

(Listen to audio track 1, 00:25:12 and/or see Attachment #1)

a. Judy Cook:

- i. The discounts for early payment with a 3% for October, 2% for November, and 1% for December. The Homestead exemption, which is 20%, is allowed by the state but not less than \$5,000.00.
- ii. The property tax code permits exemption of the additional amount. The \$15,000.00 for taxpayers of 65 and over. It also allows for a person that is under 65, that is 100% disabled according to Social Security records, an exemption of \$10,000.00 on their homestead.
- iii. A required exemption to total appraised value homestead for Texas veterans that receive 100% compensation from the U.S. Department of Veteran Affairs due to a 100% disability rating.
- iv. Disabled Veteran who owns property other than his residence homestead may apply for a different disabled Veteran's exemption. The exemptions apply according to their Social Security records if they are 10% or higher.
- v. The code also recommends that the governing body to adopt the tax rates for individuals 65 and older.

- b. A discussion regarding partial payments throughout the year ensued. Judge Lee recommended that Judy Cook look into that and re-address it in two weeks to one month.

Motion made by Commissioner Hockaday to approve the exemptions and discounts and seconded by Commissioner Hinton. Motion carried unanimously.

7) Consider and possibly adjust the Holiday Schedule to remove Friday 12/23/2011 and Friday 12/30/2011 from the paid holiday list. (Listen to audio track 1, 00:35:35).

Motion made by Judge Lee to table this matter until next meeting and seconded by Commissioner Fields. Motion carried unanimously.

- 8) Consider and possibly approve 2012 Titus County Resolution Indigent Defense Grant Program. (Listen to audio track 1, 00:36:15 and/or see Attachment #2)
- a. Judge Lee: Explains the Indigent Defense Program and read the Resolution.
Motion made by Commissioner Boggs and seconded by Commissioner Hockaday.
Motion carried unanimously.
- 9) Consider and possibly approve budget for records management and archive funds (County Clerk's Office). (Listen to audio track 1, 00:38:40 and/or see Attachment #3).
- a. Dianne Norris explains the Archive Fund and the purpose for it. In addition she presented the Commissioners' Court with an Archive Plan for 2012
Motion made by Commissioner Fields to approve the Records Management and Archive funds and the plan, and seconded by Commissioner Fields. Motion carried unanimously
- 10) Consider and possibly approve Travel and Seminars for Titus County Employees and Elected Officials. (Listen to audio track, 1, 00:50:23 and/or see attachment #4)
- a. Andrea Miller, Records Clerk, to attend the Open Government Conference in Austin, TX, December 5, 2011
 - b. Chris M. Bragg, Sgt. Investigator to attend The Glock Armorer's Course in McKinney, TX, September 27, 2011
- Motion made by Commissioner Boggs and seconded by Commissioner Fields. Motion carried unanimously
- 11) Approve oral and written reports of County Officials. (Listen to audio track 1, 00:51:38 and/or see attachment #5)
- Motion made by Commissioner Boggs and seconded by Commissioner Hinton. Motion carried unanimously
- 12) Consider and possibly approve Treasurer's report. (Listen to audio track 1, 00:53:35 and/or see attachment #6)
- Motion made by Commissioner Boggs to approve Treasurer's report and seconded by Commissioner Hinton. Motion carried unanimously.
- 13) Approve Budget Amendments (Listen to audio track 1, 00:54:41). None for this Meeting.

14) Sign pay Orders and Approve Payments. (Listen to audio track 1, 00:54:54)

Motion made by Commissioner Hinton and seconded by Commissioner Hockaday.

Motion carried unanimously.

15) Closing Comments by County Judge and Commissioners, if any. (Listen to audio track 1, 00:55:10)

- a. Doug Hobbs: I just want to step up and say thank you. This lasted 2 ½ to 3 weeks and it had to been trying on all of you. Contrary of some of the things that have been written and/or said, we want to urge you to go back and look at some of the suggestions that have been made and look at them as you are managing the County business. Go back and look at some of the suggestions, and if you can use some of the suggestions for managing the business. Contrary to some of the things that were in the paper, I do not represent any party, I am not a party person, so keep that in mind. I do not want to walk out of here with anybody mad; I want to walk out of here walking out of here with four friends up there without it becoming a personal attack. I think that it has not been a personal attack, but it has been a little bit heated a few times, but let us not get like some other places have gotten, let us not have placards and people screaming and hollering at each other. Understand it is concerned citizens that want to make sure our business is managed properly. I appreciate what Don Boggs did when he brought out how cheap it has been on us because of Luminant. If anybody could attack Luminant, I probably could, I probably have reason to, but they are not altogether wrong out there because I know what is going on, I know the EPA laws. We, as a county, need to be further advanced and the people that are concerned here, we need to be looking at the EPA; looking at Luminant ...it is not that black and white on either side. I appreciate all of you and what you do, look at the suggestions that were made in these meetings.
- b. Judge Lee: I appreciate your comments there. Today ends a process of budget hearings and budget decisions. I would encourage you to hold us accountable as you see us and run into us; ask us “What have you done today to help our budget and our tax rate?” Do not drop this for the entire next year; it will help us if this stays in the very front of our minds. I can assure you this is going to be something that I am going to be thinking a lot about in the days, weeks and

months ahead, primarily because of what you have done today and in these last few meetings. Again, it is easy for us to get past the difficult times in our budget year and to forget about it, but I do not want that to happen where we do not discuss any of these things for a year to come. We do have some pressing issues that we will deal with in the upcoming two or three months. We are committed to making up some of that short fall that we have right now, when we do not have a guaranteed way of how we are going to make it up. We are going to try to leave that fund balance alone as much as we possibly can, and to make sure that we get that good rating for our loop bonds. The good news is that we have the loop project real close to getting ready to be let. We will see some activity here shortly. We have waited many years. I am looking forward to seeing that happen, to see the economic activity that comes to our community.

- c. Commissioner Fields: I appreciate you saying that we are all friends and neighbors, and we have known each other for a long time. It is a hard process. I do know that in the past years we have looked at different things trying to figure out what would be best for the County, what is the right direction to go. We have some things that we looked at, cut back, but it is hard constantly working it.

I think the last 3 years trying to get CASA where it is at. That is our children, children in the County that have been removed from their home and they really do not have a representative there for them. We had nearly 80 children that were taken out of homes that did not have a spokesperson for them, and we have just been able to really implement that in the last three or four years and get them up to \$30,000.00.

We can go through the process of looking at the DPS office, the Secretary out there; if you really do away with her, you are taking a Highway Patrolman off the street that will bring more money in than what she would make as a Secretary. Do you really want to give that up, I really did not the other Commissioners' did not. If you look at the whole process, and go through each one of them.

The Elections Administration Office, which is the office they thought we would cut that and go back the old way. If you look at the pros and cons, realistically

look at it and say that the different entities are going to have to come up with machines. We look at the overall County and we try to eliminate where we could. It is just something that you look at and do the best you can.

I know just about everybody out there, there is not many I do not know. I promise you, I am not mad at anybody or upset with anybody....

- d. Commissioner Boggs: When people come into my store from my precinct, I apologize. This is not something that I enjoy doing, this is something that is going to challenge many peoples budget and checkbooks. However, in my heart, I know it is the best thing for the County as a whole.

Adjournment. (Listen to audio track 1, 01:05:05)

Motion made by Commissioner Hockaday and seconded by Judge Lee. Motion carried unanimously.