

COMMISSIONERS' COURTSPECIAL MEETING

SEPTEMBER 12, 2011

Notice is hereby given that the Titus County Commissioners' Court met in a special meeting on Monday, September 12, 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
John Mark Cobern	County Attorney
Kay McNutt	Justice of the Peace Precinct 1,3 and 4

Public Attending Meeting:

Christie Davis	Venetia Nelms	Steve Capps
Michelle Hoverton	Anna Roberson	Danny Bockmon
Jerry Bell	Al Riddle	T. Buffalo
David J. Myers	Kenny Rollins	Lou Ann Rollins
O.M. Adams	Woody Hughes	Barbara Bruechner
Sherri Spruill	Dixie Spruill	Scott Spruill
Mike Ahrens	Molly Clostio	Frieda Easley
Judy Lee	Phil Blackwell	Nigel Christopher
Doug Hobbs	Eric Bruechner	Emily Aikman
Ted D Aikman	Jennifer McCollum	Scot Glover
Lahonda Robertson	Katie Rosewell	Ron Britt
Kim Britt	T Landrum	Alford Flanagan
David Horton	Ronnie Russell	Betty Russell

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

- 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, 00:01:03).
  - a. Judge Lee: A brief word of introduction to my left, I would like you to meet Venetia Nelms, and she is filling in for Carolyn Norman while she is having hand surgery. Carolyn is having hand surgery and will be out for about two to four weeks.
  - b. Judge Lee: There are two requests for public speaking, let us start with Ms. Smith.
  - c. Ms. Smith: I am here to respectfully request that the Commissioner's maintain, not cut, the budgets of our local Volunteer Fire Departments. In the post 2012 budget funding for my VFD in Cookville, has been cut by more than half. I know these men and women, they will continue to run to the site of a fire because they have a part in serving their community and that is what they have been trained to do. They will respond to fires as long as they can put fuel in the trucks, but that is where you have cut. Last year the County paid each department \$12.00 per firefighter per fire for run money. Our Volunteers do not accept a penny of this money; it goes straight into the fund to pay for fuel for the trucks. Our Volunteers already reach into their pockets, generously, for things they do not ask the fire department to reimburse. I do not think we could ask them to pay more. Surely, there are other places in the huge budget you can find to cut. The El Nino climate pattern is expected to last through 2012, which means we may continue to have droughts and wild fires through that time. Please cut your budget in other places and do not hamstring our first responders, who protect our rural homes from what could otherwise be catastrophes.
  - d. Ms. Spruill...it appears, from the citizens' standpoint that I am hearing, that things are getting increasingly more difficult. There is a good chance that revenues will be down more than anticipated. I do not have all the answers,

obviously. I do know that as times get tougher the decisions that we have to make do get tougher. I cannot see how we are going to continue, if we begin to lose more and more business in our area to sustain what we have going. I want to encourage new business to come here, I want to see new opportunity to grow and I know from experience in our business that there have been businesses and manufacturing loss in areas of the United States, largely due to tax rates and tax burdens on the manufacturer or the entity. I want to put forth that we are a standard, and we know how to make the most of what we have. I want everything to be as attractive as possible to attract new growth and new industry here. I do know that one of the many things that they look at and consider is tax burden. Every dollar that a citizen is taxed, on their home for example, means a dollar less discretionary money they have to spend with us locally. Every time that dollar is cut, that is one less dollar that I have to work with, one less dollar we have to pay our taxes, and on and on it goes, as I am sure you are aware. I am just imploring you to go beyond what you would normally do to find ways to make things efficient, save us all the money that you possibly can, and let us try together to not have to increase our tax burden.

- 2) Consider and possibly approve minutes from August 22, 2011 special meeting of the Commissioners' Court. (Listen to audio track 1, 00:05:45)

Motion made by Commissioner Boggs and seconded by Commissioner Hockaday, approval of the Minutes from our August 22 Special Meeting, and our last hearing on August 31, 2011 with minor changes. Motion carried unanimously.

- 3) Loop Project Update (Jennie Taraborelli). (Listen to Audio 1, 00:06:58)

- i. Jennie Taraborelli: As we have been pushing the design of 271 through for TXDOT and federal approval, we have been spending much of our time on that activity and not as much here on the ground. There are a few things to report.

The right of way acquisition on the FM 1000 project is still moving forward.

As most of you know, last Thursday the Federal Highways Administration signed the federal project authorization and agreement for the US 271



project. That allows us to move forward in advertising and letting the project. To comply with Federal Law we have to advertise for 21 days, publish the advertisement 3 times. Our staff has put together all the documentation and a copy of the bid proposal here that I will leave in the Judges office. We are going to start advertising on September 28, 2011, we will advertise again on October 5, 2011 and October 12, 2011. That will allow us to accept bids on October 20, 2011 and come to Court on October 24 and make a recommendation on the award and that have that project awarded. If possibly we are hoping to have a pre-bid meeting on October 11, 2011, which will be a time for all the prospective proposers to come forward, ask their questions, PTP staff will be there, we will have TXDOT there as well, and others. Everyone can get their questions aired and then we will issue an addendum out to all bidders of record, so that they are aware of any clarifications that need to be made at that time.

For the 2348 project: it is right behind 271, we held it back for a little bit to allow TXDOT staff to move forward in the approval of 271. When it was sent to Austin for review, then we submitted 2348 for their review, we have gotten our red line comments back. The designer has been answering those comments received from the District. We are expected to have a full setback later this week, first of next week, and at that time, we will submit for Austin approval.

2348 is currently scheduled for a November Letting, starting right behind the 271 project. What is going to happen is that you will have one that really mobilizes by December with heavy activity January 1. 2348 will be mobilized and heavy activity by mid-January. There will be a lot of activity on the ground in a rapid fashion. Of course, 2348 is a much less complex project than 271 Project and the state of duration is 18 months on that project so we will be in and out quick compared to the 271 project. Getting ready for 271, we are trying to push the all the utilities that are in conflict to go ahead and get their work wrapped up as rapidly as possible. Talking to the utility relocation team, while there is going to be some

ongoing activity when starting construction we do not see any lines that are going in conflict with the road contractor.

Critical path for the next month is:

1. Advertising of the 271 project
2. 2348 plan submitted for approval
3. Continue to move forward with the right of way 1000.

- 4) Consider and possibly authorize the Advertising and Letting of the US 271 West Loop contingent upon receipt of letter of authorization from Federal Highways Administration. (Listen to audio track 1, 00:20:09).

Motion made by Commissioner Hockaday and seconded by Commissioner Fields.

Motion carried unanimously.

- 5) Consider and possibly approve renewal of OAG Statewide Automated Victim Notification Service Grant (VINE Grant) (Woody Hughes). (Listen to audio track 1, 00:20:44)

- a. Woody Hughes: VINE is early notification for victims, if you have been assaulted or family violence you can access their website to notify you when the person who is incarcerated is now being let out so that they can take precaution if necessary.

Cost to the County: One annual payment of \$6,874.00

Motion made by Commissioner Boggs and seconded by Commissioner Hinton. Motion carried unanimously.

- 6) Discuss Justice Court Technology Fund (Tabled from 8-22-2011 Meeting). (Listen to audio track 1, 00:23:17)

- a. Judge Lee: The question is who has ultimate authority over the Technology Fund. Where are these funds generated, what can these funds be used for and what can they not be used for, and who has the ultimate authority to determine whether an expenditure is or is not made from this fund.
- b. John Mark Cobern: I think the statute is very clear about who has control of the fund. The Justice Court Technology Fund shall be administered by and under



the discretion of the Commissioners' Court. This is one of those types of funds that the Commissioners' Court has complete discretion over. For example: if the two Justice of the Peace wanted to use those funds they need to come to you guys and get permission, that is pretty clear and simple to me. Some of the more tricky questions are the issue of how the funds should be expended. I understand where this coming from, I know Carl is looking towards trying to save with the tax situation that we are faced with, what are some ways that we can save some money and not have to use taxpayer dollars to have to buy computers.

Therefore, this is a fund because the Justice Court generates a lot of money in fines. Therefore, this is an area where there are funds available. Does the Court know what the funds are going to be used for?

- c. Judge Lee: One question was, could these funds be used in other non-justice court departments if it fell under the heading of Technology Expenditure, such as computer. That would be for something outside of the Justice Court. If the funds are there and the Justice Court does not need them, can they be spent on something else?
- d. John Mark Cobern: Let's use computers as an example. The Attorney General had an opinion, and the example is the Jasper County Criminal District Attorney had proposed that one of his Constables there needed a computer. The JP that the Constable worked with was going to use that Technology Fund to buy the Constable a computer. The Attorney General's opinion on that was if the Commissioners' Court deemed that it would enhance the Justice Centers' technology to allow the Constable to have that computer then it is okay. Therefore, it comes back to the Commissioners' to address that question. Therefore, along that line of thought, then you can extend that to any office in the County, but it does need to have some kind of connection. For example: The Treasurer has a duty to collect those funds and help administer those funds. Therefore, the Treasurer could come to you and says, "I am tasked with the responsibility for collecting all of this money and so I need a new computer to help me for that purpose", the Commissioners' Court could then make the fact finding that it agrees.

It is really an issue of how aggressive you want to take that. However, with our current climate of funding issues, you may need to take a more aggressive stance than you normally would; it is up to the Court.

- e. The statute is clear that the money has to be used for the purchase of technology. The bulk of the funds are going to have to be used for the Justice Court itself and the two JP offices. The only real area that I can really see it being extended offices that works with the Justice Courts could logically come to the Commissioners' Court and request the use of those funds.
- f. Judge Lee: Let's talk about another scenario where we have a desire by Justice Court to say we want a new computer and we have money in our fund, therefore we have the right to spend it for that purpose. What I am hearing you say is that if the Commissioners' Court approves that expenditure.
- g. John Mark Cobern: Exactly.

- 7) Consider and Possibly Approve purchase of computer for Constable Chris Durant, Precinct 1 to come out of the Justice of the Peace, Precinct 1, Technical Fund. Cost \$1,001.89. (Listen to audio track 1, 00:32:01).

Motion made by Commissioner Boggs and seconded by Commissioner Hockaday.

Motion carried unanimously.

- 8) Consider and possibly adopt revised political boundaries following redistricting of Commissioners' Court Precincts. (Listen to audio track 1, 00:32:54)

Motion made by Commissioner Hinton and seconded by Commissioner Hockaday.

Motion carried unanimously.

9) Consider and possibly approve recommendations for proposals/property/casualty insurance (Listen to audio track 1, 00:35:10).

- i. Property-Building/Contents/Equipment/Boiler-Machinery
- ii. General Liability
- iii. Auto Liability
- iv. Public Official Liability
- v. Crime-Employee Fidelity

b. Mr. Preston discusses recommendations for the County Insurance.

Motion made by Commissioner Hockaday and seconded by Commissioner Fields, to contract with CAPPS Insurance. Motion carried unanimously

10) Consider and possibly approve waving the entry fee to the Monticello County Park during the Third Annual Titus County Twin Lakes Jam Fest, October 7-14, 2011. (Listen to audio track 1, 00:44:39)

Motion made by Commissioner Fields and seconded by Commissioner Hockaday.

Motion carried unanimously.

11) Consider and possibly approve purchase of a Pumper Tanker Fire Truck for Winfield VFD. (Listen to audio track 1, 00:46:25)

- a. Mr. Narramore, Assistant Fire Chief of Winfield, I have an invoice for a Pumper Tanker that should be here within the next week to ten days. We are going to go down to Atlanta, GA to pick it up. It is for \$180,500.00 and the Texas Forest Service will pay \$155,000.00, the Winfield VFD will pay \$9,500.00 from their fundraisers, and the County is being asked to pay \$16,000.00.

Motion made by Commissioner Fields and seconded by Commissioner Hinton. Motion carried unanimously.



12) Consider and possibly approve selection for the Family Consumer Science Position at the Extension. (Listen to audio track 1, 00:50:05).

- a. Mr. Hurley introduces Lou Ann Rollins for the Family Consumer Science Position.

Motion made by Commissioner Boggs and seconded by Commissioner Hockaday.

Motion carried unanimously.

13) Consider and possibly approve travel and seminars for the Titus County Employees and Elected Officials. (Listen to audio track 1, 00:56:20).

- a. Judge Dyke: \$100.00 reimbursement for a training seminar at Texas State University for Overhead Assessment and Registration.
- b. Dianne Norris and April Ridgeway are requesting to attend a Preservation and Archival Imaging Workshop in Dallas on September 21, 2011. This is a day trip only; mileage is involved with no registration fee.
- c. Judge McNutt and Irma Ayala are requesting a check for \$100.00 for a seminar for new court personnel; this class is May 7-9, 2012 in Galveston.
- d. Judge McNutt and Michelle Livingston are requesting a check for \$100 for a seminar for new court personnel February 1-3, 2012 in San Antonio.

Motion made by Commissioner Fields and seconded by Commissioner Hinton. Motion carried unanimously.

14) Approve oral and written reports of the County Officials. (Listen to audio track 1, 01:00:09 and/or see Attachment #1)

Motion made by Commissioner Boggs and seconded by Commissioner Fields. Motion carried unanimously.

15) Consider and Possibly Approve Treasurer's Report. (Listen to audio track 1, 01:01:45 and/or see Attachment #2)

Motion made by Commissioner Boggs and seconded by Commissioner Hinton. Motion carried unanimously.

16) Approve Budget Amendments. (Listen to audio track 1, 01:00:09 and/or see Attachment #1)

Motion made by Commissioner Hinton and seconded by Commissioner Boggs. Motion carried unanimously.

17) Sign pay orders and approve payments. (Listen to audio track 1, 01:06:57)

Motion made by Commissioner Hockaday and seconded by Commissioner Hinton. Motion carried unanimously.

18) Closing comments by County Judge and Commissioners, if any.

Motion made by Commissioner Hockaday and seconded by Commissioner Hinton. Motion carried unanimously.

- a. Commissioner Boggs discusses the budget and tax rates for all of the Counties within the State, comparing them to Titus County.
- b. Commissioner Fields and Commissioner Hockaday suggest to Elected Officials and County Employees to find better less expensive ways to complete annual education.

19) Budget Workshop

20) Adjourn

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 12 day of September 2011 at the time and place heretofore set forth.

Attested to this 22 day of Sept., 2011.



DIANNE NORRIS, Titus County Clerk

