

**COMMISSIONERS' COURT  
SPECIAL MEETING/BUDGET HEARING  
SEPTEMBER 22, 2014**

**[AGENDA](#)**

**[AUDIO](#)**

**[ATTESTATION](#)**

**COMMISSIONERS' COURT  
NOTICE OF MEETING & BUDGET HEARING  
SEPTEMBER 22, 2014**

Notice is hereby given that the Titus County Commissioners' Court met in a Special Meeting and Budget Hearing on Monday, September 22, 2014 at 6:00 p.m. in the Titus County Courtroom with the following members present:

<b>Brian P. Lee</b>	<b>County Judge</b>
<b>Al Riddle</b>	<b>Commissioner Precinct 1</b>
<b>Mike Fields</b>	<b>Commissioner Precinct 2</b>
<b>Phillip Hinton</b>	<b>Commissioner Precinct 3</b>
<b>Thomas Hockaday</b>	<b>Commissioner Precinct 4</b>
<b>Dianne Norris</b>	<b>County Clerk</b>
<b>Sheryl Preddy</b>	<b>County Treasurer</b>
<b>Carl Johnson</b>	<b>County Auditor</b>
<b>Tim Ingram</b>	<b>County Sheriff</b>
<b>Judy Cook</b>	<b>Tax Assessor/Collector</b>
<b>Paula Dyke</b>	<b>Justice of the Peace Precinct 2</b>
<b>Kay McNutt</b>	<b>Justice of the Peace Precinct 1,3,4</b>

**Public Attending Meeting:**

<b>Brad Fosdick</b>	<b>Michael Garcia</b>	<b>Miguel Castillo</b>
<b>Jason White</b>	<b>Clint Bain</b>	<b>Martin P. Cervantes</b>
<b>Brandy Garcia</b>	<b>Ginger Brown</b>	<b>Craig Brown</b>
<b>Wayne Minor</b>	<b>Paul Lindsey</b>	<b>Shawn Davis</b>
<b>Lisa Wertz</b>	<b>Todd Kisel</b>	<b>Lena Haley</b>
<b>Renee Morgan</b>	<b>Beverly Taylor</b>	<b>Gwen Dunn</b>
<b>Sue Smith</b>	<b>Scott Wildey</b>	<b>Skippy Norman</b>
<b>Kenneth Schmitt</b>	<b>Allan Holloway</b>	<b>Rendy Orr</b>
<b>Denise Reichert</b>	<b>Woody Hughes</b>	<b>Rickey Joyner</b>
<b>Jimmy Parker</b>	<b>Judy Lee</b>	<b>Nigel Christopher</b>
<b>Sue Evenwel</b>	<b>Judy Kent</b>	<b>Tony Gesino</b>
<b>Troy Sellers</b>	<b>Emily Aikman</b>	<b>Tammy Shelton</b>
<b>Nicholas Norman</b>	<b>April Norman</b>	<b>Carolyn Norman</b>
<b>Lou Antonelli</b>	<b>Christie Davis</b>	<b>Joyce Simpson</b>

**Invocation: Judge Brian Lee**

**Pledge of Allegiance: Judge Brian Lee**

**1. 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 and/or see video)**

There were no public comments and/or requests for information on non-agenda items.

**2. PROPOSED 2014-2015 BUDGET (Listen to audio track 1 and/or see video)**

Nigel Christopher thanked the court for the new format for the Budget Summary showing Projected Revenues & Expenditures from October 1, 2014 thru September 30, 2015. The budget can be accessed by going to the Titus County website under Auditor. Judge Lee went on to explain expenditures that are non-recurring and the Contingency Fund. [\(SEE ATTACHMENT #1\)](#)

The second Tax Rate Hearing will be on Thursday, September 25, 2014 at 6:00 p.m. Judge Lee has received an email from Geraldine Hull, Chief Appraiser, that a settlement has been reached with Luminant.

**3. CONSIDER AND POSSIBLY APPROVE MINUTES FROM SEPTEMBER 8, 2014 REGULAR MEETING OF THE COMMISSIONERS' COURT (Listen to audio track 1 and/or see video)**

Motion was made by Commissioner Hinton and seconded by Commissioner Hockaday to approve minutes from September 8, 2014 regular meeting of the Commissioners' Court. Motion passed unanimously.

**4. CONSIDER AND POSSIBLY APPROVE MINUTES FROM SEPTEMBER 17, 2014 SPECIAL MEETING & PUBLIC HEARING OF THE COMMISSIONERS' COURT (Listen to audio track 1 and/or see video)**

Motion was made by Commissioner Hinton and seconded by Commissioner Fields to approve minutes from September 17, 2014 special meeting and public hearing of the Commissioners' Court. Motion passed unanimously.

**5. CONSIDER AND POSSIBLY AWARD BID FOR EXPANSION OF THE COMPUTER ROOM (CHRIS BASHAM) (Listen to audio track 1 and/or see video)**

Chris Basham, Construction Manager, felt that we needed to go out for better bids.

Motion was made by Commissioner Hockaday and seconded by Commissioner Fields to table awarding bid for expansion of the computer room. Motion passed unanimously.

**6. CONSIDER AND POSSIBLY APPROVE RECOMMENDATIONS FOR PROPOSALS/PROPERTY/CASUALTY INSURANCE: (TABLED 9-17-14) (Listen to audio track 1 and/or see video)**

- a.) Property-Buildings/Contents/Equipment/Boiler-Machinery
- b.) General Liability
- c.) Auto Liability
- d.) Public Official Liability
- e.) Crime-Employee Fidelity

Todd Kisel from Texas Association of Counties and Jim Faley from Capps Insurance were present to answer any questions pertaining to above insurance coverage. Judge Lee read a follow up note from Mr. Kisel after the meeting on September 17, 2014. Mr. Faley stated that they also have on line web based training and that Risk Control is available. ([SEE ATTACHMENT #2](#))

Motion was made by Commissioner Riddle and seconded by Commissioner Hockaday to accept all lines of coverage offered with Texas Association of Counties. Motion passed three to two with Judge Lee and Commissioner Fields voting nay. Cyber Liability will be renewed with Buford.

**7. CONSIDER AND POSSIBLY APPROVE CHANGES TO THE TITUS COUNTY & DISTRICT RETIREMENT SYSTEM PLAN PROVISIONS FOR THE 2015 PLAN YEAR (Listen to audio track 1 and/or see video)**

Titus County Employee, Lt. Michael Garcia, came before the Court stating that cutting employee benefits will cost the county the loss of good employees who will go elsewhere and that could cost the county more money in the long run due to possible penalties and lawsuits due to laws and rules being violated. ([SEE ATTACHMENT #3](#)) ([SEE ATTACHMENT #4](#))

Motion was made by Commissioner Hockaday and seconded by Commissioner Hinton to stay with current plan with no changes to the Titus County & District Retirement System Plan Provisions for the 2015 Plan Year and report to TCDRS by 12-01-2014. Motion passed four to one with Commissioner Riddle voting nay.

**8. STATUS REPORT FOR TITUS COUNTY PASS THROUGH PROJECTS (Listen to audio track 1 and/or see video)**

Mark Heidaker presented the progress report on the Titus County Pass Through Project. ([SEE ATTACHMENT #5](#))

**9. CONSIDER AND POSSIBLY APPROVE PROPOSAL FROM JAMES CONSTRUCTION GROUP TO MODIFY CERTAIN TERMS OF THE FM 4000 CONSTRUCTION CONTRACT (Listen to audio track 1 and/or see video)**

James Construction Group, LLC has agreed to pay for the cost to asphalt crossroads FM 1735 and FM 2348 if Titus County will release the assessment of liquated damages of \$4500.00/day past the scheduled completed date of October 20, 2014. James Construction has contracted with R. K. Hall to start laying the asphalt as soon as approval is received. Judge Lee asked how we could be sure of James Construction Group, LLC's commitment to Titus County. Mr. Heidaker responded in that Item 4 of the Agreement stipulates that if only minimal progress has been

achieved, then liquidated damages will be assessed until all work on the crossroads is complete. [\(SEE ATTACHMENT #6\)](#)

Motion was made by Commissioner Riddle and seconded by Commissioner Fields to accept and sign the Agreement between Titus County and James Construction Group, LLC and suspend time on them. Motion passed unanimously.

**10. CONSIDER AND POSSIBLY APPROVE CHANGE ORDER 13 FOR WILLIAMS BROTHERS CONSTRUCTION CO., INC. ON THE US 271 PASS THROUGH PROJECT IN THE AMOUNT OF \$6,828.91 (Listen to audio track and/or see video)**

Motion was made by Commissioner Fields and seconded by Commissioner Hockaday to approve Change Order 13 for Williams Brothers Construction Co., Inc. on the US 271 Pass Through Project in the amount of \$6,828.91. Motion passed unanimously. [\(SEE ATTACHMENT #7\)](#)

**11. CONSIDER AND POSSIBLY APPROVE CHANGE ORDER 14 FOR WILLIAMS BROTHERS CONSTRUCTION CO., INC. ON THE US 271 PASS THROUGH PROJECT IN THE AMOUNT OF \$12,083.50 (Listen to audio track 1 and/or see video)**

Motion was made by Commissioner Hockaday and seconded by Commissioner Fields to approve Change Order 14 for Williams Brothers Construction Co., Inc. on the US 271 Pass Through Project in the amount of \$12,083.50. Motion passed unanimously. [\(SEE ATTACHMENT #8\)](#)

**12. CONSIDER AND POSSIBLY APPROVE CHANGE ORDER 03 FOR H. H. HOWARD & SONS, INC. ON THE FM 2348 PASS THROUGH PROJECT IN THE AMOUNT OF A CREDIT OF \$40,788.88 (Listen to audio track 1 and/or see video)**

Motion was made by Commissioner Hockaday and seconded by Commissioner Fields to approve Change Order 03 for H. H. Howard & Sons, Inc. on the FM 2348 Pass Through Project in the amount of a credit of \$40,788.88. Motion passed unanimously. [\(SEE ATTACHMENT #9\)](#)

**13. CONSIDER AND POSSIBLY APPROVE AN ORDER REGARDING DISBURSEMENTS FROM COUNTY ENERGY TRANSPORTATION REINVESTMENT ZONE INCREMENT FUND (Listen to audio track 1 and/or see video)**

Motion was made by Commissioner Hinton and seconded by Commissioner Fields to approve an Order Regarding Disbursements From County Energy Transportation Reinvestment Zone Increment Fund. Motion passed unanimously. [\(SEE ATTACHMENT #10\)](#)

**14. CONSIDER AND POSSIBLY APPROVE MAINTENANCE AGREEMENT WITH NET DATA FOR YEAR 10-1-14 THROUGH 9-30-15 (Listen to audio track 1 and/or see video)**

Motion was made by Commissioner Hinton and seconded by Commissioner Fields to approve Maintenance Agreement with Net Data in the amount of \$114,263 for Year 10-1-2014 through 9-30-2015. Motion passed unanimously. [\(SEE ATTACHMENT #11\)](#)

**15. CONSIDER AND POSSIBLY APPROVE ESTABLISHING A CREDIT CARD MERCHANT ACCOUNT TO BE UTILIZED FOR PAYMENT OF COURT COSTS THROUGH THE COMING E-FILING SYSTEM FOR THE DISTRICT AND COUNTY CLERK (Listen to audio track 1 and/or see video)**

Motion was made by Commissioner Hinton and seconded by Commissioner Fields to approve establishing a Credit Card Merchant Account to be utilized for payment of court costs through the coming E-Filing System for the District and County Clerk. Motion passed unanimously. ([SEE ATTACHMENT #12](#))

**16. CONSIDER AND POSSIBLY SUBMIT COMMENTS TO THE EPA REGARDING CARBON DIOXIDE EMISSIONS RULINGS AND THE IMPACT ON EXISTING POWER PLANTS (Listen to audio track 1 and/or see video)**

Motion was made by Commissioner Hockaday and seconded by Commissioner Hinton to approve submitting comments to the EPA regarding Carbon Dioxide Emissions Rulings and the impact on existing Power Plants. Motion passed unanimously. ([SEE ATTACHMENT #13](#))

**17. CONSIDER AND POSSIBLY APPROVE TRAVEL AND SEMINARS FOR TITUS COUNTY EMPLOYEES AND ELECTED OFFICIALS (Listen to audio track 1 and/or see video)**

Motion was made by Commissioner Fields and seconded by Commissioner Hinton to approve travel and seminars for Titus County Employees and Elected officials. Motion passed unanimously. ([SEE ATTACHMENT #14](#))

**18. APPROVE ORAL AND WRITTEN REPORTS OF COUNTY OFFICIALS (Listen to audio track 1 and/or see video)**

Motion was made by Commissioner Hinton and seconded by Commissioner Hockaday to approve oral and written reports of county officials. Motion passed unanimously. ([SEE ATTACHMENT #15](#))

**19. CONSIDER AND POSSIBLY APPROVE TREASURER'S REPORT (Listen to audio track 1 and/or see video)**

Motion was made by Commissioner Hinton and seconded by Commissioner Hockaday to approve Treasurer's report. Motion passed unanimously. ([SEE ATTACHMENT #16](#))

**20. APPROVE BUDGET AMENDMENTS (Listen to audio track 1 and/or see video)**

Motion was made by Commissioner Fields and seconded by Commissioner Hinton to approve budget amendments #64 and #65. Motion passed unanimously. ([SEE ATTACHMENT #17](#))

**21. SIGN PAY ORDERS AND APPROVE PAYMENTS (Listen to audio track 1 and/or see video)**

Motion was made by Commissioner Hinton and seconded by Commissioner Hockaday to sign pay orders and approve payments. Motion passed unanimously. ([SEE ATTACHMENT #18](#))

**22. CLOSING COMMENTS BY COUNTY JUDGE AND COMMISSIONERS, IF ANY (Listen to audio track 1 and/or see video)**

Commissioner Fields invited the Court to attend the Jam Fest which would be held at the Titus County Park October 10-18, 2014 with no charge for admission.

Judge Lee informed the Court that the time frame for submitting resumes for Constable for Precinct 2 was over and would like to go ahead and set a Commissioners' Court meeting to make a decision for this position. A tentative date was set for Friday, September 26, 2014 at 10:00 a.m.

**ADJOURN (Listen to audio track 1 and/or see video)**

Motion was made by Commissioner Hockaday and seconded by Commissioner Hinton to adjourn. Motion passed unanimously.