

Hamilton County Commissioner's Court
Regular Session
Monday, September 13, 2010
9:00 A.M.

Hamilton County Commissioner's Court met in Regular Session on Monday, September 13, 2010 at 9:00 A.M. with the following members present: Judge Randy Mills, Commissioners Jim Boatwright, Mike Lewis, Jon Bonner and Dickie Clary.

The meeting was called to order and Judge Mills opened with prayer.

There were no public comments.

A motion was made by Clary and seconded by Bonner to approve the minutes of August 30, 2010 Commissioner's Court changing the vote on adopting the budget to Boatwright and Clary against. The motion carried by majority vote. Also to approve the minutes of August 23, 2010 and to approve the amendment of June 28, 2010 where there was a typographical error of \$172,485.00 changing it to \$122,485.00 regarding the following action: (Commissioner Lewis updated the court regarding the geo thermal installation at the courthouse stating that the county had received three bids and that the lowest bid was \$172,485.00, the second bid being \$135,000.00 and the third bid of \$249,000.00. The motion carried unanimously.)

The court discussed an American Legion Monument on the west courthouse lawn commemorating all the United States Military who died in service to their country. Judge Mills suggested that it not be any larger than the VFW monument. Judge Mills also stated that Texas Historical Commission's Bess Graham stated that it was a local issue and local control. Judge Mills also stated that the monument would not be placed there until after the courthouse restoration was completed.

Commissioner Lewis asked if they could present a drawing of the monument for the court's consideration.

There was no action.

A motion was made by Bonner and seconded by Lewis to approve the contract between Net Data and Hamilton County to electronically file citations issued in the County and by Texas Department of Public Safety to County's Justice of the Peace Court (s). Net Data allowed a one year contract automatically renewable with a six month option out upon receiving a thirty (30) day notice from either party. The motion carried unanimously. (Recorded in Commissioner's Court Papers Book 37 Page 448)

A motion was made by Bonner and seconded by Clary to lift the Hamilton County Burn Ban. The motion carried unanimously.

A motion was made by Bonner and seconded by Clary to approve the acceptance of gifts in the amount of \$3047.52 for the Hamilton County Sheriff's Trust Fund. The motion carried unanimously.

The court opened a bid for a service vehicle for the Sheriff's Department from Brumbalow Motors, Inc. in the amount of \$5,190.53 plus trade in for the purchase of a 2010 Dodge Charger with a 3.5 V-6 engine.

A motion was made by Bonner and seconded by Clary to accept the bid from Brumbalow Motors, Inc. for a service vehicle for the Sheriff's Department. The motion carried unanimously. (Recorded in Commissioner's Court Papers Book 37 Page 450)

A motion was made by Lewis and seconded by Bonner approving the bond renewal for Hamilton County Deputy Sheriff Kenneth Lovell. The motion carried unanimously. (Recorded in Commissioner's Court Papers Book 37 Page 455)

A motion was made by Clary and seconded by Bonner to approve the budget amendments submitted. The motion carried unanimously. (Recorded in Commissioner's Court Papers Book 37 Page 459)

A motion was made by Clary and seconded by Bonner to approve \$114,332.75 amount of bills submitted for payments. The motion carried unanimously. (Recorded in Commissioner's Court Papers Book 37 Page 512)

A motion was made by Bonner and seconded by Lewis to accept the terms from Lace Funeral Home for disposition of pauper burials which included cremations for a price of \$895.00 and indigent burials for \$1895.00 with the county providing the lot for burial. The motion carried unanimously. (Recorded in Commissioner's Court Papers Book 37 Page 527)

A motion was made by Clary and seconded by Bonner to approve the agreement with Texas Cooperative Teamwork Recycling Assistance and Hamilton County for recycling of metal, plastics, and paper. The motion carried unanimously. (Recorded in Commissioner's Court Papers Book 37 Page 530)

A motion was made by Bonner and seconded by Lewis to approve the expenditure of \$12,200.020 for the removal of the underground fuel storage tank and associated costs at 308 South Railroad. The total cost of the environmental services was \$57,335.53. The tax attorney's will be invoiced for \$25,000.00 of the agreed amount of \$25,000.00 which will bring a remaining balance of \$34,335.53. The county's portion is (37.73%) \$12,200.00 and the balance will be paid by the taxing entities involved being the city, school and hospital district. This fee will be paid out of professional fees. The motion carried unanimously. (Recorded in Commissioner's Court Papers Book 37 Page 536)

Judge Mills announced that a monitor review will be conducted by the Texas Department of Rural Affairs No. 72907 (Previously known as Office of Community Affairs-ORCA) on September 28, 2010 at 1:30 P.M.

County Treasurer Debbie Eoff read a letter from the Texas Association of Counties (TAC) in regards to the county's Risk Management Pool Auto Liability, General Liability, Public Official Liability and Law Enforcement Liability Coverage effective November 1, 2010. These revised policies will replace the existing policies we currently have in place. Ms. Eoff stated that they had added the County Attorney endorsement to the Public Officials Liability at no charge to provide limited coverage for county attorneys against claims of malicious prosecution; which will in fact save the county a little money. No action required or taken on this item. (Recorded in Commissioner's Court Papers Book 37 Page 554)

A motion was made by Bonner and seconded by Clary approving authorization for United Telephone Company of Texas, Inc. dba Century Link to install buried cable upon and along the right-of-way of the county roads in Hamilton County more specifically 2327 CR 227 – Work Order No. E.215701. The motion carried unanimously. (Recorded in Commissioner's Court Papers Book 37 Page 556)

Hamilton County Auditor Marliessa Clark presented a letter to the court to consider payment for extra hours necessary to complete monthly balance reports and end of the year balance reports as prior requested by Commissioners Court (from Redistricting 010-209-209 Non-Departmental). Ms. Clark stated that she had to go back to February 2008 for the reconciliation (which is the date that the county started taking direct deposits) and then in February 2009 reconciliation issues were brought to her attention. She further explained that she had implemented many procedural changes to make the job easier to complete in the future.

The court had asked her to keep an accounting of the hours she put into this reconciliation process. Judge Mills wanted her to submit her hours for the court to consider payment during this budget year. Therefore, Ms. Clark submitted 379 hours and a total amount of \$17,202.00.

After a long deliberation a motion was made by Bonner and seconded by Mills to approve a payment of \$8,545.00. It was discussed that FICA and retirement would be coming out of the gross amount to be consistent with previous stipend distributed to the county judge's assistant. (Recorded in Commissioner's Court Papers Book 37 Page 560)

A motion was made by Lewis and seconded by Bonner to renew the Interlocal Agreement between Hamilton County and the City of Hamilton for the funding of a community service position with the County of Hamilton to be known as "Utility Officer". The motion carried unanimously. (Recorded in Commissioner's Court Papers Book 37 Page 561)

A motion was made by Boatwright and seconded by Clary to renew the contract agreements for the services with the following name organizations which Hamilton County Commissioners Court deems to be of beneficial interest to the citizens of Hamilton (withholding the check to the Shive Volunteer Fire Department until the question of title/ownership regarding the property is resolved) as follows:

- a . Carlton volunteer Fire Department
- b . Central Counties of Mental Health Mental Retardation Services

- c . Cranfills gap Volunteer Fire Department
- d . Evant Volunteer Fire Department
- e . Hamilton Public Library
- f. Hamilton United Care
- g . Hamilton Volunteer Fire Department
- h . Hico Volunteer Fire Department
- i. Hico Senior Center
- j. Hill Country Community Action Association
- k . Jonesboro Volunteer Fire Department
- l. Neighbors to Neighbors
- m . Pottsville Volunteer Fire Department
- n . Shive Volunteer Fire Department
- o . Star Volunteer Fire Department

The motion carried.

Judge Mills stated that the bids for Phase II-Courthouse Restoration would be submitted September 27, 2010. The guaranteed maximum price would be known by October 5th or October 11th. There would be an owners meeting on September 15, 2010 with Komatsu Architecture, Texas Historical Commission and Hamilton County.

Judge Mills had received a letter of compliance from the Texas Commission of Environmental Quality (TCEQ) regarding alleged violations on the underground fuel tanks at 308 S. Railroad, Hamilton, Texas.

Judge Mills stated that he had written a letter of support for the Horizon Dairy Project from his office regarding the digester system.

Judge Mills also announced that he will be requesting the Hamilton County Historical Commission to develop a committee for the purpose of making recommendations for replacing and displays of historical items into the historically restored courthouse.

In closing, Mills reported that there would be no more verbal reports that if anyone had an item that needed to be reported please let him know and he would get it on the agenda.

A motion was made by Bonner and seconded by Lewis to approve all departmental reports. The motion carried unanimously. (Recorded in Commissioner's Court Papers Book 37 Page 564)

A motion was made by Lewis and seconded by Bonner to adjourn. The motion carried unanimously.

County Judge

Attest: _____
County Clerk