

Hamilton County Commissioner's Court
Regular Session
Monday, September 12, 2011
9:00 A.M.

Hamilton County Commissioner's Court met in Regular Session on Monday, September 12, 2011 with the following members present: County Judge Randy Mills, Commissioners Jim Boatwright, Mark Tafel, Jon Bonner and Dickie Clary.

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

Damon Chumney addressed: Talked about Retiree Insurance Judge Mills calling for three motions until desired outcome that was wanted and quit voting; Agenda Item 13-Re-allocate \$100,000.00 from the precincts to the general fund stating that this was political posturing; if Commissioner Bonner has \$100,000.00 he wants to put in the General Fund then he should just do it; Agenda Item 14-Ratify resolution for not approving Hamilton County Appraisal District's Fiscal Year 2012 Budget when it had already been approved; Agenda Item 15-Retiree health insurance and employee benefits in general needs to be substantially looked at; Agenda Item 22 – Declare surplus equipment for Precinct Two -don't know what this is all about but need to be careful and not sale equipment that is useful just for a dollar and Agenda Item 23 – Appears that this has some sensibility and that this resolution should be adopted.

Richard Layne stated that he had received a phone call from a Precinct Two person asking him about a phone number in a newspaper ad. Seems like that the Craig's List out of the Waco's business section has a hot dog cart for sell in it, which is a perfectly fine thing; but the two telephone numbers listed one of those happens to be a cell phone number 784-3910. The 784-3910 is a cell phone number owned by the county, paid for with our tax dollars and issued to Tafel. I am not saying whether he is wrong or right on this issue. I am just saying that apparently he does not own his own cell phone. It is just another example of his lack of concern for our tax dollars.

I also received three phone calls related to a rubber tire loader being taken out on Friday afternoon after four o'clock, road hands not in uniform which was trailed out to a residence and went right into a tank. Apparently, what it looked like to us is that it was cleaning the tank out. The operator's were asked by another person what they were doing and they said they were looking for road base. Dry tanks are not a good source for road base. Anyway this piece of equipment was shut down, left on the side and was not orange cone marked until Saturday. Then Tuesday, the day after Monday's holiday it was picked up and trailed back to the precinct after being replaced by a blade. Now we hear constantly about Precinct Two being upside down, being broke. How much money does it take to ride it out there and ride it back? In the first place you are not suppose to be on private property digging a tank, cleaning a tank out or anything else. There happens to be an injunction on this county and the county commissioners against doing that. It was an injunction put into effect in the eighties and was a permanent injunction.

The emergency repair we continuously hear about this which seems to be a buzz word. I don't think there is any reason to fund this. He has received a \$10,000.00 check from the sell of surplus equipment sale and approximately \$30,000.00 for the sell of another piece of equipment and therefore should not need other funds to continue running until the October 1st deadline when he receives his new budget.

The court moved to Item 23 which is the discussion and election of precincts ability to enter private property with written consents from land owners for the purpose of utilizing road materials and cutting drainage ditches.

Commissioner Tafel began saying, we have several... I did want to ask you a question judge when speakers blurt out their hypocrisy not knowing any facts on certain items it is the commissioner's ability to speak up during that?

Judge Mills replied, "We can do it right now. Cover that if you feel like you need to."

Commissioner Tafel responded, "I definitely do". The Craig's List for sale item is definitely a mistake. My cell phone number is transferred into my wife's number, she wrote the article for me and I am glad that he has enough free time to do research. That is a mistake and that will be rectified. There was not supposed to be a county number on there.

Tafel continued stating "Number Two which I believe Mr. Curry will be eluding to in his discussion on Item 23 of entering private property. On the dates of August, excuse me September 1st and September 2nd as we all may know that was opening of dove season. All of the employees got the morning off up until nine o'clock to go to their favorite spots to hunt dove. In fact I actually got to be part of the first one. Their working hours on those two days were nine (9:00 A.M.) to five-thirty (5:30 P.M.). Two employees were sent out and written permission was gathered from 878 CR 400 to install a culvert and a tire loader was sent on location because it was the most economical means for the precinct to gather material which if anyone looks at that culvert all that material was pulled from that tank. It was approximately two- four yard loader buckets; to send a machine, load the machine at the actual gravel pit and to utilize the only stock pile I have left considering we now have the pressure going; I believe it behooves all the commissioner's to use any road material base as we can find on the property for any tin horns that we install.

As far as the employees wearing their uniforms they do all the time. I believe Billie; one of the two did not have their uniform on because they were changing hydraulic fluid before hand. There was no sneaky, conniving after hour, toying around -it is amazing how my posse continues to try to find something as destructive to this county which is not the case.

I have a major project to undertake which Mr. Curry will disagree with because he would like for his own company to do the excavating on but it will be on County Road 305, Mr. Lilljedahl's. We have a very low area where a tin horn was set and not an ideal spot and during heavy rain and runoff, we have about a foot-and-a-half. I have it on photographs from earlier in the spring where this area floods out. To alleviate the problem we will have to be entering two different pieces of property basically excavating the ditch for ingress and egress so the water for about three hundred yards on each piece of property.

Our local land work guys I'm sure would love to get the job but the problem is that we do not have the time, nor the means when we get these heavy rains to keep a road flooded because someone is in a bid war to attempt to get a job. This is not to take work from anybody it is simply to alleviate a problem.

I have three situations through out our county in our precinct right now that I will have to address. Again if materials could be utilized on site from these land owners to help us expedite the job and save the county money I see absolutely no reason not to. It is not to take and build roads, dams, levies or tanks for other people but it is strictly to gather materials to get this county so that we don't have any flooding spots at least in Precinct Two."

Judge Mills asked for Mr. Keith Curry's response.

Mr. Curry addresses the court. "We went through this several some odd years ago and the reason we went through then we had commissioners that were abusing it. As far as excavating that three hundred yards has any of our people that are in the business been contacted to see if they could do it? No, probably not because you wouldn't let me do it anyway. As for as them boys going out there, no sir, they were out there pushing that dirt out of that tank. They took that front end loader and I have seen five year olds that was digging wouldn't dig a four foot hole to put in a horn right up here on top of a hill.

The boy told me that their time shut off at four o'clock. This started at 5:15. I went by your house to try to discuss it with you, dad gum your pick up gone I made a phone call later on to a number that I had acquired. Saturday morning I got a very, very rude call. Fact of the business you even told me I was on your hit list."

Tafel replied, "Hit list is the jobs we are doing, Keith."

Curry responded, "No sir, that is not the way we understand it."

Tafel stated, "I don't need any reaming where my wife list private phones at our house. There are business phones, office phones, many phones to call me."

Curry answered, "You're pretty hard to get a hold of. Anyway we went through this several odd years ago. I am going to fight it. If I have to go back to court with it again we will. We got a permanent injunction. I guess these other commissioners will tell you there has never been any problem with them going in and getting material at places where there was good material. Nobody fusses. But when you're on top of this hill with clay and a bunch of junk, no sir."

Tafel asked, "Did you see the material that was over this horn and you are telling me that is not good material?"

Curry replied, "No, that loader was working up there in the tank."

Tafel said, "That's where I got the material."

Curry answered, "No sir. No sir. I disagree. I've got pictures of the hole you dug out. There was a big hole that the rubber tire loader dug out. The reason that we are fighting this or that I am fighting it is I don't want to go to court again, but we will. If the gentlemen here agree with you that's fine and dandy. That's our problem Mark. You get your foot in the door you are going to keep on pushing and kick it wide open. I'm sorry."

Richard Layne addresses Agenda Item 13 stating, "As I earlier eluded there is a permanent injunction in effect. You do what you want to do with it. The group is willing to re gather and to continue. I don't think that they have to I think it is on your part that you have to go get it reversed. I am glad that you mentioned the address on that piece of property where you took that rubber tire loader because I wasn't going to but it seems like that piece of property is owned by the father of your road hand."

Tafel answers, "Correct."

Layne continues, "I find that very odd. As dry as it's been all of the sudden as broke as you are we are out doing road work for drainage."

Tafel responds, "It's not all of the sudden. There is an entire list in the office and you are welcome to look at it of all the projects that have to be done in the area. You take them and do them when you can. That is why we are very soon going to do Mr. Lilljedahl's problem."

Layne replies, "You may try. That's fine. You are continuously stepping out of bounds trying to do things and it's after the door is open that you try to shut it. It is unacceptable situation. You actually wrote an article where you admitted to removing a tree from a house. That's private property. You are not supposed to be on it. If you want to go on it as a friend, that's fine. Use your chain saw, that's fine. Use your shovel, that's fine. I have no problems with that. To sat there and use county funds and county equipment that the taxpayers own toward private use I am not going to stand on for it; or not for long."

Tafel asked, "Does that apply to fires?"

Layne answered, "No sir. A fire is an emergency. You know that unforeseen emergency that you are always talking about"

Tafel inquires, "A tree on a house is not an emergency?"

Layne continues, "No. Any private contractors would have been happy to come out and gotten that tree off. I had a tree on my house and I didn't call Jim up to come get that tree off my house. I went to a private individual and contracted to get that tree removed; that was \$1300.00 and that is \$1300.00 that you've taken from the county as for as I'm concerned. I appreciate the time."

Judge Mills stated that Texas Association of Counties Jim Allison advised that when we get materials off of private property that there be contract approval of the court. So if there is any material that come off private property in exchange for fixing the road to the pit or do any improvement to that property it has to be, we need a contract.

Tafel clarifies, "Per event?"

Mills answered, "Yes."

Tafel continues his clarification, "So prior to actually entering that private property get a written consent from the owner bring it to commissioner's court."

Mills added, "No, just a contract that he is going to provide twenty yards of pit material in return for whatever it is."

Tafel asked, "If we got three or four we know we are doing can we gather them up and do them all at one time?"

Mills replied, "Yes gather them up. He suggested that the contract and determination of what is adequate consideration for this is up to the court. He even suggested that it be pretty lop-sided the other way in the county's favor where it is easy to see that the county is benefiting more than the landowner."

Agenda Item 7.-Discuss/approve emergency budget amendment for Precinct Two as it applies to unforeseen emergency safety repairs-No action needed as the sale of equipment has taken care of this issue.

A motion was made by Tafel and seconded by Bonner to approve the following budget amendments with the exception of the one for the County Treasurer which was not included at this time: Juvenile Probation from Court Cost to Juvenile Board District Judge, Precinct Two from Water, Road Materials and Supplies, Emergency Safety, Electricity to Fuel, Equipment Repair and Telephone, Jail from Jail Repairs to Supplies and Stationery, Sheriff's Office from Health Insurance to Overtime, Courthouse from Electricity and Debt Principal to Janitorial Supplies, Service Contract, Non Capital Equipment and Capital Equipment, Non Departmental from DSL to Redistricting Fee, Precinct Three from Non Capital to County Retirement, Justice of the Peace, Precinct One from Travel Expense to Schools and Conference, Precinct Four from Worker's Compensation Insurance to Non-Capital Equipment, Equipment Repairs and Maintenance and Electricity, District Court/Juvenile Court from Water Shed and Juvenile Detention to Court Appointed Attorney, Court appointed Attorney Indigent and Jury, and Sheriff's Office and Jail from Health Insurance and Dispatchers & Jailers to Overtime, Supplies and Stationery, Fuel and Oil, Janitorial Supplies, Uniforms, Schools & Conferences, Vehicle Repair and Maintenance, Overtime, Janitorial Supplies, Food and Inmate Medical. The motion carried by a majority vote. Mills abstained. (Recorded in Commissioner's Court Papers Book 40 Page 698)

A motion was made by Boatwright and seconded by Clary to approve the budget amendment for the County Treasurer from Equipment Rental and Equipment Repair and Maintenance to Supplies and Stationery. The motion carried by a majority vote. Mills abstained. (Recorded in Commissioner's Court Papers Book 40 Page 475)

A motion was made by Clary and seconded by Bonner to approve the registration fee for out of state conference for AgriLife Extension Agent Chelsea Ferris. Judge Mills

asked the court for point of clarification if they considered Ms. Ferris an employee of Hamilton County. The court was affirmative that because a part of her salary was paid by Hamilton County that they did indeed consider her an employee of Hamilton County. In August Ms. Ferris went to Oklahoma, Nebraska and Kansas looking at the show cattle operations. USDA facilities, stockyards, etc. The association was asking each participant to pay \$100 for their registration fee out of her travel. There were twenty three participants, the trip costing approximately \$19,000.00. The motion passed by a majority vote for approval that Ms. Farris could travel to the out of state conference. Mills abstained.

A motion was made by Bonner and seconded by Clary to approve the consent agenda which contained the following:

A.) Minutes of August 17, 2011 Commissioner's Court Meeting with the correction in Paragraph II on page one that it reads "*now*" *instead of no*.

B.) Minutes of August 22, 2011 Commissioners Court Meeting with the correction in Paragraph Six *Mill to "Mills"*. (Recorded in Commissioner's Court Papers Book 40 Page 747and 749)

C.) Department reports which included the Minutes of County Finances Treasurer's Report for the months of March 2011, April 2011, May 2011, June 2011, and July 2011 which stated the county's cash assets on hand for these months. (Recorded in Commissioner's Court Papers Book 40 Page 770)

D.) Bills in the total amount of \$173,707.62 with \$7,037.50 being paid to Komatsu Architecture and \$166,670.12 being paid for the county's regular bills. (Recorded in Commissioner's Court Papers Book 40 Page 753)

The motion carried by majority vote. Mills abstained. (Recorded in Commissioner's Court Papers Book 40 Page 753)

The court moved to courthouse restoration and discussed the porticos which required no change order. The contractors were finishing the plaster and the metal framing. There has been no date established for the dedication.

A motion was made by Boatwright and seconded by Clary to extend the burn ban for ninety days (December 12, 2011) and included that welders would need a fire watcher and fire suppressant materials nearby. Judge Mills clarified that the court still wanted household trash burned in an enclosed contained with screen cover. The order also included allowing Judge Mills to rescind the order upon a determination that circumstances that required the order no longer exist. The court agreed. The motion carried by a majority vote. Mills abstained. (Recorded in Commissioner's Court Papers Book 40 Page 875)

Agenda Item 13-Discuss and/or take action on proposal by Precinct Three Commissioner Jon Bonner to re-allocate \$100,000.00 from each precinct to the general fund via utilization of existing fund balances or proceeds from equipment sales. Commissioner Bonner stated that County Auditor Marliessa Clark had not the time to gather the material and information that he needed to make this presentation and that this would need to be an agenda item at a later date.

Agenda Item 14-Ratify resolution for not approving Hamilton County Appraisal District's Fiscal Year 2012 budget – There was no action on this ratification as the court had ratified this resolution on August 22, 2011. (Recorded in Commissioner's Court Papers Book 40 Page 876)

Agenda Item 15-Discuss/approve policy change(s) regarding Hamilton County Retiree Health Insurance. A motion was made by Boatwright and seconded by Tafel to add the word supplement (to retiree health insurance), eight (8) continuous years of service with Hamilton County to qualify for the benefit and Hamilton County pays a fee up to \$250.00 per retiree. This applies to Section 2.07, Page 2 of 3 of the Hamilton County Policy for Retiree Health Insurance. Clary Tafel and Boatwright voted for, Bonner and Mills voted against. The motion carried with a majority vote.

A motion was made by Clary and seconded by Bonner to approve the appointment of Shawna Galindo as Assistant Tabulation Supervisor for the November 8, 2011 Constitutional Amendment Election. The motion carried by a majority vote as Clary, Tafel and Bonner voted for and Boatwright and Mills abstained.

A motion was made by Bonner and seconded by Clary to approve the United Telephone Company of Texas, Inc. dba Centurylink proposal to install a buried communications cable upon and along the right-of-way of county roads in Hamilton County, Texas, Precinct Three. The motion carried unanimously. (Recorded in Commissioner's Court Papers Book 40 Page 877)

The court considered appointing Jason Clark as an additional On Site Sewage Facility Designated Representative.

The court took a five minute break.

Reconvening County Attorney Mark Henkes advised us to table the appointment of an additional On Site Sewage Facility Designated Representative until a later date to allow for review of the OSSF Manual.

A motion was made by Bonner and seconded by Clary to approve the Resolution Authorizing County Grant for Texas Department of Agriculture for Home Deliver Meal Grant Program. The motion carried unanimously. (Recorded in Commissioner's Court Papers Book 41 Page 9)

A motion was made by Boatwright and seconded by Bonner to approve the Master Mutual Aid Agreement between Hamilton County, City of Hamilton, city of Hico, Hamilton Hospital District, Hamilton Emergency Management Services and all volunteer fire departments which serve Hamilton County. The motion carried by a majority vote. Mills abstained. (Recorded in Commissioner's Court Papers Book 41 Page 5)

A motion was made by Bonner and seconded by Boatwright to approve the deputation and bond for Hamilton County Deputy Sheriff David Michael Southerland. The motion carried by majority vote. Mills abstained. (Recorded in Commissioner's Court Papers Book 40 Page 891 and Book 41 Page 001)

A motion was made by Tafel and seconded by Boatwright to declare 1993 International Dump Truck as surplus equipment for Precinct Two for sale. The motion carried by majority vote. Mills abstained.

The court took a recess at 10:35 and reconvened at 10:58 A.M. into a budget workshop.

The court discussed proposed changes for Friday, September 16, 2011 Commissioner's Court Meeting as follows:

- 010-409-420- Telephone System– Add \$17,230
- 010-409-207- Unemployment Compensation -Add \$6120
- 010-560-459- Sheriff Service Contract-CTCOG-Increase \$16,404

Because of the CTCOG Service Contract change it changed the amount that each of the cities will owe (Law Enforcement Contract):

010-342-000	City of Hamilton	\$323,459.00
010-342-100	City of Hico	\$144,119.00
010-409-409	Redistricting	\$1.00
010-540-499	Emergency Management	Increase -\$ 1,255.00
010-640-486	Indigent Health	Reduce - \$25,000.00
	Total Revenue	\$3,300,527.00
010-310-000	Current Taxes	\$1,904,185.00

These are all the proposed changes to the General Fund.

Commissioner Tafel presented these proposed changes to Precinct Two:

022-613-203	County Retirement	Increase	\$8,123.00
022-613-207	Unemployment Compensation Increase		\$3,032.00
022-613-450	Equipment Repair & Maintenance Increase		\$17,500.00

Page 45 Fund 062 Courthouse Restoration

Recorded in Commissioner's Court Papers Book 41 Page 19)

A motion was made by Boatwright and seconded by Clary to adjourn. The motion carried by majority vote. Mills abstained.

County Judge

Attest: _____
County Clerk