

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

Hamilton County Commissioner's Court met in Regular Session on Monday, December 12, 2011 at 9:00 A.M. with the following members present: Commissioners Jim Boatwright, Mark Tafel, Jon Bonner and Dickie Clary. Judge Randy Mills was out sick.

The meeting was called to order by Bonner and Clary opened with prayer.

Damon Chumney opened with public comments stating that he had problems with multiple posting of the Commissioner's Court Agenda stating that this needed to be addressed. He said that new agendas were added after the original agenda was posted and the original agenda is not removed.

Continuing, Chumney stated that he appreciated the court opening the regular meetings with prayer but said that the special sessions are not opened with prayer therefore presenting a double-standard.

Chumney complained that the court voted to spend \$16000.00 for the vault door. He was disappointed to see that the vault door was placed on the agenda for a second time; seems like if we want something done we put it on the agenda once, then twice and shove it through.

Item 13-Consider paying an employee for their overtime, holiday, vacation and/or sick leave for employees leaving county employment; Mr. Chumney stated that he thought this had to do with the county budget and that the county budget is taken too lightly; if an employee has earned this that is one thing.

Chumney concluded that this was the first time that he has come to a Commissioner's Court and entering the courtroom required to be "wanded". This is the first administration that this has occurred and he wondered what this was all about.

Unifirst Uniforms, Services and Solutions Sales Representative Alanna Hernandez made a presentation regarding the uniform services offered. The court asked Ms. Hernandez to obtain an inventory of the county's inventory from County Treasurer Debbie Eoff and submit a cost estimate of those services to allow the court to compare to the county's current vendor.

A motion was made by Boatwright and seconded by Clary to approve the following consent agenda:

- A. *Minutes of 11-28-2011 Commissioner's Court Meeting*
- B. *Minutes of 12-05-2011 Commissioner's Court Meeting*
- C. *Minutes of 12-07-2011 Commissioner's Court Meeting*
- D. *Approve Departmental Reports*
- E. *Approve Bills Submitted for Payment-\$113,547.32*

The motion carried unanimously.

Hamilton County Courthouse Restoration-County Clerk Debbie Rudolph presented to the court a handout received from the Texas Historical Commission regarding picture rails for the offices in the courthouse requesting that the court consider this before the county offices moved back to the courthouse. Rudolph also requested help from the county commissioners and their employees for the move back into the courthouse.

Commissioner Bonner requested permission to remove debris that had washed on Dean Craig's property at the culvert on CR 216. Bonner explained that it would be approximately twelve (12) to sixteen (16) yards that needed to be removed. A motion was made by Bonner and seconded by Clary granting permission for Precinct Three to remove gravel from Dean Craig's proper at the culver on CR 216. The motion carried unanimously.

A motion was made by Clary and seconded by Boatwright to set every second and fourth Monday of each month at 9:00 A.M. for Commissioner's Court meetings; the District Courtroom in the Courthouse Annex and the Commissioner's Courtroom in the Courthouse once we move and to schedule the December 26th Commissioner's Court meeting (Holiday) to Tuesday, December 27, 2011. The motion carried unanimously.

Agenda Item 12-Authorize Hamilton County Precinct 2-2008 For F250 Serial Number1FTNF21508EB81934 an authorized emergency vehicle in accordance with Texas Transportation Code 541.201:

Public citizen Keith Allen Curry stated that on September 14th as he was riding a road grader on his way to a fire at Ireland he was passed by a county vehicle at a high rate of speed in a no passing zone running two vehicles off the road while the person in the vehicle was talking on his cell phone.

Tafel asked who was driving as Curry responded that Tafel was.

Tafel denied it at that point.

Public citizen Keith Curry spoke affirming Keith Allen Curry's report of the incident adding that there were two witnesses to the event being two highway patrolmen. (Keith) Curry asked if needed to bring the witnesses in or if Tafel was going to admit that he was driving.

Tafel responded that he would look at his daily log.

Public citizen Richard Layne responded stating that this is just another Tafel want-to-be. October 10, 2011 Texas Department of Public Safety made a presentation regarding safety and legal issues regarding emergency vehicles. Tafel has installed on a county vehicle the red and blue lights at taxpayer's expense. His vehicle is illegal as an emergency vehicle. The county is to standby for a request for help.

Layne continued stating that after the incident of September 14th Commissioner Tafel had an exhaust manifold replaced because it was damaged when he hit the ditch at Arlington.

Layne added that Bottlinger Grain reported another incident where Tafel had passed at high speed and when Tafel arrived at his destination it was a cloud of dust created by a plow. Bosque County had to ask Tafel to get off their frequency during a fire. Concluding Layne suggested that Tafel join a volunteer fire department but that the county does not need to be exposed to this liability.

Tafel responded that these are the same men, the same posse the same headache. He stated that he keeps a daily log so that he can respond stating that he did recall coming upon Curry (Keith Allen) driving a motor grader as he was going to help fight a fire. He said that Curry turned around and looked at him and Tafel went around him.

Tafel added that he had responded to thirteen fires and had helped many landowners.

Tafel continued that Bewley was waiting to hang him with something else.

Commissioner Tafel stated that he had been offered to join the local fire departments and that he indeed was trained for it. Tafel commented that his truck has some unique qualities and he would like for the court to deem his truck an emergency vehicle.

Boatwright asked why he wanted the court to declare an emergency vehicle.

Tafel replied that the Sheriff wants to arrest me for illegal lights.

Boatwright asked if Tafel had training and Tafel replied yes.

Boatwright added that the court did not need to add any liability to Hamilton County.

Bonner concurred with Boatwright and stated they (volunteer fire departments) will call when they need us we do not need to take on a new role, it's not warranted.

Tafel said that he had been called a half a dozen times.

Bonner replied that we all get called.

Clary validated what Boatwright and Bonner said. I don't see that we need to interject ourselves. There are legal issues and I believe that where the code speaks of a municipality it means a city and where it speaks of a county it means a county.

Tafel then asked if the court wanted him to strip the lights from his truck or just let them stay on and just not turn them on.

Bonner added, "You are asking for us to authorize you doing this?"

The court took no action Agenda Item 12-Authorize Hamilton County Precinct 2-2008 For F250 Serial Number 1FTNF21508EB81934 an authorized emergency vehicle in accordance with Texas Transportation Code 541.201.

Tafel requested that the court consider paying an employee their overtime, holiday, vacation and/or sick leave payments for employees leaving county employment. Tafel stated that he had the word of the sheriff he would pay a county employee vacation and sick leave upon termination but the employee was not paid those benefits. He stated that he does not believe the sick leave should be paid but he did think that the vacation pay should be. The employee had accrued 155 hours but was only paid for 80 hours.

Bonner Boatwright and Clary all agreed that the county employees are aware of the county policy regarding vacation time and they were not in favor of changing the current personnel policy to accommodate this request. Therefore, there was no action taken on Item 13 – Consider overtime, holiday, vacation, and/or sick leave payments for employees leaving county employment.

Future Agenda Item: Agenda Posting

The court took a brief recess before going into a workshop for courthouse restoration contingency funds.

Reconvening in a budget workshop to discuss contingency funds Tafel did not return.

Administrative Assistant Clydell Massingill asked about official action regarding the supplemental funding submitted to THC (Texas Historical Commission). Rudolph stated that she believed that there was not an official vote only a straw poll taken during an owner's meeting authorizing to move forward with submitting the request.

Komatsu Architecture's Charlie Wilson stated that the county had \$42,834.40 left in contingency funds. This figure includes the striping and the wheel stops previously discussed.

Bonner wanted to finish the Commissioner's Courtroom adding a bench for the court and benches for the visitors. Wilson stated that we had a plan with three different setups. The electrical had been installed in the northeast corner and would need to be considered when designing the bench. Bonner added that he would like to see enough space behind the commissioner's bench to allow for an individual to walk behind the court without everyone getting up. The cabinet maker (MMI) quoted an estimate of \$8,000.00-\$10,000.00. It was suggested to use the old doors for the skirt and top of the court's bench and then finish with a glass top.

Boatwright suggested that the court consider an L-shape bench for the courtroom.

Wilson also stated that there was a problem with moisture on the first floor of the courthouse and that they were looking for a sealant that could be used with the flooring. They would be addressing this problem but wanted the court to know that there would be an additional cost for the floor sealant.

The court requested a meeting be posted to ratify the supplemental funding for plans for the commissioner's court desk to be presented to consider approval so that the county could move forward quickly as time was upon us.

The court left the workshop and went back into Regular Session as Boatwright made a motion to adjourn which was seconded by Clary. The motion carried unanimously.

County Judge

Attest: _____
County Clerk