

Hamilton County Commissioner's Court

Regular Session

Monday, July 9, 2012

9:00 A.M.

Hamilton County Commissioner's Court met in Regular Session on Monday, July 09, 2012 at 9:00 A.M. with the following members present: County Judge Randy Mills and Commissioners Mark Tafel and Jon Bonner. Commissioner Jim Boatwright was absent due to family illness and Commissioner Clary was absent due to vacation.

Judge Mills called the meeting to order and opened with prayer.

There were no public comments.

AgriLife Extension Service Representative Donald Kelm gave an overview of 4-H activities in Hamilton County for the last year.

A motion was made by Bonner and seconded by Tafel to approve the following budget amendments: Sheriff's Office from Employee Medical to Employee Repair, Sheriff's Office from Janitorial Supplies to Uniforms, Non-departmental from Workman Compensation to Telephone, County Clerk from Indexing to Supplies and Stationery and Schools and Conferences, District Clerk from Equipment Repair to Supplies and Stationery and Tax Assessor-Collector from Equipment Repair and Maintenance to Equipment Rental. The motion carried unanimously.

A motion was made by Bonner and seconded by Tafel to approve the following consent agenda:

- A. Minutes of 6-25-2012 Commissioners Court Meeting
- B. Minutes of 7-2-2012 Commissioners Court Meeting
- C. Approve Department Reports
- D. Approve bills submitted for payment - \$56,846.81

The motion carried unanimously.

8.) Hamilton County Restoration-Judge Mills stated that he had talked with Charlie Wilson from Komatsu Architecture stating that Hamilton County wanted to apply for additional funding with Texas Historical Commission to improve the acoustics in the district courtroom.

9.) Hamilton County Courthouse Annex: Judge Mills stated that he had talked with WIC about moving into the annex and a representative came from WIC to look at the office. The county judge's old office and his administrative assistant's old office would be good for them. WIC stated that they had lost

70-80 clients since the move to Gatesville and that they needed to get back to Hamilton to service those people's need. August 1, 2012 was the date that was given as a moving date for WIC to be in the annex.

Judge Mills reminded the court that probation department had been given an extra office space upstairs for storage. When Mills spoke with adult probation he was told that they could not mix adult probation records with the juvenile probation records. He stated that the court needed to give direction to probation to move their records for storage. Judge Mills stated that he would call the Chief probation Officer Jeanie Johnson and tell them we need the storage items moved.

Judge Mills suggested that the court consider moving the Senior Center into the County Clerk's Assistants, County Treasurer and County Treasurer's Assistant's old office and to use the County Clerk's office for the Senior Center Director's office.

Commissioner Tafel stated that it would be nice to consolidate all of the offices at one location.

AgriLife liked the district courtroom and the kitchen area for their space and the court might consider storage area for them at the outside teller windows.

Judge Mills also talked with DPS Trooper Kyle Matthews and they discussed housing DPS and possibly the game warden in the district judge and court reporters old offices.

Environmental Officer might consider placing him in Dicie's old office.

Possibly later on the court might consider making the teller line, office spaces.

Waco Glass and Mirror is working on the windows. The problem with the windows is that they were installed incorrectly in the first place. There should have been a tray installed underneath them slanted toward the outside to catch the condensation and displace it accordingly.

The drains need to be addressed and Commissioner Tafel stated that he would be responsible for obtaining the scope of work needed for the plumbing.

A motion was made by Tafel to implement the burn ban and there was no second; therefore the motion died from lack of a second.

Judge Mills informed the court that he had received an opinion from Jim Allison of Allison and Bass regarding the collection of uncollected taxes for indebtedness. Mr. Allison stated that Hamilton County Appraisal District must collect the taxes which was order for the indebtedness to secure the tax notes which the county had obligated itself to. The court has no wiggle room and the order stands true today and that the appraisal district must collect. Judge Mills advised Chief Appraiser Doyle Roberts that he must collect the taxes owed to the county and to submit the tax statement when the current tax statements are mailed out.

County Auditor Marliessa Clark stated that you cannot pay indebtedness out of the maintenance and operations taxes collected. If we don't collect the county places itself in jeopardy of not being able to pay for our tax notes.

Commissioner Bonner added that Mr. Roberts owes to the court and the public an explanation which accompanies the tax statement.

A motion was made by Bonner and seconded by Tafel to ratify the electricity purchase contract with GDF Suez Energy Resources N.A. Inc. (Formerly known as Champion). The motion carried unanimously. Judge Mills locked in a price of .05471 per kwh for electrical usage.

The court opened bids from Andy Lester for the following two (2) parcels of land:

- 1.) 118.7 x 130 of Lot 4 Block 5 (2) Wagner Addition – (Bulk Plant-Allison-This the property where the storage tanks were removed) It is located at the corner of South Railroad and East Pierson- Bid Amount \$1,000.00 – Assessed Market Value is \$ 17,810.00

- 2.) East ½ of Lot 39 Block 11 of the Smith & Williams Addition near Fair Park- Bid Amount \$200.00 Assessed Market Value is \$2,530.00

The court passed on accepting these two bids.

Commissioner Tafel presented to the court the following Order of Authorization Pursuant to Chapter 46, Texas Penal Code, for Members of the County Commissioners Court to Carry Concealed Weapon During Performance of Official Duties:

**ORDER OF AUTHORIZATION PURSUANT TO CHAPTER 46,
TEXAS PENAL CODE,
FOR MEMBERS OF THE COUNTY COMMISSIONERS COURT
TO CARRY CONCEALED WEAPON
DURING PERFORMANCE OF OFFICIAL DUTIES**

BE IT REMEMBERED, that on the ____ day of _____, 20____, came on to be considered by the Commissioners Court of (County Name) County, Texas, after due notice as required by law, the matter of authorization of members of the Commissioners Court of (County Name), Texas, pursuant to Article II of the United States Constitution, §46.02 and §46.03 of the Texas Penal Code, and Article V, Sections 1 and Section 18 of the Texas Constitution, to possess a firearm on the premises of any government court or offices during the performance of official duties.

Recent events suggest that public officials are from time to time confronted with potentially dangerous circumstances, while in the performance of their official duties that may subject such officials to possible harm, including serious bodily injury or even death. In all too many cases, such instances occur when the public official has no ready access to traditional law enforcement personnel.

§411.171, et seq., of the Texas Government Code establishes procedures by which a person may be licensed to carry a concealed weapon for purposes of individual safety. However, there are questions which arise regarding whether or not a person may lawfully carry such a concealed weapon during the performance of governmental duties arising from the election or appointment to a governing body such as the Commissioners Court.

In order to resolve these questions, and to relieve members of the Commissioners Court who could be subjected to possible prosecution by uncertainty under the law, this Authorization is adopted.

The Commissioners Court is one of the enumerated judicial bodies established by Article V, Section 1 of the Texas Constitution. Pursuant to Article V, Section 18 of the Texas Constitution, the Commissioners Court is made up of the Constitutional County Judge, and four (4) County Commissioners, who, acting collectively as a governmental body cloaked with judicial, executive and legislative powers, are vested with a broad range of duties and powers of the laws and constitution of this state. As a governmental body, each member of the Commissioners Court is an "officer of the court" as defined by applicable state law. .

The County Judge, as a Constitutional County Judge, has independent authority to control the courtroom, and to determine who may be authorized to serve as an officer of the Court for judicial and quasi-judicial purposes.

BE IT THEREFORE ORDERED, ADJUDGED AND DECREED that the Commissioners Court of (County Name), Texas, acting under the authority cited herein, adopts the following rules and grants authority under this Order of Authorization as follows:

1. A member of the Commissioners Court may, pursuant to §411.171 of the Texas Government Code, obtain a license to carry a concealed weapon.
2. The County Judge, individually, may grant authorization pursuant to §46.03(a)(3), Texas Penal Code, to permit an individual to carry a concealed weapon on the premises of any government court or offices utilized by the Court pursuant to written regulations or authorization.
3. The Commissioners Court, as a judicial body authorized by Article V, Section 1 of the Texas Constitution, has authority to issue written regulations or authorization pursuant to §46.03(a)(3), Texas Penal Code, to permit an individual to carry a concealed weapon on the premises of any government court or offices utilized by the Court.
4. In an exercise of that authority, it is expressly authorized and permitted by this Order of Authorization that any member of the (County Name) Commissioners Court, may lawfully carry a concealed weapon during sessions of the Commissioners Court, or during official business while on the premises of offices used by the Commissioners Court at any and all times, under the following conditions:

- a. The member has a current concealed weapon license authorized by §411.171 of the Texas Government Code.
- b. The member is engaged in the duties of a member of the County Commissioners' Court, or an activity required of the member because of the member's position as a member of the Commissioners Court. This provision recognizes that the duties of a member of the Commissioners Court are essentially continuous and without regular hours. .

Adopted this _____ day of _____, 20____.

County Judge

Commissioner, Precinct 1

Commissioner, Precinct 2

Commissioner, Precinct 3

Commissioner, Precinct 4

Attest:

County Clerk

The court discussed this issue at length but took passed on the agenda item until there was a full court present.

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

County Judge

Attest: _____

County Clerk