

Hamilton County Commissioner's Court

Regular Session
Monday, January 28, 2013
9:00 A.M.



Hamilton County Commissioner's Court met in Regular Session on Monday, January 28, 2013 at 9:00 A.M. with the following members present: County Judge Randy Mills, Commissioners Johnny Wagner, Mark Tafel, Lloyd Huggins and Dickie Clary.

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

Damon Chumney stated that Judge Mills asked the only question that needed to be asked regarding the band width regarding the budget and where will the funding come from.

Mr. Chumney also stated that he was in favor of agenda item twenty-three regarding the county's infrastructure stating to keep it sound and solid.

Chumney also stated that item ten of the agenda required no action which was requiring items belonging to Fleet Safety Equipment Inc. that are in possession of Hamilton County Precinct Two be removed from county property and returned immediately to the vendor. The court members trying to micromanage another member has developed into a dog and pony show.

Texas AgriLife presented their annual extension interpretation and review of the programs and educational outreach for the public for 2012.

A motion was made by Clary and seconded by Huggins to table the report from Environmental Inspector Billy Hopson on the status of Hamilton County On-site Sewage Facility Grant Program. Mr. Hopson was ill today. The motion carried by a majority vote of four. Mills abstained.

Dr. Joe McFarlin presented to the court the economic and budgetary problems of the Leon Bosque Resource Conservation and Development Council stating that the agency had lost federal funding in 2011 and has been operating on reserves. McFarlin stated that he would be requesting help from all the other counties, cities, and economic development boards that are associated with the agency. The request was for \$100 annually.

A motion was made by Tafel and seconded by Huggins to approve the \$100 annual sponsorship for Leon Bosque Resource Conservation and Development Council. The motion carried by a majority vote of four. Mills abstained.

Leadership Hamilton Representatives Mike Lovell and Shawna McKandless were present to give an update regarding the recycling center operating options. Mr. Lovell stated that Leadership Hamilton had to become their own entity before they could proceed therefore the group has now become incorporated and a non-profit agency. Cash4Trash Recycling Association Operations Manager Rachel Perry met with Leadership Hamilton and went over the program informing them of the operating requirements.

Ms. McKandless stated that the class of 2012-2013 was excited about reopening the recycling center for the citizens of Hamilton County. The organization would be in contact with the local businesses to make them aware of the recycling center's operations and schedule. The group was anticipating opening the facility for two days a month which would be one week day and one Saturday. Wednesdays were discussed but had not yet been determined. Upon making that determination the center should open in the very near future.

Judge Mills explained to the court that there were being expenditures made for the recycling center but there was no budget for those expenditures. Mills had received an invoice for \$1300 for dumpsters which he had not authorized and was not sure where the funds would come from to pay for these expenditures. Mills explained that he wanted out of the recycling center business.

The court asked about revenue for the recycling center.

County Treasurer Debbie Eoff explained that the county had received \$1100 and that it had been deposited into the revenue fund. County Auditor Dicie Moyers explained that a budget amendment would be required to expend the funds.

Mills added that the lease agreement would be prepared by County Attorney Mark Henkes between Hamilton County and Leadership Hamilton. Mills asked that he be left out of the process as a third party and that Leadership Hamilton and County Attorney Mark Henkes prepare and present to the court for approval. (Lease Agreement Recorded in Commissioners Court Papers Book 45 Page 482)

Clary stated that he was hopeful that the previous action of not paying the bill to Fleet Safety Equipment Inc. that would encourage Tafel to return the merchandise. Clary requested that Tafel return the items belonging to Fleet Safety Equipment Inc. that are in possession of Hamilton County Precinct Two be removed from county property and returned immediately to the vendor.

Judge Mills asked Clary by what authority?

Clary responded by commissioners court.

Wagner stated that no one commissioner has contractual ability.

Mills stated that each court member should be given the same courtesy.

Wagner added that the court was the only check and balance of paying bills; only that has authority.

Tafel explained his purchases stating that he had purchased spotlights, computer to access weather details and skype, and rechargeable flashlights to allow his precinct to function when called out during the night.

Huggins asked why Tafel thought it was prudent to equip his vehicle as a first responder vehicle.

Clary made a motion to call to question and Wagner seconded. Wagner withdrew his second because Wagner wanted to hear Tafel's complete explanation.

Tafel said don't be a puppet; vote your conscience.

Huggins stated that he thought long and hard and this was his analogy of the issue. The vehicle has been set up as a first responder. We are called in to support the first responders. Tafel has a strong interest of being a first responder; that is your interest. I do not believe that this falls within your duty.

Tafel responded that Fleet Safety doesn't want to hear from me again. Fleet Safety will return the merchandise back to Hamilton and then file suit.

Huggins inquired of Tafel what answer would you suggest to address this issue outside your scope of work.

Clary added that the county will be on record.

Mills said that he wouldn't have spent his funds for this either.

Huggins asked if the court was to be a road stamp.

Wagner replied that he had talked with Texas Association of Counties legal staff and was advised that this was outside the scope of Tafel's duties.

Mills asked what did TAC say about paying the bill and suggested that you talk to legal again and err on the side of prudence. Mills stated that he had also talked with Jim Allison and several county judges and they said pay it. Mills stated that the court as a whole voted over the auditor, county attorney and case law. If this goes to court you will lose.

A motion was made by Clary seconded by Huggins to approve action requiring items belonging to Fleet Safety Equipment Inc. that are in possession of Hamilton County Precinct Two be removed from county property and returned immediately to vendor. Wagner called for point of order-table motion. Huggins withdrew his second, Clary withdrew his motion.

A motion was made by Tafel and seconded by Huggins to recess for 15 minutes to allow Judge Mills time to review Roberts Rules of Order to instruct the court how to proceed. The motion carried by a majority vote of four. Mills abstained.

The court reconvened and Judge Mills stated that the court had to take a vote on motion and second that was before the court. Clary voted for, Tafel voted against and Wagner, Huggins and Mills abstained. (Recorded in Commissioner's Court Papers Book 45 Page 224)

Judge Mills added to address this issue again to request reconsideration of an item on the next agenda.

District Attorney B. J. Shepherd presented a request to the court for an appellate assistant. Shepherd delivered to the court a list of appeals currently pending in the district court. The case load has increased in the county and we are behind on our work. The request for funding was for \$5,000.00. This request was being presented to each of the three counties, Hamilton, Comanche and Bosque within the district. Comanche County approved the request this morning and Shepherd had not yet presented to Bosque County.

Tafel began stating where will we find the money? I don't think that this is the problem of the district attorney but the sheriff's problem because of the fraudulent arrest.

Huggins called for point of question. Tafel objected to point of question.

The court discussed the approximately \$18,000.00 balance of the insurance money that the court had received for the flood damage at the courthouse annex.

Auditor Moyers did not recommend that expenditure because the county is not sure that the repairs are finished and the funds were specifically for repair.

Clary asked what happens if the appellate deadlines are not met?

Shepherd responded that if the deadlines are not met on the appeals the decision will be reversed.

Clary was inclined to approve the request but didn't know where the money would come from.

Mills pointed out that if you spend the insurance money you have over road the auditor's recommendation. You have already done that once.

Clary asked the court members more particularly the two new court members if a budget workshop would help?

Mills asked how many on the list were jury trials and Shepherd replied a little more than half.

Huggins asked Tafel if he was carrying? Would you show the court?

Tafel asked what and then proceeded to stand lift his jacket and show that he was not carrying.

A motion was made by Huggins, seconded by Clary to set a meeting to review budget to determine if funding available to grant request for an appellate assistance for district attorney's office. Clary, Huggins and Wagner voted for. Tafel and Mills abstained. The meeting was scheduled for Friday, February 1, 2013 at 9:00 A.M. (Recorded in Commissioner's Court Papers Book 45 Page 297)

Mills addressed the ideal of courthouse security planning issues stating that he didn't want the absence of not discussing this issue on his back. We have the courthouse security funds that haven't been spent nor am I advocating that we spend them but I wanted the court to make a decision on this.

Mills stated that one complaint had come from a local attorney regarding the locked porticos.

The courthouse security fund is generated from fees assessed in criminal, civil and probate proceedings, also recording fees along with birth and death certificates. The courthouse security fund can spend for personnel but it takes too much of the fund to fast.

Sheriff Bewley added that it's the court's decision but if it were to decide we would have some pre-planning issues and as always the budget governs that decision.

Metal detectors at each courtroom door was discussed and the manpower to operate those detectors.

Mills stated this is a budgetary issue not something we have to do right now.

Tafel responded that this directly affects me. I feel threatened every time I come into this courthouse with my enemy Richard Layne sitting there who has a son which continuing his verbal response...

Mills called Tafel down told him to keep the personal out and continued the chl issues.

Henkes advised that there are four courts in this building and that the court should consult each one regarding the security policy.

Mills told the court that the sheriff has authority to place deputy on site with no approval from the judge or the court.

Mills would like the court to come to terms with this issue.

Clary stated three months we start the budgetary process.

Henkes advised that the concrete decisions made and implementation of this process be during a closed session.

Mills concluded that the court needed time to formulate decisions.

A motion was made by Tafel and seconded by Clary to approve the request from Hamilton County Appraisal District for a refund of \$177.25 to Wendell J. Jordan, III for an over 65 exemption freeze. The motion carried by a majority vote of four. Mills abstained. (Recorded in Commissioner's Court Papers Book 45 Page 254)

A motion was made by Huggins and seconded by Wagner to approve the following budget amendments: Department of Public Safety from Non-Capital to Telephone, County Judge from Out of County Travel to Schools and Conferences, Jail from Uniforms to Janitorial Supplies, Health and Welfare from Indigent Burial to Multi-Purpose Utilities. The motion carried by a majority vote of four. Mills abstained. (Recorded in Commissioner's Court Papers Book 45 Page 220 and Pages 264)

Huggins made a correction to the minutes of January 18, 2013 Commissioners Court meeting adding the words that the court has the option to change to a ten (10) gig *without incurring a penalty*. A motion was made by Clary noting the change to the minutes of 1-18-2013 Commissioners Court meeting seconded by Huggins. The motion carried by a majority vote of four. Mills abstained.

A motion was made by Clary and seconded by Huggins to approve the departmental reports as submitted. The motion carried by a majority vote of four. Mills abstained. (Recorded in Commissioner's Court Papers Book 45 Page 245)

A motion was made by Tafel and seconded by Mills to approve the bills submitted for payment in the amount of \$27,864.08. Mills and Tafel voted for; Wagner, Huggins and Clary voted against. The motion failed due to a majority vote.

A motion was made by Clary and seconded by Wagner to approve the bills in the amount of \$26,984.33 removing the bill to Fleet Safety Equipment, Inc. of \$879.75. The motion carried by a majority vote of three Clary, Wagner and Huggins voted for; Tafel opposed and Mills abstained. (Recorded in Commissioner's Court Papers Book 45 Page 233)

Hamilton County Courthouse Restoration-The court is waiting on the completion of the vault door to the County Clerk's office.

A motion was made by Clary and seconded by Tafel to approve a letter prepared by County Auditor Dicie Moyers to the Texas Historical Commission requesting the release for the ten percent (10%) retainage funds upon receiving the final invoice for the courthouse restoration. The motion carried by a majority vote of four. Mills abstained.

Clary stated due to needs of more priority that the court might consider at a later date the removal of the teller booths on the first floor of the Hamilton County Annex and construction a partition wall and door at the same location to prove a secure area for future storage of county records and documents Clary stated that this area had become an eye sore and a place for junk.

A motion was made by Clary and seconded by Huggins to approve the Hamilton County Courthouse annex building and Use Policy. The motion carried by a majority vote of four. Mills abstained. (Recorded in Commissioner's Court Papers Book 45 Page 298)

A motion was made by Huggins and seconded by Tafel to accept the motor fuel bid from Bert Schrank, Inc. The motion carried by a majority vote of four. Mills abstained. (Recorded in Commissioner's Court Papers Book 45 Page 206)

A motion was made by Wagner and seconded by Huggins to approve the Hamilton County Investment Policy. The motion carried unanimously (Recorded in Commissioner's Court Papers Book 45 Page 303)

A motion was made by Tafel and seconded by Wagner to approve the Hamilton County Investment Strategy Statement. The motion carried unanimously. (Recorded in Commissioner's Court Papers Book 45 Page 317)

A motion was made by Tafel and seconded by Huggins to approve the advanced funding agreement between Texas Department of Transportation and Hamilton County for bridge replacement of the state system CR 273 over the Leon River also known as Hamilton County Road 222. The motion carried unanimously. The total cost of this project is \$623,650.00 and the in-kind match for Precinct Two and Precinct Three combined is \$57,365.00.

A motion was made by Huggins and seconded by Tafel to approve the resolution to replace or rehabilitate a bridge located at the Leon River on County Road 273 (also known as County road 222), National Bridge Inventory (NBI) Structure Number, 09-098-0-AA02-73-001. The motion carried unanimously. (Recorded in Commissioner's Court Papers Book 45 Page 268) (Executed Copy Recorded in Commissioner's Court Papers Book 45 Page 616)

A motion was made by Clary and seconded by Huggins to approve the deputations for Hamilton County Deputy Sheriffs David Southerland, Rick Berry and Lynn Pearce. (Recorded in Commissioner's Court Papers Book 45 Page 321)

The court recessed for lunch until 1:00 P.M. The court reconvened and called the meeting back to order.

The court discussed the purchase order system as a desired method for county purchases. Upon discussing the purchase order system the court asked for the county auditor and county treasurer to make inquiries and report back to the court.

A motion was made by Clary and seconded by Huggins to approve the Hamilton County Courthouse Annex Building and Use Policy. Delete "was" in Item 14 after Candle. The motion carried by a majority vote of four. Mills abstained. (Recorded in Commissioner's Court Papers Book 45 Page 298)

Animal Trapper Danny Craig is retiring and there will be a part-time position available. The trapper will work both Hamilton and Somervell Counties. The court would like to recognize Mr. Craig for his service. (Recorded in Commissioner's Court Papers Book 45 Page 302)

A motion was made by Huggins and seconded by Clary to rescind the previous list approved by Hamilton County Historical Commission on 2013 Membership. The motion carried by a majority vote of four. Mills abstained.

A motion was made by Huggins and seconded by Clary to approve the updated list for Hamilton County Historical Commission 2013 Membership. The motion carried by a majority vote of four. Mills abstained. (Recorded in Commissioner's Court Papers Book 45 Page 300)

A motion was made by Clary and seconded by Tafel to adjourn the meeting. The motion carried unanimously.

County Judge

Attest: _____

County Clerk