

Hamilton County Commissioner's Court

Regular Session
Monday, February 11, 2013
9:00 A.M.



Hamilton County Commissioner's Court met in Regular Session on Monday, February 11, 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.

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

Damon Chumney stated that Item 6 of the agenda: Bob McFarlin that he shares some of the same concerns with Mr. McFarlin regarding the appraisals of our property. He suggested that we analyze the appointments that the court makes to the Hamilton County Appraisal District Board.

Chumney stated that he supported "Proclamation of Texas Food Connection Week". The Hamilton County Farm Bureau is very active in educating people of where our food comes from.

Marion Stanford discussed the lack of animal control in Hamilton County. Stanford stated that she received no support from the county or the local churches. She stated that she had provided over \$100,000.00 of spay and neuter services to this community and surrounding communities.

Ms. Stanford left the county for a while and took her program to Granbury where she gained community and church support but is now back in Hamilton County and will remain here as she has bought property here.

Stanford continued later in the meeting stating that she has attended state and nationwide meetings telling her stories of animals. She stated if you can't support me possibly just a letter to the editor of support for spay and neuter.

Commissioner Tafel thanked Ms. Stanford for her efforts.

Bob McFarlin presented to the court his concerns for an appraisal done on property located at 721 West Coke which he paid \$10,000.00 for and then appraised for \$28,000.00 and then later the appraisal was lowered to \$17,000.00. In 2009 McFarlin sold the property for \$16,000.00 owner finance and the taxes were raised to \$34,600.00 in 2010-\$33,800.00 appraised value. In 2010-2011 and 2012 he paid \$3,414.21 taxes.

Currently there has been an adjustment to the property on the tax roll to \$15,000.00. His concern is that it will jump back to the \$30,000.00. McFarlin stated that it was a drive-by appraisal never inspected by the appraiser.

The court explained the process of appointing a member to the HCAD Board to Mr. McFarlin.

McFarlin requested that lien holders be notified when taxes are owed upon their property. He has also requested a meeting with the HCAD Board.

Mr. McFarlin thanked the court for listening to his complaint.

Texas Association of Counties Risk Management Consultant Casilda (Casi) Clarich gave a presentation of TAC Overview and Risk Management Services. The county will be setting up quarterly training sessions approximately one hour long for elected officials and employees. (Recorded in Commissioner's Court Papers Book 45 Page 330)

Environmental Inspector Billy Hopson gave a report on the status of the Hamilton County On-Site Sewage Facility Grant Program stating that there had been fourteen systems replaced with a maximum of \$4,600.00 expenditure on any one system. Mr. Hopson stated \$50,000.00 of the grant funds had been spent with two years left in the program and two-thirds of the overall budget remains.

A motion was made by Tafel and seconded by Huggins to approve the following budget amendments: Sheriff's Office from Telephone and Uniforms to Professional Services, District Court from Court Appointed Attorney Indigent Defense to Transcripts, Jail from Capital Equipment to Prisoner Transport, Non-Departmental from Autopsy to Service Contracts, Department of Public Safety from Supplies and Stationery to Telephone and Health and Welfare from Indigent Burials to Multi-Purpose. The motion carried by a majority vote of four. Mills abstained. (Recorded in Commissioner's Court Book 45 Page 350)

A motion was made by Huggins and seconded by Wagner to approve the minutes of January 1, 2013 and January 1, 2013 Commissioner's Court Meeting. The motion carried by a majority vote of four. Mills abstained.

A motion was made by Wagner and seconded by Clary to approve the departmental reports. The motion carried by a majority vote of four. Mills abstained. (Recorded in Commissioner's Court Papers Book 45 Page 365)

A motion was made by Tafel to approve bills submitted for payment in the amount of \$219,899.41. The motion died for lack of a second.

A motion was made by Clary and seconded by Huggins to approve the bills submitted less the 879.75 to Fleet Safety, Inc. which would make the bills \$219,019.66. The motion carried by a majority vote of three. Tafel voted against. Mills abstained. (Recorded in Commissioner's Court Papers Book 45 Page 399)

Hamilton County Courthouse Restoration:

The county received a letter from Texas Historical Commission's Bess Graham stating that Hamilton County will not receive their (ten) 10% retainage until all the contractors and the bonding company provide release of liens to the county. The contractors will not provide those releases because RBR Construction has defaulted on their payments to the contractors.

Henkes explained that because Hamilton County chose to hire a contractor at risk that the county is not responsible to pay the contractors that it is the responsibility of the bonding company. Henkes also explained to the court that what Ms. Graham had stated in her letter was not the same as she had told Clary. Henkes will make a telephone call to THC and verify the information in the letter. (Recorded in Commissioners' Court Papers Book 45 Page 348)

Judge Mills informed the court that there was an individual who had contacted him who wanted to rent the county owned property at 200 East Gentry. The person would teach karate classes during the lunch-time hour for a rental of \$200 per month.

After a brief discussion the court decided they would prefer that the county sell the property.

A motion was made by Clary and seconded by Huggins to ratify the appointment of Dr. Louella H. Tate of Bell County and Mr. Neal White of Bell County for two year terms to Central Counties Services Board of Trustees. The motion carried by a majority vote of four. Tafel had stepped out of the meeting and therefore did not vote on this item.

A motion was made by Huggins and seconded by Clary to approve the "Proclamation of Texas Food Connection Week" in co-operation with the Texas Farm Bureau, February 17th through February 23rd, 2013. The motion carried by a majority vote of four. Tafel had stepped out of the meeting and therefore did not vote on this item. (Recorded in Commissioner's Court Papers Book 45 Page 347)

A motion was made by Wagner and seconded by Huggins to approve realtor bid specifications to sell 1.059 acres out of the A. Parks Survey and .367 acre out of the William McConnell Survey otherwise identified as 200 East Gentry and 724 South College. The specifications must include their professional qualifications and their financial fees in the event of a successful sale. The motion carried unanimously. (Recorded in Commissioner's Court Papers Book 45 Page 410-Legal Descriptions)

Huggins presented a draft of a proposed vehicle use policy for review and discussion in hopes that it would resolve other issues the court is having.

Citizen Richard Layne asked the court to consider returning county vehicles to county owned property at the end of the day and end any personal use. I am hopeful that you will adopt this policy and that this will eliminate some of the liability that the county has experienced in the past.

Tafel asked if a precinct does not adopt this policy then what happens because I see some interesting caveats in this policy. It authorizes the right to take a family member to school. It also applies to the sheriff's department who has employees that are allowed to take vehicles home.

Henkes basically stated he would need to review the statutes more closely. A uniform vehicle use policy makes a lot of logical sense but it has to be looked at in the context of what a county government can do. If a member of the court voted for a policy then the member has waived his right to be independent of that policy. He said that each commissioner is independent and can waive the policy; you cannot make someone follow the policy adopted by the court.

Clary quoted Transportation Code 252.006 –Power and Duties of Ex officio Road Commissioners: (a) Under the direction of the commissioner's court, an ex officio road commissioner is responsible for the vehicles, tools, and machinery belonging to the county and placed in the commissioner's control by the court. It's pretty point blank to me and clear that the vehicles, tools and machinery are under the direction of the commissioner's court.

Clary stated that one of the reasons he thinks there needs to be an additional policy because of what is found as he continued paraphrasing the Texas Constitution Article 3, Section 52(a) The Legislature shall have no power to authorize any county, city, town, or other political corporation, or sub-division of the State, to lend its credit or to grant public money or thing of value, in aid of any individual, association, or corporation whatsoever; or to become a stockholder in such corporation, association or company. If this court decides that a vehicle is a thing of value then I think that subjects the use or the possible misuse of being in breach by the laws of the State of Texas as it relates to its constitution.

Henkes added that he does not know who the title holder is to each vehicle and I am operating under the assumption that each vehicle is individually purchased by the office itself Hamilton County, Precinct number and if that is the case the official has the independent authority to dictate and manage the use of its property under his care. Now he is subject to violations of the law but may not be subject to the commissioner's court. Now here is the converse, if the title is held by Hamilton County or Hamilton County Commissioner's Court essentially then as a body it has the right to dictate how it is used.

Tafel stated that the great State of Texas does not recognize us as road commissioners it recognizes us as commissioners.

Judge Mills requested a recess. A motion was made by Huggins and seconded by Clary to recess for fifteen minutes. The motion carried by a majority vote. (Recorded in Commissioner's Court Papers Book 45 Page 412)

The court reconvened at approximately 11:15. Judge Mills presented to the court an Ag Opinion regarding conflict with regard to their respective authority over budgetary matters which might be helpful to the court in making a determination regarding the vehicle use policy. (Recorded in Commissioner's Court Papers Book 45 Page 414)

Future Agenda Items: Vehicle Use Policy

A motion was made by Tafel and seconded by Huggins to adjourn. The motion carried by a majority vote of four. Mills abstained.

County Judge

Attest: _____

County Clerk