

Hamilton County Commissioner's Court

Regular Session
Monday, February 25, 2013
9:00 A.M.



Hamilton County Commissioner's Court met on Monday, February 25, 2013 at 9:00 a.m. with the following members present: County Judge Randy Mills, Commissioners Johnny Wagner, Lloyd Huggins, and Dickie Clary. Commissioner Mark Tafel was absent.

The meeting was called to order by Judge Randy Mills and Commissioner Johnny Wagner opened with prayer.

Richard Layne addressed Item 14 from the agenda: He read from the Attorney General's opinion saying that it stated that it did not matter what name the title is in (pct.1, 2, 3, or 4), it is still property of Hamilton County and they are just the overseers. He also stated that there is no authority in which any elected official is exempt from any county rules, policies or laws. He read article 5 section 18 of the State of Texas Constitution aloud and to the best of his knowledge understood it to say that the court can make the policies and enforce them.(Recorded in Commissioner's Court Papers Book 45 Page 424)

Damon Chumney spoke on Item 9, 11, 13 & 14: He wanted to say thanks to Leadership Hamilton for its work on the Hamilton County Recycling Center.

Chumney addressed the discussion or ratification the Political Subdivision Workers Compensation Alliance Program. He wanted to know what it was on the agenda for, and would really like to have a little more explanation on this subject.

Chumney stated that he would like for the court to approve the request for the use of the Hamilton County Courthouse East Steps on April 6, 2013 for the Hamilton High School Prom Grand March.

Chumney also wanted to know what was being proposed on the adoption of a vehicle policy. He urged the court to do what was most feasible for the county.

Billy Eller also read aloud a note from Tafel stating that Hamilton County Precinct 2 will not participate in the vehicle policy. On his own behalf he said that he was reading through the proposed policy last night. He stated that he really thinks they needed to address general policy exclusion that says that you can take your kids back and forth to school, etc. He says that he understands all too well that there are always emergency situations, but this could be a real liability for the county. (Recorded in Commissioner's Court Papers Book 45 Page 425)

Texas Association of Counties Risk Management Consultant Casilda (Casi) Clarich introduced Kevin Yandel, a workers' compensation supervisor to answer any of the courts questions or concerns regarding the Political Subdivision Workers Compensations Alliance Program.

Clary asked what the difference was between proposed compensation plan and the previous plan was. Yandell said that with the alliance was a network of contracted doctors that understands the

philosophy of workers compensation. It allows the insurance company to question the doctors about the care of the employee. It allows discussion between the doctors and the company. With the previous plan an employee could go to any doctor that they wanted.

Mills asked if in an emergency situation if the employee had to go to a non-network care center and be treated would it affect anything. Mr. Yandell said no that it would not affect anything in an emergency situation.

Clary asked that if an employee needs long term care whose services would be provided here through a non-network provider would we still have to travel to a provider that is in the network. Mr. Yandell stated that in that case yes, but if there is a doctor here and we don't have him contracted then we will try and get them contracted. He also stated that if the injured employee had to travel over 30 miles the company would have to pay mileage to the employee. In the event to employee is not able to drive themselves that transportation would be provided for them.

Mills asked and verified that the purpose of this alliance is to save the county a substantial amount of money.

Clary's questioned Ms. Clarich that if the county went with this proposed compensation plan could the county opt-out at any time. Ms. Clarich said yes that the county could opt-out at any time.

A motion was made by Clary and seconded by Wagner to ratify the Political Subdivision Workers' Compensation Alliance Program. The motion carried unanimously.

A motion was made by Clary and seconded by Huggins to approve the following budget amendments: Hamilton County Precinct 1 Road Hand #2 to Bond Insurance, Precinct 4 from Road Materials and Supplies to Professional Services, Health and Welfare Department from Indigent Burials to Multipurpose/Utilities, Sheriff's Office from Capital Equipment to Investments, from Employee Medical to Stationary and Supplies, from Gas to Telephone, Justice of the Peace, Precinct 1 from Travel to Schools and Conferences. The motion carried unanimously. (Recorded in Commissioner's Court Papers Book 45 Page 426)

A motion was made by Huggins and seconded by Clary to approve the minutes of the February 11, 2013 with the following amendment. *On page 3 the 3rd paragraph from the bottom should add the word court which should now read (If a member of the court voted for a policy then the member has waived his right to be independent of that policy.)* The motion carried.

A motion was made by Huggins and seconded by Wagner to approve the departmental reports submitted. The motion carried. (Recorded in Commissioner's Court Papers Book 45 Page 453)

Mills wanted the court to know before they made a motion on the bills submitted for payment that there had been a letter from Fleet Safety Equipment stating that if this bill is not paid they will take legal action. They had also submitted another for \$36.77 that County Treasurer Debbie Eoff said was never received by her office but was ordered in the same time period as the bill in question for some brackets ordered by Precinct 2. Billy Eller explained to the court what the brackets were for. Judge Mills asked County Attorney Mark Henkes if he had to say anything about this and he declined. (Recorded in Commissioner's Court Papers Book 45 Page 450)

A motion was made by Clary and seconded by Huggins to approve the bills submitted for payment (excluding safety equipment in the amount of \$879.75 on invoice #124305 from Fleet Safety Equipment, Inc. and for bracket(s) in the amount of \$37.77 on invoice #124081 from Fleet Safety Equipment, Inc.) in the amount of \$61,868.71 submitted for payment. The motion carried. (Recorded in Commissioner's Court Papers Book 45 Page 439)

County Attorney Mark Henkes stated that from what he understands that the submission of the final bill is in the works for the Hamilton County Courthouse Restoration in order for us to receive 10% back on the grant.

Henkes presented a "draft" of the Hamilton Recycle Center Lease Contract. A motion was made by Wagner and seconded by Huggins to take a 15 minute recess to review the contract. The motion carried.

The court reconvened and there was some discussion over the contract.

Huggins stated that he had spoken to an insurance company and stated that they had suggested a liability policy from 1 to 3 million dollars. He also stated that typically to get a liability policy you would have to also buy casualty insurance as well. He stated for this area that the premium for this is \$188.00 per year and that seemed pretty reasonable to him.

Wagner said that he thought that the county needed to stay with the current insurance carrier to get the best rate and Huggins agreed.

Mills stated that if we wanted to present this to Leadership Hamilton that we needed to state about this insurance on the policy.

Henkes stated that he had provided a blank on the contract for that to be filled in before presentation.

Clary also wanted to make sure that if Leadership Hamilton decided to quit the recycling center that they would have to return things the way they were and leave it clean.

Henkes stated that the court could enter another provision under item 3:

(k) Lessee shall return facility devoid of all recyclable residual material.

Henkes did say that if we add much more than that, he would need to retype the contract for practical purposes.

Mike Lovell spoke on behalf of Leadership Hamilton requesting that we carry the least expensive insurance as possible. We are starting out with hardly any money and until we generate some money things will be kind of tight. Once we get this thing up and running then we will be okay.

Huggins said that based on what Mr. Lovell said he would suggest a million dollar policy.

Mills wanted to verify the way that item 3(k) that we are anticipating should read: Lessee shall return facility devoid of all recyclable residual material.

A motion was made by Wagner and seconded by Huggins to present the Hamilton Recycle Center Lease Contract with the one million dollar insurance entered on item (J) and Item (K) as stated: Lessee shall return facility devoid of all recyclable residual material to Leadership Hamilton. The motion carried. (Recorded in Commissioner's Court Papers Book 45 Page 465) (Executed copy Recorded in Commissioner's Court Papers Book 45 Page 482)

Mills stated that on the proposals for sale of real property in Hamilton County that the bids were not due yet. This item will be placed on the next agenda.

Mills stated that supporting the water study to be funded by Texas Water Development Board for regions west and north of Fort Hood in Coryell County will be of no cast to the county.

Motion was made by Huggins and seconded by Wagner to support the water study to be funded by Texas Water Development Board for regions west and north of Fort Hood in Coryell County. The motion carried.

Motion was made by Huggins and seconded by Clary to approve the use of Hamilton County Courthouse East Steps April 6, 2013 for the Hamilton High School Prom Grand March. The motion carried unanimously. (Recorded in Commissioner's Court Papers Book 45 Page 471)

Clary stated that he would like the constitutional and statutory languages inserted on the vehicle policy. This agenda item will be set on the next agenda. (Recorded in Commissioner's Court Papers Book 45 Page 472)

A motion was made by Huggins and seconded by Clary to adjourn. The motion carried.

Future Agenda Items: Wagner wanted to discuss or be brought up to date on the proposed pipeline that is to be put in Hamilton County. (Recorded in Commissioner's Court Papers Book 45 Page 475)

County Judge

Attest: _____
County Clerk