

**Hamilton County Commissioner's Court**



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

Hamilton County Commissioner's Court met in Regular Session on Monday, March 11, 2013 at 9:00 A.M. with the following members present: Commissioners Johnny Wagner, Jr., Mark Tafel, Lloyd Huggins and Dickie Clary. Judge Randy Mills was absent.

Clary called the meeting to order and Huggins opened with prayer.

Richard Layne referenced a letter that Commissioner Tafel had filed from David's Supermarket referencing the emergency assistance which was provided by Commissioner Tafel over the weekend when David's roof blew off from a storm. David's nor Commissioner Tafel has the right to declare an emergency. Mr. Layne stated that the commissioner's court is the body which declares an emergency and not a commissioner. Layne continued stating that there were private contractors who had been contacted who had their excavators ready to go to David's to help but there was county property on private owned property. (Recorded in Commissioner's Court Papers Book 45 Page 516)

Tafel responded to Layne's comment stating that he was requested by the owner of David's to help them out during this time. Tafel also stated that Texas Association of Counties Bob Bass said a commissioner could make a determination and declare if there is/was an existing emergency. Tafel stated that he was also told to have a letter submitted by the owners declaring an emergency and place on file, which was exactly what was done. Commissioner Tafel stated that he helped out at David's for two hours and forty five minutes and no employees were on the payroll. Tafel commented that I am here for the people, any neighbor or business owner.

A motion was made by Clary and seconded by Tafel to approve the customer service agreement between Unifirst and Hamilton County Precinct Four for employee uniform services. During discussion Clary explained that when the other three precincts went with Unifirst his precinct remained with G&K but since that time he has made a determination that he would like to change his precinct to Unifirst. The motion carried unanimously.

Clary also asked the representative from Unifirst if the county could have one account and each department be billed independently. This would help the treasurer determine who was being billed for what. Unifirst confirmed that this could be done.

A motion was made by Huggins and seconded by Wagner to approve the minutes of February 25, 2013 Commissioner's Court Meeting. The motion carried unanimously.

A motion was made by Wagner and seconded by Huggins to approve the departmental reports as submitted. The motion carried unanimously. (Recorded in Commissioner's Court Papers Book 45 Page 564)

A motion was made by Huggins and seconded by Wagner to remove the bill for the roll-off dumpster bill as well as the two Fleet Safety bills for a total of \$916.52 and approve all other bills.

Huggins, Wagner and Clary voted for. Tafel voted against. The motion carried by a majority vote. (Recorded in Commissioner's Court Papers Book 45 Page 540)

Huggins wanted to discuss the roll off dumpster bill. County Auditor Dicie Moyers was asked for suggestions of where to pay this bill. Moyers explained that she would need to sit down and discuss this with the county judge as the non-departmental is already experiencing short fall for the year.

Tafel stated that the \$2300.00 bill could be cut in half by the facts that he collected are accurate.

Henkes interjected that he had talked with Jail Administrator Alan Armstrong about this issue and prepared a spreadsheet of facts collected for the treasurer. (Recorded in Commissioner's Court Papers Book 45 Page 543)

Tafel asked if this phone call was made from the sheriff's office? Then we ought to be able to pull that up because everything is recorded at the sheriff's office.

Henkes the amounts except for the fuel, administrative Fee and environmental charge was what was agreed to.

Clary clarified that \$2,319.51 is the amount of their invoice.

Clary stated that he wanted to convey the historical budgetary process to the other members of the court that were not here at the time. The recycle center was in bad shape because of the clutter and debris left at the site. The sheriff and his staff were cleaning up the recycle center site as it was a safety issue and an eye-sore. The budget did not have the funding to handle the funding for the debris clean up. It was nobody's fault. I know the judge usually signs off on these bills and I don't feel that there has been anything done here that didn't need to be done.

Tafel clarified that the dumpster had been picked up. Two bills are held for payment Fleet Safety and Progressive Waste Solutions and Mark what is the type of money vested of you when not paying for these bills.

Henkes replied it could be next to nothing or it could be \$5000.00 or \$6000.00 depending on how the fight goes.

A motion was made by Huggins and seconded by Wagner to rescind the motion to remove the bill for the roll-off dumpster bill as well as the two Fleet Safety bills for a total of \$916.52 and approve all other bills.

Tafel said I know that we are going to pay these bills. We are holding a bill (Progressive Waste Solutions) that we do not know where the funds are coming from and it makes sense to do so until we determine where the money is coming from. I have a bill that we have the funds for that we are not paying. I would like to go about these two bills again. Our precinct has been running efficiently now, and I will be able to pay this bill and get this off the burden of the treasurer and auditor trying to juggle funds around to pay this. I would like to pay those two Fleet Safety bills and the bill from IES-Waco if approved by the court.

Huggins made a motion to reject the two Fleet Safety bills....

Rudolph interrupted and advised the court that we have to approve the budget amendments before we approve the bills.

Clary stated that we don't have a budget amendment today to move money into this line item to pay the bills. Where do we want to get the money so that we can get the budget amendment created either today or a subsequent day, so that we can pay these bills?

Tafel replied that we can take it out of Precinct Two maintenance.

Rudolph asked if we were going to withdraw Huggin's and Wagner's motion.

Huggins made a motion to rescind his earlier motion which was seconded by Wagner to remove the dumpster bill and the two Fleet Safety bills. The motion carried unanimously.

The discussion continued on where we will get the money for the dumpster bill. Clary received a note from the sheriff stating that he had the money to pay the bill for the dumpster. This is another option besides the one offered by Tafel.

Wagner added that I believe that we all have room in our budgets which we try to allow for unexpected occurrences. Wagner clarified commissioner precinct budgets. He thought that they could all contribute to pay this bill. Wagner stated that he was not volunteering anyone else's. Huggins agreed that he could do that.

A motion was made by Tafel to approve the bills as submitted for payment with the exception of...

Eoff stated that it would be \$579.88 per precinct to cover the bill.

Clary advised that the motion would need to be in the form of a budget amendment. A decision was made and Moyers and Eoff will actually pay the bill from each precinct.

A motion was made by Tafel to approve the bills as submitted for payment including the change of ownership or responsible paying parties from IES-Sheriff's department to each of the precincts equally.

The following budget amendments were submitted for approval: District Court from Jury and Judge Travel to Transcripts and 220<sup>th</sup> Judicial District, Sheriff's Office from Vehicle Repair to Equipment Repair, Sheriff's Office from Fuel and Oil to Supplies and Stationery, Department of Public Safety from Non-Capital Equipment and Equipment Repair and Maintenance to Telephone, Sheriff's Office from Unemployment to Telephone, Sheriff's Office from Overtime to Auto and Equipment Liability, Jail from Prisoner Transport to Jail Repair, Precinct Four from Road Material and Supplies to Schools and Conference, and Non-Departmental from Professional Fees to Service Contracts.

Clary asked Administrative Assistant Clydell Massingill about the Non-Departmental transfer; what had come up? Massingill responded that the county was \$19,000.00 short in that line item explaining that when the budget was prepared County Auditor Marliessa Clark had forgotten to add the Net Data contract into the budget.

The court took a ten minute recess. The court recessed until 9:55 A.M. The court reconvened and continued.

A motion was made by Huggins and seconded by Tafel to approve the line item transfers and budget amendments as recommended by the treasurer and auditor. The motion carried unanimously.

A motion was made by Tafel to approve the bills as submitted in the amount of \$84,974.70. The motion dies for lack of a second.

A motion was made by Huggins and seconded by Wagner to approve the bills rejecting the two Fleet Safety bills in the amount of \$960.52 for a bill total of \$84,014.18. The motion carried by a majority vote. Huggins, Wagner and Clary voted for and Tafel voted against the item. (Recorded in Commissioners Court Papers Book 45 Page 550)

8.) Hamilton County Courthouse Restoration-None

9.) Consider the Adoption of a Vehicle Policy-No Action at this time

A motion was made by Tafel and seconded by Huggins to approve the proposal for the use of the Hamilton County Courthouse South/West Corner Parking Lot May 10-11, 2013 for the Lutheran Men's Club. The motion carried unanimously. (Recorded in Commissioners Court Papers Book 45 Page 562)

A motion was made by Huggins and seconded by Wagner to approve the request for use of the Hamilton County Courthouse west steps and lawn May 2, 2013 from 11:00 A.M. to 1:30 P.M. for National Day of Prayer. The motion carried unanimously. (Recorded in Commissioners Court Papers Book 45 Page 563)

A motion was made by Tafel and seconded by Wagner to approve Chance Erwin to serve on the Child Protective Services Board. The motion carried unanimously.

A motion was made by Clary and seconded by Tafel to approve the Customer Service Agreement between Unifirst and Hamilton County Precinct Four for employee uniform services. The motion carried unanimously.

A motion was made by Huggins and seconded by Tafel to approve the Advanced Funding Agreement AA02-73-001 Map #210, CR 273 at Leon River, HCR 222 with the Texas Department of Transportation for the replacement or rehabilitation of the above mentioned bridge. The motion carried unanimously. (Duplication of action previously taken by the court on 1-28-2013) (Executed Agreement Recorded in Commissioner's Court Papers Book 45 Page 616)

A motion was made by Wagner and seconded by Huggins to appoint Clydell Massingill as an ex-officio member to the Hamilton County Sick Leave Pool Committee. The motion carried unanimously.

There were no future agenda items.

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

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County Judge

Attest: \_\_\_\_\_

County Clerk