

Hamilton County Commissioner's Court



Regular Session
Monday, January 26, 2015
9:00 A.M.

Hamilton County Commissioner's Court met in Regular Session on Monday, at 9:00 A.M. with the following members present: County Judge Mark Tynes, Commissioners Johnny Wagner, Keith Allen Curry, Lloyd Huggins and Dickie Clary.

Judge Tynes called the meeting to order.

Commissioner Clary said the invocation and Robert Jackson led both pledges to the United States Flag and the Texas Flag.

Damon Chumney thanked the court for committing to placing "In God We Trust" in our courthouse. Mr. Chumney asked the court to continue supporting the Hamilton 4-H and to support the refund request from Hamilton County Appraisal District to Thomas and Candye Anderson.

Myra Geter made a presentation about the National 4-H Leadership Conference which is going to be held in Maryland, April 11-16, 2015. Ms. Geter informed the court that four individuals were chosen from Hamilton and there were a total of eighteen from the state.

A motion was made by Clary and seconded by Huggins to approve the State of Texas Cooperative Purchasing Program Annual Membership Participation Fee of \$100. The motion carried unanimously. (Recorded in Commissioner Court Papers Book 50 Page 683)

A motion was made by Wagner and seconded by Clary to rescind the budget amendment which was approved for the County Judge (on January 12, 2015). The motion carried unanimously. (Recorded in Commissioners Court Papers Book 50 Page 648)

A motion was made by Huggins and seconded by Clary to approve the following budget amendments: Sheriff's Office from Secretary to Deputy Four, County Judge from Non-Capital to Schools and Conferences, Courthouse from Janitor Supplies and Supplies and Stationery, and County Jail from Inmate Medical to Employee Medical. The motion carried unanimous.

A motion was made by Clary and seconded by Huggins to approve the following consent agenda:

- A. Minutes of 1-12-2015 Commissioner's Court Meeting
- B. Approve Departmental Reports (Recorded in Commissioner's Court Papers in Book 50 Page 664)
- C. Approve Bills Submitted for Payment -\$57,084.29 (Recorded in Commissioner's Court Papers Book 50 Page 656)

The motion carried unanimously.

A motion was made by Huggins and seconded by Wagner to approve the request from Ed Chapman (Hope House) for the use of the southwest corner parking lot for hamburgers January 31, 2015. The motion carried unanimously. (Recorded in Commissioner's Court Papers Book 50 Page 680)

A motion was made by Huggins and seconded by Wagner to approve the request from Patricia Leach (Hamilton High School) for the use of the courthouse hallway and east porch for the prom on March 28, 2015. The motion carried unanimously. (Recorded in Commissioner's Court Papers Book 50 Page 681)

A motion was made by Wagner and seconded by Clary to approve a refund request from Hamilton County Appraisal District to Thomas and Candye Anderson in the amount of \$109.27 for years 2010 through 2013 county taxes for a mobile home that was removed from property but was not from the tax roll. The motion carried unanimously. (Recorded in Commissioner's Court Papers Book 50 Page 682)

A motion was made by Clary and seconded by Huggins to affirm the Rules of Procedure, Conduct and Decorum at meetings of the Hamilton County Commissioners Court that was amended and adopted in 2011. The motion carried unanimously. (Recorded in Commissioner's Court Papers Book 50 Page 674)

A motion was made by Huggins and seconded by Clary to approve each resolution individually which was submitted in support of the County Judges and Commissioners Association of Texas/Legislative Updates (CJCAT).

Here are the following resolutions:

1. Opposition to Unfunded Mandates

The Hamilton County Commissioners Court does hereby resolve that it is in the best interests of Texas counties and their taxpayers to support and favor the passage of legislation in the form of an amendment to the Constitution of the State of Texas that would expressly prohibit the imposition of a mandatory governmental program on Texas counties, whether by an act of the Texas Legislature or a state agency or by executive order, unless the State of Texas has fully funded and disbursed all necessary funds to enable Texas Counties to operate said governmental program.

A motion was made by Huggins and seconded by Clary to approve resolution (1) Opposition to Unfunded mandates. The motion carried unanimously.

2. Opposition to Appraisal Caps and Revenue Caps

BE IT RESOLVED that the Hamilton County Commissioners Court does hereby express its opposition to efforts to limit local control and does hereby oppose any attempts to impose revenue caps or appraisal caps upon Texas counties, and the Hamilton County Commissioners Court expresses its deep appreciation to all legislators who oppose these unsound measures.

A motion was made by Tynes to approve resolution (2) Opposition to Appraisal Caps and Revenue Caps. The motion died for lack of a second.

The court discussed resolution two at length and they were not in support of it.

3. Indigent Health Care

BE IT RESOLVED that the Hamilton County Commissioners Court opposes any attempt to impose a mandatory assessment upon Texas counties to fund a regional or statewide health care system.

A motion was made by Clary and seconded by Huggins to approve resolution (3) Indigent Health Care. The motion carried unanimously.

4. Opposition to Diversion of Dedicated Funds

BE IT RESOLVED THAT THE Hamilton County Commissioners Court expresses its opposition to any state diversion of dedicated funds and supports the state leadership's commitment to end this practice.

A motion was made by Wagner and seconded by Clary to approve resolution (4) Opposition to Diversion of Dedicated Funds. The motion carried unanimously.

5. Emergency Services Program

BE IT RESOLVED that the Hamilton County Commissioners Court urges our state legislators to provide full funding to the Emergency 9-1-1 Services Program for maintenance and improvement; and

BE IT FURTHER RESOLVED that funds generated by the 9-1-1 surcharge will not be used by the Legislature as money set aside to balance the state budget; and

BE IT ALSO RESOLVED that any such funds set aside that currently exists be fully appropriated for the Emergency 9-1-1 Services Program.

A motion was made by Huggins and seconded by Wagner to approve resolution (5) Emergency Services Program. The motion carried unanimously.

6. Opposition to Granting Powers to Municipal Utility Districts and Special Utility Districts

BE IT RESOLVED that the Hamilton County Commissioners Court Opposes the granting of additional powers to municipal utility districts and special utility districts and requests that the approval of the county be required before any further districts are created.

A motion was made by Wagner and seconded by Clary to approve resolution (6) Opposition to Granting Powers to Municipal Utility Districts and Special Utility Districts. The motion carried unanimously.

7. Mental Health Patients

BE IT RESOLVED that the Hamilton County Commissioners Court hereby requests that the State of Texas implement the additional funding for mental health services in S.B. 1, the General Appropriations Act, and implement the state mental health plan approved in H>B> 3793 to ensure the efficient and effective use of these resources.

A motion was made by Clary and seconded by Wagner to approve resolution (7) Mental Health Patients. The motion carried unanimously.

8. Repeal of HB. 259

BE IT RESOLVED that the Hamilton County Commissioners Court does hereby request the repeal of H.B. 259 and the re-establishment of local control over the premises of public buildings.

A motion was made by Clary and seconded by Tynes to approve resolution (8) Repeal of H.B. 259. The motion carried unanimously.

9. Extension of Chapter 313 of the Texas Tax Code

BE IT RESOLVED that the Hamilton County Commissioners Court supports the extension of Chapter 313 of the Texas Tax Code and its inclusion of Renewable Energy Electric Generation; and

BE IT FURTHER RESOLVED that we support increased tax benefit to the local school district and continuation of local decision making power to approve projects, and urge the State Legislature to show its support of rural Texas communities by only passing bills that include all of the above-stated positions.

A motion was made by Huggins and seconded by Curry to approve resolution (9) Extension of Chapter 313 of the Texas Tax Code. The motion carried unanimously.

10. Royalty Revenue from County Roads

BE IT RESOLVED that the Hamilton County Commissioners Court supports legislation designed to reallocate the lease payments recovered by the Texas Land Commissioner from county roadways and to return such funds to the counties which generate the revenue from the lease of deeded lands held by the county for road purposes.

A motion was made by Clary and seconded by Huggins to approve resolution (10) Royalty Revenue from County Roads. The motion carried unanimously.

11. Resolution to Support Federal Legislation H.R. 1526 to Provide Payments in Lieu of Taxes to Local Governments for Federal Lands

BE IT RESOLVED by the Hamilton County Commissioners Court that we support the enactment of H.R. 1526, and we furthermore urge the Honorable John Cornyn and the Honorable Ted Cruz to support this important legislation in the United States Senate.

A motion was made by Huggins and seconded by Clary to approve resolution (11) Resolution to Support Federal Legislation H.R. 1526 to Provide Payments in Lieu of Taxes to Local Governments for Federal Lands. The motion carried unanimously.

12. Uranium Mining Regulation

BE IT RESOLVED that the Hamilton County Commissioner's Court request that state law be amended to require a due process permit proceeding and approval by the local Commissioner's Court and groundwater conservation district before any permit is granted for uranium mining.

A motion was made by Huggins and seconded by Curry to approve resolution (12) Uranium Mining Regulation. The motion carried unanimously.

13. Fireworks Regulations

BE IT RESOLVED that the Hamilton County Commissioners Court is opposed to any legislative action that would remove current county authority to regulate fireworks.

A motion was made by Wagner and seconded by Huggins to approve resolution (13) Fireworks Regulations. The motion carried unanimously.

14. EPA Definition of "Waters of the United States"

BE IT RESOLVED that the Hamilton County Commissioners Court strongly opposes the proposed new rule to define "waters of the United States" in that it increases the need for burdensome and costly permitting requirements, infringes on private property rights, and circumvents the legislative process, thus, the will of the people.

BE IT FURTHER RESOLVE that Congress, not federal agencies, should make the laws and therefore any such change in jurisdictional power of the federal government should only occur as a result of the passage of federal legislation.

A motion was made by Clary and seconded by Huggins to approve resolution (14) EPA Definition of "Waters of the United States". The motion carried unanimously.

15. Hyperbaric Oxygen Therapy and Other Medical Treatment /Therapy for TBI and PTSD

BE IT RESOLVED by the Hamilton County Commissioners Court that the Texas Legislature should provide appropriate funding for research to provide results-orientated, evidence-based, proven treatment, including Hyperbaric Oxygen Therapy, for returning Texas Veterans that suffer the residual, after-effects of TBI and PTSD.

The issue dies for lack of a motion.

16. Oil and Gas Waste Disposal Facilities

BE IT RESOLVED that the Hamilton County Commissioners Court does hereby request that the Texas Legislature and the Texas Railroad Commission require that Texas counties, their citizens, and groundwater conservation districts be provided all available information concerning proposed oil and gas waste facilities in their area and a full opportunity to participate in the evaluation of any application for additional facilities.

A motion was made by Huggins and seconded by Tynes to approve resolution (16) Oil and Gas Waste Disposal Facilities. The motion carried unanimous. (Recorded in Commissioner's Court Papers Book 50 Page 686)

No future agenda items.

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

County Judge

Attest: _____
County Clerk