

37-14
COMMISSIONERS COURT MINUTES
August 19, 2014

On Tuesday August 19, 2014, the Honorable Commissioners Court of Smith County, Texas, met for a regular meeting in the Smith County Commissioners Courtroom at the Smith County Courthouse Annex, 200 East Ferguson, in the City of Tyler, Texas.

I. CALL TO ORDER

Joel P. Baker, County Judge, called the meeting to order with members present:

County Judge: Joel P. Baker	Presiding
Commissioner: Precinct 1 Jeff Warr	Present
Commissioner: Precinct 2 Cary Nix	Present
Commissioner: Precinct 3 Terry Phillips	Present
Commissioner: Precinct 4 JoAnn Hampton	Present

II. INVOCATION

Commissioner Terry Phillips led the invocation.

III. PLEDGE OF ALLEGIANCE TO THE UNITED STATES AND THE STATE OF TEXAS

IV. PUBLIC COMMENT

Public Comment: Sharon Emmert, Karen Boldt, and Ernie Clark. Public participation forms attached.

V. PUBLIC HEARING – 9:30 p.m.

1. FY2015 Proposed Tax Rate

Commissioners Court went to agenda item number 1 to receive public input regarding the FY15 Proposed Tax Rate and received no additional comments on this item.

VI. OPEN SESSION

2. Presentation: Judge of the Year

Commissioners Court received presentation from Commissioner Terry Phillips regarding the Texas Justice Court Judges Association award honoring Judge James Cowart, Justice of the Peace, Pct. 5, as their “Judge of the Year” recipient.

3. Certificate: Local Community Hero

Commissioners Court received presentation from Commissioner Cary Nix and Fire Marshall Roy Jay Brooks, Jr., regarding the awarding of a certificate of recognition for local community hero Mr. Johnny Roberson. Certificate attached.

4. Grant: Enhanced Mobility of Seniors and Individuals with Disabilities FY2015 Project

Motion made by Judge Joel Baker and seconded by Commissioner – Precinct 4 JoAnn Hampton to approve the Memorandum of Understanding (M.O.U.) between Smith County and service providers for the 5310 Grant funded Rural Transportation Voucher Program. Memorandum attached.

Passed 5-0; Abstain: (None); Absent: (None).

5. Records Preservation Fee

Motion made by Commissioner – Precinct 3 Terry Phillips and seconded by Commissioner – Precinct 1 Jeff Warr to hold a public hearing on September 9, 2014 at 9:30 a.m. on the continuation of the \$5 records preservation fee for the District Clerk's Office.

Passed 5-0; Abstain: (None); Absent: (None).

12. Payment of Accounts

Motion made by Commissioner – Precinct 4 JoAnn Hampton and seconded by Commissioner – Precinct 2 Cary Nix to approve and/or ratify payment of accounts, bills, payroll, and transfer of funds, amendments, and health claims. Copies attached.

Passed 5-0; Abstain: (None); Absent: (None).

6. Professional Services Contract: Atkins North America, Inc.

Motion made by Commissioner – Precinct 4 JoAnn Hampton and seconded by Commissioner – Precinct 2 Cary Nix to approve a professional services agreement contract with Atkins North America, Inc., related to Smith County Road and Bridge Capital Improvement Plan, RFQ-01-14 including:

- 1) authorizing County Judge to sign same
- 2) addressing not-to-exceed amount in agreement; and
- 3) addressing project timeline to be stated in the agreement.

Passed 5-0; Abstain: (None); Absent: (None).

7. Pipe and/or Utility Line Installation

Commissioners Court received pipe and/or utility line installation requests:
(notice only):

- a) CR 496, Lindale Rural Water, 4800' of 8" waterline for service, Pct. 3.

These lines will be constructed as directed by the Road Administrator in accordance with Smith County specifications. Copies attached.

8. Standard Letters of Agreement: Dredged Materials

Motion made by Commissioner – Precinct 3 Terry Phillips and seconded by Commissioner – Precinct 4 JoAnn Hampton to ratify standard letters of agreement for disposal of dredged materials. Copies attached.

Passed 5-0; Abstain: (None); Absent: (None).

9. Commissioners Court Minutes: July 2014

Motion made by Commissioner – Precinct 1 Jeff Warr and seconded by Commissioner – Precinct 2 Cary Nix to accept Commissioners Court minutes for July 2014. Copies attached.

Passed 5-0; Abstain: (None); Absent: (None).

10. Commissioners Court Recordings: July 2014

Commissioners Court received recordings of the Commissioners Court's meetings for July 2014.

11. Report: Auditor/Treasurer

Motion made by Commissioner – Precinct 4 JoAnn Hampton and seconded by Commissioner – Precinct 2 Cary Nix to accept the Auditor/Treasurer report for July, 2014.

Passed 5-0; Abstain: (None); Absent: (None).

13. Jail Projects Update and Recommendation(s)

Commissioners Court received status report and update from Commissioner Jeff Warr on the progress of the jail project.

6. Professional Services Contract: Atkins North America, Inc.

Commissioners Court received a comment from Commissioner Terry Phillips stating a cost of \$168,570.00 for the professional services agreement contract with Atkins North America.

14. Report: Smith County Jail Status and Related Information

\$20,150,714 Expenditure to date (Contract Housing)
\$526,140 Expenditure Budget Year 13/14 (Contract Housing)
716 Total Population, 545 Male, 144 Female
660 in Smith County Jail and 29 transferred to other Counties.
14 Federal Prisoners, 25 scheduled to TDC, 42 papers ready.
29 Parole violations and 46 Parole violations with other charges.
59 Total child support cases, 33 non-payment of child support and
26 non-payment of child support with other charges.
Average stay for non-payment of child support: 70 days.
8 open jailer positions
Smith County Jail Population Summary attached. No action necessary.

Commissioners Court recessed Open Session at 9:56 a.m. and went into Closed Session.

VII. CLOSED SESSION: To consult, receive, and seek advice from attorney pursuant to Sections 551.071 and 551.074 of the Texas Government Code.

15. Discuss personnel matter, including but not limited to policies and procedures related to employment or duties of departments supervised by the Smith County Commissioners Court.
16. Receive legal update briefing and consultation and seek legal advice regarding pending legal matters, including but not limited to pending litigation and matters placed with outside counsel.

Commissioners Court recessed Closed Session at 11:08 a.m. and went directly into Open Session.

VIII. OPEN SESSION

17. Personnel Matters

Commissioners Court took no action on agenda item number 17 to consider personnel matters, including but not limited to policies and procedures related to employment or duties of departments supervised by the Smith County Commissioners Court.

18. Legal Matters: Outside Counsel

Commissioners Court took no action on agenda item number 18 to consider pending legal matters, including but not limited to matters placed with outside counsel.

IX. BUDGET WORKSHOP:

19. FY15 Budget Requests

Commissioners Court went to agenda item number 18 to receive input from members of the Commissioners Court, elected officials, and department heads regarding Fiscal Year 2015 budget.

Motion made by Commissioner – Precinct 3 Terry Phillips and then withdrawn to eliminate a position in the District Attorney’s Office and proceed with a General Counsel position under the Commissioners Court.

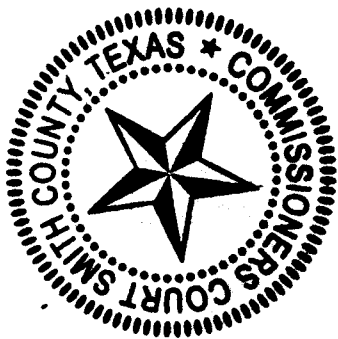
Motion made by Commissioner – Precinct 3 Terry Phillips and seconded by Commissioner – Precinct 2 Cary Nix to remove General Counsel position from the budget.

Motion failed 2-3. Opposed: Judge Joel P. Baker, Commissioner Jeff Warr and Commissioner JoAnn Hampton; Abstain: (None); Absent: (None).

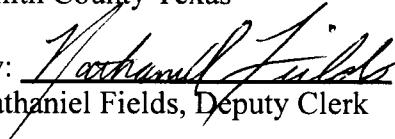
X. ADJOURNMENT

Meeting was adjourned by Judge Joel P. Baker.

Approved: 
Chairperson Commissioners Court



ATTESTED:
Karen Phillips, County Clerk
Smith County Texas

By: 
Nathaniel Fields, Deputy Clerk