

40-14
COMMISSIONERS COURT MINUTES
September 9, 2014

FILED
September 9, 2014
at *1:04 PM*
Karen Phillips, County Clerk
Smith County, Texas
By: *Nathaniel Falls* Deputy

On Tuesday September 9, 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 Cary Nix led the invocation.

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

IV. PUBLIC COMMENT

Public Comment: Mr. Jay Misenheimer. Public participation form attached.

V. PUBLIC HEARING – 9:30 p.m.

1. FY2015 Proposed District Clerk's Fee for Records Preservation Plan

Commissioners Court went to agenda item number 1 to receive public input regarding approval of Smith County District Clerk proposal for inclusion of standard \$5.00 records preservation fee for filing of new cases and inclusion of fee collection in FY2015 budget pursuant to Tex. Gov't Code § 51.305. No public input received.

2. Smith County On-Site Sewage Facility (OSSF) Order

Commissioners Court went to agenda item number 2 to receive public input regarding approval of Smith County On-Site Sewage Facility (OSSF) Order amending jurisdictional element pursuant to Tex. Health and Safety Code, Chapter 366 and the Texas Administrative Code, Title 30, Chapter 285. No public input received.

VI. OPEN SESSION

3. Records Preservation Fee

Motion made by Commissioner – Precinct 3 Terry Phillips and seconded by Commissioner – Precinct 1 Jeff Warr to approve the inclusion of standard \$5.00 records preservation fee for filing of new cases and inclusion of fee collection in FY2015 budget.

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

4. On-Site Sewage Facility (OSSF) Order

Motion made by Commissioner – Precinct 2 Cary Nix and seconded by Commissioner – Precinct 4 JoAnn Hampton to approve the On-Site Sewage Facility Order amending jurisdictional element.

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

5. Juror Reimbursements Program

Motion made by Commissioner – Precinct 3 Terry Phillips and seconded by Commissioner – Precinct 1 Jeff Warr to approve the adding of the Children Advocacy Center (CAC) to the list of program options funded by juror reimbursements.

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

6. Indigent Defense Contract

Motion made by Judge Joel Baker and seconded by Commissioner – Precinct 4 JoAnn Hampton to approve amended Smith County Indigent Defense contract for FY2015 as presented. Copies attached.

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

7. Indigent Optional Healthcare Services

Motion made by Commissioner – Precinct 2 Cary Nix and seconded by Commissioner – Precinct 1 Jeff Warr to approve the amended contract as presented regarding Indigent Care Optional Healthcare Services including completion of Notification Form 120. Documents attached.

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

8. Contract: FY 2015-2016 State Case Registry/Local Customer Service

Motion made by Commissioner – Precinct 3 Terry Phillips and seconded by Commissioner – Precinct 4 JoAnn Hampton to approve the FY 2015-2016 State Case Registry/Local Customer Service (SCR/LCS) contract between the District Clerk's office and the Attorney General.

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

9. Contract: Inmate Medical Services

Motion made by Commissioner – Precinct 1 Jeff Warr and seconded by Commissioner – Precinct 4 JoAnn Hampton to approve the authorization of contract negotiations regarding inmate medical services with Southern Health Partners.

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

10. Contract: Inmate Meals

Commissioners Court passed on agenda item number 10 regarding RFP-03-14 for Inmate Meal Services for Smith County Correctional Facilities, including but not limited to authorization of contract negotiations.

11. Bids: Struck-off Properties

Motion made by Commissioner – Precinct 4 JoAnn Hampton and seconded by Commissioner – Precinct 3 Terry Phillips to ratify a resolution supporting approval of the bids for the sale of struck-off properties and authorize the County Judge to sign papers pertaining to the sale.

a) Cause No. 23,338-C

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

12. Order: Unopposed Candidates for General Election

Motion made by Commissioner – Precinct 3 Terry Phillips and seconded by Commissioner – Precinct 4 JoAnn Hampton to approve order certifying unopposed candidates for November 4, 2014, general election.

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

13. Order: Uncontested Emergency Service District (ESD)

Motion made by Commissioner – Precinct 3 Terry Phillips and seconded by Commissioner – Precinct 2 Cary Nix to approve order cancelling certain uncontested Emergency Services District elections to be held on November 4, 2014.

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

14. Commissioners Court Minutes: August 2014

Motion made by Commissioner – Precinct 4 JoAnn Hampton and seconded by Commissioner – Precinct 3 Terry Phillips to accept Commissioners Court minutes for August 2014. Copies attached.

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

15. Commissioners Court Recordings: August 2014

Commissioners Court received recordings of the Commissioners Court meetings for August 2014.

16. Minutes: Andrews Center Board of Trustees Meeting

Commissioners Court received into the Court's minutes the minutes from the July 22, 2014, Andrews Center Board of Trustees meeting. Minutes attached.

17. Flood Plain Development Permit:

Commissioners Court received into the Court's minutes the flood plain development permit from the Smith County Engineer submitted by EOG Resources Inc. – Anderson No. 1 Culvert Crossing, Pct. 1. Flood plain development permit attached.

18. Pipe and/or Utility Line Installation

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

- a) CR 2156 City of Troup 120 LF of 2" line for water service, Pct. 2.

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

19. Standard Letters of Agreement: Dredged Materials

Motion made by Commissioner – Precinct 3 Terry Phillips and seconded by Commissioner – Precinct 1 Jeff Warr to ratify standard letters of agreement for disposal of dredged materials. Copies attached.

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

20. Report: Road and Bridge Department

Commissioners Court received status report from the Road and Bridge Department. Report attached. No action necessary.

21. 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; Opposed: (None); Absent: (None).

22. Jail Projects Update and Recommendation(s)

Motion made by Judge Joel Baker and seconded by Commissioner – Precinct 4 JoAnn Hampton to approve change order request in the amount of \$10,231.00 to increase the energy efficiency in the recreation area for the jail project.

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

23. Report: Smith County Jail Status and Related Information

\$20,170,334 Expenditure to date (Contract Housing)

\$584,760 Expenditure Budget Year 13/14 (Contract Housing)

716 Total Population, 568 Male, 148 Female

671 in Smith County Jail and 45 transferred to other Counties.

11 Federal Prisoners, 24 scheduled to TDC, 56 papers ready.

32 Parole violations and 38 Parole violations with other charges.

73 Total child support cases, 41 non-payment of child support and

32 non-payment of child support with other charges.

Average stay for non-payment of child support: 64 days.

4 open jailer positions

Smith County Jail Population Summary attached. No action necessary.

Commissioners Court recessed Open Session at 10:01 a.m. and went into Closed Session.

VI. **CLOSED SESSION: To consult, receive, and seek advice from attorney pursuant to Sections 551.071, 551.0725 and 551.074 of the Texas Government Code.**

24. Receive consultation and seek legal advice regarding available options concerning security issues and/or public safety, including but not limited to the deployment or specific occasions for implementation of personnel or devices or a security audit pursuant to Tex. Gov't Code 551.076.

25. Receive legal update briefing and consultation and seek legal advice regarding pending legal matters.

26. Receive legal update briefing and consultation and seek legal advice regarding pending contracts and procurement requirements.

27. Receive legal update briefing and consultation and seek legal advice regarding pending legal matters with Smith County Animal Control Services.
28. Consider personnel matters, including but not limited to employment or duties of department heads appointed by the Smith County Commissioners Court.

Commissioners Court recessed Closed Session at 12:19 p.m. and went directly into Open Session.

VII. OPEN SESSION

10. Contract: Inmate Meals

Motion made by Judge Joel Baker and seconded by Commissioner – Precinct 4 JoAnn Hampton to approve the authorization of contract negotiations regarding inmate meals services with Mid-States.

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

29. Security: Personnel/Devices/Audit

Commissioners Court took no action on agenda item number 29 to consider deployment or specific occasions for implementation of security personnel or devices or a security audit within County facilities.

30. Legal Matters: Outside Counsel

Commissioners Court took no action on agenda item number 30 to consider pending legal matters, including but not limited to matters placed with outside counsel.

31. Pending Contracts and Procurement Requirements

Commissioners Court took no action on agenda item number 31 to consider pending legal matters, including but not limited to matters placed with outside counsel.

32. Personnel Matters

Motion made by Judge Joel Baker and seconded by Commissioner – Precinct 2 Cary Nix to enforce the educational requirements of the salary plan for employee #010560441.

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

VIII. ADJOURNMENT

Meeting was adjourned by Judge Joel P. Baker.

Approved: Joel Baker
Chairperson Commissioners Court



ATTESTED:
Karen Phillips, County Clerk
Smith County Texas

By: Nathaniel Fields
Nathaniel Fields, Deputy Clerk