

43-14
COMMISSIONERS COURT MINUTES
September 23, 2014

On Tuesday September 23, 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

No public comment at this time.

V. OPEN SESSION

1. Presentation: TEX-21

Commissioners Court received presentation from Mr. Matt Brasseaux regarding TEX-21 objectives for Transportation around Texas. Presentation attached.

2. Share the Road Motorcycle Safety Awareness Campaign

Commissioners Court received presentation from Mr. Tommy Brock regarding Share the Road motorcycle safety awareness campaign. Copies attached.

3. Resolution: Johnny Williams Day

Motion made by Commissioner – Precinct 4 JoAnn Hampton and seconded by Commissioner – Precinct 2 Cary Nix to ratify a resolution declaring September 20, 2014, as Johnny Williams Day in Smith County. Resolution attached.

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

4. Commissioners Court Meetings and Procedures

Commissioners Court discussed the modifications to rules of procedure, conduct, and decorum governing Commissioners Court meetings and procedures. No action taken. Procedures attached.

5. R.B. Hubbard "HUB" Center

Commissioners Court discussed the modifications to rules of procedure concerning the use of the R.B. Hubbard "HUB" Center, including but not limited to fees, hours of operation, and public use. No action taken. Copies attached.

6. Appointment: Smith County Health Authority

Motion made by Commissioner – Precinct 4 JoAnn Hampton and seconded by Commissioner – Precinct 3 Terry Phillips to approve the recommended appointment of Jeffrey L. Levin, M. D., as Smith County Health Authority for a two-year term beginning October 1, 2014, and authorize County Judge to sign the Certificate of Appointment.

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

7. Contract: Online Remote Birth Access System for County Clerk

Motion made by Commissioner – Precinct 2 Cary Nix and seconded by Commissioner – Precinct 4 JoAnn Hampton to approve the Smith County Clerk fee increase to \$10.00 from \$5.00, including but not limited to records preservation and archiving and management. Copies attached

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

8. Resolution and Agreement: Road Improvement Project on Spur 248

Motion made by Commissioner – Precinct 3 Terry Phillips and seconded by Commissioner – Precinct 1 Jeff Warr to approve resolution and agreement to contribute right of way funds with TxDOT for road improvement project on Spur 248 from FM 848 to SH 64, including approval for payment and authorization for appropriate signatures by the court.

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

9. Contract: Project Completion Report and STEP Certificate

Motion made by Commissioner – Precinct 4 JoAnn Hampton and seconded by Commissioner – Precinct 2 Cary Nix to authorize the County Judge to sign the Project Completion Report and STEP Certificate of Construction Completion for contract No. 712036 (Lindale Rural WSC STEP project). Copies attached.

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

10. Smith County Performance Pay Program (SCPPP)

Commissioners Court took no action on agenda item number 10 to consider and take any necessary action related to the implementation of the developed Smith County Performance Pay Program (SCPPP) including but not limited to authorizing payment of incentive pay to participating staff for meeting and/or exceeding FY2014 Key Performance Indicator (KPI) goals.

11. Grant: Veterans Court Programs

Motion made by Judge Joel Baker and seconded by Commissioner – Precinct 4 JoAnn Hampton to accept Grant No. 2819901 for \$29,000 from the Criminal Justice Division (CJD) of the Governor's Office for Veterans Court Programs.
Passed 5-0; Abstain: (None); Absent: (None).

12. Contract: Clinic Attorney Program

Motion made by Commissioner – Precinct 2 Cary Nix and seconded by Commissioner – Precinct 4 JoAnn Hampton to approve public services contract on behalf of Smith County Law Library for the Clinic Attorney program.
Passed 5-0; Abstain: (None); Absent: (None).

13. Request: Pine Creek Community Policing Contract

Motion made by Commissioner – Precinct 4 JoAnn Hampton and seconded by Commissioner – Precinct 3 Terry Phillips to approve the request of Constable, Pct. 1, for proposed Pine Creek Town Homes and Rose Valley Apartment Homes Policing Contract. Copies attached.
Passed 5-0; Abstain: (None); Absent: (None).

14. Report: Auditor/Treasurer

Motion made by Commissioner – Precinct 4 JoAnn Hampton and seconded by Commissioner – Precinct 3 Terry Phillips to accept the Auditor/Treasurer report for August, 2014.
Passed 5-0; Abstain: (None); Absent: (None).

15. FY15 Supplement Budgets

Motion made by Commissioner – Precinct 1 Jeff Warr and seconded by Commissioner – Precinct 4 JoAnn Hampton to approve the FY15 Supplemental budgets.
Passed 5-0; Abstain: (None); Absent: (None).

16. Payment of Accounts

Motion made by Commissioner – Precinct 4 JoAnn Hampton and seconded by Commissioner – Precinct 3 Terry Phillips 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).

17. Report: Road and Bridge Department

Commissioners Court received status report from the Road and Bridge Department. Report attached.

18. Jail Projects Update and Recommendation(s)

a) Motion made by Commissioner – Precinct 1 Jeff Warr and seconded by Commissioner – Precinct 3 Terry Phillips to approve change order request (COR) #045 in the amount of \$7,947.00 to add additional cameras. Copy attached.

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

b) Motion made by Commissioner – Precinct 1 Jeff Warr and seconded by Commissioner – Precinct 4 JoAnn Hampton to approve COR #046 in the amount of \$2,830.00 to install wiring for emergency power and replace some lock sets. Copy attached.

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

c) Motion made by Commissioner – Precinct 1 Jeff Warr and seconded by Commissioner – Precinct 2 Cary Nix to approve COR #049 in the amount of \$8,064.00 for jail furnishing revisions to the project. Copy attached.

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

d) Motion made by Commissioner – Precinct 1 Jeff Warr and seconded by Commissioner – Precinct 4 JoAnn Hampton to approve COR #044 in the amount of \$30,246.00 for revisions to the administration area. Copy attached.

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

18. Report: Smith County Jail Status and Related Information

\$20,193,494 Expenditure to date (Contract Housing)
\$607,920 Expenditure Budget Year 13/14 (Contract Housing)
724 Total Population, 573 Male, 157 Female
665 in Smith County Jail and 59 transferred to other Counties.
17 Federal Prisoners, 20 scheduled to TDC, 58 papers ready.
38 Parole violations and 40 Parole violations with other charges.
61 Total child support cases, 32 non-payment of child support and
29 non-payment of child support with other charges.
Average stay for non-payment of child support: 70 days.
12 open jailer positions
Smith County Jail Population Summary attached. No action necessary.

Commissioners Court recessed Open Session at 10:08 a.m. and went into Closed Session.

VI. **CLOSED SESSION: To consult, receive, and seek advice from attorney pursuant to Section 551.0725, 551.071, 551.076 and 551.074 of the Texas Government Code.**

20. Receive consultation and seek legal advice regarding available options concerning security issues and/or public safety within County facilities, including but not limited to the deployment or specific occasions for implementation of personnel or devices or a security audit within County facilities pursuant to Tex. Gov't Code 551.076.
21. Discuss personnel matters, including but not limited to employment and duties of departments supervised by the Smith County Commissioners Court.
22. Receive legal update briefing and consultation and seek legal advice regarding pending contracts and procurement requirements.
23. Receive legal update briefing and seek legal advice regarding pending legal matters.

Commissioners Court recessed Closed Session at 11:47 a.m. and went directly into Open Session.

VII. OPEN SESSION

24. Personnel: Employment / Duties of Departments

Commissioners Court took no action on agenda item 24 to discuss, consider and take any necessary action pertaining to personnel matters, including but not limited to employment or duties of departments supervised by the Smith County Commissioners Court.

25. Contracts: Procurement Requirements

- a) Motion made by Judge Joel Baker and seconded by Commissioner – Precinct 3 Terry Phillips to approve the basic form of the agreements with both SHP for inmate medical and Midstate Services, Inc., contingent on final review by Legal Counsel and Purchasing. Copy attached.

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

- b) Motion made by Judge Joel Baker and seconded by Commissioner – Precinct 3 Terry Phillips to approve a new interlocal agreement for the Law Enforcement Liaison Officer Program between the Smith County Fire Marshal and Lindale ISD contingent on final review by the Auditor’s Department and Legal Counsel. Copy attached.

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

26. Departments Supervised by Commissioners Court

Commissioners Court took no action on agenda item 26 to discuss, consider and take any necessary action regarding employment and duties of departments supervised by Smith County Commissioners Court.

27. Legal Matters

Commissioners Court took no action on agenda item 27 to consider action regarding pending legal cases, including but not limited to matters placed with outside counsel.

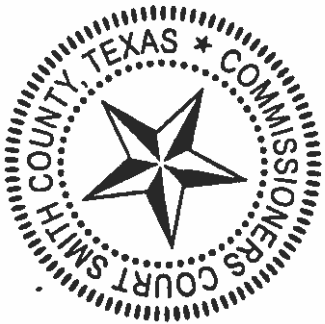
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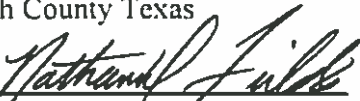
VIII. ADJOURNMENT

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