

44-14  
COMMISSIONERS COURT MINUTES  
September 30, 2014

On Tuesday September 30, 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 Jeff Warr 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. County Clerk: Software Conversion

Karen Phillips, Smith County Clerk, gave a status report on the software conversion for the Clerk's Office and informed them of temporary office hours changes. Copy attached.

2. Smith County 2014 Holiday Schedule

Motion made by Commissioner – Precinct 4 JoAnn Hampton and seconded by Commissioner – Precinct 2 Cary Nix to approve the Smith County 2015 Holiday Schedule. 2015 Holiday Schedule attached.

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

3. Request: Placement of Signage on County Roads

Motion made by Judge Joel Baker and seconded by Commissioner – Precinct 4 JoAnn Hampton to accept the donation of signs from the Share the Road Motorcycle Safety Awareness Campaign.

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

Commissioners Court passed on the part of this item for a donation from the Tyler Bicycle Club for bicycle safety signage until a public hearing can be held.

4. Request to Change Temporary Facility for National Adoption Day

Motion made by Commissioner – Precinct 4 JoAnn Hampton and seconded by Commissioner – Precinct 3 Terry Phillips to approve the use of Rose Heights Church for holding Smith County National Adoption Day at the request of the 321st District Court and the Smith County Young Lawyers Association.

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

5. Agreements: FY2015 Public Service

Motion made by Commissioner – Precinct 3 Terry Phillips and seconded by Commissioner – Precinct 4 JoAnn Hampton to approve the FY2015 public service agreements for the following:

- a) Andrews Center (revised to add § 6(g));
- b) People Attempting To Help (PATH); and
- c) Meals on Wheels (MOW);

Agreements attached.

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

6. Contract: Pitney Bowes

Motion made by Commissioner – Precinct 2 Cary Nix and seconded by Commissioner – Precinct 1 Jeff Warr to approve contract addendum between the District Clerk's office and Pitney Bowes Global Financial Services LLC regarding the VeriMove postage system. Contract attached.

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

7. Contracts: FY2015 State of Texas Title IV-E Legal and Child Welfare Services

Motion made by Commissioner – Precinct 4 JoAnn Hampton and seconded by Commissioner – Precinct 3 Terry Phillips to approve amended Title IV-E Child Welfare Services and Legal Services contracts requested by Texas Department of Family and Protective Services and authorize County Judge to sign same. Contracts attached.

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

8. Grant: FY2014 Homeland Security Grant Program

Motion made by Commissioner – Precinct 1 Jeff Warr and seconded by Commissioner – Precinct 2 Cary Nix to accept the Texas Department of Public Safety FY 2014 Homeland Security Grant Program Sub-Recipient Award for \$30,530.50 and authorize County Judge to sign same. Copies attached.

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

9. Bids: Vocational Training Building at the County Juvenile Services Center

Motion made by Commissioner – Precinct 3 Terry Phillips and seconded by Commissioner – Precinct 1 Jeff Warr to authorize Purchasing Director to advertise and request sealed bids for the construction of a vocational training building at the Smith County Juvenile Services Center.

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

10. Bids: Meal Services at Correctional Facilities

Motion made by Commissioner – Precinct 4 JoAnn Hampton and seconded by Commissioner – Precinct 2 Cary Nix to authorize Purchasing Director to advertise and request sealed bids for the construction of a roof over the recreational area at the Smith County Juvenile Services Center.

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

11. Contracts: FY2014 Law Enforcement Liaison Officer(s) Programs

Motion made by Commissioner – Precinct 1 Jeff Warr and seconded by Commissioner – Precinct 2 Cary Nix to approve the FY2014-2015 interlocal agreement for Law Enforcement Liaison Officer Programs between Smith County and Chapel Hill ISD.

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

12. Smith County Performance Pay Program (SCPPP)

Commissioners Court passed on agenda item 12 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.

13. Pipe and/or Utility Line Installation

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

- a) CR 2138 Linn Energy, Pipeline easement, Pct. 2.
- b) CR 2186 Linn Energy, Pipeline easement, Pct. 2.
- c) CR 434 Crystal Systems Texas, Inc. Bore at intersection of CR 434 & CR 436 for water main, Pct. 3.
- d) CR 438 Crystal Systems Texas, Inc. Bore at intersection of CR 434 & CR 438 for water main, Pct. 3.
- e) CR 438 Crystal Systems Texas, Inc. Bore 1500' south of CR 434 for water main, Pct. 3.
- f) CR 438 Crystal Systems Texas, Inc. Bore 2600' south of CR 434 for water main, Pct. 3.

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

14. 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).*

15. 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).*

16. Jail Projects Update and Recommendation(s)

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

17. Report: Smith County Jail Status and Related Information

\$20,206,184 Expenditure to date (Contract Housing)  
\$620,610 Expenditure Budget Year 13/14 (Contract Housing)  
725 Total Population, 583 Male, 142 Female  
664 in Smith County Jail and 61 transferred to other Counties.  
17 Federal Prisoners, 24 scheduled to TDC, 51 papers ready.  
35 Parole violations and 41 Parole violations with other charges.  
71 Total child support cases, 38 non-payment of child support and  
33 non-payment of child support with other charges.  
Average stay for non-payment of child support: 64 days.  
9 open jailer positions  
Smith County Jail Population Summary attached. No action necessary.

Commissioners Court recessed Open Session at 9:48 a.m. and went into Closed Session.

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

18. Receive legal update briefing and seek legal advice regarding pending legal matters.
19. Receive legal update briefing and consultation and seek legal advice regarding pending contracts and procurement requirements.
20. Discuss personnel matters, including but not limited to employment and duties of departments supervised by the Smith County Commissioners Court.

Commissioners Court recessed Closed Session at 11:27 a.m. and went directly into Open Session.

VI. **OPEN SESSION**

21. Legal Matters: Outside Counsel

Motion made by Judge Joel Baker and seconded by Commissioner – Precinct 3 Terry Phillips to approve settlement agreement with Stanaland Companies regarding pending legal cases.

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

22. Contract: Raving Fan Technologies, Inc.

Motion made by Judge Joel Baker and seconded by Commissioner – Precinct 3 Terry Phillips to approve the contract with Raving Fan Technologies, Inc.

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

23. Personnel: Employment / Duties of Departments

a) Motion made by Judge Joel Baker and seconded by Commissioner – Precinct 4 JoAnn Hampton to approve filling the vacant County Administrator Position and set the essential job duties and functions in the job description provided with Leonardo Brown filling in at step one of the salary plan with an effective date of October 5, 2014.

*Passed 4-1; Opposed: Terry Phillips; Absent: (None).*

b) Smith County Performance Pay Program (SCPPP)

Motion made by Judge Joel Baker and seconded by Commissioner – Precinct 1 Jeff Warr to approve the Order for the Smith County Performance Pay Program (SCPPP) for FY2014 including more data collecting and having a KPI committee evaluate the data collected.

*Passed 4-1; Opposed: Terry Phillips; Absent: (None).*

c) Compensatory Time: Lindale ISD School Resource Officers

Motion made by Judge Joel Baker and seconded by Commissioner – Precinct 3 Terry Phillips to approve the allocation of accrued comp time for the three school resource officers as provided.

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

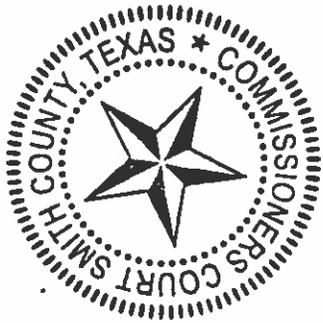
12. Smith County Performance Pay Program (SCPPP)

Commissioners Court addressed agenda item 12 in item 23 (b).

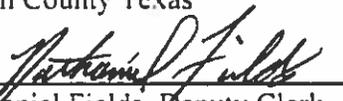
**VIII. ADJOURNMENT**

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