

49-14
COMMISSIONERS COURT MINUTES
October 21, 2014

On Tuesday October 21, 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	Absent
Commissioner: Precinct 2 Cary Nix	Present
Commissioner: Precinct 3 Terry Phillips	Present
Commissioner: Precinct 4 JoAnn Hampton	Present

II. INVOCATION

Gary Pinkerton, Smith County's Pre-Trial Services Director, 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. John Soules Foods Tax Abatement

Motion made by Judge Joel Baker and seconded by Commissioner – Precinct 4 JoAnn Hampton to approve the tax abatement agreement with John Soules Foods and authorize the County Judge to sign all related documents.

Passed 4-0; Abstain: (None); Absent: Commissioner Jeff Warr.

2. Interlocal Agreement: Federal Voting Assistance Program

Motion made by Judge Joel Baker and seconded by Commissioner – Precinct 3 Terry Phillips to approve the interlocal agreement with Rockwall County for participation in Federal Voting Assistance Program consortium for automated voter and eBalloting services in support of overseas absentee voters.

Passed 4-0; Abstain: (None); Absent: Commissioner Jeff Warr.

3. Interlocal Agreement: Public Benefit Purchase

Commissioners Court took no action on agenda item 3 related to the public benefit purchase interlocal agreement between the Smith County Juvenile Attention Center and the City of Tyler.

Passed 4-0; Abstain: (None); Absent: Commissioner Jeff Warr.

4. Request: Commitment Letter

Motion made by Commissioner – Precinct 3 Terry Phillips and seconded by Commissioner – Precinct 4 JoAnn Hampton to approve the commitment letter as requested by the East Texas Council of Governments (ETCOG) in support of the application of the East Texas Economic Development District (ETEDD) for a three-year planning grant from the United States Department of Commerce Economic Development Administration (EDA).

Passed 4-0; Abstain: (None); Absent: Commissioner Jeff Warr.

5. Agreements: FY2015 Public Service

Motion made by Judge Joel Baker and seconded by Commissioner – Precinct 4 JoAnn Hampton to approve the request from Texas Department of Transportation (TxDOT) for temporary road closures related to bridge work on CR 481 at Duck Creek and CR 452 at Duck Creek, both scheduled for June 2015.

Passed 4-0; Abstain: (None); Absent: Commissioner Jeff Warr.

6. Memorandum of Understanding: County Clerk's office and AMCAD

Motion made by Commissioner – Precinct 4 JoAnn Hampton and seconded by Commissioner – Precinct 2 Cary Nix to approve contract addendum between the County Clerk's office and AMCAD for electronic recording of real property records and authorizing the Court and County Judge to sign related documents. Copies attached.

Passed 4-0; Abstain: (None); Absent: Commissioner Jeff Warr.

7. Bids: Struck-off Properties

Motion made by Commissioner – Precinct 4 JoAnn Hampton and seconded by Commissioner – Precinct 2 Cary Nix 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. 21,971-C
- b) Cause No. 21,921-A
- c) Cause No. 23,289-B
- e) Cause No. 23,574-A
- f) Cause No. 22,283-A/B

Agreements attached.

Passed 4-0; Abstain: (None); Absent: Commissioner Jeff Warr.

8. Amended Contract: Indigent Care Services.

Motion made by Commissioner – Precinct 4 JoAnn Hampton and seconded by Commissioner – Precinct 2 Cary Nix to approve the Optional Healthcare Services contract for Indigent Care services.

Passed 4-0; Abstain: (None); Absent: Commissioner Jeff Warr.

9. Agreements: FY2015 Public Service

Motion made by Commissioner – Precinct 4 JoAnn Hampton and seconded by Commissioner – Precinct 3 Terry Phillips to approve the FY2015 public service agreement for Tyler Family Circle of Care. The court passed on the agreement for St. Paul Children's Foundation. Copy attached.

Passed 4-0; Abstain: (None); Absent: Commissioner Jeff Warr.

10. Fire Marshal's Office Fees

Motion made by Commissioner – Precinct 4 JoAnn Hampton and seconded by Commissioner – Precinct 2 Cary Nix to amend certain fees in the Fire Marshal's office, effective November 1, 2014. Copies attached.

Passed 4-0; Abstain: (None); Absent: Commissioner Jeff Warr.

11. Settlement: Adverse Insurance Company

Motion made by Judge Joel Baker and seconded by Commissioner – Precinct 3 Terry Phillips to approve the settlement in the amount of \$2,868.79 for damaged handrails at the Smith County Courthouse from adverse insurance regarding auto accident from July 30, 2014, and authorize County Judge to sign all related documents. Copies attached.

Passed 4-0; Abstain: (None); Absent: Commissioner Jeff Warr.

12. Travel Policy Update

Motion made by Commissioner – Precinct 2 Cary Nix and seconded by Commissioner – Precinct 4 JoAnn Hampton to approve Travel Policy update. Copies attached.

Passed 4-0; Abstain: (None); Absent: Commissioner Jeff Warr.

13. Payment of Accounts

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

Passed 4-0; Abstain: (None); Absent: Commissioner Jeff Warr.

14. Jail Projects Update and Recommendation(s)

Commissioners Court took no action on agenda item 14 to receive information and consider recommendation(s) for all jail projects.

15. 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 9:46 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 10:25 a.m. and went directly into Open Session.

VI. **OPEN SESSION**

20. **Security: Personnel/Devices/Audit**

Commissioners Court took no action on agenda item number 20 to discuss, consider, and take any necessary action relevant to the deployment or specific occasions for implementation of security personnel or devices or a security audit within County facilities.

21. **Legal Matters: Outside Counsel Contract**

Commissioners Court took no action on agenda item number 21 to consider action regarding pending legal cases, including but not limited to matters placed with outside counsel.

22. **Procurement Requirements.**

Motion made by Judge Joel Baker and seconded by Commissioner – Precinct 3 Terry Phillips to authorize County Judge to sign letter of engagement with Apprize regarding online enrollments.

Passed 4-0; Abstain: (None); Absent: Commissioner Jeff Warr.

23. **Personnel: Employment / Duties of Departments**

Motion made by Judge Joel Baker and seconded by Commissioner – Precinct 2 Cary Nix to authorize the Human Resources department to update all documentation that addresses degree verification with the same language that was approved by the Commissioners Court in the salary plan.

Passed 4-0; Abstain: (None); Absent: Commissioner Jeff Warr.

14. 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 (PCO) #103 and (RFI) #147 in the amount of \$3,365.00 related to the jail project with payment to come from bond funds.

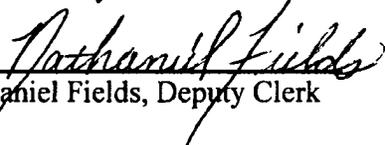
Passed 4-0; Abstain: (None); Absent: Commissioner Jeff Warr.

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

