

53-14  
COMMISSIONERS COURT MINUTES  
November 18, 2014

On Tuesday November 18, 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**

Commissioner JoAnn Hampton, called the meeting to order with members present:

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

**II. INVOCATION**

Commissioner Cary Nix 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: Texas Association of Counties Risk Management Pool**

Commissioners Court received presentation from Mr. Todd Kisel of Texas Association of Counties Risk Management Pool.

**2. Election Returns: November 4, 2014**

Motion made by Commissioner – Precinct 3 Terry Phillips and seconded by Commissioner – Precinct 1 Jeff Warr to approve the canvassing of the election returns for the November 4, 2014, election. Copies attached.

*Passed 4-0; Abstain: (None); Absent: Judge Joel P. Baker.*

3. Agreement and Resolution: Fixed Rate Option, Spur 248 Project

Motion made by Commissioner – Precinct 3 Terry Phillips and seconded by Commissioner – Precinct 1 Jeff Warr to rescind the vote previously taken and approve the new offer from Texas Department of Transportation (TxDOT) for a Fixed Rate option for the Agreement to Contribute Right of Way for the road improvement project on Spur 248 from FM 848 to SH 64, including the resolution, and authorize the County Judge to sign all appropriate documents.

*Passed 4-0; Abstain: (None); Absent: Judge Joel P. Baker.*

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

Motion made by Commissioner – Precinct 1 Jeff Warr 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. Copies attached.

*Passed 4-0; Abstain: (None); Absent: Judge Joel P. Baker.*

5. Minutes: Andrews Center Board of Trustees

Commissioners Court received into the Court's minutes the minutes of the Andrews Center Board of Trustees meeting for September 23, 2014.

6. Bids: Struck-off Properties

Motion made by Commissioner – Precinct 3 Terry Phillips and seconded by Commissioner – Precinct 1 Jeff Warr 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. 24,177-B
- b) Cause No. 22,825-C

*Passed 4-0; Abstain: (None); Absent: Judge Joel P. Baker.*

7. Pipe and/or Utility Line Installation

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

- a) CR 397, TWS Management, Inc., road bore for PVC casing, 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. Agreements attached.

*Passed 4-0; Abstain: (None); Absent: Judge Joel P. Baker.*

9. Payment of Accounts

Motion made by Commissioner – Precinct 1 Jeff Warr 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 4-0; Abstain: (None); Absent: Judge Joel P. Baker.*

10. Report: Road and Bridge Department

Commissioners Court passed on agenda item 10 to received status report from the Road and Bridge Department.

11. Jail Projects Update and Recommendation(s)

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

12. Report: Smith County Jail Status and Related Information

\$20,267,624 Expenditure to date (Contract Housing)  
\$57,720 Expenditure Budget Year 14/15 (Contract Housing)  
639 Total Population, 504 Male, 135 Female  
617 in Smith County Jail and 22 transferred to other Counties.  
17 Federal Prisoners, 12 scheduled to TDC, 46 papers ready.  
17 Parole violations and 36 Parole violations with other charges.  
55 Total child support cases, 30 non-payment of child support and  
25 non-payment of child support with other charges.  
Average stay for non-payment of child support: 83 days.  
17 open jailer positions  
Smith County Jail Population Summary attached. No action necessary.

Commissioners Court recessed Open Session at 9:41 a.m. and went into Closed Session.

Judge Joel P. Baker entered the court room during 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.**

13. Discuss personnel matters, including but not limited to employment or duties of departments supervised by the Smith County Commissioners Court.
14. Receive consultation and seek legal advice regarding available options for general real estate and lease matters related to master plan and county facilities.

Commissioners Court recessed Closed Session at 10:22 a.m. and went directly into Open Session.

**VII. OPEN SESSION**

15. Personnel Issues

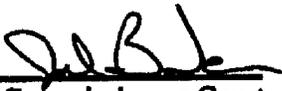
- a) Motion made by Judge Joel Baker and seconded by Commissioner – Precinct 4 JoAnn Hampton to authorize the County Judge or the Pool Coordinator to sign the workers' comp agreement to participate in the Political Subdivision Workers' Comp Alliance with TAC.  
*Passed 5-0; Abstain: (None); Absent: (None).*
- b) Motion made by Judge Joel Baker and seconded by Commissioner – Precinct 3 Terry Phillips to rescind the previously approved proof of loss statement due to the erroneous amount and authorize the County Judge to sign the new proof of loss statement as presented.  
*Passed 5-0; Abstain: (None); Absent: (None).*
- c) Motion made by Judge Joel Baker and seconded by Commissioner – Precinct 4 JoAnn Hampton to approve the renewal application for the TAC Risk Management Pool.  
*Passed 5-0; Abstain: (None); Absent: (None).*

16. County Facilities: Real Estate

Commissioners Court took no action on agenda item 16 to consider general real estate and lease matters related to master plan and county facilities.

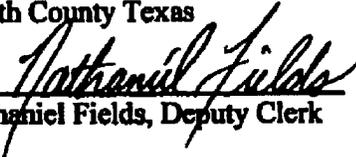
**VIII. ADJOURNMENT**

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



# COUNTY OF SMITH

**KAREN PHILLIPS, County Clerk**

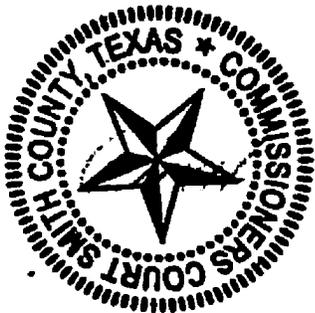
200 East Ferguson Street, Suite 300  
Tyler, Texas 75702

## THE STATE OF TEXAS COUNTY OF SMITH

I, KAREN PHILLIPS, COUNTY CLERK, OF SMITH COUNTY, TEXAS, do hereby certify that the foregoing is a Notice of Commissioners Court Meeting of Smith County as appears on record in Commissioners Court Minutes records of Smith County, Texas.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 18th day of November, 2014 A.D.

Karen Phillips, Clerk County Court,  
Smith County, Texas



By Nathaniel Fields  
Nathaniel Fields, Deputy Clerk