

02-10  
COMMISSIONERS COURT MINUTES  
January 12, 2010

On Tuesday, January 12, 2010 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 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 William McGinnis	Present
Commissioner: Precinct 3 Terry Phillips	Present
Commissioner: Precinct 4 JoAnn Hampton	Present

**II. INVOCATION**

Commissioner JoAnn Hampton led the invocation.

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

**IV. OPEN SESSION**

1. Projects Update

Commissioners Court received projects update. Facility project update attached.

2. Contract: East Texas Medical Center Offsite Inmate Medical Services

Motion made by Commissioner – Precinct 4 JoAnn Hampton and seconded by Commissioner – Precinct 1 Jeff Warr to approve contract with East Texas Medical Center for offsite inmate medical services for Smith County. Agreement attached.

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

Purchasing Director Kelli Davis addressed the court regarding the Purchasing Association Convention to be held in Tyler, Texas.

3. Constable Precinct # 5: Purchase Vehicle/Drug Forfeiture Funds

Commissioners Court took no action on agenda item 3 to discuss, consider and approve any necessary action pertaining to proposed purchase of vehicle using drug forfeiture funds by Constable Precinct 5, including but not limited to the following:

- a. Adding the purchased vehicle to the County's insurance, maintenance, and approval for fuel usage out of general funds; and
- b. Authorizing purchasing agent to recognize a law-enforcement vehicle color exception to the "standardization" policy.

Letter attached.

4. Tax Assessor Collector: Texas Alcoholic Beverage Code

Motion made by Judge Joel Baker and seconded by Commissioner – Precinct 2 William McGinnis to approve collection by the Tax Assessor Collector of the County's portion of both licenses and permits authorized by the Texas Alcoholic Beverage Code, including but not limited to sections 11.38 and 61.36 of the code. This motion includes both original applications and any renewals.

Fee chart attached.

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

5. Bids: RB-10-10 Galvanized Steel Culverts

Motion made by Judge Joel Baker and seconded by Commissioner – Precinct 4 JoAnn Hampton to approve authorizing Purchasing Director to advertise and request sealed bids for Galvanized Steel Culverts for Smith County, RB-10-10, and take any necessary additional action relevant to procurement of galvanized pipe under current contract. Bid packet attached.

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

6. Resolution: "Fill the Banks Day" January 8, 2010

Motion made by Judge Joel Baker and seconded by Commissioner – Precinct 3 Terry Phillips to ratify a resolution declaring January 8, 2010 "Fill the Banks Day" in Smith County. Resolution attached.

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

7. Resolution: 2010 Juvenile Justice Alternative Education Program Behavior Interventionist/Truancy Abatement Grant 17905-06

Motion made by Judge Joel Baker and seconded by Commissioner – Precinct 2 William McGinnis to approve resolution for submission of the 2010 Juvenile Justice Alternative Education Program Behavior Interventionist/Truancy Abatement Grant 17905-06. Resolution and copies attached.

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

8. Commissioners Court Minutes November 2009

Motion made by Commissioner – Precinct 3 Terry Phillips and seconded by Commissioner – Precinct 1 Jeff Warr to accept Commissioners Court minutes for November 2009. Copies attached.

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

9. Commissioners Court Recordings November 2009

Commissioners Court received recordings of the Commissioners Court meetings for November 2009.

10. Auditor/Treasurer Financial Report December 2009

Motion made by Judge Joel Baker and seconded by Commissioner – Precinct 4 JoAnn Hampton to accept Auditor/Treasurer financial report for December 2009. Report attached.

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

11. Standard Letter of Agreement: Dredged Materials

Motion made by Commissioner – Precinct 4 JoAnn Hampton and seconded by Commissioner – Precinct 2 William McGinnis to approve ratification of standard letter of agreement for disposal of dredged materials. Agreement attached.

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

12. Replat: Lots 34 and 35, Stallion Lake Ranch, Phase 1, Precinct # 4

Motion made by Commissioner – Precinct 4 JoAnn Hampton and seconded by Commissioner – Precinct 3 Terry Phillips to authorize County Judge to sign replat of lots 34 and 35 of Stallion Lake Ranch, Phase 1, Precinct # 4. Copies attached.

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

13. Resubdivision Plat: Lots 503, 504, 505 and 506, Hide-A-Way Bay Unit 3, Precinct # 1

Motion made by Commissioner – Precinct 1 Jeff Warr and seconded by Commissioner – Precinct 4 JoAnn Hampton to authorize County Judge to sign resubdivision plat of lots 503, 504, 505 and 506 Hide-A-Way Bay Unit 3, Precinct # 1. Copies attached.

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

14. Payments of Accounts

Motion made by Commissioner – Precinct 4 JoAnn Hampton and seconded by Commissioner – Precinct 2 William McGinnis to approve and/or ratify payment of accounts, bills, payroll, transfer of funds, and health claims.

Copies attached.

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

15. Report: Smith County Jail Inmate Status and Related Information (Chief Bobby Garmon)

\$805,240.00 spent this fiscal year housing inmates in other Counties.

869 Total Population, 714 Male, 155 Female

669 in Smith County Jail and 173 transferred to other counties.

16 Federal Prisoners, 32 scheduled to TDC, 52 paper ready.

33 Parole violations and 53 Parole violations with new charges.

73 Total child support cases, 29 non-payment of child support and

44 non-payment of child support with new charges.

Average stay for non-payment of child support: 100 days.

1 open jailer position

Copy of Smith County Jail Population Summary attached. No action.

Commissioners Court recessed Open Session at 10:00 a.m. and directly proceeded into Closed Session.

V. **CLOSED SESSION: To consult, receive, and seek advice from attorney pursuant to sections 551.071, 551.072 and 551.074 of the Texas Government Code to discuss personnel matters.**

19. Receive consultation and seek legal advice regarding pending civil cases placed with outside counsel, Flowers and Davis, PLLC.

16. Receive consultation and seek legal advice regarding available options addressing road/property claim involving right-of-way interest along Old State Highway 31.

17. Receive briefing, consultation, and seek legal advice regarding fuel procurement options, including but not limited to potential contract procedures for joint purchasing.

20. Receive briefing, consultation, and seek legal advice regarding available options on insurance claim for damages to Justice of the Peace # 4 building.

18. Discuss and consider specific personnel matters related to the payment of insurance claims pursuant to Texas Local Government Code § 150.071, et. sec. and the Smith County Employee Handbook, and in compliance with the Health Information Portability and Accountability Act (HIPPA).

Commissioners Court recessed Closed Session at 10:41 a.m. and directly proceeded into Open Session.

## VI. OPEN SESSION

21. Resolution: Old State Highway 31

Commissioners Court took no action on agenda item 21 to only, if necessary, discuss, consider and take all necessary action regarding available options pertaining to resolution of road/property claim involving right-of-way interest along Old State Highway 31.

22. Joint Purchasing: Fuel Procurement

Motion made by Judge Joel Baker and seconded by Commissioner – Precinct 4 JoAnn Hampton to authorize joint purchasing with the City of Tyler for fuel procurement.

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

23. Insurance Claim: Health Information Portability and Accountability Act (HIPPA)

Motion made by Commissioner – Precinct 4 JoAnn Hampton and seconded by Commissioner – Precinct 2 William McGinnis to approve action regarding payment of insurance claims pursuant to Texas Local Government Code § 150.071, et. sec. and the Smith County Employee Handbook, and in compliance with the Health Information Portability and Accountability Act (HIPPA).

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

24. Civil Cases: Flowers and Davis, PLLC

Commissioners Court took no action on agenda item 24 to only, if necessary, discuss, consider and take any necessary action regarding pending civil cases placed with outside counsel, Flowers and Davis, PLLC.

25. Insurance Claim: Justice of the Peace # 4 Building

Motion made by Judge Joel Baker and seconded by Commissioner – Precinct 4 JoAnn Hampton to subpoena Mr. Daniel Merritt, the claims adjuster to appear before Commissioners Court on January 26, 2010 at 10:00 a.m. unless the court is able to resolve the settlement of this claim prior to that date.  
*Passed 5-0; Abstain: (None); Absent: (None).*

**VII. PUBLIC COMMENT**


No public comment at this time.

**VIII. ADJOURNMENT**

Motion made by Commissioner – Precinct 3 Terry Phillips and seconded by Commissioner – Precinct 4 JoAnn Hampton that Commissioners Court adjourn.  
*Passed 5-0; Abstain: (None); Absent: (None).*

Approved:   
Chairman Commissioners Court

ATTESTED:  
Judy Carnes, County Clerk  
Smith County Texas

By:   
Deana Miller, Deputy

