

41-10
COMMISSIONERS COURT MINUTES
July 27, 2010

On Tuesday, July 27, 2010 the Honorable Commissioners Court of Smith County, Texas, met for a special meeting in the Smith County Commissioners Courtroom at the Smith County Courthouse Annex 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 William McGinnis	Present
Commissioner: Precinct 3 Terry Phillips	Present
Commissioner: Precinct 4 JoAnn Hampton	Presiding

II. INVOCATION

Commissioner Terry Phillips led the invocation.

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

IV. OPEN SESSION

V. Public Hearing – 9:30 a.m.

1. Partial Road Closure: County Road 178, Precinct # 1

Commissioners Court went to agenda item 1 to receive public input regarding revised proposal for partial road closure along Smith County Road 178, Precinct # 1. No public input.

2. Records Preservation Plan: District Clerk

Commissioners Court went to agenda item 2 to receive public input regarding proposed \$5.00 fee for Records Preservation Plan of the District Clerk. No public input.

VI. OPEN SESSION

3. Partial Road Closure: County Road 178, Precinct # 1

Motion made by Commissioner – Precinct 1 Jeff Warr and seconded by Commissioner – Precinct 3 Terry Phillips to approve revised proposal for partial road closure along Smith County Road 178, Precinct # 1. Letter and map attached. *Passed 4-0; Abstain: (None); Absent: Judge Joel Baker.*

4. Records Preservation Plan: District Clerk

Motion made by Commissioner – Precinct 2 William McGinnis and seconded by Commissioner – Precinct 3 Terry Phillips to approve \$5.00 fee for Records Preservation Plan of the District Clerk, including but not limited to inclusion of fee as a source of income in FY2011 Budget, in accordance with House Bill 1685. Copies attached.

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

5. Election: Sale of Beer and Wine for Off-Premise Consumption Only

Motion made by Commissioner – Precinct 3 Terry Phillips and seconded by Commissioner – Precinct 1 Jeff Warr to approve the Order for Local Option Election upon Presentation of Verified Petition Legalizing the Sale of Beer and Wine for Off-Premise Consumption Only within the limits of the Justice of the Peace, Precinct # 4 boundaries, Smith County, Texas effective July 27, 2010. Order attached.

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

6. Facilities Project Update

Commissioners Court received facilities projects update. Facility projects update attached.

7. Contract: Long Distance Phone Service

Motion made by Commissioner – Precinct 2 William McGinnis and seconded by Commissioner – Precinct 4 JoAnn Hampton to approve contract for Long Distance Phone Service for Smith County. AT&T Texas contract attached.

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

8. Right of Way: Smith County - TxDOT

Motion made by Commissioner – Precinct 3 Terry Phillips and seconded by Commissioner – Precinct 1 Jeff Warr to request that the County Judge abandon the property from Smith County to TxDOT for release of 120' right of way along access road (also known as "Old 2767") near the intersection of Loop 323 and Highway 31 and submit a letter on behalf of the Court. Letters and maps attached.

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

9. County Maintenance Inventory: Smith County Lane

Commissioners Court took no action on agenda item 9 to discuss, consider and take any necessary action related to setting a policy to treat Smith County Lane (located inside Lindale city limits and owned by Smith County) as being in the County maintenance inventory, including allocation of funding for any necessary current maintenance.

10. Agreements: Disposal of 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 agreements for disposal of dredged materials. Agreements attached.
Passed 4-0; Abstain: (None); Absent: Judge Joel Baker.

11. Road & Bridge Department: County Road 3146

Commissioners Court passed on agenda item 11 to discuss, consider and take any necessary action to approve Road and Bridge Department to accept a check from Goldston Oil in the amount of \$8,084.40 for repairs on County Road 3146 for heavy haul damages to be deposited into Road and Bridge fund 75.614.4300.370.

12. Donation: Law Enforcement Equipment

Motion made by Commissioner – Precinct 4 JoAnn Hampton and seconded by Commissioner – Precinct 2 William McGinnis to accept a donation in the amount \$7,500.00 to the Smith County Constable, Precinct # 3 for the purchase of law enforcement equipment. Budget amendments attached.
Passed 4-0; Abstain: (None); Absent: Judge Joel Baker.

13. FY 2010 Budget Amendments: Indigent Healthcare

Motion made by Commissioner – Precinct 3 Terry Phillips and seconded by Commissioner – Precinct 4 JoAnn Hampton to approve FY 2010 budget amendments to provide funding for budget shortages in indigent healthcare. Amendments attached.
Passed 4-0; Abstain: (None); Absent: Judge Joel Baker.

14. Payments of Accounts

Motion made by Commissioner – Precinct 3 Terry Phillips and seconded by Commissioner – Precinct 1 Jeff Warr to approve and/or ratify payment of accounts, bills, payroll, transfer of funds, and health claims. Copies attached.
Passed 4-0; Abstain: (None); Absent: Judge Joel Baker.

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

\$2,074,600.00 spent this fiscal year housing inmates in other Counties
865 Total Population, 714 Male, 151 Female
700 in Smith County Jail and 165 transferred to other Counties.
12 Federal Prisoners, 23 scheduled to TDC, 24 paper ready.
27 Parole violations and 54 Parole violations with new charges.
90 Total child support cases, 49 non-payment of child support and
41 non-payment of child support with new charges.
Average stay for non-payment of child support: 88 days.
2 open jailer positions
Copy of Smith County Jail Population Summary attached. No action.

16. Smith County Jail Overcrowding Facility Additions/Improvements

Commissioners Court went to agenda item 16 to discuss and consider solutions to jail overcrowding, including facility additions/improvements. No action.

VII. BUDGET WORKSHOP

22. FY 2011 Smith County Budget

Commissioners Court went to agenda item 22 to discuss and consider FY 2011 Budget requests and take any necessary action regarding the same.
No action.

VIII. PUBLIC COMMENT

Public Comment: Karen Nelson, Judge Christi Kennedy, Henry Jackson and Kim Gould spoke regarding the FY 2011 Budget. Public participation forms attached.

Commissioners Court recessed Open Session at 10:41 a.m. and went into Closed Session at 10:54 a.m.

IX. CLOSED SESSION: To consult, receive, and seek advice from attorney pursuant to Sections 551.071 and 551.074 of the Texas Government Code.

19. Receive consultation and seek legal advice regarding available options for procurement of inmate medical and interpreter services to support County operations.

17. Discuss personnel matters regarding vacant Veterans Services Department Head position.
18. Review request of Personnel Director to address policies pertaining to outside employment by department head(s).

Commissioners Court recessed Closed Session at 11:24 a.m. and went directly into Open Session.

X. OPEN SESSION

20. Veterans Service Department Head

Commissioners Court took no action on agenda item 20 to discuss, consider and take any necessary action regarding vacant Veterans Services Department Head position.

21. Policies for Outside Employment: Department Head

Motion made by Commissioner – Precinct 3 Terry Phillips and seconded by Commissioner – Precinct 1 Jeff Warr to approve request by Personnel Director for outside employment. Request for outside employment attached.

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


XI. PUBLIC COMMENT

No public comment at this time.

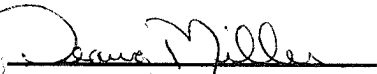
XII. ADJOURNMENT

Motion made by Commissioner – Precinct 1 Jeff Warr and seconded by Commissioner – Precinct 2 William McGinnis that Commissioners Court adjourn.

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

Approved: 
Chairman Commissioners Court

ATTESTED:
Judy Carnes, County Clerk
Smith County Texas

By: 
Deana Miller, Deputy

