

65-10
COMMISSIONERS COURT MINUTES
December 21, 2010

On Tuesday, December 21, 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

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	Absent
Commissioner: Precinct 3 Terry Phillips	Present
Commissioner: Precinct 4 JoAnn Hampton	Absent

II. INVOCATION

Commissioner Jeff Warr led the invocation.

III. PUBLIC HEARING – 9:30 a.m.

1. Distant Lands Coffee Company

Receive public input regarding request of Distant Lands Coffee Company for resolution in support of Texas Capital Fund grant application for economic development and job creation.

IV. OPEN SESSION

2. Grant Application: Texas Capital Fund

Motion made by Commissioner – Precinct 1 Jeff Warr and seconded by Commissioner – Precinct 3 Terry Phillips to approve resolution authorizing submission of Texas Capital Fund grant application in support of job creation activities by Distant Lands Coffee Company. Copies attached.

Passed 3-0; Abstain: (None); Absent: Commissioner William McGinnis and Commissioner JoAnn Hampton.

3. Facilities Projects Update

Commissioners Court received facilities projects update. Facilities project and Spring Street Park Project updates attached.

4. Public Official Bonds

Motion made by Commissioner – Precinct 1 Jeff Warr and seconded by Commissioner – Precinct 3 Terry Phillips to approve Public Official Bonds effective 01/01/11 for the following:

- a. Cary Nix, Commissioner Elect Precinct # 2
- b. Karen Phillips, County Clerk Elect
- c. Gary Alfred, Justice of the Peace Elect Precinct # 2

Passed 3-0; Abstain: (None); Absent: Commissioner William McGinnis and Commissioner JoAnn Hampton.

5. Position: Smith County Sheriff's Department

Motion made by Commissioner – Precinct 3 Terry Phillips and seconded by Commissioner – Precinct 1 Jeff Warr to approve request of the Sheriff's Department for exchange of a deputy position for a civilian polygraph examiner's position at the same basic rate of pay, including amending employee designations in salary plan or making budget amendment, if needed.

Passed 3-0; Abstain: (None); Absent: Commissioner William McGinnis and Commissioner JoAnn Hampton.

6. FY2011 Emergency Management Performance Grant

Motion made by Commissioner – Precinct 3 Terry Phillips and seconded by Commissioner – Precinct 1 Jeff Warr to ratify submission of FY2011 Emergency Management Performance Grant at request of Smith County Fire Marshal and designate County Judge to sign application and related documents as needed. Application attached.

Passed 3-0; Abstain: (None); Absent: Commissioner William McGinnis and Commissioner JoAnn Hampton.

7. East Texas Regional Transportation Coordination Planning Steering Committee

Motion made by Judge Joel Baker and seconded by Commissioner – Precinct 3 Terry Phillips to appoint Commissioner Jeff Warr to the East Texas Regional Transportation Coordination Planning Steering Committee. Copies attached.

Passed 3-0; Abstain: (None); Absent: Commissioner William McGinnis and Commissioner JoAnn Hampton.

8. Smith County Health Authority

Motion made by Judge Joel Baker and seconded by Commissioner – Precinct 1 Jeff Warr to reappoint Jonathan MacClements, M.D., as the Smith County Health Authority for a two year term beginning February 1, 2011. Copies attached.
Passed 3-0; Abstain: (None); Absent: Commissioner William McGinnis and Commissioner JoAnn Hampton.

9. Minutes: Andrews Center Board of Trustees

Commissioners Court received into the Commissioners Court minutes the minutes for the October 26th, 2010, meeting of the Andrews Center Board of Trustees. Minutes attached.

10. Minutes: Commissioners Court - November 2010

Motion made by Commissioner – Precinct 1 Jeff Warr and seconded by Commissioner – Precinct 3 Terry Phillips to accept Commissioners Court minutes for November 2010. Copies attached.
Passed 3-0; Abstain: (None); Absent: Commissioner William McGinnis and Commissioner JoAnn Hampton.

11. Recordings: Commissioners Court - November 2010

Commissioners Court received Commissioners Court recordings for November 2010.

12. Agreements: Disposal of Dredged Materials

Motion made by Commissioner – Precinct 3 Terry Phillips and seconded by Commissioner – Precinct 1 Jeff Warr to approve ratification of standard letter of agreements for disposal of dredged materials. Agreements attached.
Passed 3-0; Abstain: (None); Absent: Commissioner William McGinnis and Commissioner JoAnn Hampton.

13. Pipe and/or Utility Line Installation

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

- a. County Road 313 West AboveNet Communications to install fiber optic cable, Precinct # 3. Copies attached.

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

14. Payment 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, and transfer of funds, amendments, and health claims. Copies, budget transfer, and amendments attached.

Passed 3-0; Abstain: (None); Absent: Commissioner William McGinnis and Commissioner JoAnn Hampton.

15. Report: Road and Bridge Department

Commissioners Court received status report from the Road and Bridge Department.

16. Report: Smith County Jail Inmate Status

\$286,120.00 spent this fiscal year housing inmates in other Counties
747 Total Population, 609 Male, 138 Female
685 in Smith County Jail and 62 transferred to other Counties.
12 Federal Prisoners, 36 scheduled to TDC, 76 paper ready.
23 Parole violations and 40 Parole violations with new charges.
67 Total child support cases, 31 non-payment of child support and
36 non-payment of child support with new charges.
Average stay for non-payment of child support: 81 days.
15 open jailer positions
Smith County Jail Population Summary attached. No action.

17. Smith County Jail Overcrowding: Facility Additions/Improvements

Commissioners Court took no action on agenda item 17 to discuss and consider solutions to jail overcrowding, including facility additions/improvements.

V. PUBLIC COMMENT

No public comment.

Commissioners Court recessed Open Session at 9:47 a.m. and went directly into Closed Session.

VI. CLOSED SESSION: To consult, receive, and seek advice from attorney pursuant to sections 551.071, 551.072, and 551.073 of the Texas Government Code.

18. Receive consultation and seek legal advice regarding available options for general real estate and lease matters concerning County facilities.

Commissioners Court recessed Closed Session at 10:23 a.m. and went directly into Open Session.

VII. OPEN SESSION

3. Facilities Project: Smith County Sheriff's Administration Building

Motion made by Judge Joel Baker and seconded by Commissioner – Precinct 1 Jeff Warr to allocate the total line item \$70,681.00 from fund 45 contingency to the Sheriff's Administration Project.

Vendor report and budget transfer attached.

Passed 2-1; Commissioner Terry Phillips voted "No"

Abstain: (None); Absent: Commissioner William McGinnis and Commissioner JoAnn Hampton

19. Smith County Facilities

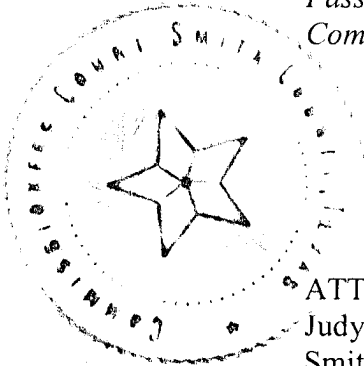
Motion made by Judge Joel Baker and seconded by Commissioner – Precinct 3 Terry Phillips to approve the lease with BGC subject to final conformation through legal of contract details. No lease attached per legal department.

Passed 3-0; Abstain: (None); Absent: Commissioner William McGinnis and Commissioner JoAnn Hampton.

VIII. ADJOURNMENT

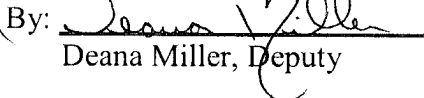
Motion made by Commissioner – Precinct 3 Terry Phillips and seconded by Judge Joel Baker that Commissioners Court adjourn.

Passed 3-0; Abstain: (None); Absent: Commissioner William McGinnis and Commissioner JoAnn Hampton.



ATTESTED:

Judy Carnes, County Clerk
Smith County Texas

By: 
Deana Miller, Deputy

Approved: 
Chairman Commissioners Court