

MARCH 16, 2015

WISE COUNTY COMMISSIONERS' COURT MEETING

On this the 16th day of March, A.D., 2015 at 9:00 A.M. came on to be had a Regular Meeting of the Commissioners' Court of Wise County, Texas held in the County Court at Law Jury Room (3rd) Floor in County Courthouse of said County in the town of Decatur with the following members present and presiding:

J.D. Clark	County Judge
Danny White	Commissioner, Precinct No. 1
Kevin Burns	Commissioner, Precinct No. 2
Harry Lamance	Commissioner, Precinct No. 3
Gaylord Kennedy	Commissioner, Precinct No. 4

Sherry Lemon, County Clerk and Ex-Officio Clerk of Commissioners' Court when and where the following proceedings were had, to-wit:

All attachments referred to in the minutes of the Wise County Commissioners' Court are designated original or copy and are provided at the time of action by the Court unless otherwise indicated by provider.

County Judge Clark votes aye on all agenda items unless otherwise indicated.

- 1) Clark called the meeting to order at 9:00 AM. All court members are present.
- 2) Pledge of Allegiance
- 3) Moment of Silence
- 4) Community Forum:

Ken Bateman (137 Strawberry Lane, Rhome, TX) addressed the court regarding a gun range across the street from his home in Precinct No. 1. Bateman thanked White and Sheriff David Walker for communicating with Bateman regarding this issue. Bateman told the court that as a life-long gun-owner, hunter and having within the last year protected children against a vicious dog at gunpoint he is not trying to infringe on any person's Second Amendment right. Bateman continued that he is not questioning gun-ownership and respects the rights of people to enjoy their property in a safe responsible way.

Bateman stated that over the last thirty days on about six occasions neighbors and the property owner across the street have been discharging their firearms. Bateman stated the shooters say it's safe because they're not shooting in Bateman's direction. Bateman expressed concern about the shooters comments and stated the shooters are shooting toward Hickory Street approximately 200 feet away and heavily traveled. Bateman cited 2011 Center for Disease Control statistics regarding gunshot injuries and gun range accidents.

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Bateman requested the court consider an ordinance similar to Parker County compliant with Texas law. Bateman presented statutes and a copy of the Parker County ordinance for the Judge's review. (No attachment provided for court record.)

Walker stated that several deputies have discussed this with Bateman. Walker stated he will provide the court with regarding findings about private gun ranges. Walker stated that Bateman is not alone and there are other private gun ranges in different areas of the county. Walker stated he has received complaints from others regarding other private ranges. Walker cited an example where a hole was found in a personal vehicle near a gun range. Walker stated that if there is ever a county ordinance passed then the Sheriff's Department can do inspections and advise owners they may be held civilly and possibly criminally responsible.

5) Correspondence:

Clark reminded the court of the following:

Tuesday, March 17, 2015 Commissioners Court luncheon provided by the Wise County Council on Alcohol and Drug Abuse to be held at the First United Methodist Church – Decatur at 12:00 P.M.

Texas Association of Counties (TAC) safety training at the Wise County Law Enforcement Jail Facility Large Training Room for the following:

- Tuesday, March 17, 2015: 7:30 AM to 9:30 AM – for precinct, maintenance, custodial and public works crews.
- Tuesday, March 17, 2015: 1:00 PM to 2:00 PM - Office Safety Training
- Wednesday, March 18, 2015 five sessions of "Slip, Trip and Fall" safety training for Sheriff's Department employees and deputies (five sessions to accommodate the various shifts).

6) Motion made by Lamance seconded by Burns and unanimously adopted by the Court to approve the minutes of the meetings February 10, 2015 and February 25, 2015, as printed. (No attachment)

7) Bids:

Asset Control Officer Diana Alexander presented a list of items to be auctioned in April. (See attachment) Alexander noted the following changes to the list:

- Remove the 2007 Dodge Ram 1500 as this was a seized vehicle and will go back to the Sheriff's Department property.
- Add a black metal shelf.

Motion made by Burns seconded by White and unanimously adopted by the Court to approve the April 2015 auction list, with the changes noted, as presented.

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Alexander presented a 30-day cancellation notice from Rick's Metal Recycling for the scrap metal bid Bid No. 15-600-011. Alexander stated this cancellation does not affect the aluminum part of the bid as that was awarded to another vendor.

Motion made by Lamance seconded by Kennedy and unanimously adopted by the Court to authorize Asset Control Officer Diana Alexander to advertise for bids (rebid) scrap metal sale for all precincts and public works.

Motion made by Burns seconded by Lamance and unanimously adopted by the Court to award Bid No. 15-600-026 for depository (financial) to First Financial Bank, Bridgeport, TX. (See attachment)

Motion made by Kennedy seconded by Lamance and unanimously adopted by the Court to reject all bids received for Bid No. 15-600-027 for precoat rock and authorize Asset Control Officer Diana Alexander to readvertise for bids for precoat rock. (See attachment)

Walker discussed the inmate pharmacy bid (Bid No. 15-600-028) and stated he has requested information from other entities for information regarding lowest bidder Contract Pharmacy. Walker stated the county used Maxor for many years then decided to go with a local vendor. Walker stated the Sheriff's Department does more inmate pharmacy business than the local vendor can provide.

Commissioners Court Attorney Thomas Aaberg reminded the court and Walker that the county has to go with the lowest and best bid. Aaberg also stated Contract Pharmacy has a 30-day cancellation policy.

Motion made by Burns seconded by White and unanimously adopted by the Court to award Bid No. 15-600-028 for inmate pharmacy services for the Law Enforcement Center to Contract Pharmacy, Warrington, PA. (See attachment)

Motion made by Lamance seconded by Burns and unanimously adopted by the Court to award Bid No. 15-600-029 for a new $\frac{3}{4}$ ton truck 2WD long-bed to Silsbee Ford, Silsbee, TX. (See attachment)

Clark discussed the need for an engineer/architect for the portable buildings from Fort Hood that are located on FM 51 S. Clark stated that it seems like overkill to bring in an outside firm for this project and after further review has been determined that the county can use County Engineer Chad Davis as the prime design professional and have Davis work with a local architect to complete the work needed on these buildings.

Motion made by White seconded by Burns and unanimously adopted by the Court to deny all Requests for Qualification (RFQ's) for Engineer/Architect for building remodel (RFQ No. 15-600-030) and authorize County Engineer Chad Davis to work as prime design professional with a local architect on the portable building remodel project. (See attachment)

8) Burns stated that when the Weatherford College Wise County (WCWC) branch campus was built the nurses training facilities were built with a lot of hospital beds that have interactive mannequins for training. Burns stated it is difficult for multiple trainings and use by multiple instructors at one time. Burns stated that WCWC has requested (for efficiency purposes) to add partition walls between the beds to create separate rooms so that different instructors can teach different lessons at the same time. Burns stated it is too noisy.

Burns confirmed WCWC is paying for it. Clark asked if it is going to be designed? Burns referenced a PDF of architectural drawings. Burns stated WCWC needs Wise's County authorization for modification (per the terms of the lease) before any modifications can be made.

Clark asked Aaberg if he has questions or concerns? Aaberg requested to review the contract and stated the court can approve it pending Aaberg's review. Burns stated the lease states before any modifications are done the college has to have the County's approval.

Motion made by Kennedy seconded by Burns and unanimously adopted by the Court to allow Weatherford College Wise County to add partitions in the nursing facility between the beds pending authorization by Commissioners Court Attorney Thomas Aaberg. (No attachment provided)

9) Motion made by Burns seconded by Lamance and unanimously adopted by the Court to approve the renewal of the Texas Association of Counties (TAC) property insurance for all county property, as presented. (No attachment)

10) Clark passed out a "Peace Officer Training Reimbursement Agreement" (See attachment).

Walker explained that larger law enforcement departments put a deputy through police academy when the person is hired by the department. Walker explained that Wise County has not done that in the past. Walker stated there has been an issue over the past several years with new employees that either can't leave their job to go to the police academy or working full-time and going to police academy at night. Walker stated there are deputies in other divisions at the Sheriff's Department who want to pursue police academy and work on the law enforcement side of the department.

Walker stated the agreement presented is to allow a deputy to move to a salaried position; go to police academy; return to the county and when an opening is on the enforcement side move the person to an open position with the agreement requiring a four year (4) commitment to Wise County. Walker stated there are several deputies that applied very young and are now applying to Fort Worth Police Department, etc. that are hometown people and would improve the Wise County Sheriff's Department but can't (stay) because they can't work full time and go to the police academy full time, too.

Walker his department will come up through an in-house application process for existing

deputies. Walker stated there are two jail positions in the Sheriff's Department budget that he keeps in the budget in the event the jail population increases and the positions are needed. Walker stated that salary will be used to send two deputies through police academy. Clark noted that Walker is using existing budgeted funds and not requesting additional funds.

Lamance asked Walker about the process? Walker explained an employee would move from one position, would go through police academy, and then once the academy is completed would then move to a patrol position (if one is available). If a patrol position isn't available the person would remain in the salaried position until a patrol position is available.

White asked Walker how long the police academy is good for? Walker explained the timeframe for completion of academy both full time and part-time. Walker explained as long as the training hours are good then there is no time limit. Clark noted there is a clause in the agreement that states "If the Wise County Sheriff's Department cannot provide an enforcement position for the employee [that completed police academy] within twelve (12) months then they are released from their responsibility to Wise County."

Lamance asked Walker about filing the position vacated by the person attending police academy? Walker stated the position will be filled immediately. Walker stated if a person completes police academy and no enforcement position is available the person will remain on the jail enforcement side and will continue on the jail salary referenced above. Clark reiterated that Walker will be using the two jail position salaries that are budgeted for the police academy training/salary.

Clark reminded the court that this is a big commitment to the employee because if the employee doesn't complete the four (4) year commitment to the county then the employee is responsible for reimbursement to the county total training expenses being the tuition of the police academy as well as wages paid while attending academy. Clark stated this is a big tab and is an incentive to stay with the county.

Walker stated the agreement also outlines that the employee must pass the academy and if not, must reimburse the county. Lamance asked Walker if there is recourse to collect the money if the employee fails? Walker stated it is all outlined in the agreement, and; in a worst case scenario the county can take suit against the employee through County Attorney James Stainton.

Kennedy confirmed this is for existing employees and not for potential hires. Clark confirmed there are several existing employees that are interested.

White asked what will happen if an employee completes police academy and returns to work for the Sheriff's Department when there is no enforcement position available? Clark confirmed the employee will stay on the jail salary and will continue to work for the county. Walker stated the employee will be on the jail salary (less than a dispatcher). County Auditor Ann McCuiston confirmed the employee will be working full-time. County Treasurer Katherine Hudson confirmed the employee will attend police academy full-time.

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Walker stated he has reviewed several police academies and discussed his findings with the court.

Clark referenced page four item number three on the agreement for the court stating the employee's duties during training.

Lamance asked Walker whether an employee will have any leverage for their old position once they have completed police academy? Walker stated once an employee completes police academy he/she will either go on patrol or (if no position is available) "hang tight" until a position is available.

Walker stated this is a good way to help/reward existing employees to move from the position they're in. Walker told the court this will help with recruiting as well. Walker stated there were three applicants for two positions; two have moved out and now there is only one applicant. Walker stated that they're going to local police academies and posting information about employment opportunities with Wise County Sheriff's Department.

Aaberg stated that he reviewed the agreement with Chief Deputy Kevin Benton and noted there are several things that come out of the jail salary monies including overtime for full-time officers; ammunition, and uniforms. Aaberg stated all of that would be reimbursed if an employee didn't pass academy or didn't follow through.

White asked Walker about the amount of time it takes to complete police academy? Hudson confirmed that the employee will attend police academy full time. Walker stated they will. Aaberg commented that the county should be well covered in this agreement.

Lamance asked Walker if this program can be stopped at any time? Walker and Clark both stated the agreement could return to Court and be cancelled.

Walker stated that the several people that have expressed interest are top-notch and this will help retain some very good employees.

Motion made by Kennedy seconded by Lamance and unanimously adopted by the Court to approve the Sheriff's Police Academy Reimbursement Program, as presented. (See attachment)

11) Motion made by Lamance seconded by Burns and unanimously adopted by the Court to approve the Final Plat of Nail Addition, Lot 1, located in Precinct No. 3, as presented, including a letter of general conformance from Kimley-Horn and Associates, Inc. (See attachment)

12) Donations:

Motion made by Burns seconded by White and unanimously adopted by the Court to accept the donation of \$1,000.0 from the U.S. Police K-9 Association to the K-9 Unit (Fund 30 – Crime Prevention) with the court's thanks. (No attachment)

13) Consent Agenda item:

a) Department Head Reports:

Walker reported on the Sheriff's Department ability to perform state inspection and oil changes on county vehicles. Walker stated that any county vehicle can be inspected and it charges the county the inspection sticker cost. Walker stated there are three people set up to do state inspections. Walker stated he will email all commissioners when he gets the sticker printer.

Hudson added that "before" exempt vehicles didn't have to be stickered every year. Hudson stated this will change and require an inspection sticker. Walker stated Asa Mosely will be over the shop. Clark referenced an email from Walker about the cost of inspections and the ability of this being done by the Sheriff's Department.

Clark clarified that on the January 26, 2015 the court voted to do the sound system for the fairgrounds and asked why/how that didn't happen. Public Works Director Tom Goode told Clark, "I was told you were going to pay for it and you told me you weren't. That's why I didn't do it." Goode stated there is a sound system at the fairgrounds but the one on the 26th was just for the show arena. Clark stated the discussion was not whether the county was going to buy it but what budget it was coming out of with it coming out of the fairgrounds budget. Clark continued the item was approved as part of the consent agenda. McCuiston stated the invoice is in to pay tomorrow since the court approved it and asked if equipment was picked up? Goode stated the company was unable to follow through with the installation.

- Auditor's Report February 2015 (See attachment)
- County Clerk monthly activity report February 2015 (See attachment)
- Ag Extension Reports January/February 2015 (See attachments)
- Public Works monthly activity report February 2015 (See attachment)
- Animal Control monthly activity report February 2015 (See attachment)

b) Budget Amendments:

- FY15-11 – various line item transfers; recognize revenue/expense for insurance recovery and repairs to Sheriff's Office vehicles; purchase of Guardian Title Company building for Election Administration office; part-time salary (\$4,000.00) for the District Attorney's office which will be paid back from District Attorney checking account. (See attachment)
- FY15-12 – Sheriff's Office and Courthouse Security transferring funds within various line items for salary increases.

Walker stated there are monies in the Sheriff's Department budget to give sworn law enforcement officers on the enforcement side of the Sheriff's Department a \$1.00/hour raise, pending court approval. Walker stated this is not for clerical or jail staff. Walker

stated this is needed to retain who the county has and to also get officers paid a little closer to what officers are being paid at other agencies that the county is losing employees to.

Clark stated a salary survey was done to determine what other agencies are paying officers. Walker stated a two-year sworn law enforcement officer can apply to Department of Public Safety (DPS) for an eight to sixteen week academy program with a starting pay of \$45,000.00. Walker stated the officer is dedicated to the Texas/Mexico border for a while. Walker stated there are officers interested in this program and have no ties to Wise County and hopes this \$1.00/hour raise will help some of this.

Walker stated "this pay raise doesn't include chief deputy or captain; it's lieutenants and down." Walker stated he wishes to do a salary survey for the Sheriff's Department in this next budget. Walker stated this was provided from funds currently in the Sheriff's Department budget with no additional funds required.

Walker stated that 271st Judicial District Judge John Fostel moved funds from his budget to cover the two officers (increase only) that provide courthouse security.

- c) FY14-FY15 – 3 Year Capital Expenditures Plan – none
- d) Claims/Payroll:

McCuiston noted the following disputed claims:

- Mettler-Toledo (weigh station scale) – maintenance overcharge
- Interstate Billing for Chico Auto Parts regarding hazmat cleanup.

Walker stated that a few years ago Wise County allowed DPS to store vehicles at the Wise County impound yard if the vehicle had evidentiary value to a criminal case. Walker stated that in this instance Chico Auto Parts towed and did hazardous materials (hazmat) cleanup on a vehicle put in impound by DPS. Walker stated that when the insurance company came to pick up the vehicle the company paid Wise County for the towing cost but not hazmat cost. McCuiston confirmed the hazmat cost \$4,795.00. Chico Auto Parts contacted the insurance company and stated the hazmat cost was not the county's responsibility. Walker stated that a letter has since been sent to DPS requesting that DPS vehicles not be housed at the Wise County Impound Yard unless a vehicle has evidentiary value to a criminal case.

- Nacimo – items that Emergency Medical Services (EMS) said they didn't purchase.
- Claims Register dated 3-12-15 (See attachment)
- Payroll Register dated 3-6-15 (See attachment)

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e) Utility Requests:

- NRS for a waterline on CR 4227 located in Precinct No. 1. (See attachment; and attached Aqua TX application that was signed to replace the NRS application)

f) Interlocal Agreements: None

(Original Interlocal Agreements are filed in the Asset Control Office by Diana Alexander.)

g) Contracts:

(Original Contracts are filed in the Asset Control Office by Diana Alexander.)

- Data Use Agreement between Texas Health and Human Services Enterprise and Wise County for the County Clerk's office. Alexander stated that this has not been reviewed by Commissioners Court Attorney Thomas Aaberg yet and it has a time deadline. Alexander stated the court can approve it pending Aaberg's review.

Lemon stated that the agreement is regarding remote birth access and is required because of Federal HIPPA laws that the state is complying with. Lemon stated she received it last week and forwarded it for review and that the state needs it by March 25, 2015.

- CovertTrack Group, Inc. for Sheriff's Office renewal of annual subscription (See attachment)
- Renewals: Dustin Copier – District Clerk (second copier); Juvenile Probation and LexisNexis Accurint for Justice of the Peace Pct. 3.(See attached list only)
- Fully Executed: City of Paradise Road Repair Agreement; TxDOT Advanced Funding Agreements for CSJ: #0902-20-098; 0902-20-099; 0902-20-100; and 0902-21-101 for bridges as listed on documents (See attachments)

Motion made by White seconded by Burns and unanimously adopted by the Court to approve all items, as presented, under the consent agenda item with the contract Data Use Agreement with Texas Health and Human Services Enterprise pending Commissioners Court Attorney Thomas Aaberg's review/approval.

14) Project Agreements for Road Repair:

Motion made by Lamance seconded by Kennedy and unanimously adopted by the Court to approve Project Number #3015 for the City of Paradise for Meadow Park Road, as presented. (No attachment provided for court record)

15) Right-of-Way Improvements Request:

Motion made by Lamance seconded by Burns and unanimously adopted by the Court to approve Precinct No. 3 property owner Harold Johnson's request to move a fence on CR 4781 to clean/clear a right of way to improve public safety. (No attachment)

16) Burn Ban: None

17) Committee Reports:

None

18) Clark reminded the court of the Commissioners Mobile Meeting on March 31, 2015 at Slidell High School at 7:00 PM. Clark announced the next regular meetings as Monday, April 13, 2015 and Monday, April 27, 2015. Clark stated if a quorum can be made a short special meeting may be held on Monday, March 30, 2015 regarding the outside audit report.

Back to agenda item 7: Discuss and consider construction, initiation and/or approval of: (i) specification pursuant to advertising for bids on one or several different items and/or services for purchase (or sale of items); (ii) purchase of specific items; (iii) consider awarding of bids; and (iv) consider giving notice of cancellation(s) as/if necessary. Take necessary action.

Aaberg requested the court consider granting discretionary exemption for professional services under Local Government Code 262.024 regarding the renovation project at the portable buildings on FM 51 S.

Motion made by Burns seconded by Kennedy and unanimously adopted by the Court under LGC 262.024 to authorize County Judge Clark and/or his staff to exercise discretionary exemption to hire an architect/professional services for the purposes of renovation/repair of the buildings on FM 51 S.

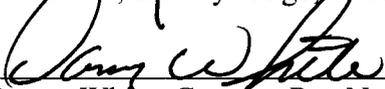
19) Clark adjourned the meeting at 9:55 AM there being no further business to be had.

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Minutes approved this 13th day of April, 2015, as printed.



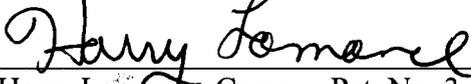
J.D. Clark, County Judge, Wise County



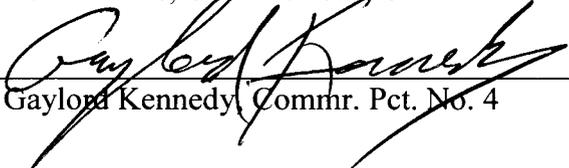
Danny White, Commr. Pct. No. 1



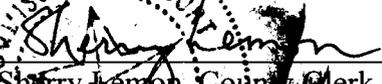
Kevin Burns, Commr. Pct. No. 2



Harry Lamance, Commr. Pct. No. 3



Gaylord Kennedy, Commr. Pct. No. 4



Sherry Lemon, County Clerk and Ex-Officio Clerk of Commissioners' Court,

Wise County, Texas

The ~~Wise~~ County Commissioners' Court adopted the ***Rules of Procedures, Conduct & Decorum at Meetings of Wise County Commissioners' Court*** on February 28, 1994 and the rules have not been revised.

Addendum:

The following abbreviations are used in reference to current Wise County projects.

WCCAB – Wise County Courthouse Annex at Bridgeport

SWA – Southwest Architects Inc.

TxDOT/DPS - Texas Department of Transportation/Department of Public Safety

TAC – Texas Association of Counties

TFP – Wise County Thoroughfare Plan

WHJ – Wiginton, Hooker and Jeffry, P.C. (in relation to Wise County facilities Master Study Plan)

WCWC – Weatherford College Wise County campus