MARCH 29, 2016

WISE COUNTY COMMISSIONERS' COURT MEETING

On this the 29th day of March, A.D., 2016 at 9:00 A.M. came on to be had a Special 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 were present.

2) Pledge of Allegiance

3) Moment of Silence

4) Community Forum: None

5) County Correspondence: None

6) Precinct Coordination/Cooperation:

Burns thanked the other commissioners of the use of several trucks for a project he is doing north of Bridgeport.

7) FY15 Annual Audit

Snow Garrett Williams (SGW) Certified Public Accountants partner, Kathy Williams presented the FY2015 annual outside audit report for the fiscal year ending September 30, 2015, and reviewed the bound audit report, as follows. (See attachments)

- **Independent Auditors Report (Page 3)** – clean opinion.

- **Management's Discussion and Analysis**
  (Page 12) – Capital assets totaled $76,614,769.00 for FY2015 (major purchases: two ambulances; rescue truck, 19 vehicles; precinct equipment; improvement fixtures for Wise County Fairgrounds, Election Administration building and construction progress repairs to WCLE/J roof)
  (Page 13) – Outstanding long-term debt totaled $46,133,501.00 for FY2015 (tax notes, lease revenue bonds, unamortized premium, overpayment of sales tax, net pension liability and compensated absences)

  Williams stated decreases in tax notes and lease revenue bonds due to current year payments and noted the $3,632,782.00 in net pension liability. Williams stated this is due to a change in accounting principles in Government Accounting Standards that is required to be reported in the overall county financial statements. Williams stated this will not affect anything in the individual precincts or general fund.

  Clark asked Williams to explain this? Williams stated this means "if every county employee retired today the county would have to pay out $3,632,782.00." Williams stated this is required to be reported as a liability on the overall financial statements. Clark confirmed the debt paid out by the county is actually decreasing. Williams stated FY2015 is the only year the county will see the big change in the net pension liability as it is the first year implementing this requirement.

- **Balance Sheet Govermental Funds:**
  (Page 18) - Includes General Fund, Lateral Road Fund, Capital Projects Fund, Debt Service Fund and Other Governmental Funds
  -Total assets $32,393,675.00 for FY2015 – cash and investments totaled 85% of total assets.
  -Total liabilities (doesn't include long-term debt) $5,076,321.00.
  -Total Fund Balances (includes restricted, committed, assigned and unassigned funds) $27,317,354.00 (General Fund: $5,013,543.00; Lateral Road Fund: $6,521,171.00; Capital Projects Fund: $10,044,896.00; Debt Services Fund: $2,864,867.00; and Other Governmental Funds: $2,872,877.00)

  (Page 19) – Statement of Revenue, Expenditures, and Changes in Fund Balance.
  - Total Revenue $51,077,572.00
  -Total Expenditures $55,040,401.00 with the largest expenditures being public safety, public transportation and general government, capital outlay/projects and debt services payments.
  - Total Other Sources $107,392.00 (net increase due to sales of assets)

  -Net change in fund balances $3,855,437.00 decrease

  Williams noted the General Fund balance decreased $1,820,845.00. Williams commented that the court will want to be aware of and stated it is no surprise. Williams

stated that revenue was less in FY15 than budgeted due to economic changes. Williams stated Farm-to-Market/Lateral Road increased $1,859,411.00. Williams stated the Capital Projects Fund decreased $3,927,122 and is expected due to issuance of tax notes in 2014 with funds spent over time. Williams noted the Debt Services Fund increase of $3,252.00 and Other Governmental Funds increase of $29,867.00.

Williams also noted the county's unassigned fund balance of $4,082,777.00. Williams told the court that SGW looks at this compared to general fund expenditures for the year. Williams stated the unassigned fund balance represents 12% of general fund expenditures (about 44 days) where FY2014 was about 17% and 63 days. Williams noted these figures so the court will be aware of changes in FY2015 and working in FY2016 budget.

- **Combining Balance Sheet Lateral Road Fund**

(Page 52) – Williams noted the combined balancing sheet shows fund balances for right-of-way/fencing, Precincts 1-4, County Thoroughfare, Grants and Interfund Eliminations. Revenues $9,054,856.00; Expenditures $7,233,915.00. Total Lateral Road Fund over all change of $1,859,411.00.

(Page 73) Schedule of Findings and Questioned Costs

Schedule is required due to the county having over $500,000.00 in federal awards expended during fiscal year. Unmodified opinions (clean opinions) showing no material weaknesses or significant deficiencies.

- **Management Letter**
  (Page 2)
  Current Year Comments – adjusting journal entries; fund balance reporting (goal in policy of 20%); and budget variances.

Williams stated it was "overall a very good audit" and thanked the court for the county's business and the assistance of all county elected officials, department heads and employees who provided information for the audit.

Clark stated this audit emphasizes the importance of how we need to eliminate expenditures when we work on the new budget.

Motion made by Burns seconded by White and unanimously adopted by the Court to accept the FY15 annual outside audit report presented by Snow Garrett & Williams, CPA, as presented. (See attachments)

8) Motion made by White seconded by Burns and unanimously adopted by the Court to approve the minutes of the meeting dated March 14, 2016, as printed. (No attachment)

9) Burns addressed the court regarding a variance request. Burns stated that the landowner purchased the property north of Chico in 2006, as is. Burns stated it has a sewer system failure and contains 1.836 acres and doesn't meet County Development Rules and Regulations minimum requirements. Burns stated there is property behind his property that the landowner may be able to purchase at a later date. Burns requested the court grant a variance for the sewer system repair. Burns stated the acreage issue can be remedied at a later date. Public Works Director Tom Goode asked Burns if the property has been platted and/or split? Goode stated that this is the first he's heard of this request. Burns and Goode agreed the property does need to be platted and that the variance request and platting are two separate issues. All court members agreed the property needs to be platted but the sewer needs to be fixed timely.

White asked if the court can grant a variance with the intention/understanding that the property will be platted? Lamance asked if the county has leverage if the court grants the variance and the landowner doesn't plat the property at a later date? Burns discussed the timeframe for platting and stated this sewer line needs to be fixed for public safety. Clark asked if the landowner is aware that he needs to plat the property? Burns stated he is not sure if the landowner knows about platting.

Motion made by Burns seconded by White and unanimously adopted by the Court to grant the variance for acerage/sewer system permit for an address located on N. Hwy 101, Chico, TX, in the interest of public health and safety. (No attachment)

10) County Treasurer Katherine Hudson told the court that "we are in the process of creating a sick leave pool for county employees and making changes to the handbook in section 5.2.1." Hudson stated there are some things that have been brought to light that need to be corrected. Clark stated it has to do with transferring compensatory and vacation time. Clark stated statutorily the county can set up a sick leave pool but there is no statute for transferring compensatory or vacation time and it has been recommended (strongly encouraged) by TAC to take it out of county policy immediately. Clark stated the first thing that needs to be done is the removal from the county employee handbook of the statement regarding transfer of compensatory and vacation time. Clark continued that there is a draft of the sick leave pool that is being worked with Commissioners Court Attorney Thomas Aaberg and County Attorney James Stainton and isn't ready for court review.

Burns stated there was nothing in the Dropbox as far as what is being struck. Burns asked what is being struck? Lamance asked what is being transferred? Clark stated that it is compensatory and/or vacation time from one county employee to another. Clark stated statutorily the county is not allowed to do that.

Hudson passed out information from the employee handbook showing the removal of the statement. (No copy provided for court record)

Lamance commented that the county has been doing it a long time. Clark stated that just because the county has been doing something for a long time doesn't mean it's right. Burns asked if the

statement was on the copy provided? Hudson stated the statement was removed from the copy she just passed out.

Aaberg stated it is the last paragraph on page 5.2.2 of the Wise County Employee Handbook and Policy Manual. ["Any employee, if they wish, may donate any part of their accrued annual leave to another employee. To donate their time, an employee must submit a "Donate Time" form to the County Treasurer's Office. This form states the amount of hours and the name of the employee who will receive the transferred time. The form must have the donating employee's signature. Compensatory time and annual leave are the only types of leave that are eligible for transfer to another employee by Commissioners Court."]. Hudson stated that is the paragraph that has been removed.

Lamance asked why it has taken so long for this to be figured out? Burns stated "because there was some abuse, obviously." Clark confirmed this and stated it tends to shine a light on things. Clark stated, "Compensatory and annual time are earned income and can't be passed between folks." Burns stated, "This time can't be traded like poker chips." Burns stated, "The sick leave policy, statutorily, is allowed for donation." Hudson stated that sick leave time can be donated between eight (8) and forty (40) hours into the pool. Hudson stated that donation into the sick leave pool qualifies employees to be in a sick leave time from the pool. Clark stated if an employee doesn't donate then they can't be a part of the pool. Aaberg stated the county can, statutorily, set up the sick leave pool as it wishes; determine the pool administrator and monitor the pool. Aaberg told the court there will be requirements and procedures for the sick leave pool.

Clark stated the county has had it completely backwards because statutorily a county can have a sick leave pool but the county has not allowed donation of sick leave but allowing donation of compensatory and vacation time. Sheriff Lane Akin asked if compensatory and vacation time may be donated to the sick leave pool. Clark told Akin, "No."

White asked about donation of one; but not of the other two times; White asked about not donating any time? Clark stated it is an asset to county employees to have the pool. White stated an asset to employees is to build up sick time instead of wanting to take off and saying, "I'm sick; I want to go home." Clark stated the point of the sick leave pool is for employees who feel it is important to have that to help out other employees who have a catastrophe. Clark and White discussed that not all employees will want to participate. Burns stated sick time is given by the employer; comp time and vacation is earned time. Burns stated it is two different things. Kennedy discussed that Bridgeport ISD is set up with a sick leave pool and discussed the merits of the pool.

White stated, "I'm not opposed to donating sick time. Don't misunderstand but to simply things I don't understand why we're singling out one leave and letting them donate that one." Clark stated that it is because, by law, it is the only one we can do. Clark asked White, "isn't in the best interest of the employees who want to participate to have that available?" White agreed and stated, "It sounds like I'm not in favor of this" and asked for more explanation/understanding. Clark stated it is because the idea of transferring time has been very valuable to employees that

have had major medical issues and/or catastrophes in the past; and, just because we haven't quite had it set up the way it should be he doesn't want to penalize employees and say, "You can't ever do this again" so let's set it up the right way where they can still (if they choose to participate) put time in to help people out or in the event that something happens to them they can draw from it. White told Clark that those are all good points and he's not opposed to transferring sick leave, but still wondered why the county is singling out sick leave and not compensatory or vacation time. Clark stated, "We're singling out the other two leaves because we're not allowed to do it; it's earned income." Aaberg stated that compensatory time is not allowed and vacation is only allowed in counties with population over one million.

Goode asked about payment of leave when an employee retires? Goode asked about a retiring employee donating sick time to the pool? Clark and Hudson confirmed that a retiring employee can donate up to 80 hours.

Lamance asked who will administer this? Clark stated Human Resources. County Auditor Ann McCuiston stated the sick leave pool will be audited by her department. Lamance commented about compensatory time being earned by the employee and asked why it can't be donated? Clark stated the county could pay the employee for compensatory time and the employee can do what he/she wants with it. Clark continued, "Suddenly we're shifting earned income to people that didn't earn it." Kennedy and Aaberg discussed public versus private sector.

Clark stated, "What we're asking for today is an immediate change to county policy allowing the transfer of compensatory and vacation time because we can't do that." Clark told the court that hopefully details of the sick leave pool will be hashed out with Aaberg, Stainton, and Hudson by the next court.

Motion made by Kennedy seconded by Burns and unanimously adopted by the Court to strike the last paragraph on page 5.2.2 of the County Employee Handbook and Policy Manual dealing with the transfer of compensatory and vacation time. (No attachment)

11) Aaberg stated that the county received a letter from the State of Texas General Land Office (GLO) a while back regarding a vacancy on the following tracts of land: SF/16608, 16609, and 16610 (no precinct stated) on which the county has a county road. Aaberg stated it is Old Muleshoe Road (Precinct No. 1.). Burns asked if it is Hired Hand Mule Road? Aaberg stated there is 800 foot of road frontage that runs through the tracts. Aaberg explained that when a vacancy occurs the land reverts back to the Republic of Texas and the land belongs to the State of Texas. Aaberg stated the State of Texas is offering to grant Wise County a perpetual easement through there and that is the purpose of this application. Aaberg stated the only hold up in order to get the perpetual easement the state is offering Wise County to purchase the easement for $7,000.00. Aaberg stated a hearing is being conducted today regarding the sale of mineral rights on the land. Aaberg stated that the attorney for the GLO will talk to the school board for the land regarding that since Wise County is a governmental entity and there is an established road through the land perhaps they will "cut us a break" maybe down to nothing.

Aaberg stated a hearing will be held on April 14, 2016 regarding the surface rights to the land. Aaberg stated the county may have to send in application to keep the process going along. Aaberg stated if the land was sold to a private landowner the cost will go up. Burns stated that the county's prescriptive rights would superscede and that he is not willing to pay anything for the easement. Burns asked if the road is south of Decatur? Aaberg stated he thinks it is. Clark stated it is a vacancy in the deed and if there is a vacancy in the deed ownership goes back to the state. Aaberg stated that this vacancy was found a few years ago by Edwards Surveying surveyor Davey Edwards. Burns stated it is road frontage and it doesn't go into a private landowner's tract.

County Engineer Chad Davis asked about the application of HB 1117 regarding public use right-of-way after public hearing/notice? Burns commented that the notice was posted for two years at the courthouse and the county should be fine on prescriptive rights.

Motion made by Burns seconded by Kennedy and unanimously adopted by the Court to apply for state land use lease on vacant land tracts SF/16608, 16609, and 16610 in Precinct No. 1. (No attachment)

Burns asked about amending or rescinding the current motion including "chapter and verse about the County's prescriptive rights to the property." Burns stated the county wants to plead its case in the application as well. Aaberg stated he will fight for it anyway when he goes down on April 14, 2016. Aaberg stated the motion as-is is fine and he'll take Burns' commentary to heart.

12) Donations:

- Certificate of Transfer from Devon Energy Production Company LP to Wise County Sheriff's Department of six (6) IT server racks valued at $100.00 each. (See attachment)
- Wise County Republican Women $550.00 to Wise County Sheriff's Office annual banquet (See attachment)
- LaQuinta Inn & Suites $100.00 to Wise County Sheriff's Office annual banquet (See attachment)
- First State Bank $100.00 to Wise County Sheriff's Office annual banquet (See attachment)

Motion made by Burns seconded by White and unanimously adopted by the Court to accept the donations, as listed, with the court's thanks.

13) Bids:

Asset Control Officer Diana Alexander stated that there is a Public Works bin that has reached the end of its usefulness and requested to sell it as scrap metal through the scrap metal bid.

Motion made by Burns seconded by Lamance and unanimously adopted by the Court to allow scraping of the Public Works bin. (No attachment)

Sheriff Lane Akin and WCSO Chief Deputy Kevin Benton presented a vehicle request. Akin stated this was discussed in January and thought they'd present it again. Benton passed out information regarding insurance funds utilized for vehicle purchases for the WCSO. Benton stated the county received $34,000.00 in insurance funds from totaled vehicles. Benton stated a Ford F-150 with no equipment was authorized for purchase from those funds for $26,471.00. Benton stated the Five Year Capital Expenditures budget available for 2016 is $379,750.00 budgeting for seven vehicles and equipment at $54,250.00 each. Benton stated that on order for 2016 are three (3) patrol vehicles and two (2) transport vehciles for a total of $227,510.00 leaving a capital expenditure balance for 2016 of $152,240.00. Benton stated that he and Akin have looked at vehicles and Chevrolet Tahoes are up considerably in price this year. Benton stated that Akin is looking at a 4WD 4 door pickup which will be considerably less money.

Burns commented that the paperwork specifies a model and he won't specify but will say the request is for a full size, 4x4, 4 door pickup. Akin confirmed this will be an administrative vehicle. Clark stated when this came up before it was discussed to wait until the County had a new sheriff in office to determine the administrative vehicle.

Motion made by Burns seconded by Lamance and unanimously adopted by the Court to authorize Asset Control Officer Diana Alexander to advertise for bids for the purchase of one full size, half-ton, four wheel drive, four door pickup. (See attachment)

Alexander stated the county needs to cancel the current bid for bridge construction and readvertise for bids. Kennedy stated he has a bridge that needs to be worked on and can't get it worked on with the vendor that was awarded the bid. Kennedy stated he talked to the vendor in June 2015 and the vendor is unable due to employee illness. Kennedy stated two of his bridges need repair and he's working on one of them and cannot do the other. Aaberg discussed the current bridge bid. Lamance asked what would happen if the same vendor is awarded the new bid? Aaberg stated the court can take the current situation into consideration.

Motion made by Kennedy seconded by Lamance and unanimously adopted by the Court to cancel the current bid for bridge building and construction and authorize Asset Control Officer Diana Alexander to advertise for bids for bridge building and construction.

Motion made by White seconded by Burns and unanimously adopted by the Court to authorize White to purchase a haul trailer out of capital expenditure funds via state or cooperative purchase for Precinct No. 1.

Motion made by Lamance seconded by Burns and unanimously adopted by the Court to authorize Lamance to purchase a pneumatic roller via state or cooperative purchase using capital expenditure funds for Precinct No. 3.

14) Consent Agenda Item:

a) Department Head Reports:

- Alexander stated that the county needs to consider cancellation of the Stanley Security maintenance agreement and directed questions to Systems Administrator Steven Melton. Melton stated that the county pays $400.00/month for the courthouse security camera maintenance. Melton stated that Stanley Security has only been out twice and if the county needs to replace cameras it will be done by the county. Clark stated Melton's department maintains the cameras at the Election Administrator's office. Kennedy asked about camera installation at the Wise County Courthouse Annex at Bridgeport?

- Treasurer's Report for February 2016 (See attachment)

- County Engineer Chad Davis updated the court regarding FEMA agents contacting precinct foremen instead of going through the county's central contact for FEMA questions. Davis stated this could be a waste of time for the foremen and FEMA agents as much of what is being requested has previously been provided to FEMA two to three times. Davis continued that if any foremen get word from FEMA to have the agents contact Davis and go through the right channels.

- Davis stated approval was given on the Bobo Crossing CR 4668 bridge and discussed FEMA requests for more information as FEMA was audited and cannot find their paperwork.

- Davis discussed FEMA agents requesting repeat paperwork regarding debris removal and discussed with McCuiston not pursuing reimbursement for debris removal as it is counterproductive. McCuiston stated it is very little on the debris. Davis stated he will continue to pursue it as FEMA is waiting on hopefully one more document. Davis stated that he hopes two more requests won't come in when the last document is submitted. Davis discussed the FEMA requests. Davis stated the Precinct No. 3 reimbursement is a $289,000.00 reimbursement that the county will, hopefully, receive 75% of the total.

b) Budget Amendments:

- FY16-10 - certifying additional jury fund monies; expense for Public Works for the roll-off truck; and, Elections Administration transfer from General Fund to Elections Administration Fund for $2,126.00 additional to pay the election workers over the $14,000.00 budgeted. (See attachment)

- FY16-11 McCuiston stated that White suggested the county possibly move, if needed, to each precinct $250,000.00 from Precinct Reserves to the Precinct budgets to complete road projects. McCuiston stated the transfer would only be if the precincts need it later in the months for additional work. McCuiston stated this will still leave several million dollars in Precinct Reserves Fund which would very well take care of payroll if something happens and the precincts need it. McCuiston reminded the commissioners they don't want to deplete the fund. Lamance asked McCuiston about using Reserve Fund for payroll? McCuiston confirmed that Reserves wouldn't be used for payroll, but

if the precincts have an emergency the fund is the Precinct Reserve Fund. (See attachment)

White said, "I would just like to know, now, if we need that money what we could get because I have a couple of projects down south of town that I would be in favor of doing provided that I had access to that money." Burns commented, "That money is yours." White asked to set an amount at $250,000.00 leaving some in reserve and giving the county a number to go by. McCuiston confirmed this is just for road maintenance not to purchase equipment.

Lamance asked about whether it is required to identify the project and give cost estimate? Burns stated it should be identified. White agreed commissioners should identify what road it is going on; "we have to identify it on tickets anyway." Lamance asked about cost estimate before accessing funds? Kennedy talked about use of precinct funds on a current bridge project. Burns stated that is right-of-way funds and a separate account. White asked for confirmation of a dollar amount to be taken from reserves? White stated that each department has department budget funds that should be used before reserves are used. Clark asked if this should be done on a case-by-case basis? White agreed. Burns and the court discussed not pulling out the funds until needed so funds are being withdrawn, deposited and withdrawn again.

Lamance asked if the commissioner will determine a road project to be done; notify the court with a cost estimate and then ask for funds from Reserve? Clark stated his opinion as, "This is a project I have to do; this is the amount I have left in my budget, and this is the amount I need from reserves." White asked why the projects need to come to court at a later date if the court approves the budget amendment right now? Clark said, "Yeah, but what are you going to do with it?" White stated as long as it is for road maintenance then he doesn't see why he has to come back and ask for it later. White stated the court is considering approval of this today and used the scenario of the need to do road maintenance with the next court meeting several weeks out. Clark stated that, unless he's misunderstanding something, there doesn't need to be an open line to reserves. White stated it wouldn't be an open line. White stated it would be once the precinct budget is depleted and a precinct needs to tap into their $250,000.00 in reserves. White stated he doesn't mind identifying the road number/project if that is what the court wants, but doesn't see the necessity if the commissioner has the court's approval to access Precinct Reserve Funds and use it on road maintenance provided the precinct has depleted budgeted money to the point that it can't afford do what it wants to do on the next project. Lamance asked about reporting on projects funded by Precinct Reserve Funds at the court following the completion of the project if there is a delay in meeting?

McCuiston stated it can be a walk-to-court item. White stated, "It's no big deal if the court wants commissioners to identify what the funds are for in advance; that's fine." McCuiston stated she would not do a transfer until precinct funds are depleted anyway; Burns and White agreed. White discussed the use of Precinct Reserve Funds once

precinct funds are depleted. Clark asked, "Are we talking about emergency situations?" White and Lamance said, "No." White confirmed that he's not asking for Precinct Reserve Funds to be used while there are still precinct funds available. White stated the precincts have money in reserves, and if we choose to use it for a specific road can I tap into reserve for the balance once precinct funds are depleted? White talked about estimates for road repair cost and being able to miss the cost $25,000.00 either over/under. White stated that he identifies on the tickets what road the product is used for, and doesn't understand the necessity of coming back to court with estimate, road and request to use reserve funds. Clark asked White if he understands Clark's perspective about requesting Precinct Reserve Funds? Burns stated, "We're not talking about General Fund Reserves, and stated that several years ago the precincts chose to pool extra funds into Precinct Reserve Funds at the end of the year. If we hadn't done that he wouldn't be making this request."

White stated the county is going to be doing some serious road work in the next 60 days when the weather gets hot and they're about to get very busy. Davis discussed CETRZ projects being completed first. White confirmed CETRZ projects will be completed first.

c) FY14 & FY15 and FY15 & FY16 – 3 Year Capital Expenditure Plan: None

d) Claims & Payroll:

- Claims Register dated March 29, 2016 (See attachment)
- Walk to Court dated March 29, 2016 (See attachment)
- Payroll Register dated March 18, 2016(See attachment)

e) Utility Permits/Right of Way: None

f) Interlocal Agreements: None

g) Contracts:
(Original contracts are filed in the Asset Control Office by Diana Alexander)

- Aaberg stated the county has the North Central Texas Trauma Regional Advisory Council (NCTTRAC) Participation Agreement and stated the contract is for HIPPA purposes. Emergency Medical Services (EMS) Director Charles Dillard told the court the participation agreement allows Wise County Emergency Medical Services (EMS) to share information with NCTTRAC linking hospitals and EMS agencies with NCTTRAC keeping statistical information for the county. Dillard told Clark there is no cost to the county to participate in this program. (See attachment)

- Aaberg re: Cellbrite End User Agreement for the Wise County Sheriff's Office. Aaberg stated he is reviewing the contract that he received just before court this morning, and requested that if all is okay with Aaberg to allow Clark to sign the agreement. Benton

stated this is technology that is used in investigations for cellphone records. (See attachment)

- USDA NRCS Modification/Change Order # 3 for Denton Creek Watershed Site 17 (See attachment)

- Renewals (list only) Dustin – District Clerk main copier correction from last court that read District Court main copier (See attachment)
- Fully Executed: Eikon for Fairgrounds Agreement (See attachment)

Motion made by Burns seconded by Lamance and unanimously adopted by the Court to approve all items listed under the consent agenda item, with all changes and additions as noted.

15) Project Agreements for Road Repair:

Motion made by Kennedy seconded by Burns and unanimously adopted by the Court to approve a Project Agreement for Road Repair (no number provided) for Precinct No. 4 with the City of Bridgeport to redo the road into the airport. (No attachment)

Lamance asked about whether a project agreement was required with the City of Boyd for Precinct No. 3 to work on the north end of Cemetery Road (¼ mile is in the city limits). Burns stated it is a continuation of the county road. Lamance asked Commissioners Court Attorney Thomas Aaberg if he would research this; Aaberg will research whether an agreement is needed.

Motion made by Lamance seconded by Kennedy to approve a Project Agreement for Road Repair, if needed, for Precinct No. 3 to work on the north end of Cemetery Road in Boyd. (No attachment)

16) Right-of-Way Improvements:

Burns stated that he has requested to enter onto Ronald Hubbard's property on CR 3170 (Precinct No. 2) and requested to move a fence line back. Burns stated they will clean brush on a corner and the owner will move the fence back into place (owner won't allow the county to move it back). Burns continued that in the area of road where the owner will allow the county to move the fence back into place the county will move it 10'-15' and will do the fencing for the owner.

White told a property owner that he would ask the court about the following: White had to install a train car as a culvert on a county road. White stated the land owner has goats and advised White that they would move the goats to another pasture. White stated the owner told White that another pasture wasn't available and that the owner bought some fencing supplies to put in place so the county could remove the current fence to place the train car. White stated the landowner spent about $600.00 on fencing and feed; White estimated $300.00 to $400.00 for fencing. Clark asked if the landowner wants the county to pay for the goat fence? White stated the landowner

wants to be reimbursed for the cost of fencing materials for the fence she had to purchase up so the precinct could place the train car as a culvert. Burns stated, "I normally do temporary fencing around bridge projects for folks and then pull it up when we're done." White stated the owner purchased the material of her own freewill. Clark confirmed that White did not deny the landowner anything. White stated she purchased it of her own free will; and, he was of the understanding the landowners were going to move the goats to another pasture. White stated he told the landowners the project would begin on Monday. Clark stated, "I don't think we need to wade into that." Clark stated he doesn't think it will be a good precedent. Lamance, White and Clark discussed fence removal/replacement and relocation of the goats. Burns stated that he keeps fence panels and fencing at the precinct barn for temporary fencing during projects. Clark told White that he thinks the property owner should have advised White that he didn't have a place for the goats and White could have figured something out then. White stated the first he heard of it was on Saturday morning.

Kennedy asked if the property owner is due any compensation for fencing? Clark stated reimbursement is different than entering onto private property.

Lamance told the court about grading some gravel at the Boyd Cemetery a year ago that caused some ruts in the earth. Lamance stated the City of Boyd is going to get a private hauler for gravel and requested Precinct No. 3's assistance in spreading the gravel. Burns stated it was Lamance's damage. Lamance stated he was spreading it for them and it wasn't pretty because it was so wet. Lamance stated there was no agreement. Burns asked if it was a county cemetery? Lamance stated it is not a county cemetery. Aaberg stated he needs to review this issue before action is taken. Aaberg told commissioners they can talk to him about these issues before court meetings so he can review it before it comes to court.

Kennedy requested the following:

- Jim Bastian CR 3330 (Pct. 4) clean ditch and fence line with Bastian replacing fence.
- Leslie Cook CR 3657 (Pct. 4) clean fence line
- Mr. Burton CR 3673 (Pct. 4) clear trees in the corner for visibility.

Motion made by Kennedy seconded by Burns and unanimously adopted by the Court to approve the requested right-of-way improvement for private property for:

> Ronald Hubbard on CR 3170 (Pct 2); Jim Bastian CR 3330 (Pct 4); Leslie Cook CR 3657 (Pct 4); and, Mr. Burton CR 3673 (Pct 4) property.

Clark confirmed that White and Lamance will talk to Aaberg regarding the goat issue and cemetery issue.

17) Burn Ban: None

18) Committee Reports:

Burns reported on the National Watershed Coalition meeting in Washington D.C. and the in-roads that have been made toward watershed funding for Public Works and Wise County Water Control Improvement District #1 in the future.

Back to agenda item 11: Discuss and consider application for state land use lease on vacant land tracts SF/16608, 16609, and 16610. Take any necessary action.

Aaberg clarified the road as County Road 4360 in Precinct No. 1.

19) Clark announced the next scheduled meetings as Monday, April 11, 2016 and Monday, April 25, 2016. Clark stated the regular meeting will be at 9:00 AM on the 11th with a Elected Official/Department Head FY17 budget kick-off meeting. Clark stated at 1:00 PM on the 11th the court will meet at the Elections Administration office with NCTCOG on the Transportation and Thoroughfare Plan.

Clark adjourned the meeting at 10:21 AM, there being no further business to be had.

Minutes approved this 25 day of APRIL, 2016, 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

ATTEST:

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