

**APRIL 11, 2016**

**WISE COUNTY COMMISSIONERS' COURT MEETING**

On this the 11<sup>th</sup> day of April, A.D., 2016 at 9:01 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 (3<sup>rd</sup>) 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     | (Absent) | 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 9:01 AM. All court members were present except Precinct No. 1 Commissioner Danny White.
- 2) Pledge of Allegiance
- 3) Moment of Silence
- 4) Community Forum: None
- 5) County Correspondence: None
- 6) Clark notified the court of his approval of the Western Surety Company Official Bond and Oath for James Harrell Lamance (Commissioner Precinct No. 3) Bond No. 71025208 (Rider ONLY) with the term being changed to read four (4) years; the anniversary date changed to January 1, 2020 and no other changes. (Original bonds and riders are recorded in Official Bond and Oath Records by the Wise County Clerk)

No action required by the court.

- 7) Motion made by Burns seconded by Kennedy with Lamance voting aye to approve the following riders to Western Surety Company Official Bonds and Public Official Position Bonds, as presented:

- Stephen J. Wren (County Court at Law #2 Judge) Western Surety Company Bond No. 71175958: Term has been changed to read four (4) years; Expiration Date is January 1, 2019. No further changes other than above.
- Glenn Hughes (Project Manager) Western Surety Company Bond No. 71608409: Term has been changed to read two (2) years; Anniversary date is November 12, 2017; no further changes other than above.
- Wise County Asset Control (Western Surety Company Public Official Position Schedule Bond No. 69937086): Effective date has been changed to read: January 1, 2016; Anniversary Date has been changed to read: December 31, 2016. No further changes other than above. \*\*Note: The Original Bond is filed in Official Bond and Oath Records Volume 16, Page 73 and has a recordation date of July 5, 2005. \*\*\*Note: Asset Control Manager, Diana Alexander has a Western Surety Bond No. 70070555 that is separate from the Position Bond.
- Wise County 911 Mapping Office (Western Surety Company Public Official Position Schedule Bond No. 69039462): Effective date has been changed to read January 1, 2016; Anniversary date has been changed to read: December 31, 2016. No further changes other than above. \*\*Note: The Original Bond is filed in Official Bond and Oath Records Volume 14, Page 306 and has a recordation date of August 28, 2000.
- Wise County Extension Office (Western Surety Company Public Official Position Schedule Bond No. 69039470): Effective date has been changed to read January 1, 2016; Anniversary date has been changed to read: December 31, 2016; no further changes other than above.

(Original Bonds and Riders are recorded in Official Bond and Oath Records by the Wise County Clerk.)

8) Motion made by Burns seconded by Lamance with Kennedy voting aye to approve the Western Surety Company Continuation Certificate for Bond No. 15103136 for County Engineer County of Wise Chad Davis for a term beginning February 14, 2016 and ending February 14, 2018. (Original Continuation Certificates are recorded in Official Bond and Oath Records by the Wise County Clerk.)

9) Precinct Cooperation/Coordination:

Burns told the court he appreciated precinct help with the three miles of road on CRs 1308, 1325, and 1326 in Precinct No. 2.

10) Donations:

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Motion made by Burns seconded by Kennedy with Lamance voting aye to accept the following donations with the court's thanks:

- Wise County Crimestoppers: \$1,485.00 for three WCSO deputies to attend Crimes Against Children training in Dallas. (See attachment)
- Anonymous donation for WCSO of \$2,062.50 for Raymond's BBQ to cater the annual banquet meal. (See attachment)

11) Bids:

Asset Control Officer Diana Alexander told the court that White couldn't find a haul trailer via state or cooperative as previously authorized for by Precinct No. 1 and stated White requested to advertise for bids for the purchase of a haul trailer.

Motion made by Burns seconded by Lamance with Kennedy voting aye to authorize Asset Control Officer Diana Alexander to advertise for bids for the purchase of a haul trailer for Precinct No. 1. (No attachment)

Alexander presented bid tabs for Bid No. 16-600-023 (PPV SUV Full Size – new bid) and the previously awarded bid for PPV SUV Smaller (Bid No. 16-568-019) that is good until August 2016. (See attachments)

Clark reminded the court that County Court at Law #1 (CCL1) has requested a new vehicle for the bailiff. Clark stated that 271<sup>st</sup> Judicial District Judge John Fostel oversees the Courthouse Security Fund and agreed to fund the purchase of a vehicle for the CCL1 bailiff. Clark also reminded the court that it is up to the commissioners to decide what is purchased. Clark stated the request was for a full size SUV (bailiff is currently in a Tahoe). Clark stated that White asked at a previous meeting if the bailiff needed a full size SUV if the WCSO is going to the smaller SUV size. Clark stated the court decided at that time to look at both sizes.

Clark presented a letter from Judge Melton Cude (CCL1 Judge) and Kirk Gibson (Bailiff). (See attachment) In the letter Gibson reminds the court of approval by both Fostel and Cude. Gibson also states the "intention was to purchase a vehicle closely identical to the vehicle purchased for the District Court bailiff." Gibson stated the transport needs of the bailiff; and, that the larger vehicle is more efficient to the bailiff's needs.

Clark commented that the judge can approve the funding but the court is ultimately responsible for the purchase. Clark pointed out that the same needs are being met by the WCSO with the smaller SUVs. Clark asked Sheriff Lane Akin and WCSO Chief Deputy Kevin Benton if they wanted to comment about the size of SUV or limitations of smaller SUVs? Benton stated the county purchased five (5) of the smaller SUVs three (3) for patrol and two (2) for transport. Benton stated the smaller SUV fits the WCSOs needs.

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Alexander commented that on the bids for the full size SUV the first vendor didn't meet specifications; the second vendor didn't meet specifications without additional cost so the lowest vendor that met specifications was Caldwell Chevrolet. Clark stated Sam Pack has the smaller size SUV bid.

Clark asked for discussion or comments on small or full size SUVs relating to this conversation? Lamance commented about the use of the smaller SUV by WCSO and the spare use by the bailiff. Clark stated the WCSO is using them for transport so they've checked them out and recommended the smaller one for WCSO use. Clark and Kennedy commented about the price difference.

Motion made by Burns seconded by Kennedy with Lamance voting aye to use Sam Pack Ford on Bid No. 16-568-019 (PPV SUV Smaller) \$25,642.00 for the CCL#1 bailiff. (See attachments)

Clark stated for the record, "In response to the written comments received; I don't question any of the duties outlined there, I just think those duties are also being met by the Sheriff's Department with the smaller SUV."

Motion made by Burns seconded by Lamance with Kennedy voting aye to reject all bids received on Bid No. 16-600-023 for the purchase of PPV SUV Full Size. (See attachment)

Alexander stated that Maxor Inmate Pharmacy has submitted a cancellation notice and requested to advertise for bids or use cooperative purchasing for inmate pharmacy. (See attachment)

Clark asked why Maxor is cancelling? Benton stated that they received notification from Maxor stating they are suspending all inmate pharmacy.

Motion made by Burns seconded by Kennedy with Lamance voting aye to authorize Asset Control Officer Diana Alexander and the WCSO to utilize bid or cooperative purchase for inmate pharmacy needs.

Motion made by Lamance seconded by Kennedy with Burns voting aye to amend a previously approved motion by Lamance to purchase a roller via cooperative to include trade in of another roller for Precinct No. 3. (No attachment)

Alexander stated there was a piece of equipment at the WCSO that as found during audit that has not been entered into inventory because it cannot be paid for. Alexander stated the department is nearing the end of the audit process and wanted to make it a matter of record. Sheriff Lane Akin stated it is forensic equipment that is used to analyze cellphones in criminal investigations. Akin stated it was given to Luke (no last name) during training and they indicated at that time that it would be paid for by a grant but it hasn't been paid for at this point. Akin stated the WCSO is still waiting for the grant process and the county has received an invoice for payment. Akin advised the amount due is \$15,000.00. Akin stated it was a federal grant and would come back as a result of training attendance. Alexander stated she can't put it in inventory until it is paid

for. County Auditor Ann McCuiston stated the funds can come out of asset forfeiture or impound.

Clark asked if the county is pursuing the federal grant to pay for the equipment? Benton stated this has been on the list to process for about two and a half years. Benton stated it was FLETC (Federal Law Enforcement Training Center) training. Benton stated the Secret Service approached the county two and a half years ago and said they could get Luke in the training now if the county would agree to have him office out of the Secret Service offices in Las Colinas which wasn't possible. Benton continued that in lieu of the physical transfer they put him on the list for this training. Benton stated that "if you can pay for it then we'll put you on the list to get a grant; if you can't pay for it we can't put you on a list for the grant." Benton stated that Luke went to three rounds of training and the bill was just shy of \$15,000.00 and they were still working on the grant. Benton stated that upon the last request for grant status the county received a bill. Benton stated it can be split out of Impound and Asset Forfeiture. Benton stated this equipment will allow Luke to process the equipment in a shorter amount of time rather than the eight month turn-around with the FBI or Secret Service. Lamance and Kennedy both commented that the payment needs to be made. No action taken by the court.

Motion made by Burns seconded by Kennedy and unanimously adopted by the Court to authorize Asset Control Officer Diana Alexander to advertise for bids for the sale of a 140H CAT maintainer from Precinct No. 2. (No attachment)

12) Consent Agenda Item:

a) Department Head Reports:

- County Engineer Chad Davis reminded the court that the Texas Association of County Engineers and Road Administrators (TACERA) will provide training on Tuesday, April 19, 2016 from 8:00 AM to 4:00 PM at the Decatur Civic Center and attendees can get 5.5 continuing education units (CEU).
- County Auditor Ann McCuiston presented the Auditor's Report for March 2016 (See attachment)

McCuiston stated that in doing the departmental audit of payroll, compensatory and vacation times were high in some departments. McCuiston stated she has contacted the department heads and the county has had to pay out some compensatory and vacation time that wasn't budgeted in the departments when an employee leaves. McCuiston and Clark encouraged all departments to watch compensatory time and vacation time. Clark stated this becomes a huge liability when someone leaves.

County Treasurer Katherine Hudson stated there are several people that are about to retire that have the same thing [with high compensatory and vacation time accrual]. Clark stated it would be wise at some point to lower how much compensatory time can be accrued at one time and make it to where it is encouraged to use it or cash it out each year. Clark stated that the county

operates on a fiscal year to fiscal year basis and it isn't good to let the compensatory and vacation time accrue to a high level.

Hudson stated that at one point the county had policy that department heads kept compensatory time below 60 hours and it turned into a savings for some people when the county did the cash out each year. Clark asked how much can be accrued? Hudson stated, by law, clerical/road hands can accrue 240 hours and patrol/jail can accrue 480 hours. Hudson stated vacation is based on years of service. Clark stated there are some departments with large numbers. McCuiston confirmed there are some close to 700 hours of vacation time.

- McCuiston presented an audit letter addressed to Constable Pct. 3 Doug Parr. McCuiston stated her office and Asset Control have had a hard time doing inventory as has Alexander. McCuiston stated inventory audit is scheduled for April and hopefully it will happen. McCuiston commented that she has had trouble getting signed bills from Parr and those will be pulled out until they are signed by Parr. Clark stated this has been an ongoing issue and hasn't been done on a whim. Clark stated McCuiston felt the court needed to be made aware of the ongoing issue. McCuiston stated the county hasn't had a problem with any items not being there during inventory audit; it's just trying to get the procedure done.

- McCuiston stated bonds for reserve deputies will be ordered for the WCSO. McCuiston confirmed this is a blanket bond.

- Asset Control Report for January 1, 2016 to March 31, 2016 (See attachment)
- Animal Control report March 2016 (See attachment)
- County Clerk monthly activity report March 2016 (See attachment)
- Public Works monthly activity report March 2016 (See attachment)

b) Budget Amendment:

- FY 16-12 for various line item transfers for FY2016 (See attachment)

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

d) Claims and Payroll:

- Claims register dated 4/11/16 and Walk to Court register dated 4/11/16 except Constable Precinct No. 3 invoices until signed. (See attachments)
- Payroll register dated April 1, 2016. (See attachment)

e) Utility Permits/Right-of-Way

- West Wise Special Utility District for CR 3225 in Precinct No. 4. (See attachment)

f) Interlocal Agreements: None

g) Contracts:

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

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- Novacopy for District Clerk copier (See attachment)
- Renewals (list only): Dustin – Tax Office Bridgeport; Animal Shelter (See attachment; list only); SOE software Elections; TCLEEDS- Fire Marshal; AllData (verbal). (See attachment)
- Cancellations (list only): Maxor Inmate Pharmacy cancelled by Maxor (See attachment; list only)
- Clark stated the extermination bid is separate from termite work. Commissioners Court Attorney Thomas Aaberg requested the court give Clark permission to sign it once it is reviewed by Aaberg

Motion made by Burns seconded by Lamance with Kennedy voting aye to approve all items, as listed, under agenda item 12 and giving Judge Clark the authority to sign the extermination contract once it is completed. (No attachment)

13) Project Agreements for Road Repair:

McCuiston presented the following, previously approved, project agreements for Clark's signature.

- Project No. 4025 approved on March 29, 2016 for Precinct No. 4 and the City of Bridgeport to remove and replace asphalt on L.V. Selz Rd. (See attachment)
- Project No. 2014 approved on March 14, 2016 for Precinct No. 2 and the City of Alvord to replace a culvert. (See attachment)

14) Right-of-Way Improvements:

Motion made by Lamance seconded by Kennedy with Burns voting aye to approve the following right-of-way improvement requests:

- Pct 3. Trish Sherry 729 CR 3798 Springtown, TX clear corner for visibility; replace "h" posts and no fencing.
- Pct. 3. Billy Suddeth 594 CR 3799, Paradise, TX; smooth off banking; no fencing.

**Back to agenda item 13: Project Agreements for Road Repair:**

Motion made by Lamance seconded by Kennedy with Burns voting aye to approve the following project agreements, as presented.

- Pct. 3 City of Boyd sideboards on Cemetery Road. Aaberg stated this will fit better under item 13; no project agreement required.
- Pct. 3 blading gravel at City of Boyd cemetery; per Aaberg the county can assist with work in a city cemetery.

15) Burn Ban: None

16) Committee Reports:

Burns stated that he and Public Works Director Tom Goode attended the annual Texas Association of Watershed Sponsors in Fredericksburg at the end of March 2016. Burns stated that the National Watershed Coalition and NRCS will be here on Thursday to do a film regarding cooperative agreements between the county, WCID and SWCD.

Aaberg updated the court regarding the land vacancy and possible easement with the Texas General Land Office (GLO). Aaberg stated that the meeting with the land commissioners went well according to Glen Rosenbaum (oversees easements for GLO). Aaberg stated every indication provided that there will be no fee for the county. Aaberg stated the GLO doesn't like vacancies; Clark stated the county's argument about no cost was provided to General Land Commissioner Bush. Aaberg stated the board normally follows Bush's lead. Aaberg stated that in the worst case scenario the cost went from \$7,600.00 to \$1,370.00.

***Supplemental Agenda item 1: Discuss and consider sick leave pool. Take necessary action.***

Clark asked Hudson to explain the proposed sick leave pool policy to the court? Hudson provided the Sick Leave Pool Program Policy (Original Version) and the Sick Leave Pool Program Policy (Simplified Version) (See attachments). Hudson told the court that the sick leave pool will run from fiscal year to fiscal year. Hudson requested to have a term for the initial sick leave pool from when the county begins the pool until September 30, 2017. Hudson outlined the following:

- Donation to sick pool is minimum 8 hours; maximum 40 hours. Employee must maintain 24 hours of sick time on balance. Employee can't donate and expect to get that same amount back.
- Hudson and Clark reviewed pages one and two (1 & 2) of the Sick Leave Pool Program Policy (Simplified Version) as to the definitions of illness covered under the pool policy; requirements; examples of catastrophic illness which meet criteria; and, conditions which normally do not meet criterial and are not normally considered catastrophic illnesses or injuries. (See attachment)
- Hudson noted that childbirth is covered under the county's catastrophic policy (one month full pay; one month half-pay) and is not included in the sick leave pool policy.
- Proper documentation required by physician to be eligible to participate in the sick leave pool.

Kennedy asked if time must be donated each year for sick pool eligibility? Hudson and Clark both confirmed this and a minimum of 8 hours must be donated. Hudson stated that just because an employee donates doesn't mean that the employee is eligible to participate.

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Lamance asked if there is a cut-off as to how much time an employee can use from the pool? Hudson stated this requires physician paperwork outlining the amount of time estimated that an employee will be out. Hudson noted item #4 (page 4) under "Granting of Time from SLP" about the maximum amount of time granted from the pool. Hudson confirmed it can be 1/3 of the pool or 180 hours.

Clark asked Aaberg about the questions that he and County Attorney James Stainton raised about the sick leave pool policy? Aaberg stated Stainton wanted to make sure that the county sticks with one version of the policy and recommended working on a flow-chart of the policy. Clark stated he knows there may be tweaks to the policy in the future. Aaberg stated that the committee isn't asking for court approval today. Clark commented that the policy is very close to being worked out.

Akin asked if there is an option for people to be "grandfathered" into the pool who are already sick with catastrophic illnesses? Hudson told Akin that is a court decision. Hudson stated the policy states the employee has to retain 24 hours of sick time. Clark told Akin, "I don't know if we could do that." Aaberg stated he will have to look at it from the perspective of how it will affect the pool. Clark told the court to please pass along any questions so the committee can address it. Clark confirmed there will be no action taken today.

Clark and Kennedy confirmed to Lamance that employees can no longer trade compensatory or vacation time. Clark told Lamance there is nothing statutorily that will allow a county employee to transfer vacation or compensatory time; Aaberg noted unless the county is over one million in population and it is vacation time only. Clark stated the county can only set up a sick leave pool by statute. Clark noted the purpose of the policy.

Hudson noted an employee terminating employment can donate up to 80 hours of sick time to the pool. Clark noted employees aren't paid for sick time.

### ***Back to the Regular Agenda***

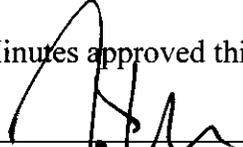
17) Clark announced the next meetings as Monday, April 25, 2016. Clark noted the FY17 budget kick-off meeting with department heads and elected officials. Clark also reminded the court of the NCTCOG Thoroughfare Plan workshop from 1-3PM today at the Elections Administration Office.

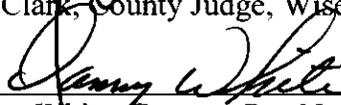
18) Motion made by Lamance seconded by Kennedy with Burns voting aye to enter into Executive Session at 9:50 AM with county legal counsel for private consultation allowed under Texas Government Code Section 551.071; discussion and legal updates of pending litigation.

Clark adjourned the meeting at 10:16 AM, there being no further business to be had.

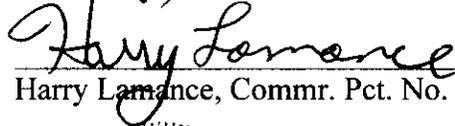
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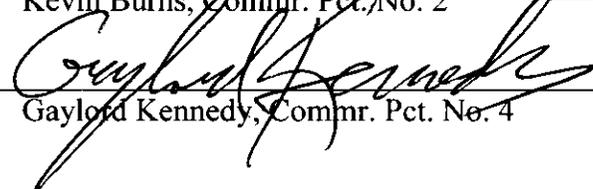
Minutes approved this 25 day of APRIL, 2016, as printed.

  
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J.D. Clark, County Judge, Wise County

  
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Danny White, Commr. Pct. No. 1

  
\_\_\_\_\_  
Kevin Burns, Commr. Pct. No. 2

  
\_\_\_\_\_  
Harry Lamance, Commr. Pct. No. 3

  
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Gaylord Kennedy, Commr. Pct. No. 4

ATTEST:

  
\_\_\_\_\_  
Sherry Lenton, 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