

JUNE 23, 2015

WISE COUNTY COMMISSIONERS' COURT MEETING

On this the 23rd day of June, A.D., 2015 at 7:00 P.M. came on to be had a Special Meeting of the Commissioners' Court of Wise County, Texas held at the Alvord City Hall (215 Elm Street) in the town of Alvord 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 by Amanda Knox, Chief Deputy 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 court to order at 7:00 PM. All court members are present. Clark thanked all present for attending the meeting. Clark gave a brief background of the creation of the mobile meeting program. Clark stated regular Commissioners Court meetings are held at 9:00 AM on Monday mornings. Clark told the audience the Commissioners Court will have a quarterly evening meeting and will rotate precincts. Clark hopes these meetings will be productive and will keep the court in touch with what is going on and public concerns.

Clark introduced all court members. Clark also introduced other elected officials, department heads, appointed officials and county employees present.

2) Alvord ISD students Addison Christenson (2nd grade) and Cadence Slocum (4th grade) led the court and audience in the Pledge of Allegiance.

3) Moment of Silence. Clark asked those in attendance to remember the families of and those affected by the events in Charleston, South Carolina.

4) Community Forum:

Precinct No. 2 resident Clint Mercer asked the court what it has learned from the recent historic rains regarding future emergency management and road maintenance?

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Burns stated the county can't engineer or afford this kind of event. Burns stated the county can't afford to engineer for the heavy rains. Burns stated the county has seen a lot of shortcomings and areas for improvement.

Clark confirmed that much of Burns' presentation will address this question.

White stated the recent rains (and issues related) affect more than just Wise County; all surrounding counties are suffering and have issues to address.

Mercer stated he hopes the commissioners will not soon forget this event and will devote proper resources to emergency management.

Precinct No. 2 resident Kevin Wood addressed the court to thank the court for road work done in light of the challenges over the last six months (ice, rain, etc). Wood asked the commissioners to pass his thanks to their road crews.

Precinct No. 2 resident Tracy Smith addressed the court regarding infrastructure budget funding. (No attachment)

Smith addressed the court citing an article in the Fort Worth Star-Telegram regarding fiscal budgeting for infrastructure. Smith cited Proposition 1 that will allot 1.7 billion dollars in the first year and less the following years. Smith stated the article stated the state will need 4-5 billion over the next two decades. Smith stated the state budget only allotted 1.3 billion for the next two years.

Smith cited Senate Joint Resolution 5 that is supposed to dedicate 2.5 billion; stated she didn't know the status as it would require a constitutional amendment.

Smith stated this doesn't meet the requirements of TxDOT and cited Texas Senator Kevin Eltife's statements in the article.

Smith localized this infrastructure budget funding question and asked commissioners if the county is "on-track" to fund infrastructure with a more prudent budget strategy? Smith asked if the county has accounted for population growth and asked about the county's debt situation and whether it is comparable to the state's debt situation?

Clark asked District 61 State Representative Phil King if he was going to touch on state infrastructure spending?

Clark asked commissioners the mileage or percentage of roads remaining to pave?

Lamance stated 3 miles not paved; Kennedy estimated ½ mile (excluding roads currently under water that have to be repaved); Burns stated approximately 30 unpaved miles (out of 340 total

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miles in Precinct No. 2); White stated approximately 13 miles unpaved (with some projects put on hold due to recent rains/storm damage).

Clark told those in attendance that he is currently "neck-deep" in his first budget. Clark stated he feels the commissioners will find the funding is sufficient for their projects.

Wise County resident Lena Wells addressed the court regarding HB 40; specifically the rights of Wise County and local city government to maintain local control. Wells cited passage of HB 40 that limits power in local government to allow citizens to vote on things such as fracking within city limits. Wells stated that she is for local control and expressed concern about local control being taken away by larger state government. Wells compared federal control over states to state control over counties. Wells requested the court's support for Wells and fellow citizens to determine what happens in our towns/county.

Clark stated "We do not believe that HB 40 will affect any of our ability as a county government; what we are currently able to do/not do."

5) Correspondence:

Clark announced the Wise County Historical Commission ceremony honoring Rosalie Gregg this Thursday, June 25, 2015 at 2:00 PM with a plaque unveiling for Gregg's 50 years of service on the Commission. Clark stated Gregg served as Chair of the Wise County Historical Commission for 47 years and that Thursday will be "Rosalie Gregg Day" in Wise County. (No attachment)

6) Clark addressed the court and audience on recent Wise County issues:

Recent Storms/Damages:

- Local Disaster Declaration after recent weather events.
- Governor requested FEMA assistance; public and individual assistance
- Receiving aide in Wise County on both levels (See attachment)
- Some misunderstanding about insurance requirements for FEMA assistance; must not be insured for the specific type of weather event (i.e. have homeowner's insurance but no flood insurance then a person would qualify for flood assistance).
- Toured county with FEMA representative to see if the county met the damage threshold; threshold amount is \$210,500.00. Met threshold with four (4) stops on the tour.
- FEMA working with county and municipalities regarding tracking materials, man-hours, etc to get the work done.
- Being part of state declaration helped when the tornado damaged the Runaway Bay condos because the county didn't have to wait for assistance. Clark stated

- the state sent out an Emergency Management team rapidly to assist with search/rescue etc.
- Red Cross assistance during storm/tornado damage.
- Smooth response from local, state and FEMA during recent disasters

FY2016 Budget (October 1, 2015 to September 30, 2016)

- Values down due to decrease in mineral values.
- 2.8 million less to work with in FY2016 than in the current budget.
- Look for areas to cut to be more efficient.
- Will bring a balanced budget to the court soon.

County Rental Property

- Spending \$6,000.00/month on rental property
- Currently on a facilities plan that will get the county out of rental property by September 2015.
- Discussed old Election Administration (EA) space (Business 380) and the drawbacks of the location.
- Purchased old Guardian Title Company building (200 S Trinity Street, Decatur) for use as EA building. New building has training room and will be location of early voting.
- Commissioners Court will use EA training room during July to hold court (ADA requirements) as the courthouse elevator will be repaired. Current meeting space is not "most conducive in the world"; will have some "elbow room".

National Association of Counties (NACO) – Stepping Up Initiative

- Stepping Up Initiative regarding reducing mental health in county jails.
- 2 million defendants in county jails with mental health issues across the nation
- Jail is often treated as a mental health facility and that's not what it is.
- Review gaps in services and get those with mental health issues (in jails) more realistic help.
- Work with Helen Farabee MHMR and Wise Regional Health System (WRHS), etc to look at services, connect to other services and improve services.
- Spend over \$100,000.00 each year in Wise County on inmate medications; much comes from mental illness treatments.

North Central Texas Council of Governments (NCTCOG) appointment of Clark to the NCTCOG Executive Board (16 county regional board).

Clark thanked all in attendance and introduced Wise County elected officials, appointed officials, department heads and employees in attendance.

7) Burns stated his projects for this spring/summer were planned to be the following:

- Seal coat 17 miles of county road in the Chico/Crafton area (where missing most pavement). All changed five (5) weeks ago (weather)
- Four roads completely impassable. CR 1744 that terminates at the north end of Lake Bridgeport was washed out; three people displaced.
- On CR2560 there is a four-five foot gap that is fifteen feet deep. Replaced the culvert around May 17, 2015 and it is 1/8 mile into a resident's property.
- CR2395 closed currently; waiting for three railcars (\$15,000 each).
- Will take approximately three weeks to get four to five roads open.
- Water is currently running across the following roads: CR1590, CR3250, CR3390 and CR3252.

Kennedy commented that the Trinity River crossings still have water running over the roadways.

Smith asked Burns to explain how much repair funding is coming from the county budget (outside of state and federal funding)? Burns stated all funding is coming from the county budget right now. Burns stated the county will be out 25% as it is a 75% cost match.

Wood asked Burns about replacement of a bridge over Cottonwood Creek? Burns stated it is a state project with two other projects (Parker Dairy Road and a bridge in Precinct No. 1) that must be completed before the Cottonwood Creek bridge is replaced. Burns outlined the process to start a state bridge replacement project.

Burns commented about the 911 Addressing/name system for roads in Precinct No. 2. Burns commented that "it was a great disservice [by the previous commissioners court] to take the county road names away."

Wood confirmed that it will be late fourth quarter 2015 or early first quarter 2016 when the project will begin. Burns continued with discussion of the state off-system bridge process.

Burns commented the bridge replacement program is 80% Federal; 10% State and 10% County funding. Burns also commented about the in-kind contribution process where the county can replace a bridge and the state replaces a bridge.

Burns stated his Power Point presentation title was "Change of Plans" as many of the plans for Precinct No. 2 changed with the recent weather. Burns stated the Power Point is photos of road closures in Precinct No. 2.

Burns began with statistics stating average rainfall for Alvord for the month of May is five inches; Alvord received seventeen inches of rain in May. Burns stated that Tropical Storm Bill dumped 8-12 more inches of rain.

Burns showed photographs of the following:

- Silver Lakes Drive – culvert cleanup
- CR 2886 – high water over roadway where a vehicle drove into the water. Burns commented about setting up barricades and markers to warn drivers to “Turn Around Don’t Drown”. Burns stated the county cannot afford to fix this crossing; it’s unpreventable.
- CR 1650 opened yesterday
- CR 2650 twelve foot hole (used 7.5 yards of two-sack concrete to fill the hole)
- CR 1370 first repair with concrete; second repair moved up road.
- CR 3170 road repair; marked with cone(s)
- CR 2690 directly behind a watershed structure (no longer maintained by county); Federal Government is not maintaining the watershed structure or dam; dam is failing.
- CR 3250
- CR 2896
- CR 2475 second repair (new culvert); washed fill material 100 yards of material used.
- Texas Department of Emergency Management/FEMA – very helpful
- CR 1591 at Sandy Creek
- CR1790 – six foot culvert is now replaced; road is not open yet due to water over the road down the way
- CR 1744 – county needs a road in the area to extend CR 1744 and tie it into Blocker’s Camp area. Project is incredibly expensive (approximately 1 mile of road). New road construction must meet current standards.
- CR 2560 – most extensive damage. This road was fixed four weeks ago and has so much more damage now; photo shows a 12’x6’ quarter-inch plate. Water washed it down 1/8 mile down the creek.
- Three different areas that are not protected by any dams; have the same issues.
- Tower Road (CR 2560) near the radio tower; water running over road from Little Cottonwood Lake.
- CR 3170/CR 3390 at Trinity River Watershed (river is still one mile wide in places).

Burns asked County Engineer Chad Davis to confirm the amount of water released by the Trinity River? Davis stated approximately 8,000 to 10,000 cubic feet per second.

- Improvement to Wise County Fairgrounds.

- Traveled to Washington DC to request additional funding for the watershed structures in the county.
 - 108 dams maintained by County
 - every place there is no dam Burns has road damage issues; every place with dams no major issues and road is still open.
 - USDA Cooperative, Water Districts, Wise County Soil and Water Conservation District; Wise County Water Control and Improvement District.
 - estimated 40 watershed structures in Precinct No. 2.

Precinct No. 2 Resident Lynda Childs asked Burns if he was referencing flood control structures build forty (40) years ago? Burns confirmed the county has a perpetual easement to the flood control structures and explained what constitutes maintenance. Burns expressed gratitude for the maintenance of the structures in times like this.

Burns stated he still plans to seal coat the following: CR1860, CR1861, CR1990, CR1782 and downtown Crafton, TX. Burns stated that constitutes seventeen (17) miles and it may be cut back to 10-12.

Burns showed images of water control structures (dams).

Smith asked Burns and the court the estimate to-date and does the county have surplus budget funds to fund the 25% and was emergency management funded for this?

Clark told Smith the county doesn't have a complete total and asked Davis and County Judge's Administrative Assistant Colleen Self for an estimate of funds spent. Self stated the county has spent \$141,000.00 to date. Clark confirmed the county has funds in the budget to do that. Clark stated the county is operating out of General Fund.

Burns showed images of some of the dams in Precinct No. 2. Burns stated the flood control structures provide a 24" to 36" outflow and are designed for a 100-year flood. Burns commended Wise County leaders starting in 1957 who started building the flood control structures. Burns stated the rains/flood in 1957 washed out 84 bridges in the county.

Burns told the public that he appreciated their time and patience.

8) Tax Assessor/Collector Monte Shaw presented the "Two Steps; One Sticker" program. Shaw stated this program is the result of HB 2305 that passed state legislation in 2013 with an effective date of March 1, 2015.

Shaw stated the program eliminates the inspection sticker while still requiring a state inspection. Shaw stated the following frequently asked questions:

- When do I need to get my vehicle inspected? Shaw stated a valid inspection is required when someone comes to renew their auto registration.

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Clark confirmed residents will receive a Vehicle Inspection Report (VIR) upon inspection to present at time of auto registration. Shaw stated the inspection will download the inspection information to the state database at the time of inspection. Shaw stated that the fee was \$14.50 for a vehicle inspection. Shaw stated the fee is now \$7.00 with the other \$7.50 being paid to the state via the Auto Registration office.

Shaw outlined a few other scenarios. Shaw asked if there are questions? Shaw did mention the following difference, "If you have a trailer that grosses over 4500 pounds then it must be inspected [exception farm trailers]."

Clark asked Shaw to explain why the state went to this system? Shaw stated to reduce cost and eliminate inspection fraud.

Smith asked Shaw for the fraud statistics? King estimated \$30,000,000.00 to \$40,000,000.00 per year.

9) State Representative (61st District; Parker and Wise Counties) Phil King appeared to give an update on the 84th legislative session. King outlined the following:

- One third of all jobs in the US over the last ten years were created in Texas.
- Texas growth at two times the rate of the national economy (last year)
- Led nation in corporate facility expansion
- Led nation in exports
- Produce more oil in Texas than every OPEC nation with the exception of Saudi Arabia.
- If Texas were its own country it would be the number four producer in natural gas.
- Texas is growing by 1,200 people per day; second most populated in US.
- Budget will grow at 2% per year over the next two years
- Cut franchise tax 25% across the board; cut \$400,000,000.00 million in occupational filing fees
- Raised residential homestead exemption
- Left \$11 billion in the "rainy day" fund being approximately 10% of the state budget.
- In 2011 cut over \$10 billion.
- Texas has more road miles than any state and in last November 2014 Texas residents voted to allow the state to set aside part of the severance tax. King estimated \$1.5 billion to be set aside for roads. King stated a portion of sales tax (specifically new car sales) will be dedicated.
- HB 40 – regarding home rule.
Oil and gas industry provides about 1/3 of the Texas economy.
City of Denton banned fracking within the city limits.
King stated that most cities don't have the expertise to deal with the oil and gas industries and most oil and gas areas don't follow city limits. King cited Tarrant County as

King stated the state "grandfathered in" cities that had a reasonable ordinance in place and allowed the Texas Railroad Commission to take care of the underground regulation and the municipalities to take care of the above-ground regulation.

- Border security/immigration/human trafficking (reduce military and increase law enforcement) Approximately \$800,000,000.00 in this year's budget.
- US Supreme Court strike [down] of constitutional prohibition of same-sex marriage in Texas law.
 - passed Pastor Protection Act in Texas that protects pastors and churches from prosecution/law suit if the pastor or organization's tenets prohibit them from performing the ceremony.

Precinct No. 2 resident David Autry asked King about state legislation regarding toll roads. King stated there are no toll-roads in his district and thus frees up more funds for the district. King stated the message has been clearly communicated to the state.

Clark thanked King and Shaw for their presentations.

- 10) Clark announced the next meeting as June 29, 2015 at 9:00 AM.
- 11) Clark adjourned the meeting at 8:26 PM there being no further business to be had.

Minutes approved this 27 day of July, 2015, as printed.

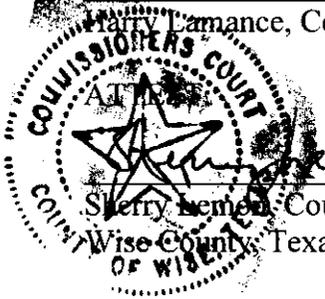
J.D. Clark
J.D. Clark, County Judge, Wise County

Danny White
Danny White, Commr. Pct. No. 1

Absent
Kevin Burns, Commr. Pct. No. 2

Absent
Harry Lamance, Commr. Pct. No. 3

Gaylord Kennedy
Gaylord Kennedy, Commr. Pct. No. 4



Sherry Lemen
Sherry Lemen, 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