

90-09  
COMMISSIONERS COURT MINUTES  
November 2, 2009

On Monday, November 2, 2009, the Honorable Commissioners Court of Smith County, Texas, met for a special meeting in the Smith County Commissioners Courtroom at the Smith County Courthouse Annex in the City of Tyler, Texas.

**I. CALL TO ORDER**

Joel P. Baker, County Judge called the meeting to order with members present:

County Judge: Joel P. Baker	Presiding
Commissioner: Precinct 1 Jeff Warr	Present
Commissioner: Precinct 2 William McGinnis	Present
Commissioner: Precinct 3 Terry Phillips	Present
Commissioner: Precinct 4 JoAnn Hampton	Present

**II. INVOCATION**

Commissioner Jeff Warr led the invocation.

**III. PLEDGE OF ALLEGIANCE TO THE UNITED STATES AND THE STATE OF TEXAS**

**IV. OPEN SESSION**

1. Projects Update

Commissioners Court received projects update. Projects update attached.

2. On-line Auction

Commissioners Court received a report from purchasing regarding the on-line auction ending October 13, 2009. Consignor settlement attached.

3. General Liability Insurance: RFP-04-09

Motion made by Commissioner – Precinct 2 William McGinnis and seconded by Commissioner – Precinct 4 JoAnn Hampton to approve contract modification to General Liability Insurance Contract for Smith County (RFP-04-09) to show actual language for “consent to settle” clause. Contract attached.

*Passed 5-0; Abstain: (None); Absent: (None).*

4. Agreement for Public Services: Total Healthcare Center

Motion made by Commissioner – Precinct 4 JoAnn Hampton and seconded by Commissioner – Precinct 3 Terry Phillips to approve final contract revisions to agreement for public services with Total Healthcare Center, including adding details for hours of operation and scope of services offered by clinic.

Agreement attached.

*Passed 5-0; Abstain: (None); Absent: (None).*

5. Resolution: “2010 Census Support Day”

Motion made by Judge Joel Baker and seconded by Commissioner – Precinct 1 Jeff Warr to approve a resolution declaring Monday, November 2, 2009 as “2010 Census Support Day” in honor of the County’s support for the local complete count committee and their efforts to encourage a successful and accurate 2010 census count. Resolution attached.

*Passed 5-0; Abstain: (None); Absent: (None).*

6. Resolution: National Hunger and Homelessness Awareness Week

Motion made by Commissioner – Precinct 3 Terry Phillips and seconded by Commissioner – Precinct 1 Jeff Warr to approve resolution declaring November 15-21 as National Hunger and Homelessness Awareness Week in Smith County. Resolution and copies attached.

*Passed 5-0; Abstain: (None); Absent: (None).*

7. Smith County 2010 Holiday Schedule

Motion made by Commissioner – Precinct 2 William McGinnis and seconded by Commissioner – Precinct 4 JoAnn Hampton to approve Smith County 2010 Holiday Schedule. 2010 Holiday Schedule attached.

*Passed 5-0; Abstain: (None); Absent: (None).*

8. Smith County Tax Office

Motion made by Commissioner – Precinct 3 Terry Phillips and seconded by Commissioner – Precinct 4 JoAnn Hampton to authorize County Judge to sign Smith County Tax Office forms approving refunds in excess of \$2,500.00.

Forms attached.

*Passed 5-0; Abstain: (None); Absent: (None).*

9. Commissioners Court Minutes September 2009

Motion made by Judge Joel Baker and seconded by Commissioner – Precinct 1 Jeff Warr to accept Commissioners Court minutes for September 2009.

Copies attached.

*Passed 5-0; Abstain: (None); Absent: (None).*

10. Commissioners Court Minutes Recordings September 2009

Commissioners Court received recordings of the Commissioners Court meetings for September 2009.

11. Standard Letter of Agreements: Dredged Materials

Motion made by Commissioner – Precinct 1 Jeff Warr and seconded by Judge Joel Baker to approve ratification of standard letter of agreements for disposal of dredged materials. Agreements attached.

*Passed 5-0; Abstain: (None); Absent: (None).*

12. Pipe and/or Utility Line Installation

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

- a. County Road 196 Valence Operation Company to install a temporary line of .2 miles east of County Road 1101, Precinct # 1.
- b. County Road 3111 West Gregg Special Utility District to install a 40' road bore of 2" PVC encasement for water service, Precinct # 3. Copies attached.

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

13. Payment of Accounts

Motion made by Judge Joel Baker and seconded by Commissioner – Precinct 1 Jeff Warr to approve and/or ratify payment of accounts, bills, payroll, transfer of funds and health claims. Copies attached.

*Passed 5-0; Abstain: (None); Absent: (None).*

Commissioners Court took no action on agenda item 13 (a) and (b)

- a. Discuss and approve various department budget transfers for FY2009.
- b. Consider acceptance of various non-general fund department budgets for 2009/2010.

14. Report: Smith County Jail Inmate Status and Related Information  
(Chief Bobby Garmon)

\$276,760.00 spent this fiscal year housing inmates in other Counties.

881 Total Population, 736 Male, 145 Female

664 in Smith County Jail and 217 transferred to other counties.

12 Federal Prisoners, 23 scheduled to TDC, 55 paper ready.

24 Parole violations and 55 Parole violations with new charges.

87 Total child support cases, 36 non-payment of child support and

51 non-payment of child support with new charges.

Average stay for non-payment of child support: 86 days.

7 open jailer positions.

Copy of Smith County Jail Population Summary attached. No action.

V. **ADDENDUM TO NOTICE OF MEETING**

1. Expenditure Budget Amendments: FY09 Capital Projects

Motion made by Judge Joel Baker and seconded by Commissioner – Precinct 4 JoAnn Hampton to approve the expenditure budget amendments to roll FY09 capital projects funds into FY10 budget. Expenditures attached.

*Passed 5-0; Abstain: (None); Absent: (None).*

Commissioners Court recessed Open Session at 9:19 a.m. and directly proceeded into Closed Session.

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

15. Receive consultation and seek legal advice regarding available options for lease and/or sale of Justice of the Peace, Precinct # 4 building.

16. Receive briefing and legal consultation and seek legal advice regarding options related to property donation from Bisonwood Investment Corporation of 1.35 acre tract in Owentown.

Commissioners Court recessed Closed Session at 9:35 a.m. and directly proceeded into Open Session.

**VII. OPEN SESSION**

17. Justice of the Peace, Precinct # 4 Building

Commissioners Court took no action on agenda item number 17 to discuss, consider, and approve action regarding available options for lease and/or sale of Justice of the Peace, Precinct # 4 building.

18. Property in Owentown

Motion made by Judge Joel Baker and seconded by Commissioner – Precinct 3 Terry Phillips to accept the gift of 1.35 acre tract in Owentown from Bisonwood Investment Corporation and to take the closing costs from the \$1,500.00 that was allocated for the survey.


*Passed 5-0; Abstain: (None); Absent: (None).*

**VIII. PUBLIC COMMENT**

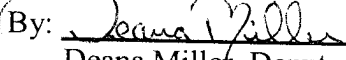
Bob Brewer spoke in regards to wireless internet in the Commissioners Courtroom. Public Participation form attached.

**IX. ADJOURNMENT**

Motion made by Commissioner – Precinct 1 Jeff Warr and seconded by Commissioner – Precinct 2 William McGinnis that Commissioners Court adjourn.  
*Passed 5-0; Abstain: (None); Absent: (None).*

Approved:   
Chairman Commissioners Court

ATTESTED:  
Judy Carnes, County Clerk  
Smith County Texas

By:   
Deana Miller, Deputy