

Franklin County Commissioners' Court  
Commissioner Court Minutes  
Regular Session  
November 27, 2017

The Franklin County Commissioners' Court met in Regular Session November 27, 2017 at 9:00 AM in the Commissioners' Courtroom at the Franklin County Courthouse located at 200 North Kaufman Street, Mount Vernon, TX

Members present: Scott Lee, County Judge  
Jerry Cooper, Commissioner, Precinct 1  
Larkin Jumper, Commissioner, Precinct 2  
Charlie Emerson, Commissioner, Precinct 3  
Sam Young, Commissioner, Precinct 4  
Betty Crane, County Clerk

**VISITORS:** Andy Kuklish, Betty Sue Allen, Sue Ann Harper, Lisa Lawrence, Ricky Jones, Bryan Giguere, Ellen Jagers, Jim Alford, Gene Stump, Katie Stump, Robert Zinn, and Lillie Bush-Reves.

Judge Lee called the meeting to order and Commissioner Young offered prayer. The Pledge of Allegiance to the American flag was recited.

**Public Comments:** None

**Agenda Item 1 - APPROVE MINUTES FROM THE NOVEMBER 13, 2017 REGULAR SESSION, NOVEMBER 15, 2017 SPECIAL SESSION - COUNTY CLERK** – Commissioner Jumper made a motion to approve the November 13, 2017 Regular Session minutes and November 15, 2017 Special session and Commissioner Cooper seconded the motion. Motion carried.

**Agenda Item 2 - AUDIT CLAIMS AGAINST THE COUNTY AND AUTHORIZE THEIR PAYMENT – TREASURER** – Commissioner Jumper made a motion to approve all the claims against the county and Commissioner Young seconded the motion. Motion carried. **See Exhibit 11/27/2017 – A**

**Agenda Item 3 – PRESENT ACCOUNT RECAPS** – County Treasurer Betty Sue Allen presented account recaps for July, August, September and October 2017. **See Exhibit 11/27/2017 - B**

**Agenda Item 4 - CONSIDER AND TAKE ACTION ON APPROVING BID FROM BOGUE ELECTRIC IN THE AMOUNT OF \$1,800 TO ADD THE FRANKLIN COUNTY TAX OFFICE TO THE FRANKLIN COUNTY SHERIFF'S OFFICE GENERATOR – TAX ASSESSOR** – Judge Lee reported the County Auditor noted there was enough funds in the other buildings/repairs fund to pay for this. Commissioner Emerson made a motion to approve the proposal received from Bogue Electric in the amount of \$1,800 to add the Franklin County Tax Office to the Franklin County Sheriff's Office generator and Commissioner Jumper seconded the motion. Motion carried. **See Exhibit 7/24/2017 - C**

**Agenda Item 5 - CONSIDER AND TAKE ACTION ON APPROVING DEPUTATION OF JANET WHITE AS DEPUTY TAX ASSESSOR/COLLECTOR - TAX ASSESSOR** - Commissioner Young made a motion to approve the deputation of Janet White as Deputy Tax Assessor/Collector and Commissioner Jumper seconded the motion. Motion carried.  
**See Exhibit 11/27/2017- D**

**Agenda Item 6 - CONSIDER AND TAKE ACTION ON APPROVING MOU BETWEEN THE OFFICE OF THE ATTORNEY GENERAL AND FRANKLIN COUNTY FOR DISTRICT COURT INTERNET ROUTER UPGRADE – DISTRICT CLERK –** Commissioner Emerson made a motion to approve the Memorandum of Understanding between the Office of the Attorney General and Franklin County and Commissioner Cooper seconded the motion. Motion carried. **See Exhibit 11/27/2017 - E**

**Agenda Item 7 – CONSIDER AND TAKE ACTION ON APPROVING SALES ORDER AGREEMENT FOR PURCHASE OF ELECTION SYSTEMS AND SOFTWARE EXPRESS VOTE AND DS850 SCANNER AND TABULATOR – COUNTY CLERK-** Commissioner Emerson made a motion to approve the sales order agreement for the purchase of ExpressVote and DS850 scanner and tabulator and Commissioner Cooper seconded the motion. Motion carried.  
**See Exhibit 11/27/2017 – F**

**Agenda Item 8 – CONSIDER AND TAKE ACTION ON AUTHORIZING COUNTY CLERK TO PURCHASE USED AUTOMARK VOTING MACHINES FROM WOOD COUNTY TO SELL TO OTHER ELECTION HOLDING ENTITIES WITHIN FRANKLIN COUNTY – COUNTY CLERK –** County Clerk Betty Crane reported Wood County had fifteen Automark voting machines that was available to Franklin County for purchase for \$500. She reported she had to purchase all of the machines or none. She explained our election equipment is being traded in to ES&S to help on the purchase of the new election equipment. She reported two Franklin County entities had indicated they were interested in purchasing a few of the AutoMarks. Commissioner Young made a motion to approve the purchase of fifteen Automark voting machines from Wood County for \$500 and Commissioner Jumper seconded the motion. Motion carried.

**Agenda Item 9 – CONSIDER AND TAKE ACTION ON APPROVING DONATION OF 40 HOURS SICK TIME FROM KEITH MEDDERS TO TELISA NEWMAN – PRECINCT 4 –** Judge Lee announced the court would go through agenda items 9, 10, 11, 12 13, and 14 all at one time. Commissioner Emerson questioned agenda item 11 concerning donating 80 hours of sick time. He believed 40 hours of sick time was all anyone could donate in a year. Treasurer Betty Sue Allen confirmed that 40 hours of sick time was the maximum hours that could be donated in a year. She also reported Chris Mars (Agenda Item 14) had already donated 40 hours to someone this year. She requested these two agenda items to be tabled to a later date. Numerous questions arose such as how the time would be allocated, accruing vacation and sick time, employee using all of their time (vacation / sick / comp time) before the donated time can be used, and FMLA. Treasurer Allen reported TAC says the way we are doing this is not legal because the Local Government Code does not give us permission to do it like this. It does give us permission to have a sick pool. Discussion arose on creating a sick pool and a sick pool committee. Tax Assessor Sue Ann Harper reported Franklin County had a sick pool at one time. Commissioner Jumper stated if TAC says it is not legal he could not vote to do this today. It was suggested to table agenda items 9, 10, 11, 12, 13 and 14 until information could be confirmed on the process of donating sick time. After more discussion, Commissioner Young stated he would like to make a motion to approve the donation of 40 hours from Mike Higgenbotham just in case Telisa needs the time now. Commissioner Jumper reported according to TAC we are doing something that is not legal. Commissioner Jumper asked why the sick pool had not work. District Clerk Jagers reported the employee wants to have control over where their sick time is used. Tax Assessor Sue Ann Harper elaborated on the different reasons the sick pool did not work in Franklin County several years ago. Commissioner Young once again made the motion to approve agenda item number 10 and Commissioner Emerson seconded the motion to give Telisa sick time hours just in case she needs it. County Attorney Gene Stump reported he had not reviewed the Local Government Code and he was not able to give an answer right now one way or another. He did say he remembered the donation of sick time from one employee to another employee has been done in the past. He suggested tabling these agenda items until we know for sure. Commissioner Jumper requested Treasurer Allen to check and make sure Telisa has enough

sick time and the court could meet back later in the week to approve this legally. Commissioner Young rescinded his motion to approve 40 hours from Mike Higgenbotham to Telisa Newman. Treasurer Allen excused herself to check the amount of hours Telisa had at this time and the court moved on to agenda item 15 to give the Treasurer time to confirm how many hours Telisa had. Treasurer Betty Sue Allen reported Telisa had enough time to get her through this pay period. Commissioner Emerson made a motion to table agenda item 9, 10, 11, 12, 13 and 14 and Commissioner Young seconded the motion. Motion carried.

**Agenda Item 10 – CONSIDER AND TAKE ACTION ON APPROVING DONATION OF 40 HOURS SICK TIME FROM MIKE HIGGENBOTHAM TO TELISA NEWMAN – PRECINCT 4 –** Commissioner Emerson made a motion to table this agenda item and Commissioner Young seconded the motion. Motion carried.

**Agenda Item 11 – CONSIDER AND TAKE ACTION ON APPROVING DONATION OF 80 HOURS SICK TIME FROM BILL TRAVIS TO TELISA NEWMAN – BILL TRAVIS –** Commissioner Emerson made a motion to table this agenda item and Commissioner Young seconded the motion. Motion carried.

**Agenda Item 12 – CONSIDER AND TAKE ACTION ON APPROVING DONATION OF 40 HOURS SICK TIME FROM JULIE BAXTER TO TELISA NEWMAN – LISA LAWRENCE –** Commissioner Emerson made a motion to table this agenda item and Commissioner Young seconded the motion. Motion carried.

**Agenda Item 13 – CONSIDER AND TAKE ACTION ON APPROVING DONATION OF 40 HOURS SICK TIME FROM MELISSA MCSWAIN TO TELISA NEWMAN – TAX ASSESSOR –** Commissioner Emerson made a motion to table this agenda item and Commissioner Young seconded the motion. Motion carried.

**Agenda Item 14– CONSIDER AND TAKE ACTION ON APPROVING DONATION OF 40 HOURS SICK TIME FROM CHRIS MARS TO TELISA NEWMAN – SHERIFF –** Commissioner Emerson made a motion to table this agenda item and Commissioner Young seconded the motion. Motion carried.

**Agenda Item 15 – CONSIDER AND TAKE ACTION ON APPROVING REPEALING ACTION TAKEN FOR AGENDA ITEM NUMBER 20 FROM THE MAY 22, 2017 REGULAR SESSION PER TEXAS ATTORNEY GENERAL OPINION NO. KP-174 – COUNTY JUDGE –** After discussion, Commissioner Emerson made a motion to approve repealing taken on Agenda Item number 20 from the May 22, 2017 regular session per Texas Attorney General Opinion No. KP-0174 and Commissioner Cooper seconded the motion. Motion carried. **See Exhibit 11/27/2017 - G**

**Agenda Item 16 – CONSIDER AND TAKE ACTION ON APPROVING REPEALING ACTION TAKEN FOR AGENDA ITEM NUMBER 2 FROM THE JUNE 5, 2017 SPECIAL SESSION FOR THE DISTRICT COURT REGISTRY ACCOUNT – DISTRICT CLERK –** Commissioner Emerson made a motion to approve repealing action taken for agenda item number 2 from the June 5, 2017 Special Session for the District Court Registry Account and Commissioner Cooper seconded the motion. Motion carried. **See Exhibit 11/27/2017 - H**

**Agenda Item 17 – CONSIDER AND TAKE ACTION ON APPROVING CYPRESS SPRINGS SPECIAL UTILITY DISTRICT'S MODIFICATION OF WATER AGREEMENT FOR FRANKLIN COUNTY SPORTS COMPLEX – PRECINCT 4 –** After discussion, and concerns expressed about being limited to 7,500 gallons of water per month when the most water usage is in the spring and summer months. It was suggested that Commissioner Young discuss this with Cypress Springs SUD

to increase the amount of water usage up to 10,000 or 15,000 gallons in the summer months but still keep the limit at 90,000 gallons total. Commissioner Young made a motion to table this agenda item until a request could be made to increase the summer month's water usage and Commissioner Emerson seconded the motion. Motion carried.

**Agenda Item 18 – CONSIDER AND TAKE ACTION ON APPROVING ENTERING INTO INTERLOCAL AGREEMENT BETWEEN TARRANT COUNTY AND FRANKLIN COUNTY FOR THE TARRANT COUNTY COOPERATIVE PURCHASING PROGRAM – SHERIFF** – This agenda item had already been approved during the September 25, 2017 meeting and was mistakenly put on the agenda. The September 25, 2017 agenda item was #14 and you may view the Interlocal Agreement in Volume 56 Page 746 in the Commissioner Court Minutes.

**Agenda Item 19 – CONSIDER AND TAKE ACTION ON APPROVING CREATING A NEW FRANKLIN COUNTY HOTEL/MOTEL OCCUPANCY TAX ADVISORY COMMITTEE AND APPOINTING MEMBER FOR 2 YEAR TERMS – COUNTY JUDGE** – After discussion, a decision was made to not create a new Franklin County Hotel / Motel Occupancy Tax Advisory Committee. No action taken.

**Agenda Item 20 – OPEN AND AWARD BIDS FOR ROAD MATERIALS, CULVERTS AND FUEL – TREASURER** – Commissioner Jumper reported he suspected there was not a bid from Ergon because of an incorrect address. Judge Lee confirmed there was not a bid from them. After discussion, a decision to extend the date to award the bids until the December 11<sup>th</sup> Commissioner Court meeting. Commissioner Jumper made the motion to amend to extend the date to December 11<sup>th</sup> to award the bids for road materials, culverts and fuel and Commissioner Cooper seconded the motion. Motion carried.

**Agenda Item 21 – CONSIDER AND TAKE ACTION ON APPROVING ESTABLISHING AND SETTING SPEED LIMITS FOR ROADS MAINTAINED BY FRANKLIN COUNTY – PRECINCT 2** – After discussion about the problem with speeding on county roads, no action taken.

**DISCUSSION ITEMS:** Commissioner Jumper reported a problem with trash on the roadways. Sheriff Jones made some suggestions on ways to get the trash cleaned up. Commissioner Young reported a new Dollar General was being built across the road from Vinyards. Judge Lee reported Hurley Miller had received several applications for the extension agent position. Judge Lee reported he requested Mr. Miller send him every application that had been received from Franklin County residents be sent to him. Judge Lee reported that Jaci Postell had applied for the position but had received a letter from her requesting to withdraw her application since she had taken a job somewhere else.

Commissioner Jumper made a motion to adjourn the meeting and Commissioner Emerson seconded the motion. Motion carried.

I, Betty Crane, County Clerk certify that this is an accurate accounting of the proceedings of Commissioner's Court Regular meeting on November 27, 2017

Witnessed and recorded this 27<sup>th</sup> day of November, 2017.

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Betty Crane, County Clerk