

Franklin County Commissioners' Court
Commissioner Court Minutes
Regular Session
February 26, 2018

The Franklin County Commissioners' Court met in Regular Session February 26, 2018 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: Bryan Giguere, Telisa Newman, Sharon Brod, Gerald Ezelle, Elizabeth Ezelle, Sam Matus, Steve Matus, Sue Ann Harper, Ellen Jagers, Katie Stump, Robert Zinn, Lisa Lawrence, Ricky Jones, Tina Phillips, B. F. Hicks, Jim Alford, Josh Dailey, Chris Mars, Cathy Jumper, Johnny Wetzel Jr., Shannon Kelly, Ken P. Rose, Brandon Winn, 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 - 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 Emerson seconded the motion. Motion carried. **See Exhibit 2/26/2018 – A**

Agenda Item 2 – FIRST READING: REPLAT LOT 5R PHASE I HICKORY HILLS SUBDIVISION – BF HICKS FOR CLAUS ROEHRBORN - Commissioner Young made a motion to approve the first reading of the replat of Hickory Hills subdivision, lot 5R Phase I and Commissioner Jumper seconded the motion. Motion carried.

Agenda Item 3 – SECOND READING: PLAT LOTS 1A, 2A & 3A PHASE 4 CADDO POINT TRAILS – GERALD & ELIZABETH EZELL - Commissioner Young made a motion to approve the second reading of Caddo Point Trails, lots 1A, 2A, and 3A of Phase 4 and Commissioner Emerson seconded the motion. Motion carried. **See Plat Cabinet 313 A**

Agenda Item 4 - CONSIDER AND TAKE ACTION ON APPROVING AMENDED COURTROOM DECORUM POLICY FOR FRANKLIN COUNTY – COUNTY JUDGE - Commissioner Jumper made a motion to approve the Amended Courtroom Decorum Policy for Franklin County and Commissioner Cooper seconded the motion. Motion carried. **See Exhibit 2/26/2018 - B**

Agenda Item 5 - CONSIDER AND TAKE ACTION ON APPROVING AMENDMENT OF 2018 FRANKLIN COUNTY HOLIDAY CALENDAR – TREASURER - Commissioner Emerson made a motion to approve amending the 2018 Franklin County Holiday calendar to correct typos on the year and Commissioner Young seconded the motion. Motion carried. **See Exhibit 2/26/2018 - C**

Agenda Item 6 – PRESENT CERTIFICATE OF PARTICIPATION FOR SUCCESSFUL COMPLETION OF 6 HOURS OF DISTRICT 4 COUNTY JUDGES AND COMMISSIONERS CONFERENCE EDUCATIONAL TRAINING BY JERRY COOPER - PRECINCT 1 - Commissioner Precinct 1, Jerry Cooper presented his certificate of participation of successful completion of 6 hours of District 4 County Judges and Commissioners' Conference educational training to be put on record in the Minutes. **See Exhibit 2/26/2018 - D**

Agenda Item 7 – PRESENT CERTIFICATE OF PARTICIPATION FOR SUCCESSFUL COMPLETION OF 6 HOURS OF DISTRICT 4 COUNTY JUDGES AND COMMISSIONERS CONFERENCE EDUCATIONAL TRAINING BY CHARLIE EMERSON – PRECINCT 3 – Commissioner Precinct 3, Charlie Emerson presented his certificate of participation of successful completion of 6 hours of District 4 County Judges and Commissioners' Conference educational training to be put on record in the Minutes. **See Exhibit 2/26/2018 - E**

Agenda Item 8 – PRESENT CERTIFICATE OF PARTICIPATION FOR SUCCESSFUL COMPLETION OF 6 HOURS OF DISTRICT 4 COUNTY JUDGES AND COMMISSIONERS CONFERENCE EDUCATIONAL TRAINING BY SAM YOUNG – PRECINCT 4 – Commissioner Precinct 4, Sam Young presented his certificate of participation of successful completion of 6 hours of District 4 County Judges and Commissioners' Conference educational training to be put on record in the Minutes. **See Exhibit 2/26/2018 - F**

Agenda Item 9 – RECORD MINUTES FROM THE JANUARY 15, 2018 REGULAR SESSION OF THE FRANKLIN COUNTY CHILD WELFARE BOARD – LINDA HAMMOND – The January 15, 2018 Regular Session Minutes from the Franklin County Child Welfare Board was presented to put on record in the Minutes. **See Exhibit 2/26/2018 - G**

Agenda Item 10 – CONSIDER AND TAKE ACTION ON APPROVING TERMINATION OF SERVICE AGREEMENTS WITH FIRMIN'S AND SENDING REQUIRED 30-DAY WRITTEN NOTIFICATION – COUNTY JUDGE – Judge Lee reported he was getting complaints from several offices about the copy machines and the repairs of the copy machines. Commissioner Jumper made a motion to approve the termination of service agreements with Firmin's and to send them a notification letter of termination and Commissioner Young seconded the motion. Motion carried.
See Exhibit 2/26/2018 - H

Agenda Item 11 – CONSIDER AND TAKE ACTION ON APPROVING ENTERING INTO CONTRACT WITH ADVANTAGE COPY SYSTEMS, INC. FOR COPIERS AND MAINTENANCE FOR ALL COUNTY OFFICES – COUNTY JUDGE – Johnny Wetzel from Advantage Copy Systems was available to answer questions about Advantage Copy Systems. Commissioner Jumper made a motion to approve entering into a contract with Advantage Copy Systems, Inc. for copiers and maintenance of copiers for all county offices and Commissioner Emerson seconded the motion.

Agenda Item 12 – CONSIDER AND TAKE ACTION ON APPROVING ENTERING INTO MOU BETWEEN FRANKLIN COUNTY AND ROBERTSON COUNTY FOR PURCHASE OF 7,000 GALLON HOT ASPHALT TANKER – PRECINCT 1 – Commissioner Emerson made a motion to approve entering into a MOU between Franklin County and Robertson County for purchase of 7,000 gallon hot asphalt tanker for \$10,000 and Commissioner Jumper seconded the motion. Motion carried. **See Exhibit 2/26/2018 - I**

Agenda Item 13 – CONSIDER AND TAKE ACTION ON APPROVING RETURNING PAYROLL APPROVAL TO REGULAR COMMISSIONER’S COURT MEETINGS – PRECINCT 1 – After discussion about Attorney General Opinion KP – 160 that was issued August 8, 2017, no action was taken on this agenda item. Continue having meetings to pay the payroll. **See Exhibit 2/26/2018 - J**

Agenda Item 14 – CONSIDER AND TAKE ACTION ON APPROVING DONATION OF 40 SICK LEAVE HOURS BY LEO HERRERA TO HEATHER MOORE – SHERIFF – Commissioner Young made a motion to approve 40 hours donation of sick leave hours to Heather Moore from Leo Herrera and Commissioner Emerson seconded the motion. Motion carried 3 to 1. Commissioner Jumper abstained.

Agenda Item 15 – CONSIDER AND TAKE ACTION ON APPROVING DONATION OF 40 SICK LEAVE HOURS BY JOE SHADBOLT TO HEATHER MOORE – SHERIFF – Commissioner Young made a motion to approve 40 hours donation of sick leave hours to Heather Moore from Joe Shadbolt and Commissioner Emerson seconded the motion. Motion carried 3 to 1. Commissioner Jumper abstained.

Agenda Item 16 – CONSIDER AND TAKE ACTION ON APPROVING DONATION OF 40 SICK LEAVE HOURS BY ROBERT MOORE TO HEATHER MOORE – SHERIFF – Commissioner Young made a motion to approve 40 hours donation of sick leave hours to Heather Moore from Robert Moor and Commissioner Emerson seconded the motion. Motion carried 3 to 1. Commissioner Jumper abstained.

Agenda Item 17 – CONSIDER AND TAKE ACTION ON APPROVING PURCHASE OF NEW CONSOLE FOR FRANKLIN COUNTY SHERIFF’S OFFICE DISPATCH AND AUTHORIZING REPAIR OF EXISTING CONSOLE – SHERIFF – Sheriff Jones reported a new analog console will be \$15,000. The fee to repair the old console is \$3,270.00. Sheriff Jones reported he would like to repair the old console to have as a back-up. Commissioner Cooper made a motion to approve the purchase of a new console and repair the existing console for the Franklin County Sheriff’s Office and Commissioner Emerson seconded the motion. Motion carried. Sheriff Jones reported he should have funds in inmate housing to pay for this. Commissioner Jumper requested the Sheriff to ask the City to assist with the funding.

Agenda Item 18 – CONSIDER AND TAKE ACTION ON APPROVING REQUEST FOR MOU BETWEEN FRANKLIN COUNTY AND TITUS COUNTY FOR TRANSFER OF GOODS FROM THE HOSPITAL BUILDING NEEDED BY NORTHEAST TEXAS COMMUNITY COLLEGE – COUNTY JUDGE – Commissioner Young made a motion to approve a MOU between Franklin County and Titus County for the transfer of goods from the hospital building that was needed by Northeast Texas Community College. Commissioner Jumper seconded the motion and the motion carried.
See Exhibit 2/26/2018 - K

Agenda Item 19 – CONSIDER AND TAKE ACTION ON APPROVING HIRING BILL TRAVIS AS FRANKLIN COUNTY MAINTENANCE DIRECTOR EFFECTIVE MARCH 1, 2018 – COUNTY JUDGE – Commissioner Emerson made a motion to approve hiring Bill Travis as the Franklin County Maintenance Director and receive Maintenance Director’s salary effective March 1, 2018. Commissioner Cooper seconded the motion and the motion carried.

Agenda Item 20 – CONSIDER AND TAKE ACTION ON APPROVING HIRING DERYL CARR AS FRANKLIN COUNTY SPORTS COMPLEX MANAGER EFFECTIVE MARCH 1, 2018 – COUNTY JUDGE – Commissioner Young made a motion to hire Deryl Carr as the Franklin County Sports Complex Manager and receive the Sports Complex Manager’s salary to become effective March 1, 2018. Commissioner Emerson seconded the motion and the motion carried.

Agenda Item 21 – CONSIDER AND TAKE ACTION ON APPROVING ADVERTISING FOR BIDS FOR SALE OF PHILLIPS X-RAY MACHINE FROM THE HOSPITAL BUILDING – COUNTY JUDGE

Questions arose on the way to advertise for bids. It was suggested to sale it on Auctioneer Express. Commissioner Emerson made a motion to approve advertising for bids for the sale of a Phillips X-RAY machine from the hospital building on Auctioneer Express and Commissioner Jumper seconded the motion. Motion carried.

Agenda Item 22 - CONSIDER AND TAKE ACTION ON APPROVING 2018 BUDGET AMENDMENT TO ADD FULL-TIME CLERK TO JUSTICE COURT OFFICE – JUSTICE OF THE PEACE -

Commissioner Emerson made a motion to table adding a full time clerk to the Justice Court office until it could be budgeted for next year. Motion died for a lack of a second. No action taken.

DISCUSSION ITEMS: Judge Lee reported a situation had come up about a letter being sent to employees about delinquent taxes stating the employee needed to pay the outstanding balance before March 2, 2018 and show proof to the Treasurer's office to prevent any interruption in the March 6, 2018 payroll. **See Exhibit 2/26/2018 – L.** Judge Lee reported the Treasurer and he had talked with Diana Cecil, Human Resource Consultant from Texas Association of Counties and she said funds cannot be held out of wages. Judge Lee read a letter from Carah-Beth Bass from Allison, Bass and Magee, LLP which said no current wages for personal service shall ever be subject to garnishment except for the enforcement of court-ordered child support payment or spousal maintenance. Although Ms. Bass did say a person's personal property is subject to seizure for the payment of delinquent tax, penalty, and interest a person owes a taxing unit on property. **See Exhibit 2/26/2018 – M** County Employee, Steve Matus reported he was one of the employee's that had received the letter. He reported he had called attorneys with the Texas Municipal Police Association and they reported they had never heard of such a thing. Those attorney's called Austin and they had never heard of such a thing either. He was told by these attorney's that if this was not taken care of to let them know. Mr. Matus also stated he felt discriminated against because he was a citizen of the county and other citizens get to pay the penalty for their taxes. He reported he was not behind on his taxes for any other year. He reported he always pays his taxes but he waits until his calf crop is sold in May. Commissioner Emerson said that is a perfect example of an office taking powers above what they have. Also discussed, the percentage of penalties for each month after January 31st. Brandon Winn from Linebarger reported the delinquent tax rolls are turned over to them on July 1st. Steve Matus asked Judge Lee if he was okay or did he need to pay now or make arrangements. Judge Lee told him he was fine.

Commissioner Jumper reported he had calls about dogs and asked where did we leave that before. Commissioner Young reported calling the City about dogs and they do not furnish the county any dog catching. Sheriff Jones reported he can take control of rabid animals but that was all he could do. Texas is an open range law and it is your responsibility to fence your property to keep animals off your property. If you shoot an animal because they are on your property, that is a cruelty to animal offense.

Tax Assessor- Collector Sue Ann Harper reported she is still having problems with the outside door and keeping the building locked.

Library Director Lisa Lawrence reported the library will be televising the girls' basketball games.

Commissioner Jumper made a motion to adjourn the meeting and Commissioner Young 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 February 26, 2018.

Witnessed and recorded this 26^h day of February, 2018.

Betty Crane, County Clerk