

NOTICE OF MEETING
COMMISSIONERS COURT OF GARZA COUNTY, TEXAS
MONDAY, SEPTEMBER 28, 2015 AT 9:00 A.M.
GARZA COUNTY COURTHOUSE, 3rd Floor
300 WEST MAIN
POST, TEXAS 79356

COMPLETE AGENDA:

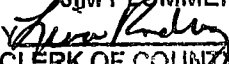
Call to Order- Monday, September 28, 2015 at 9:00 a.m.

DELIBERATE AND CONSIDER ACTION ON THE FOLLOWING ITEMS:

1. Minutes from Prior Meetings
2. Receive Reports from County Offices
3. Accounts Payable
4. Discuss to Approve the Workers' Compensation Program Renewal
5. Discuss to Approve the Notice for the November 3, 2015 Constitutional Amendment Election
6. Discuss to Approve a Maintenance and License Agreement with Elections Systems and Software
7. Discuss to Approve Applications for Public Assistance
8. Discuss to Approve the Contract for Indigent Defense for Fiscal Year 2016 for the District Court
9. Consider to Approve Accepting Road Work for G&G Contractors, Ltd./Brandt Engineers and to Consider to Approve Payment
10. Consider and Act to Accept Donation of Materials and Labor to Improve County Road 217 and to Execute A Required Release of Liability
11. Receive Public Comment on Closing or Abandoning a Portion of County Road 155 and Then Act Upon the Request
12. Discuss to Approve Waiving the Penalty and Interest on Delinquent Taxes Regarding 85009530 BROWN GEO.R/GARZA BLK 2 SEC 10/GH&N (N/2) Requested by Clyde Kitten
13. Discuss to Approve an Interlocal Cooperation Contract with Department of Public Safety for the SB1729 Pilot Program Scheduled DL Office
14. Discuss to Approve Extended Sick Leave for County Clerk Employee
15. Budget Amendments and Line Item Transfers
16. Public Comment



Lee Norman - Garza County Judge

FILED 9-23-2015 3:10 p.
M.
JIM PLUMMER
BY  DEPUTY
CLERK OF COUNTY COURT,
GARZA COUNTY, TEXAS

A regular meeting of the Commissioners' Court of Garza County, Texas was held on Tuesday, September 28, 2015 at 9:00 a.m. at the Commissioners' Courtroom, 300 W. Main St., Post, TX with the following members present: Lee Norman, Judge; Commissioners – Pct. 1-Gary McDaniel, Pct. 2-Charles Morris, Pct. 3-Ted Brannon and Pct. 4-Jerry Benham.

County officials present: Jim Plummer, District and County Clerk; Ted Weems, Attorney; LuAnne Terry, Treasurer; and Nancy Wallace, Tax Assessor/Collector.

Also present: Meg Nelson, Administrative Assistant; Clyde Kitten; Oscar Ostos, Brandt Engineers; Travis Julify and Allen Barker, G&G Operators; Tom Peyton; and Kent Mahoney, Post Dispatch.

Judge Norman called the meeting to order at 9:00 a.m.

Order 1: Minutes from the September 14, 2015 regular meeting were approved as presented with a motion by Commissioner McDaniel and seconded by Commissioner Benham. With a majority of the court members voting aye, the motion carried and so ordered.

Order 2: Reports from county offices - The following items of information were brought before the Court as a written and/or a verbal report:

- a. Treasurer
- b. Budget Analysis Usage Report
- c. Tax Collector/Assessor
- d. Garza Wildlife Damage Association
- e. Thank you letter from Slaton Police Department
- f. Sheriff Morgan: the jail remains full with 55 out of county inmates.

Motion was made by Commissioner Morris and seconded by Commissioner Brannon to accept the reports as presented. With a majority of the court members voting aye, the motion carried and so ordered.

Order 3: Came on to be considered were the precinct and countywide accounts payable for September 15, 2015 through September 28, 2015.

Motion was made by Commissioner Brannon and seconded by Commissioner Benham that all accounts presented in the fund

requirement print-out is ordered paid and presented to the Treasurer for payment. With a majority of the court members voting aye, the motion carried and so ordered. (Printout is attached.)

- Order 12: Came on for consideration was waiving the penalty and interest on delinquent taxes regarding 85009530 Brown Geo.R/Garza Blk 2 sec 10/GH&N (N/2) as requested by Clyde Kitten. Tax Collector Wallace suggested that there be more investigation as to who owns what percentage of interest and that he should not pay any taxes until the percentage of ownership is resolved. Motion was made by Commissioner McDaniel and seconded by Commissioner Morris to TABLE the issue. With a majority of the court members voting aye, the motion carried and so ordered.
- Order 4: Came on for consideration was the Workers' Compensation Program renewal. Motion was made by Commissioner Morris and seconded by Commissioner Benham to renew the program for Workers' compensation with the Texas Association of Counties. With a majority of the court members voting aye, the motion carried and so ordered. (Info is attached.)
- Order 9: Came on for consideration was road work for G&G Contractors, Ltd./Brandt Engineers and to consider payment. A motion was made by Commissioner McDaniel and seconded by Commissioner Benham to approve paying 90% of invoice from G&G Contractors and upon completion of the project, pay the 10% balance. With a majority of the court members voting aye, the motion carried and so ordered.
- NOTES: Commissioner Morris expressed concerns for about 30 potholes that were not patched properly. Oscar Ostros, of Brandt Engineers, explained that the holes originally identified have been patched and that the condition of the road would not allow for the contracted work to return the road conditions to 100%. He prefers to wait a full year to determine how the roads will react through the different conditions. Morris is concerned about leaving the holes as they are for another year. Ostos said the intent of the project was to extend the life of the road and believes that was accomplished. More work would qualify as a full reconstruction of the road. Morris said not all holes were patched. Oscar explained that there was not enough material to*

do more patching. Commissioner McDaniel said the county paid engineering fees to not have to closely monitor the project. Morris does not want the county to pay more to make it right. Allen Barker, G&G Operators, said that if the holes were not marked they didn't get patched. He believes that the work done will extend the life of the road by 10 years. McDaniel said it was engineer's responsibility to mark the holes, not Morris'. Morris added that because of the weather, the work was rushed. He said he patched some of the pot holes and wants someone else to patch the remaining holes and not the county. Ostos wants to wait and see how the road develops. Contractor suggested waiting through the first season and repairs be done then under the warrantee clause of the agreement. Additional work would be at the expense of the county. Attorney Weems explained that liability is not the counties until after the county accepts the project. He suggests that the county withhold all or part of the payment until the county is satisfied. McDaniel said that who does work on his roads (Prec. 1) next year depends on the outcome of this scenario. Morris wants the approximately 30 holes patched. Ostos would like for the seal cote jobs be paid to the contractor (G&G). Contractor requests 90% of the total. Morris and Norman agree to proposal. The contractor can reevaluate the project and mark the holes within 10 days from today.

The meeting recessed at 10:07 a.m.

The meeting resumed at 10:24 a.m.

Reviewed Order 3 concerning invoices from G&G Contractors and Brandt Engineers reflecting the action taken in Order 9: to adjust the invoice totals to pay 90% of contractor's invoice and to pay 90% of engineers invoice.

Order 5: Came on for consideration was the Notice for the November 3, 2015 Constitutional Amendment Election. Clerk Plummer informed the court that this is for informational purposes and all that is necessary is to obtain the judge's signature. No action required. (Notice is attached.)

Order 6: Came on for consideration was the maintenance and license agreement with Elections Systems and Software (ES&S).

Clerk Plummer explained that the funds are reserved in the HAVA Revenue account and that the costs will be paid over two years of equal amounts of \$2605.91. Attorney Weems reviewed and approved the contract.

Motion was made by Commissioner Brannon and seconded by Commissioner Morris to approve the agreement with ES&S. With a majority of the court members voting aye, the motion carried and so ordered. (Contract is attached.)

Order 7: Came on for consideration was applications for public assistance.

a. Attorney Weems informed the court that the applicant does not qualify for assistance.

Motion was made by Commissioner McDaniel and seconded by Commissioner Benham to DENY the application from K.M. With a majority of the court members voting aye, the motion carried and so ordered. (Application is attached.)

b. Attorney Weems informed the court that the applicant does not qualify for assistance.

Motion was made by Commissioner McDaniel and seconded by Commissioner Brannon to DENY the application from A.H. With a majority of the court members voting aye, the motion carried and so ordered. (Application is attached.)

c. Attorney Weems informed the court that the applicant does qualify for assistance.

Motion was made by Commissioner Brannon and seconded by Commissioner Benham to approve the application from L.W.: \$97 for rent.

With a majority of the court members voting aye, the motion carried and so ordered. (Application is attached.)

Order 8: Came on for consideration was the fiscal year 2016 indigent defense contract for district court.

Judge Norman informed the court that the 2016 cost is \$12,847.50, an increase of \$4091.40 over last year.

Motion was made by Commissioner McDaniel and seconded by Commissioner Morris to approve the contract with Attorney Arthur Aguilar. With a majority of the court members voting aye, the motion carried and so ordered. (The contract is attached.)

Order 10: Came on for consideration was to accept a donation of materials and labor to improve County Road 217 and to execute a required release of liability.

Commissioner Brannon explained that A-Rock Materials will resume business. Jerry Graves, owner of A-Rock, wants to widen the portion of the road to his business at Graves' expense. Motion was made by Commissioner McDaniel and seconded by Commissioner Benham to accept the donation and to execute a release of liability after the project is completed. With a majority of the court members voting aye, the motion carried and so ordered.

Order 11: Came on before the court was public comment on closing or abandoning a portion of County Road 155 and possibly act upon the request.

No public comment was expressed.

Motion was made by Commissioner Morris and seconded by Commissioner Benham to vacate a one mile portion of County Road 155 between Ranch Road 1313 and going north to County Road 260.

With a majority of the court members voting aye, the motion carried and so ordered. (Information is attached.)

Order 13: Came on for consideration was an Interlocal cooperation contract with the Department of Public Safety for the Senate Bill 1729 pilot program schedule Drivers License office.

Judge Norman said that after two legislative sessions, it is now possible to reopen the drivers' license office. This will be open full time with a full time employee hired by the Department of Public Safety. County employee Billie Williams will be the fill-in for the DPS employee. The service may start with-in 60 days.

Motion was made by Commissioner Morris and seconded by Commissioner Brannon to approve the contract.

With a majority of the court members voting aye, the motion carried and so ordered. (The contract is attached.)

Order 14: Came on for consideration was additional sick leave for an employee in the Clerk's office.

Clerk Plummer explained that Dora Ayala expects to be back to work on October 5.

Motion was made by Commissioner Benham and seconded by Commissioner Morris to approve additional sick leave for Dora Ayala until the next regular meeting on 10/08/2015.

With a majority of the court members voting aye, the motion carried and so ordered.

Order 15: Came on for consideration was line item transfers and budget amendment requests.

Two (2) line item transfers and One (1) budget amendment were submitted.

a. A motion was made by Commissioner Benham and seconded by Commissioner McDaniel to approve the budget amendment presented for the R&B 2 office for \$71,067.11.

With a majority of the court members voting aye, the motion carried and so ordered.

b. A motion was made by Commissioner Brannon and seconded by Commissioner Morris to approve the line item transfer presented for the R&B 1 office for \$5000.

With a majority of the court members voting aye, the motion carried and so ordered.

c. A motion was made by Commissioner Benham and seconded by Commissioner McDaniel to approve the line item transfer presented for the AgriLife Extension office for \$621.96.

With a majority of the court members voting aye, the motion carried and so ordered.

d. A motion was made by Commissioner Benham and seconded by Commissioner McDaniel to approve the line item transfer presented for final payment for the air conditioning project for \$42,025.99.

With a majority of the court members voting aye, the motion carried and so ordered.

(Line item transfers and budget amendment are attached.)

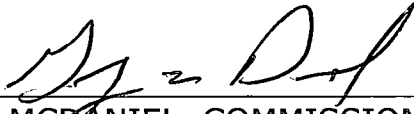
Order 14: Public Comment
None presented.

The next regular meeting is set for October 8, 2015.

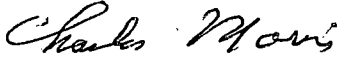
Approved and signed this 8th day of October, 2015.



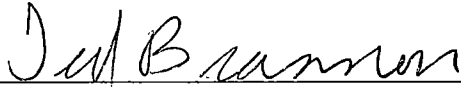
LEE NORMAN, COUNTY JUDGE



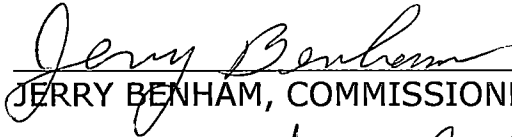
GARY MCDANIEL, COMMISSIONER PCT. 1



CHARLES MORRIS, COMMISSIONER PCT. 2



TED BRANNON, COMMISSIONER PCT. 3



JERRY BENHAM, COMMISSIONER PCT. 4

ATTEST:



JIM PLUMMER, COUNTY CLERK

P.O. Box 366
 300 West Main Street
 Post. Texas 79356



Phone: 806-495-4430
 Fax: 806-495-4431

JIM PLUMMER
 District and County Clerk

**Welcome to the
 Commissioners Court
 of Garza County**

*Please leave any printed
 material you presented
 with the Clerk.
 Thank You!*

Date: SEPT. 28, 2015

	Name (please print)	Organization's Name	Addressing the Court "Yes" or "No"	Leaving Printed Material "Yes" or "No"
1	Travis Juils	G & B Operators		
2	Clyde Ritzen			
3	Oscar Ostos	Brandt Engineers	YES	NO
4	ALLEN BARKER	G & B OPERATORS		
5	Tom Payton	SELF	NO	NO
6	Kent Mahoney	POST DISPATCH	NO	NO
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