

Franklin County Commissioners' Court
Commissioner Court Minutes
Regular Session
February 14, 2011

The Franklin County Commissioners' Court met in Regular Session February 14, 2011 at 9:00 AM in the Council Chambers at the Mount Vernon City Hall located at 109 North Kaufman Street.

Members present: Paul Lovier, County Judge
Danny Chitsey, Commissioner, Precinct 1
Donnie Surratt, Commissioner, Precinct 2
Deryl Carr, Commissioner, Precinct 3
Sam Young, Commissioner, Precinct 4
Will Ramsay, County Attorney
Betty Sue Allen, County Treasurer
Betty Crane, County Clerk

VISITORS: Paul Fletcher, Clint Hopkins, Jim Alford, Sue Ann Harper, Jerry Cooper, Jeff Briscoe, Amy Briscoe, Willie Bane, Chuck Armstrong, Bert Edmondson, Lisa Lawrence, Pam Swanner, Bryan Giguere, Everett Walter, Richard Hamrick, Perry Henderson, Brett Kirkman, Steve Slaton, Lillie Bush-Reves, Leon Pless, V. J. Rhoades, Mike Michaelson, Marcia Davis-Seale

Judge Lovier called the meeting to order and offered prayer.

APPROVE MINUTES FROM THE JANUARY 18, 2011 SPECIAL SESSION, JANUARY 18, 2011 WORKSHOP AND JANUARY 24, 2011 REGULAR SESSION – COUNTY CLERK Commissioner Carr made a motion to approve the minutes from the January 18 Special Session, January 18 Workshop Session and January 24, 2011 regular meeting and Commissioner Surratt seconded the motion. Motion carried.

AUDIT CLAIMS AGAINST THE COUNTY AND AUTHORIZE THEIR PAYMENT – TREASURER - Commissioner Young made a motion to approve all the claims against the county and Commissioner Chitsey seconded the motion and the motion carried. Commissioner Chitsey requested holding one check until the truck arrives. See Vol. 1P Page _____

MONTHLY REPORTS County Treasurer Betty Sue Allen presented the January monthly 2011 reports. Commissioner Young made a motion to approve the monthly reports and Commissioner Chitsey seconded the motion. Motion carried. See Volume 1P Page _____

FIRST READING REPLAT EAGLE POINT SUBDIVISION, LOT 1R PHASE VII AND 0.894 ACRES B BROOKS SURVEY – PAM SWANNER FOR JERRY HOLLEY- Commissioner Young made a motion to approve the first reading of the replat of Eagle Point subdivision, lot 1R of phase VII and 0.894 acres in the B. Brooks survey and Commissioner Carr seconded the motion. Motion carried.

COURTHOUSE RESTORATION- COUNTY JUDGE – Judge Lovier reported a meeting has been scheduled with the Historical Commission, Charlie Wilson and the representatives from RBR construction. He stated everyone is on pins and needles with the Governor cutting a lot of funding. He reported some will be going to Austin to talk about the funding of the interior project. Commissioner Carr suggested passing a resolution to explain our situation.

PRESENTATION OF COUNTY AUDITOR TO COMMISSIONERS' COURT – COUNTY JUDGE - Judge Lovier introduced the new county auditor Mike Michaelson. He reported Mr. Michaelson is bonded and all the preliminary work has been done. Commissioner Young welcomed Mr. Michaelson aboard but complained that it took so long for the Commissioners to be introduced to him and stated he has not been certified by Commissioners' Court. Judge Lovier stated he was not certified today because it was not on the agenda but it had been on an earlier agenda. Commissioner Young stated we had talked about the decorum and communication and complained that the Commissioners had not been informed by the County Judge or the District Judges. Judge Lovier reported the preliminary swearing in has been done and we are just waiting for the approval of the Commissioners' Court and this should have been on the agenda. Commissioner Young read Local Government Code 84.008 (b) titled Joint Employment of County Auditor in Counties with Population of Less than 25,000. See Volume 1P Page _____ to read the statute. Judge Lovier stated the District Judges Order Appointing the County Auditor will be presented at the next meeting and then will be recorded in the Minutes. Judge Lovier stated the need for the auditor has been established because Commissioners' Court voted to create the position. Judge Lovier apologized for not notifying everyone but he thought everyone knew about it. Mike Michaelson stated he looked forward to working with everyone and wanted to ease everyone's concerns. He recognized there will be challenges and we need to find ways to make do with what we can to succeed in our endeavors.

CONSIDER AND APPROVE FUNDS TRANSFER FOR MEDICAID UPPER PAYMENT LIMIT PROGRAM (UPL) – PERRY HENDERSON, ETMC Mr. Henderson explained the County helps with the UPL funding and which has been matched for the last two years with federal funding which helps with the indigent. There is another part of the UPL program that allows the hospitals to fund it and that money is also matched. Mount Vernon has not been able to participate in that because we didn't have that level of indigent and Medicaid patients to do that. Mr. Henderson gave a quick overview of why there is an upper payment limit and explained this is for rural hospitals that pay the gap between our cost and what Medicaid pays and there are two ways to do that. He explained through intergovernmental transfers like what the county has done the last 2 years and through self-funded transfer into the UPL program. The transfer will be made by ETMC (\$44,946.20) and it will be with hospital funded dollars. These hospital funded dollars go into a TEXNET fund which is part of the state system and goes directly into the Department of Health and Human Services. He reported in about a week the hospital will receive \$155,240.72 which is the federal government's effort to make up that gap of what was paid and what should have paid. Many questions were asked and Mr. Henderson answered their questions. Commissioner Carr made a motion to approve transferring the funds for the Upper Payment Limit program and Commissioner Surratt seconded the motion. Motion carried.

CONSIDER AND APPROVE COUNTY LIBRARY SECURITY SYSTEM – LISA LAWRENCE – Commissioner Carr made a motion to approve purchasing the Franklin County Library a security system from Network Technologies in the amount of \$4,813.85 and Commissioner Surratt seconded the motion. Motion carried. The funds to pay for this are to come from courthouse security fund. See Volume 1P Page _____

APPROVAL OF BID FOR COUNTY LIBRARY ELECTRICAL WORK AND INSPECTION BY BOGUE ELECTRIC (\$1000.00) – LISA LAWRENCE – Commissioner Carr made a motion to approve the bid from Bogue Electric in the amount of \$1000.00 for the Franklin County Library electrical work and inspection to be paid out of repairs and Commissioner Surratt seconded the motion. Motion carried. See Volume 1P Page _____

RECORD BETTY SUE ALLEN'S CERTIFICATION OF OPEN MEETINGS ACT AND PUBLIC INFORMATION ACT – TREASURER – Treasurer Betty Sue Allen presented her certificate of attendance for the Open Meetings Act and Public Information Act. See Volume 1P Page _____

RECORD DONNIE SURRATT'S CERTIFICATION OF OPEN MEETINGS ACT AND PUBLIC INFORMATION ACT – PRECINCT 2 Commissioner of Precinct 2, Donnie Surratt presented his certificate of course completion for the Open Meetings Act. See Volume 1P Page _____

RECORD PAUL LOVIER'S CERTIFICATION OF OPEN MEETINGS ACT AND PUBLIC INFORMATION ACT – COUNTY JUDGE County Judge, Paul Lovier presented his certificate of course completion for the Public Information Act. See Volume 1P Page _____

APPROVE INTERFUND TRANSFER FROM THE GENERAL ACCOUNT TO INDIGENT HEALTH CARE AND SPORTS COMPLEX – TREASURER – Commissioner Chitsey made a motion to approve the interfund transfer from the General Account to the Indigent Health Care (\$20,000) and to the Sports Complex (\$38,000). See Volume 1P Page _____

APPROVAL OF RENEWAL OF RATE CHANGE MAINTENANCE AGREEMENT WITH JETT BUSINESS SYSTEMS – TREASURER – Commissioner Young made a motion to approve the renewal of the rate change maintenance agreement with Jett Business Systems and Commissioner Surratt seconded the motion. Motion carried. See Volume 1P Page _____

DISCUSS AND APPROVE RENEWAL OF ASTARO SECURITY GATEWAY SUBSCRIPTION FOR 1 OR 3 YEARS – TREASURER – Commissioner Surratt made a motion to approve the renewal of the Astaro Security Gateway subscription for three years and Commissioner Chitsey seconded the motion. Motion carried. See Volume 1P Page _____

APPROVE TAX REFUND FOR GALE DUFF-BLOOM IN THE AMOUNT OF \$1,695.17 – TAX ASSESSOR – Tax Assessor Sue Ann Harper reported receiving payment for taxes from the financial institution and the owner of the property. Commissioner Carr made a motion to approve a refund in the amount of \$1,695.17 to Gale Duff-Bloom and Commissioner Surratt seconded the motion. Motion carried.

APPROVE TAX REFUND FOR SELENA OAKS-LEE IN THE AMOUNT OF \$1,849.38

- TAX ASSESSOR Tax Assessor Sue Ann Harper reported receiving payment for taxes from the financial institution and the owner of the property. Commissioner Carr made a motion to approve a refund in the amount of \$1,849.38 to Selena Oaks-Lee and Commissioner Surratt seconded the motion. Motion carried

APPROVAL OF INTERLOCAL AGREEMENT WITH CITY OF WINNSBORO FOR TAX COLLECTION - TAX ASSESSOR

- Tax Assessor Sue Ann Harper reported receiving a request from the City of Winnsboro for an interlocal agreement for tax collection. She reported speaking with County Attorney Will Ramsay and he suggested the only change to be made would be to include the 1% collection amount to be paid monthly. This item was tabled and will be presented at the next Commissioners' Court with the changes made.

SECURITY ISSUES WITHIN TAX OFFICE - TAX ASSESSOR

- Tax Assessor Sue Ann Harper reported doors had been left unlocked on more than one occasion and she expressed concerns. She reported the problem is the room that houses the computer equipment, heat, air conditioner and telephone equipment is inside her office. She suggested adding a couple of doors to make it where the server room can be entered from the hallway without having to come directly through her office. She reported having an approximate cost of about \$2500 to make two doorways. Commissioner Chitsey made a motion to make two doorways as suggested by the Tax Assessor and Commissioner Young seconded the motion. Motion carried.

DEPUTATION OF EVA DEAL AS DEPUTY TAX ASSESSOR - TAX ASSESSOR

Commissioner Chitsey made a motion to approve the deputation of Eva Deal as Deputy Tax Assessor and Commissioner Surratt seconded the motion. Motion carried. Tax Assessor Sue Ann Harper reported this is a part-time position in the motor vehicle are of her office. See Volume 1P Page _____

APPROVAL OF MEMBERS OF THE FRANKLIN COUNTY HISTORICAL COMMISSION FOR 2011

- Commissioner Carr made a motion to approve the appointment of members of the Franklin County Historical Commission for 2011 and Commissioner Young seconded the motion. Motion carried. See Volume 1P Page _____ to view the appointed 2011 members of the Franklin County Historical Commission.

REAPPOINT B F HICKS AS CHAIRMAN OF FRANKLIN COUNTY HISTORICAL COMMISSION FOR 2011

Commissioner Carr made a motion to reappoint B. F. Hicks as the Chairman of the Franklin County Historical Commission for 2011 and Commissioner Young seconded the motion. Motion carried.

CONSIDER AND APPROVE RESOLUTION FOR TEXAS BOTTLE BILL

Commissioner Carr made a motion to approve the resolution for the Texas Bottle Bill and Commissioner Surratt seconded the motion. Motion carried. Commissioner Young stated he was a "no vote" on this resolution. See Volume 1P Page _____

REQUEST WAIVER FOR PAYMENT IN LIEU OF TAXES - MOUNT VERNON HOUSING AUTHORITY

- Commissioner Carr made a motion to deny the waiver for payment in lieu of taxes for the Mount Vernon Housing Authority and Commissioner Young seconded the motion. Motion carried. See Volume 1P Page _____

DISCUSS AND APPROVE NEW FCC LICENSE TO USE UNICOM FREQUENCY 123.000 MHZ – AIRPORT BOARD OR COUNTY JUDGE – County Judge Lovier reported the FCC license expired in 2002 and had never been renewed. Sheriff Fletcher reported they may want to talk to Deaton Communications about doing this. This item was tabled until February 28, 2011.

APPROVAL OF CHANGES FOR SIGNATURES ON BANK ACCOUNTS PURSUANT TO LOCAL GOVERNMENT CODE CHAPTER 133 – TREASURER – Treasurer Betty Sue Allen presented a list of bank accounts that need to have the signature cards updated since we have new elected officials as well as a new auditor. See Volume 1P Page _____ to view the list of bank accounts as well as the updated information with the signatures to add and delete on each account. Commissioner Surratt made a motion to approve the changes of signatures on the bank accounts and Commissioner Young seconded the motion. Motion carried.

APPROVAL OF ORDER TO PAY BILLS WITHOUT PRIOR APPROVAL – TREASURER – Commissioner Surratt made a motion to approve the order to pay the bills without prior approval and Commissioner Young seconded the motion. Motion carried. See Volume 1P Page _____

CONSIDER AND APPROVE CITY TELE COIN (CTC) TO PROVIDE INMATE PHONE SYSTEM FOR FRANKLIN COUNTY SHERIFF'S OFFICE – SHERIFF
County Attorney Will Ramsay reported the issue is regarding the funds and the contract with City Tele Coin Company needs to be ratified. A few months ago the contract was signed before being approved through Commissioners' Court. Another issue is the use of the funds from the pre-paid phone cards that are sold through the commissary. At one point those funds (when it was not pre-paid phone cards) went into the general fund for the county. Now that the funds are for pre-paid phone cards it goes into the commissary to be used for the inmates. The Attorney General gave an opinion in November that says if these pre-paid phone cards are sold through commissary those funds would be used at the discretion of the Sheriff for the benefit of the inmates. Sheriff Fletcher suggested using funds from the Inmate Commissary Fund to pay an overtime rate for an officer to work outside with the inmates. This will benefit the inmates because they can earn up to three days jail time credit. This would also benefit the county because it would reduce the prisoners in the jail which would reduce our cost. He hoped this would help build up the commissary fund and he would like to assist with paying the jail doctor. He requested a couple of days notice so he could get an officer to work overtime when they needed inmate workers. Commissioner Carr made a motion to approve the City Tele Coin Correctional Communications Services Agreement and Commissioner Surratt seconded the motion. Motion carried.

DISCUSS AND TAKE ACTION REGARDING FRANKLIN COUNTY'S ACCEPTANCE OF THE DEDICATION OF ROADS AND RIGHT-OF-WAYS WITHIN ELMWOOD SUBDIVISION, PHASE 1 AS SHOWN ACCORDING TO THE PLAT RECORDED IN PLAT CABINET RECORDS 89A OF FRANKLIN COUNTY, TEXAS – COUNTY ATTORNEY County Attorney Will Ramsay presented documents titled Dedication of Public Interest in Road or Right-of-Way. These roads are located in the Elmwood Subdivision, Phase 1 which can be found in the County Clerk Plat Cabinet Records 89A. We received the dedication by the fee simple owner of the roads and the subdivision which is Mr. and Mrs. Charles Newman. The County Attorney also reported receiving the signatures on the agreements from all the other abutting landowners.

Commissioner Chitsey reported when Mr. Newman built the roads he built them to spec and there is about 9/10th of a mile of road. Commissioner Chitsey made a motion to accept the dedication of the roads and right-of-ways within Elmwood Subdivision of phase 1 and Commissioner Young seconded the motion. Motion carried. Commissioner Chitsey stated he needs to get these roads on a grid map.

CONSIDER AND APPROVE SPONSORING CARSON AND BARNES CIRCUS AT SPORTS COMPLEX – PRECINCT 1

– Commissioner Chitsey made a motion to sponsor the Carson and Barnes Circus to be held at the Franklin County Sports Complex once the County Attorney has looked over the agreement and gives his approval and Commissioner Carr seconded the motion. Motion carried.

See Volume 1P Page _____

DISCUSS AND APPROVE EXEMPTION OF RELIGIOUS ORGANIZATIONS FOR SEPTIC PERMITS – PRECINCT 1

– This item was tabled until the next meeting.

CONSIDER AND APPROVE HJR 56 RESOLUTION – COUNTY JUDGE

Commissioner Young made a motion to approve the HJR 56 Resolution that will be sent to Austin objecting unfunded mandates and Commissioner Chitsey seconded the motion. Motion carried. See Volume 1P Page _____

DISCUSSION ITEMS: Commissioner Chitsey recommended having a workshop on the sports complex to get some rules set up. Judge Lovier recommended having the workshop Tuesday morning at 8AM at the Courthouse Annex East. Commissioner Carr reported some damage had been done at the Sports Complex by driving on the fields. Commissioner Chitsey reported collecting over \$26,000 at the Sports Complex Fundraiser. Commissioner Young commended Lillie Bush-Reves for all of her work at the fundraiser. Commissioner Young also reported reading in the Dallas Morning News the President calls for 53 billion for high speed rail.

I, Betty Crane, County Clerk certify that this is an accurate accounting of the proceedings of Commissioner's Court Regular meeting on February 14, 2011.

Witnessed and recorded this 14th day of February, 2011.


Betty Crane, County Clerk



