

COMMISSIONERS' COURT MINUTES

JANUARY 12, 2009

The Commissioners' Court of Wharton County, Texas met during Regular Session on Monday, January 12, 2009 in the Wharton County Commissioners' Courtroom, Wharton County Courthouse annex, 309 E. Milam Street, Wharton, Texas with the following members: County Judge John W. Murrile, Commissioners' Leroy Dettling, Pct.1, D.C. "Chris" King, Pct.2, Philip Miller, Pct.3, and James E. Kainer, Pct.4.

CALL TO ORDER at 9:42 A.M.

INVOCATION by Commissioner Pct.1 Leroy Dettling

PLEDGE OF ALLEGIANCE

Commissioner Dettling stated that he attended the Bright Minds Scholarship Fund Raiser and that they raised \$18,000.00.

Commissioner King stated he attended TXDOT plans for the coming year, and read an article from the Austin-Stateman concerning the TTCC. Commissioner King feels it still is the TTCC operating under a different name.

Commissioner Miller stated they are hauling gravel.

Commissioner Kainer stated it's cool and dry and that the Railroad is coming on.

PUBLIC COMMENTS

Travis Raun Pct.1 citizen addressed the court. If a citizen sees a pot hole what should they do? Call the Commissioner in that Precinct.

Loretta Romo Pct.1 citizen addressed the court. She has filed a complaint against Cassie Ritter, Court Administrator, and this was forwarded to District Judge Randy Clapp 329th District Court.

1. Authorize County Judge to sign contract between Jodie Hutchinson, MA, LPC, and Wharton County Juvenile Probation Department.

Chief Juvenile Probation Officer Holly McCown addressed the court.

Motion by Philip Miller, second by Leroy Dettling to authorize County Judge Murrile to sign contract between Jodie Hutchinson, MA, LPC, and Wharton County Juvenile Probation Department, all in favor. Approved 4-0.

2. Money from contingency fund for detention.

Chief Juvenile Probation Officer Holly McCown addressed the court. They need \$10,028.07 for the rest of the year for Juvenile probation, \$400.00 for additional social security, and \$630.00 for additional counseling for a total amount of \$11,058.07. Motion by Philip Miller, second by Chris King to pay bills as presented and authorize money from contingency fund for detention in the amount of \$11,058.07, all in favor. Approved 4-0.

6. Address office hours with department heads.

County Judge Murrile addressed this issue. They need the hours of operation of each of the counties offices so they can be put on the county website.

JP.2 8:00 A.M. to 4:30 P.M. They are open during the lunch hour. They close at 4:30 to the public to do the bank deposit. They leave at about 15 to 5:00 P.M. to get the deposit to the bank.

JP.1 7:30 A.M. to 4:30 P.M. They open at 7:30 A.M. to get the truancy cases in early. They are closed for lunch from 12:00 P.M. to 1:00 P.M. They close to the public at 4:00 P.M. to get the bank deposit done. She leaves at 4:15 P.M. to take the bank deposit and the paper work to the courthouse annex.

Permit Department 8:00 A.M. to 4:00 P.M. She does not take a lunch.

Veterans Services 7:30 A.M. to 4:00 P.M. Tuesday and Thursday and take a 30 minute lunch.

District Clerks Office 8:00 A.M. to 5:00 P.M. They are closed for lunch from 12:00 P.M. to 1:00 P.M. and close to the public at 4:30 P.M. They take the bank deposit about 15 to 5:00 P.M.

They questioned about child support being closed at lunch and what if someone needs to make a payment.

Tax Office 8:00 A.M. to 4:30 P.M. They are open during the lunch.

JP.4 8:00 A.M. to 5:00 P.M. They close for lunch from 12:00 P.M. to 1:00 P.M.

JP.3 8:30 A.M. to 4:30 P.M.

Commissioner Pct.1 6:30 A.M. to 5:00 P.M. Monday through Thursday. They take a 30 minute lunch but the office stay open during that time.

Commissioner Pct.2 7:00 A.M. to 5:30 P.M. Monday through Thursday. They are open during lunch.

Commissioner Pct.3 6:30 A.M. to 5:00 P.M. Monday through Thursday. They are open during lunch.

Commissioner Pct.4 6:30 A.M. to 5:00 P.M. Monday through Thursday. They are open during lunch.

3. Order authorizing Quitclaim of Drainage Easement from Douglas Dusek and wife.

Commissioner Leroy Dettling addressed this issue. This easement was give to the county at one time and is no longer needed. This is now part of the Santa Fe Project.

County Attorney G.A. "Trey" Maffett stated we received this easement years ago. Now the ditch is obsolete and they just need to authorize the judge to sign.

Motion by Leroy Dettling, second by Chris King to approve order authorizing Quick claim of Drainage Easement to Douglas Dusek and wife and authorize County Judge Murrile to sign, all in favor. Approved 4-0.

10. Establish fees for 2009.

Attorney Fee Schedule for County Court.

Straight Plea on Dismissal	\$125.00
Probation	\$150.00
More than one case	\$ 75.00 each case
Out of Court Time	\$ 60.00-\$90.00 hourly
In Court Time	\$ 60.00-\$90.00 hourly

County Clerk Fees.

\$5.00 per plat page (24x36).

\$5.00 per page for non official records.

County Judge Murrile addressed this issue. He has come together with the other judges and that want to raise the fees. The fees have not been raised since 2003. These fees are for Indigent Defense Attorneys and the County Clerk has a fee for \$5.00 for plat copies.

Motion by Philip Miller, second by Jimmy Kainer to approve fees for Indigent Defense Attorneys and the County Clerk for \$5.00 for plat copies, all in favor. Approved 4-0.

4. Request payment of \$10,573.88 to Pak Petroleum for 7459.0 gallons low sulfur dyed diesel purchased on December 30, 2008 to be taken from 2009 budget funds.

Commissioner Kainer addressed this issue.

Motion by Jimmy Kainer, second by Philip Miller to request payment of \$10,573.88 to Pak Petroleum for 7459.0 gallons of low sulfur dyed diesel purchased on December 30, 2008 to be taken from 2009 budget funds, all in favor. Approved 4-0.

5. Authorize County Judge to sign service agreement with IESI for trash pick up for Pct.4.

Commissioner Kainer addressed this issue.

County Attorney recommended paragraph 4 to be take out and 9B be deleted.

Commissioner King stated they should just use the recycle bend it all goes to the same grade 1 land field.

Pass will use the Counties Recycle.

7. Bonds.

County Attorney will check if employees that handle money need bonds.
Put on the next agenda, January 26, 2009.

8. Authorize payment of invoice from Halff Associates for Countywide Parks Master Plan Park Concept and Grant Application.

Mickey Reynolds with Halff Associates addressed the court. A book was handed out at a previous meeting with parks shown. The county received \$6,000.00 from WEDCO. Part of the funds from WEDCO was used for appraisal of land.

Motion by Leroy Dettling, second by Chris King to authorize payment of invoice from Halff Associates for Countywide Parks Master Plan Park Concept and Grant Application in the amount of \$8,062.04 to come out of the 2008 budget from the surplus of Pct.1, all in favor. Approved 4-0.

9. Authorize County Judge to sign software licensing agreement and software maintenance agreement with Spindlemedia.

Patrick Kubala addressed this issue. County Attorney stated he talked to them. There are changes that need to be made to the contract and Spindlemedia needs to submit the contract to us signed.

Put back on the next agenda, January 26, 2009.

Recess for break at 10:23 A.M.

Reconvene at 11:05 A.M.

21. \$11,000 from Records Management Fund for temporary office help (scanning).

District Clerk Denice Malota addressed this issue. She is requesting \$11,000.00 for archive scanning. The bid that she received is \$242,000.00 to have someone come in and they would not be scanning the way she wanted it.

Commissioner King and Miller wanted to know if she received any other bids. They want Denice to find out if they will come in and scan \$50,000.00 at a time and scan the documents in the way she wants them done. They are requesting that she gets other bids.

13. Job description for rural addressing and inspection.

Monica Martin addressed the court. They have about 4 inspections a week.

The court expects 911 addressed to assist the permit office in making the position fulltime.

Job description:

1. Complete 911 addressing
2. Maintenance and updates of new addresses.
3. Assist Permit Office as needed.
4. Reports to Commissioners' Court and the County Judge is the supervisor of this position plus H-GAC description.

11. Purchase pickup thru H-GAC.

Commissioner Miller addressed this issue. He wants to purchase a pickup from Phil Pott Ford for \$21,815.89 thru H-GAC. Commissioner Miller has \$22,000.00 in his budget for this.

Motion by Philip Miller, second by Jimmy Kainer to approve purchase for pickup thru H-GAC for Pct.3 in the amount of \$21,815.89, all in favor. Approved

12. Retiree insurance and when it will start.

Commissioner Miller addressed this issue. He would like to see it changed to rule of 75 and pay same amount of insurance in the amount of \$352.00.

Motion by Philip Miller, second by Chris King to change retirement age to rule of 75 at the same insurance amount of \$352.00 effective January 1, 2010, all in favor.

Approved 4-1.

Commissioner Dettling-aye
Commissioner King-aye
Commissioner Miller-aye

Commissioner Kainer-aye
County Judge Murrile-no

14. Ratify approval of payroll in the amount of \$265,141.97 and payroll benefits in the amount of \$394,781.59 presented December 22, 2008.

Motion by Philip Miller, second by Jimmy Kainer to ratify approval of payroll in the amount of \$265,141.97 and payroll benefits in the amount of \$394,781.59 as presented on December 22, 2008, all in favor. Approved 4-0.

15. Ratify approval of time sensitive invoices in the amount of \$1,697.11 presented November 11, 2008.

Motion by Philip Miller, second by Leroy Dettling to ratify approval of time sensitive invoices in the amount of \$1,697.11 as presented on November 11, 2008, all in favor. Approved 4-0.

16. Ratify approval of time sensitive invoices in the amount of \$21.27 presented November 24, 2008.

Motion by Philip Miller, second by Jimmy Kainer to ratify approval of time sensitive invoices in the amount of \$21.27 as presented on November 24, 2008, all in favor. Approved 4-0.

17. Ratify approval of time sensitive invoices in the amount of \$191,674.75 presented December 29, 2008.

Motion by Chris King, second by Leroy Dettling to ratify approval of time sensitive invoices in the amount of \$191,674.75 as presented on December 29, 2008, all in favor. Approved

18. Authorize County Treasurer and County Auditor to pay and release time sensitive invoices presented, safety supplements, payroll and applicable benefits for January 15, 2009 to be ratified by Commissioners' Court January 26, 2009.

Motion by Jimmy Kainer, second by Philip Miller to authorize County Treasurer and County Auditor to pay and release time sensitive invoices presented, safety supplements, payroll and applicable benefits for January 15, 2009 to be ratified by Commissioners' Court on January 26, 2009, all in favor. Approved

Revisit-15. Ratify approval of time sensitive invoices in the amount of \$1,697.11 presented November 11, 2008.

Motion by Philip Miller, second by Jimmy Kainer to change the date to November 10, 2008, all in favor. Approved 4-0.

19. Approve 2009 Salary Schedules.

County Auditor Sharon H. Boedeker addressed the court. There are changes that need to be made.

Recess for lunch at 12:15 P.M.

Reconvene at 01:30 P.M.

Will revisit item #19 later.

20. Liability insurance for constables that patrol East Bernard.

County Judge Murrile addressed this issue. All is taken care of. No action taken.

24. Order waiving the requirement of the County Judge's approval of accounts per Local Government Code 113.901.

Motion by Philip Miller, second by Chris King to approve order waiving the requirement of the County Judge's approval of accounts per Local Government Code 113.901, all in favor. Approved 4-0.

25. Take appropriate action regarding policy for compliance with Local Government Code 130.908, approval of spending by certain county and precinct officers.

County Auditor Sharon H. Boedeker addressed this issue, she read the Local Government Code 130.908. Sharon feels this should be set at \$500.00.

Commissioner Miller feels this should be set at \$1,000.00.

Commissioner King feels that's not enough and that it should be set at \$2,500.00.

Motion by Chris King, second by Jimmy Kainer to approve Local Government code 130.908 for the court to approve any expenditures by the incumbent County or Precinct office who was not nominated or re-elected that is over an amount set by the court of \$2,500.00, all in favor. Approved 4-0.

26. Order authorizing release of bond from Devon Energy Production Company, L.P.

Commissioner King addressed this issue. Devon Energy Production Co., has done significant damage to CR 229.

Will contact security company and let them know that there is a claim.

27. Resolution #09-01-Exempt License Plates.

Motion by Philip Miller, second by Jimmy Kainer to approve resolution #09-01-Exempt License Plates, all in favor. Approved 4-0.

29. Take all appropriate action regarding shortages in 2008 operating budget for RB 2, RB 4 and FM&LR 4.

Pct.2 R&B \$7,989.49 reclassification FM \$18,000.00
Pct.4 R&B \$9,441.00 FM \$4,951.00

Motion by Jimmy Kainer, second by Leroy Dettling to allow transfer from capital to operating funds for Pct.2 R&B to FM account, and Pct.4 R&B to FM&LR, all in favor. Approved 4-0.

30. Approve December Commissioners' Court Minutes.

Motion by Philip Miller, second by Jimmy Kainer to approve December's Commissioners' Court Minutes, all in favor. Approved 3-0.

Commissioner King absent for the vote.

**31. Accept Monthly Reports:
Commissioners' Pct.'s 1,3 & 4-December; Veteran Services-December; County Clerk-December; Justice of Peace 1-4-December; Mental Health Transport-December; Constable 1 & 3-December; Collection of Delinquent Taxes-November.**

County Judge Murrile read the monthly reports into the minutes.

Motion by Philip Miller, second by Jimmy Kainer to accept monthly reports as stated by County Judge Murrile, all in favor. Approved 3-0.

Commissioner King absent for the vote.

32. Permits.

Pct.1-None

Pct.2-None

Pct.3-None

Pct.4-None

33. Pay Claims.

\$440.00
\$2,083.00
\$88,041.22
\$448,927.24

Motion by Jimmy Kainer, second by Leroy Dettling to pay claims, all in favor.
Approved 4-0.

Batch 50
\$477.88 Pct.2 32in TV.

Motion by Chris King, second by Leroy Dettling to pay claim for Pct.2 for 32in TV in the amount of \$477.88, all in favor. Approved 4-0.

28. Approve the leasing from TxDOT Motor Vehicle Division a second RTS system for the El Campo Annex Office.

Tax Assessor-Collector Patrick Kubala addressed this issue. He is needing to move an employee from the Wharton office to the El Campo office and will need this system.

Motion by Jimmy Kainer, second by Chris King to approve the leasing from TxDOT Motor Vehicle Division for a second RTS system for the El Campo Annex Office in the amount of up to \$1,500.00 a year, all in favor. Approved 4-0.

22. Budget adjustments.

County Auditor Sharon H. Boedeker read the 2008 budget adjustments into the minutes.

Motion by Philip Miler, second by Chris King to approve the 2008 budget adjustments as stated by the County Auditor, all in favor. Approved 4-0.

Revisit-7. Bonds.

County Attorney G.A. "Trey" Maffett addressed this issue. Bond by Statue if there's a bond set by a Statue then we need bond. If not then no bond is needed.

Revisit-22. Budget adjustments.

County Auditor Sharon H. Boedeker read the 2009 budget adjustments into the minutes.

Motion by Jimmy Kainer, second by Leroy Dettling to accept 2009 budget adjustments as stated by the County Auditor, all in favor. Approved 4-0.

23. Budget amendments.

County Auditor Sharon H. Boedeker read the 2008 budget amendments into the minutes.

Motion by Philip Miller, second by Chris King to approve the 2008 budget amendments as stated by the County Auditor, all in favor. Approved 4-0.

County Auditor Sharon H. Boedeker read the 2009 budget amendments into the minutes.

Motion by Philip Miller, second by Leroy Dettling to approve the 2009 budget amendments as stated by the County Auditor, all in favor. Approved 4-0.

Revisit-19. Approve 2009 Salary Schedules.

Motion by Philip Miller, second by Chris King to approve 2009 Salary Schedules, all in favor. Approved 4-0.

ADJOURN

Motion by Philip Miller, second by Chris King to adjourn, all in favor. Approved 4-0.