

STATE OF TEXAS §

DATE: OCTOBER 12, 2010

COUNTY OF POLK §

REGULAR MEETING

ALL MEMBERS - Present

**COMMISSIONERS COURT**  
**AGENDA POSTING #2010 - 142**

BE IT REMEMBERED ON THIS THE 12TH DAY OF OCTOBER, 2010  
 THE HONORABLE COMMISSIONERS COURT MET IN "REGULAR" CALLED  
 MEETING WITH THE FOLLOWING OFFICERS AND MEMBERS PRESENT, TO WIT;

HONORABLE JOHN P. THOMPSON, COUNTY JUDGE, PRESIDING.  
 BOB WILLIS - COMMISSIONER PCT #1, RONNIE VINCENT - COMMISSIONER  
 PCT #2, MILTON PURVIS - COMMISSIONER PCT #3, C.T. "TOMMY" OVERSTREET-  
 COMMISSIONER PCT #4, SCHELANA WALKER - COUNTY CLERK AND RAY STELLY -  
 COUNTY AUDITOR. THE FOLLOWING AGENDA ITEMS, ORDERS AND DECREES WERE  
 DULY MADE, CONSIDERED & PASSED.

1. WELCOMED & CALLED TO ORDER AT 10:00 A.M. BY JUDGE THOMPSON.
  - INVOCATION LED BY LARRY SHINE.
  - PLEDGE OF ALLEGIANCE TO U.S. & TEXAS FLAGS LED BY JIM JOHNSON.
2. PUBLIC COMMENTS:
  - A. LEON BAILEY, CHAIRMAN OF WELFARE BOARD, UPDATED COURT ON WELFARE BOARD.
3. INFORMATIONAL REPORTS:
  - B. SHERIFF KENNETH HAMMACK PRESENTED SEPTEMBER REPORT FOR JAIL NOTING \$13,000 WAS SPENT ON OUTSIDE HOUSING OF INMATES AND CURRENT JAIL POPULATION IS 137 WITH 21 INMATES AT IAH.
  - C. COMMISSIONER WILLIS ASKED QUESTIONS REGARDING PAYROLL BEING DEDUCTED FROM THIS YEAR'S BUDGET INSTEAD OF LAST YEAR'S BUDGET.
  - D. RAY STELLY, COUNTY AUDITOR, PROVIDED UPDATE ON SURPLUS AUCTION.

DISCUSSION OF AGENDA ITEM 4 BY ASSISTANT DIST. ATTORNEY, MICHAEL MATTHEWS AND CONSTABLE CLACK.

4. OLD BUSINESS (TABLED FROM LAST AGENDA)
  - A. MOTIONED BY BOB WILLIS, SECONDED BY MILTON PURVIS, APPROVAL OF CONSTABLE CHARLES CLACK'S REQUEST FOR APPOINTMENT OF KENNETH HAMBRICK AS PRECINCT 1 DEPUTY CONSTABLE AND APPROVE BOND FOR SAID APPOINTMENT.  
 VOTES RECORDED AS FOLLOWS:  
 JUDGE THOMPSON - NO  
 COMMISSIONER WILLIS - YES  
 COMMISSIONER VINCENT - YES  
 COMMISSIONER PURVIS - YES  
 COMMISSIONER OVERSTREET - YES.  
 MOTION CARRIED. (SEE ATTACHED)

**NEW BUSINESS**

5. CONSENT AGENDA: JUDGE THOMPSON NOTED THAT AGENDA ITEM D INCLUDES AN ADDENDUM IN THE AMOUNT OF \$23,197.49 AND COMMISSIONER OVERSTREET REQUESTED ITEM N BE DISCUSSED INDIVIDUALLY.

MOTIONED BY RONNIE VINCENT, SECONDED BY MILTON PURVIS, TO APPROVE THE CONSENT AGENDA AS FOLLOWS:

A. APPROVE MINUTES OF SEPTEMBER 28, 2010 SPECIAL AND REGULAR SESSION.

B. APPROVE BUDGET REVISIONS #2010-24 & #2011-01, AS PRESENTED BY THE COUNTY AUDITOR. (SEE ATTACHED)

C. APPROVE BUDGET AMENDMENTS #2010-24(a) & #2011-01(a), AS SUBMITTED AND REVIEWED BY COURT APPOINTED COMMITTEE. (SEE ATTACHED)

D. APPROVE SCHEDULE OF BILLS, INCLUDING ADDENDUM. (SEE ATTACHED)

DATE	AMOUNT	CHECK #
<b>FY 10</b>		
09/22/10	1,182.00	ACH 902
09/22/10	52.50	115
09/23/10	5,255.00	23
09/23/10	12,757.20	225602-225605
09/23/10	9,955.17	225606-225620
09/27/10	5,724.68	225621
09/28/10	5,724.68	225622
09/28/10	201,278.10	225623-225691
09/29/10	3,618.32	ACH 909
09/29/10	1,993.00	24
09/29/10	16,491.13	188
09/29/10	2,784.00	903
09/30/10	139,315.10	ACH 910
09/30/10	3,842.50	116-117
09/30/10	24,354.53	225701-225702
09/30/10	169,261.54	225703
09/30/10	57,338.18	225704-225732
09/30/10	42,990.09	225733-225789
09/30/10	6,352.70	225790-225800
10/01/10	5,434.52	ACH 911
10/05/10	1,450.00	189
10/05/10	129,169.35	225807-225887
9/03/10-9/31/10	-16,839.73	Voided Check Register
	829,484.56	Subtotal (FY10 total)
<b>FY 11</b>		
09/29/10	2,724.47	ACH 904
09/29/10	45,703.74	ACH 905
09/29/10	10,688.76	ACH 906
09/29/10	28,415.39	ACH 907
09/29/10	274,991.15	ACH 908
09/29/10	3,016.91	225692-225700
10/01/10	16,535.95	225801-225805
10/04/10	50.00	1355
10/05/10	904,119.50	ACH 912
10/05/10	1,132.94	225806
10/05/10	6,016.67	225888-225889
	1,293,395.48	Subtotal (FY11 total)
10/12/10	Addendum to appear on future schedule	\$23,197.49
<b>TOTAL</b>	<b>2,122,880.04</b>	

- E. APPROVE PERSONNEL ACTION FORMS, AS REVISED. (SEE ATTACHED)
- F. APPROVE APPLICATION FOR PAYMENT #07 (KINGHAM - \$605,534.27); INVOICE #71.001.06 (HESTER + HESTER - \$4,492.11); CHANGE ORDER #5 (\$5,718 CONTAINING INC. #'S 11, 12 & 42). (SEE ATTACHED)
- G. APPROVE APPLICATION FOR PAYMENT (KINGHAM - \$962,586.09). (SEE ATTACHED)
- H. APPROVE ORDER DESIGNATING SURPLUS/SALVAGE PROPERTY, FOR ROAD & BRIDGE PRECINCT 3. (SEE ATTACHED)
- I. APPROVE JUSTICE OF THE PEACE PCT. 1 REQUEST FOR JUSTICE COURT TECHNOLOGY EXPENDITURE IN THE AMOUNT OF \$1,800, AMENDING THE REQUESTED AMOUNT FROM PCT 1'S PROPORTIONATE SHARE OF JUSTICE COURT TECHNOLOGY FUND BALANCE.
- J. APPROVE INTERLOCAL AGREEMENT BETWEEN POLK COUNTY, TEXAS AND BIG SANDY I.S.D. FOR THE COUNTY'S PROVISION OF ELECTION EQUIPMENT AND SERVICES FOR THE NOVEMBER 2, 2010 ELECTION. (SEE ATTACHED)
- K. APPROVE RESOLUTION AUTHORIZING SUBMISSION OF FY2011-2012 TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM APPLICATION AND AUTHORIZING COUNTY JUDGE TO ACT AS REPRESENTATIVE IN MATTERS PERTAINING TO THE COUNTY'S PARTICIPATION. (SEE ATTACHED)
- L. APPROVE DEEP EAST TEXAS COUNCIL OF GOVERNMENTS 2009 SUB-RECIPIENT AGREEMENT FOR POLK COUNTY ALLOCATION OF HOMELAND SECURITY GRANT PROGRAM FUNDING. (SEE ATTACHED)
- M. APPROVE RESOLUTION SUPPORTING AGING SERVICE'S APPLICATION FOR TEXAS DEPARTMENT OF AGRICULTURE'S HOME DELIVERED MEAL GRANT PROGRAM FOR FY2011. (SEE ATTACHED)
- N. HELD TO END.
- O. APPROVE SHERIFF'S DEPARTMENT REQUEST FOR PURCHASES TOTALING \$6,294.96 TO BE SUBMITTED FOR REIMBURSEMENT FROM DETCOG UNDER THE STATE HOMELAND SECURITY PROGRAM - LAW ENFORCEMENT ACTIVITY PROGRAM (LEAP). (SEE ATTACHED)

DISCUSSION OF CONSENT AGENDA ITEM N BY DAVID WAXMAN.

- N. MOTIONED BY TOMMY OVERSTREET, SECONDED BY RONNIE VINCENT, TO APPROVE AMENDMENT NO. 1 TO TDRA CONTRACT NO. DRS010146 CDBG DISASTER RECOVERY PROGRAM.

ALL VOTING YES.

(SEE ATTACHED)

- 6. MOTIONED BY MILTON PURVIS, SECONDED BY TOMMY OVERSTREET, TO SELECT SICK LEAVE POOL COMMITTEE BY RANDOM DRAWING AS FOLLOWS:  
SHEILA SMITH - SOCIAL SERVICES  
PAULA BAKER - DISTRICT CLERK  
THOMAS SHEFFIELD - R&B PCT 4  
ANTHONY LOWRIE - SHERIFF'S DEPT.  
CHRISTOPHER LIMA - SHERIFF'S DEPT.  
ALL VOTING YES.

DISCUSSION OF ITEM 7 BY MICHAEL MATTHEWS, ASSISTANT DISTRICT ATTORNEY.

- 7. MOTIONED BY BOB WILLIS, SECONDED BY RONNIE VINCENT, APPROVAL OF ORDER REQUIRING PROPERTY OWNERS REMOVAL OF FENCES LOCATED IN COUNTY RIGHT-OF-WAY ON FAWN ROAD AS REQUESTED BY PCT 1 COMMISSIONER AND ASSISTANT DISTRICT ATTORNEY MICHAEL MATTHEWS TO PREPARE ORDER.  
ALL VOTING YES.

- 8. MOTIONED BY TOMMY OVERSTREET, SECONDED BY RONNIE VINCENT, TO TABLE "APPROVE SHERIFF'S DEPARTMENT REQUEST FOR CAPITAL EXPENDITURE TOTALING \$25,700.82 FOR THE PURCHASE OF DIGITAL RECORDING AND COMPUTER EQUIPMENT AND TO PURCHASE FROM GENERAL FUND BALANCE AND INCLUDE ON FY2011 REIMBURSEMENT RESOLUTION FOR YEAR END ISSUANCE OF AUTHORIZED DEBT". ALL VOTING YES.

DISCUSSION OF AGENDA ITEM 9.

- 9. MOTIONED BY MILTON PURVIS, SECONDED BY TOMMY OVERSTREET, TO NOT SUBMIT INTENT TO PARTICIPATE IN TEXAS DEPARTMENT OF AGRICULTURE'S IMPLEMENTATION OF FERAL HOG ABATEMENT TECHNOLOGIES GRANT BUT WILL VISIT WITH LANDOWNERS FOR POSSIBLE FUTURE PARTICIPATION; COMMISSIONERS TO PROVIDE CONTACT INFORMATION AND COUNTY JUDGE TO SEND LETTER TO THOSE LANDOWNERS. ALL VOTING YES.

DISCUSSION OF AGENDA ITEM 10 BY JAY BURKS.

- 10. MOTIONED BY TOMMY OVERSTREET, SECONDED BY MILTON PURVIS, TO APPROVE A CHANGE ORDER PROVIDING FOR THE CONSTRUCTION MANAGER (KINGHAM) TO ADMINISTER THE BIDDING/PROPOSALS AND INSTALLATION FOR DATA AND TELECOMMUNICATION AT POLK COUNTY JUDICIAL CENTER AND JAIL EXPANSION TO BE FUNDED BY PROJECT CONTINGENCY FUNDS. ALL VOTING YES.

DISCUSSION OF AGENDA ITEM 11 BY DAVID WAXMAN.

- 11. MOTIONED BY TOMMY OVERSTREET, SECONDED BY MILTON PURVIS, APPROVAL OF ENVIRONMENTAL SERVICE PROVIDER WORK ORDER NO. 5002 RELATING TO THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) DRS010146 DISASTER RECOVERY PROJECTS. ALL VOTING YES. (SEE ATTACHED)

DISCUSSION OF AGENDA ITEM 12 BY LARRY SHINE TO CONSIDER WHETHER CIRCUMSTANCES EXIST IN THE UNINCORPORATED AREAS OF THE COUNTY CREATING A PUBLIC SAFETY HAZARD THAT WOULD BE EXACERBATED BY OUTDOOR BURNING. LARRY SHINE RECOMMENDED ISSUING A BURN BAN.

- 12. MOTIONED BY TOMMY OVERSTREET, SECONDED BY RONNIE VINCENT, TO APPROVE ORDER PROHIBITING OUTDOOR BURNING IN UNINCORPORATED AREAS OF POLK COUNTY, AS AUTHORIZED BY LOCAL GOVERNMENT CODE, SEC. 352.081. ALL VOTING YES. (SEE ATTACHED)

ADJOURN:

MOTIONED BY TOMMY OVERSTREET, SECONDED BY MILTON PURVIS, TO ADJOURN COURT THIS 12TH DAY OF OCTOBER, 2010 AT 11:07 A.M. ALL VOTING YES.

  
JOHN P. THOMPSON, COUNTY JUDGE

ATTEST:

  
SCHELANA WALKER, COUNTY CLERK