

STATE OF TEXAS §

DATE: MAY 23, 2017

COUNTY OF POLK §

REGULAR MEETING

ALL PRESENT

COMMISSIONERS COURT

AGENDA POSTING #2017 - 046

Be it remembered on this the 23RD day of MAY, 2017, the Honorable Commissioners Court met in "REGULAR" called meeting with the following officers and members present, to wit;

Honorable Sydney Murphy – 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 Hock - County Clerk and

Margie Ainsworth – 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 MURPHY.
 - INVOCATION LED BY WAYNE BICKLEY OF SODA BAPTIST CHURCH.
 - PLEDGE OF ALLEGIANCE TO U.S. & TEXAS FLAGS LED BY JIM JOHNSON.

2. PUBLIC COMMENTS:
 - MARILYN MISCHEN DISCUSSED BEING AGAINST AGENDA ITEM 5B (PERSONNEL MATTERS).

3. INFORMATIONAL REPORTS:
 - A. RECEIVED UPDATE FROM AUDITOR MARGIE AINSWORTH REGARDING CORRECTIVE ACTIONS RELATING TO FY2016 AUDIT REPORT FINDINGS. (SEE ATTACHED)
 - B. RECEIVED EMERGENCY MANAGEMENT UPDATE ON EMERGENCY WATERSHED PROTECTION PROJECT AT TAYLOR LAKE ESTATES FROM LARRY PITTS. MR. PITTS STATED FUNDING HAS BEEN RECEIVED FOR THE PROJECT.

COMMISSIONER WILLIS INVITED EVERYONE TO THE GOODRICH VFD ANNUAL FUNDRAISER ON FRIDAY & SATURDAY STARTING AT 10:30 A.M. EACH DAY.

JUDGE MURPHY STATED MAINTENANCE CHECKED ALL BUILDINGS AND ROOFS FOR WATER LEAKS DUE TO RAINS YESTERDAY AND ALSO STATED EVERY THING IS MOVING ALONG WITH DUNBAR BUILDING.

NEW BUSINESS

4. CONSENT AGENDA: JUDGE MURPHY NOTED ITEM B INCLUDES AN ADDENDUM IN THE AMOUNT OF \$42,237.11. MOTIONED BY BOB WILLIS, SECONDED BY RONNIE VINCENT, TO APPROVE THE CONSENT AGENDA AS FOLLOWS: (ALL VOTING YES)

A. APPROVE MINUTES OF MAY 9, 2017 (REGULAR MEETING).

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

DATE	AMOUNT	FUND	CHECK #
5/4/17	382,654.39	Gen, R&B 1,2,3,4, Security, Aging, Adult Suprv, CCAP Juv Prob	ACH A00306-A00311
5/4/17	116,370.27	Grant	936-937
5/4/17	504.00	Grant	938
5/4/17	2,060.00	General	124291-124438
5/4/17	2,891.26	Gen, R&B 1,3,4	265032-265036
5/4/17	4,035.08	Gen, Judiciary	265037-265049
5/4/17	93,405.19	Gen, R&B 1,2,3,4, Security, Drug Forf	265050-265119
5/8/17	51,982.40	Gen, R&B 1,2,3,4, Aging	265120-265154
5/9/17	507.66	Grant	939-940
5/9/17	192.21	General	265155
5/10/17	4,577.78	Retiree Health	132
5/11/17	3,024.00	General	124439-124579
5/11/17	2,124.74	General, R&B 2	265159-265160
5/11/17	35,740.35	Gen, R&B 2,3,4, Aging, Sheriff Comm	265161-265198
5/12/17	162.50	General	265212
5/15/17	15,000.00	Grant	941
5/15/17	15,925.00	Grant	1086
5/16/17	8,204.90	General, Aging	265213
5/17/17	165,657.01	Gen, R&B 1,2,3,4, Law Library, Pretrial Interv, Aging	265214-265266
5/23/17	Addendum	\$42,237.11 (to appear on future schedule)	
TOTAL	\$905,018.74		

- C. APPROVE LISTING OF PREVIOUSLY AUTHORIZED CAPITAL PURCHASES TO BE INCLUDED ON REIMBURSEMENT RESOLUTION. (SEE ATTACHED)
- D. RECEIVE COUNTY AUDITOR'S REPORT, PURSUANT TO LOCAL GOVERNMENT CODE SEC. 114.025.
- E. APPROVE LEASE AGREEMENT RENEWING SUPPLEMENTAL COUNTY PARKING AT SEARS PARKING LOT.
- F. APPROVE RENEWAL OF BI-ANNUAL AGREEMENTS WITH DETCOG FOR EMERGENCY 9-1-1 SERVICES: (1) PUBLIC SAFETY ANSWERING POINT SERVICES AND (2) AUTOMATIC LOCATION MAINTENANCE SERVICE, BEGINNING SEPTEMBER 1, 2017.
- G. APPROVE PAYMENT REQUEST NO. 8 SUBMITTED BY WAY SERVICE LTD. FOR COUNTY ENERGY SAVINGS PROGRAM.
- H. RATIFY RENEWAL OF NETDATA INFINIVault CONTRACT FOR HARDWARE MAINTENANCE.
- I. APPROVE INTERNET ACCESS AGREEMENT AND SERVICE ORDER WITH LIVCOM FOR CONSOLIDATION AND UPGRADE OF GENERAL FUND DEPARTMENTAL ACCOUNTS.
- J. RATIFY ANNUAL EXTENSION OF THE AGREEMENT BETWEEN POLK COUNTY AND NCIC (FORMERLY INFINITY NETWORKS) FOR DETAINEE PHONE SERVICES AT THE IAH SECURE ADULT DETENTION FACILITY FOR THE PERIOD ENDING SEPTEMBER 30, 2017.

5. PERSONNEL MATTERS:

- A. MOTIONED BY BOB WILLIS, SECONDED BY MILTON PURVIS, TO DELETE "DISCUSSION AND ANY NECESSARY ACTION RELATING TO COUNTY COMPENSATION PLAN".
ALL VOTING YES.
- B. MOTIONED BY BOB WILLIS, SECONDED BY MILTON PURVIS, TO DELETE "CONSIDER PERSONNEL ACTION FORM (WITHDRAWN FROM LAST MEETING) RELATING TO ROAD & BRIDGE PCT 1 OFFICE MANAGER MERIT INCREASE".
ALL VOTING YES.
- C. MOTIONED BY BOB WILLIS, SECONDED BY TOMMY OVERSTREET, APPROVAL OF PERSONNEL ACTION FORM REQUESTS SUBMITTED SINCE LAST MEETING AND AUTHORIZE ONE EMERGENCY HIRE.
ALL VOTING YES. (SEE ATTACHED)

DISCUSSION OF 5.D. BY JUDGE MURPHY

D. MOTIONED BY TOMMY OVERSTREET, SECONDED BY RONNIE VINCENT, APPROVAL OF RETROACTIVE PAYMENT TO GLEN GOODWIN, CRIMINAL INVESTIGATOR – DISTRICT ATTORNEY’S OFFICE, FOR MASTER CERTIFICATE PAY (FROM FY2017 START TO THE DATE OF PAYROLL INITIATION) IN THE AMOUNT OF \$1,176.92 AS VERIFIED PRIOR TO AND INCLUDED IN FY2017 BUDGET.

ALL VOTING YES.

6. BUDGET REVISIONS/AMENDMENTS:

A. MOTIONED BY BOB WILLIS, SECONDED BY RONNIE VINCENT, TO APPROVE FY2017 BUDGET REVISIONS #2017-14 AND BUDGET AMENDMENTS #2017-14(A), AS PRESENTED BY THE COUNTY AUDITOR.

ALL VOTING YES. (SEE ATTACHED)

7. MOTIONED BY TOMMY OVERSTREET, SECONDED BY MILTON PURVIS, APPROVAL OF OFFERS TO PURCHASE TAX FORECLOSED PROPERTIES, AS FOLLOWS:

(PCT 4) LOTS 69-72, SECTION 6, BIG THICKET LAKE ESTATES, CAUSE #T14-125
LOTS 73-76, SECTION 6, BIG THICKET LAKE ESTATES, CAUSE #T07-067
LOTS 371-378, SECTION 6, BIG THICKET LAKE ESTATES, CAUSE #T13-530
LOTS 1-8, SECTION 16, BIG THICKET LAKE ESTATES, CAUSE #T13-233

ALL VOTING YES.

8. RECEIVE PROJECT STATUS REPORT FROM GRANT ADMINISTRATOR RANDY BLANKS FOR CORRIGAN O.S.B. PLANT CONSTRUCTION AND NEW SENIOR CENTER LOCATED IN LIVINGSTON.

DISCUSSION OF AGENDA ITEM 9 BY JUDGE MURPHY, COMMISSIONER OVERSTREET & JAY BURKS.

9. MOTIONED BY TOMMY OVERSTREET, SECONDED BY RONNIE VINCENT, APPROVAL OF FORM OF AGREEMENT TO ADDRESS REQUIREMENTS OF THE HIPAA SECURITY AND PRIVACY RULE IN THE PROTECTION OF PERSONAL HEALTH INFORMATION OF HIPPA BUSINESS ASSOCIATES LEASING OFFICE SPACE IN COUNTY OWNED BUILDINGS.

ALL VOTING YES.

EXECUTIVE SESSION: CONSULTATION WITH ATTORNEY PURSUANT TO SECTION 551.0725 FOR DELIBERATION REGARDING CONTRACT NEGOTIATIONS WHERE DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE PUBLIC ENTITY’S INTERESTS WITH A THIRD PARTY; &

SECTION 551.071 OF THE GOVERNMENT CODE REGARDING CONSULTATION WITH ATTORNEY TO SEEK ADVICE ON PENDING AND CONTEMPLATED LITIGATION, SETTLEMENTS, AND OTHER MATTERS WHICH ARE CONFIDENTIAL UNDER THE DISCIPLINARY RULES OF THE STATE BAR, ON WHICH THE DUTY OF THE ATTORNEY TO THE CORPORATION OR THE COUNTY UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT CLEARLY CONFLICTS WITH THE OPEN MEETINGS ACT, REGARDING THE NEGOTIATION OF LEGAL RESPONSIBILITIES RELATED TO THE FINANCING AND OPERATION OF THE IAH DETENTION CENTER AND THE RELATED REVENUE BOND FINANCING.

EXECUTIVE SESSION BEGAN AT 10:23 A.M.

EXECUTIVE SESSION ENDED AT 10:41 A.M.

HERB BRISTOW DISCUSSED AGENDA ITEM 10.

10. RESTRUCTURING OF THE IAH PUBLIC FACILITY CORPORATION PROJECT REVENUE BONDS:

- A. MOTIONED BY MILTON PURVIS, SECONDED BY RONNIE VINCENT, APPROVAL TO ADOPT A RESOLUTION OF THE COMMISSIONER COURT OF POLK COUNTY, TEXAS AUTHORIZING AND APPROVING THE RESTURCTURING OF IAH PUBLIC FACILITY CORPORATION PROJECT REVENUE BONDS, TAXABLE SERIES 204 AND TAXABLE SERIES 2006 EFFECTIVE AS OF JUNE 1, 2017; APPROVING SECOND AMENDED AND RESTATED LEASE AGREEMENT (WITH OPTION TO PURCHASE), 2017 AMENDED AND RESTATED OPERATION AND MANAGEMENT SERVICES AGREEMENT, AND OTHER MATTERS RELATED THERETO; (ALL VOTING YES) (SEE ATTACHED)
- B. MOTIONED BY TOMMY OVERSTREET, SECONDED BY MILTON PURVIS, TO APPROVE FORBEARANCE TERMINATION AGREEMENT; (ALL VOTING YES)
- C. MOTIONED BY BOB WILLIS, SECONDED BY MILTON PURVIS, TO APPROVE GENERAL CERTIFICATE OF COUNTY; (ALL VOTING YES)
- D. MOTIONED BY TOMMY OVERSTREET, SECONDED BY RONNIE VINCENT, TO APPROVE ACKNOWLEDGEMENT OF THE COUNTY AND ISSUER REGARDING THE USE OF TRUST FUNDS; (ALL VOTING YES)
- E. MOTIONED BY BOB WILLIS, SECONDED BY TOMMY OVERSTREET, TO APPROVE CONSENT OF COUNTY TO AMENDED AND RESTATED INDENTURE AND WAIVER OF NOTICE UNDER THE INDENTURE; (ALL VOTING YES)
- F. MOTIONED BY BOB WILLIS, SECONDED BY TOMMY OVERSTREET, APPROVAL OF RESTRUCTURING OF THE IAH PFC PROJECT REVENUE BONDS AND FILINGS WITH COURTS AND, AS APPROPRIATE, THE ATTORNEY GENERAL OF THE STATE OF TEXAS AND THE ISSUANCE OF NOTICE OF MANDATORY EXCHANGE AND RELATED

DOCUMENTS.
(ALL VOTING YES)

ADJOURN:


MOTIONED BY TOMMY OVERSTREET, SECONDED BY MILTON PURVIS, TO ADJOURN COURT THIS 23RD
DAY OF MAY 2017 AT 10:53 A.M.

ALL VOTING YES.



SYDNEY MURPHY, COUNTY JUDGE

ATTEST:



SCHELANA HOCK, COUNTY CLERK