

STATE OF TEXAS:

COUNTY OF MILAM:

BE IT REMEMBERED, that on Monday, the 14th day of September A. D. 2015, the Commissioners' Court of Milam County, Texas, convened in Regular Session in the Commissioners' Courtroom, Milam County Courthouse, 102 S. Fannin, Cameron Texas, with the following members of the Court present, to-wit:

DAVID BARKEMEYER, COUNTY JUDGE

RICHARD "OPEY" WATKINS, COMMISSIONER PRECINCT NO.1

DONALD SHUFFIELD, COMMISSIONER PRECINCT NO. 2

JOHN FISHER, COMMISSIONER PRECINCT NO. 3

JEFF MUEGGE, COMMISSIONER PRECINCT NO. 4

BARBARA VANSAN, COUNTY CLERK

**Others present, to-wit
John Redington, Legal Counsel**

And the proclamation having been made the Court was in session, the following business came on to be considered:

#1 – CALL MEETING TO ORDER & ESTABLISH QUORUM – 10:00 a.m.

#2 – PLEDGE OF ALLEGIANCE – U. S. Flag. "Honor the Texas Flag", I pledge allegiance to thee, Texas, one State, Under God, one and indivisible

#3 – MINUTES – Motion by Commissioner Shuffield, seconded by Commissioner Muegge to approve the minutes as presented to the court. This motion having been put to vote prevailed, the vote being unanimous.

- **August 24 2015 – Public Hearing on the County & District Clerk's 2016 Records Archive Plan**
- **August 24 2015 – Public Hearing on the Milam County 2016 Budget & Tax Rate**
- **August 24 2015 – Regular Meeting**
- **September 02 2015 – Public Hearing on 2016 Budget**

#4 – PUBLIC PARTICIPATION –

***SUPPORTING DOCUMENTATION RECORDED IN VOLUME 75 OF
THE MILAM COUNTY COMMISSIONERS COURT MINUTES.***

- **Mary Ann Eanes – museum – supporting document**
- **Susan Humble – museum – supporting document**
- **Marion Travis – Milam County Historical Museum**
- **Barbara Hajovsky representative for Elizabeth McDermott – museum – supporting document**
- **Les Davenport – Veterans**
- **Barbara Vansa – 2016 Budget –**

MILAM COUNTY COMMISSIONER COURT REGULAR MEETING – SEPTEMBER 14 2015

I have presented you, the Milam County Commissioners Court numerous times with information regarding the “importance” of the Milam County Clerk’s Office. I hope you have read it and understand WHY I AM FIGHTING THE BATTLE.

I understand budget time is not “easy” or “simple” and there are tough decisions to make. I am HONORED that you have confidence in the leadership and staff of the offices being affected by the proposal to cut employees again, which will add additional workload and no pay increase to the employees who are fortunate to keep their jobs. I also understand a governmental department or any business for that matter cannot provide the necessary customer service without knowledgeable, dedicated & ample staff.

Update on issues I mentioned at the September 2 public hearing -

MILAM COUNTY 2016 BUDGET & TAX RATE HEARING – SEPTEMBER 02 2015

MILAM COUNTY COMMISSIONER COURT REGULAR MEETING – SEPTEMBER 14 2015

E-FILE INCREASE – effective September 01 2015 - \$20 to \$30

– effective 09/01/15 and 01/01/16 there will be an increase in other fees which will be discussed later in this meeting.

BIRTH & DEATH PROJECT –

- Funding through Records Management, Records Archive and Preservation
- **ACS Estimate updated August 26 2015 – estimated savings due to the County Clerk’s Staff having indexed the records**

TYPE OF RECORD	ORIGINAL ESTIMATE	UPDATED ESTIMATE	ESTIMATED SAVINGS
BIRTH Approximately 75,000 records	\$157,500	\$45,000	\$112,500

DEATH Approximately 35,000 records	\$63,000	\$21,000	\$42,000
TOTAL PROJECT (\$)	\$220,500	\$66,000	\$154,500

RECORDS ARCHIVE BUDGET –

August 24 2015 Public Hearing update / correction

- Amount in account as of 07/31/2015 = \$31680
- **Amount in account as of 08/31/2015 = \$35390**
 - **Additional \$3710 since 9/2/15 meeting**
- Amount collected per NON-COURT document = \$10.00
 - Official Records
 - Birth Record Issuance
 - Death Record Issuance
 - Marriage License Issuance

ELECTIONS – letter to Judges from Sherry; Notes regarding SOS meeting week of Aug.31-Sept. 2; letter from Liz Jungmann, EV personnel; notes regarding phone call from resident on CR357 and letter from Mr. James T. Hubert Jr. (these documents are not presented at the 9/14/15 meeting but can be viewed in Volume 75 Pages 261-269 of the 09/02/15 Milam County Commissioner Court Minutes).

I ask two things of each of you Court members –

- **PLEASE vote NO for the reduction of staff in the County Clerk’s office and other County departments and**
- **PLEASE vote HONESTLY, NOT just to agree with other members of the Court.**
- **Frank Summers – County Employees & Elected Officials – supporting document**
- **Carolyn Cobb – Milam County Historical Museum**
- **Connie Anderle – museum – supporting document**
- **Lucile Estell – Museum – supporting document**

#5 – AUDITORS REPORT – See power point @ www.milamcounty.net

#6 – TREASURERS REPORT – See power point @ www.milamcounty.net

#7 – COMMISSIONER’S PRECINCT UPDATE –

- **Pct 1 – TIF Grant CR145 and 212**

- **Pct 2 – TIF Grant CR 235 chip seal whole road, need to look at bridge, not accessible**
- **Pct 3 – TIF Grant CR 358, culvert & cutting brush, rough board roads (moving rocks from one side of road to the other)**
- **Pct 4 – 458 shredding 458A & 456; 459 storm damage; 440 & 442 coal patch; 454 culvert; 455 chip seal; help from other precincts**
 - **Gary Northcott – Thank you for all you help in Precinct 4, you did it without engineer help**

#8 – COURT CASE UPDATE – See power point @ www.milamcounty.net

#9 – UTILITY INSTALLATIONS – Motion by Commissioner Muegge, seconded by Commissioner Shuffield to approve the utility installation request by Southwest Milam Water Supply Corporation to place a water line within the right-of-way of County Road 306. This motion having been put to vote prevailed, the vote being unanimous.

#10 – PERMISSION FOR ENTRY AND WAIVER OF CLAIMS –

Motion by Commissioner Watkins, seconded by Commissioner Muegge to approve the Permission for Entry and Waiver of Claims by **Richard Vansa consenting to Milam County and its employees to enter his property located on CR124 for the purpose of maintaining County Road 145 in Precinct 1. This motion having been put to vote prevailed, the vote being unanimous.**

Motion by Commissioner Watkins, seconded by Commissioner Muegge to approve the Permission for Entry and Waiver of Claims by Eugene **Vaculin consenting to Milam County and its employees to enter his property located on CR145 for the purpose of**

maintaining County Road 145 in Precinct 1. This motion having been put to vote prevailed, the vote being unanimous.

Motion by Commissioner Muegge, seconded by Commissioner Fisher to approve the Permission for Entry and Waiver of Claims by **Gary Baker consenting to Milam County and its employees to enter his property located on CR 446A for the purpose of maintain County Road 446A in Precinct 4. This motion having been put to vote prevailed, the vote being unanimous.**

#11 – ADOPT 2016 BUDGET – Shuffield - I make a motion to take the 2015 budget and make it the 2016 budget until we know what happens – keep museum open, keep employees unless we have to make drastic changes.

Muegge – I will second the motion if it is legitimate, I know it's been done before. (Judge did not ask for a vote)

Motion by Judge Barkemeyer, seconded by Commissioner Watkins to Adopt the 2016 Budget. This motion having been put to vote prevailed, the vote being four (4) yes to one (1) no with Commissioner Shuffield voting no.

Discussion – Judge made clarification about Tax Rate notice in newspaper / Judge & Tax Assessor Morgan explained.

Judge stated Morgan gets instructions from the comptroller on what numbers to use for the publication or the vote of the tax rate.

Judge gets information from Diane at the Appraisal District & this is how I decide – I can do, or what we do, choose any amount we’re going to put in the budget as an estimate. Tax Ad Valorem rate number we put in the budget.

Morgan – State requires what we publish, report to tax papers as far as budget; Exemptions are not reported.

Judge – I apologize for confusion in the paper; Kolette’s number is not optional; I have some flexibility

Shuffield – I have put my number 697-1018 in the paper; my job doesn’t stop on the roads; I’m out spoken, make comments, I’m not alone, I’m not the sole decision maker. Barbara made good point what she needs in her department; Kolette, Karen, then our department, we won’t know what happens until after January.

Cut museum – I heard at workshops & on the streets only ones I knew that wanted to keep it were Judge, Opey & Fisher.

I’ve gone to bed thinking about it and woke up thinking about it.

You show up in numbers today – why can’t we do this every meeting? I do what ya’ll want, not what Donald wants.

As far as today, shutting down the museum I’m not making that motion.

I make a motion to take the 2015 budget and make it the 2016 budget until we know what happens – keep museum open, keep employees unless we have to make drastic changes.

Muegge – I will second the motion if it is legitimate, I know it’s been done before. (Judge Barkemeyer did not ask for a vote)

Muegge – asking Morgan & Auditor Danica Lara – can we use the budget we are in now?

Judge – it won’t work.

Morgan – does it mean I wouldn’t lose my employee?

Shuffield – what has changed this year since last, why does the budget have to be based on Luminant?

Judge – 2015 budget will not work in 2016

Les Davenport – are you proposing

Don Davenport – how much are we getting from Luminant

Judge - \$2M less, Luminant will pay their taxes based on their estimate.

Don Davenport – if \$2M less 2016 budget will not work

Judge – Debt Service, not enough

Lara - \$552 budgeted

Susan Humble – (tried to ask question)

Judge – questions from the floor not allowed

Melanie Reed – can I ask a question?

Judge – no.

Judge – Debt rate / takes away from M & O

Morgan – 1 cent to \$100 offset, not going to make a whole lot of difference

Fisher – can we pay debt payment

Morgan – yes, you have to adopt the debt rate that is calculated in the rollback calculation, which will collect enough to make debt payment; your M&O rate will be lower if you don't raise the tax rate, which will mean less in the general fund

With debt rate you adopt you can make your payment. M&O will be less.

John Redington – doesn't the rate have to be published again?

Morgan - yes

Shuffield to Judge – you're talking about last year, 2014 or 2015

Judge – 2015

Morgan – You have to approve the budget first then the tax rate

Shuffield – will it work

Morgan – you have to do all notices again

Shuffield – I am trying to help save jobs. I will take my motion back since it will not work.

Frank Summers – it will work, if the 2016 budget does not get adopted by the deadline it reverts back to the 2015 budget.

Muegge – not meaning to shut down the museum, just asking for volunteers or part time help; volunteer fire departments, they set up committees.

Dr. Estelle – volunteers could take over until the county can fund a new director. She stated Milam County has a bright future.

Muegge – Charles possibly retires in March, what happens to the budget then

Judge – provide for museum organization for museum to have part time help

Vansa – how much would 3 or so months be for Charles or part time? That's more than my part time.

Fisher – Charles could get out now, still get social security

Muegge – I have a part time secretary who works 20 hours a week, paid \$12 an hour

Pam Schattle – who pays utilities at the museum

Muegge – general fund, we are not here to shut the museum down

Judge – Charles asked to work through March, make line item transfer then

Vansa – I would feel more secure if I knew the money was there for Linda, who was taken out of my budget for this year and next but did not accept the early retirement.

Judge – line item adjustment, it will be there

Les Davenport – what are ya'll going to do about the veterans office

Judge – Ken is applying for grant, if it comes through, her salary will be paid, we will do like we're talking about Charles. Barbara will need line item transfer because anticipated person did not retire.

Judge made motion to approve budget as proposed, Watkins seconded. Vote 4 to 1 – Shuffield voting NO.

#12 – ADOPT TOTAL 2015 TAX RATE – Motion by Commissioner Muegge, seconded by Commissioner Fisher to adopt the 2015 Tax Rate @ .65200. This motion having been put to vote prevailed, the vote being unanimous.

#13 – ADOPT MAINTENANCE & OPERATIONS 2015 TAX RATE – Motion by Commissioner Muegge, seconded by Commissioner Watkins to adopt the Maintenance & Operation 2015 Tax Rate @ .611000. This motion having been put to vote prevailed, the vote being unanimous.

#14 – ADOPT DEBT SERVICE 2015 TAX RATE – Motion by Judge Barkemeyer, seconded by Commissioner Muegge to adopt the Debt Service 2015 Tax Rate @ .041000. This motion having been put to vote prevailed, the vote being unanimous.

#15 – APPROVE 2016 SALARY FOR COUNTY AUDITOR AND DISTRICT COURT REPORTER –

- **Motion by Commissioner Muegge, seconded by Commissioner Fisher to approve the 2016 Salary for the County Auditor @ \$48,035.00. This motion having been put to vote prevailed, the vote being unanimous.**

- **Motion by Judge Barkemeyer, seconded by Commissioner Watkins to approve the 2016 Salary for the District Court Reporter @ \$62400.00. This motion having been put to vote prevailed, the vote being unanimous.**

#16 – APPROVE THE COUNTY & DISTRICT CLERK’S RECORD ARCHIVE FEE PLAN BUDGET FOR 2016 –

- **Motion by Commissioner Muegge, seconded by Commissioner Watkins to approve the County Clerks Records Archive Budget Plan for 2016. This motion having been put to vote prevailed, the vote being unanimous.**
- **Motion by Judge Barkemeyer, seconded by Commissioner Muegge to approve the District Clerks Records Archive Budget Plan for 2016. This motion having been put to vote prevailed, the vote being unanimous.**

#17 – APPROVE THE 2016 SHERIFF & CONSTABLE’S FEES – Motion by Commissioner Watkins, seconded by Commissioner Shuffield to approve the 2016 Sheriff & Constables Fees as presented to the court. This motion having been put to vote prevailed, the vote being unanimous.

- **Same fees as 2015 with the addition of two new laws effective 09/01/2015 - Notice of Retrieval Hearing \$100 and Order of Retrieval \$135.00**

#18 – APPROVE FEE INCREASES AND NEW FEES FOR COUNTY CLERKS OFFICE –Motion by Commissioner Muegge, seconded by Commissioner Fisher to approve the fee increases and new fees for the County Clerk’s Office. This motion having been put to vote prevailed, the vote being unanimous.

- **E-Filing Fee in Civil Cases – increases from \$20 to \$30 effective 09/01/2015**
- **Administrative Code Regarding Cash Bail Bonds – 5% of the bail up to \$50 effective 09/01/2015**
- **Estate Claims – increase from \$2 to \$10 effective 01/01/2016**
- **Jury Trial fee – increases from \$22 to \$40 effective 01/01/2016**

#19 – APPROVE ORDER FOR ESTABLISHING CENTRAL COUNTING STATION PERSONNEL FOR THE 11-03-15 ELECTION – Motion by Commissioner Muegge, seconded by Commissioner Watkins to approve the Order for Establishing Central County Station Personnel for the November 2015 election. This motion having been put to vote prevailed, the vote being unanimous.

- **Vansa stated – With the budget cuts you will not be seeing as much of Sherry because she is one being terminated.**

#20 – APPROVE 2016 FEE CHANGES FOR HEALTH DEPT – Motion by Commissioner Muegge, seconded by Commissioner Fisher to TABLE the 2016 Fee changes in the Health Department. This motion having been put to vote prevailed, the vote being unanimous.

Discussion – Maribeth Sexton, Interim Health Director stated we decided as a group to change fees after years of no rate increases on clinical services and as a result of TCEQ audit that was done in May of this year. However for those individuals with no ability to pay the fee for clinical services they will not be denied service. The need for septic services fee increase is based on the audit recommendations in May and asking Bell County what they charged. We contract out to inspect septic & every permit requires a review of the septic design and takes time from the inspector to complete. So we added \$100 as a new fee for each permit application. We will discontinue Well Child Care and Neonatal test starting September 17 because one of the nurse's turned in her resignation because of health department budget cuts and the fact this nurse's primary duties was well child and other public health departments got out of the well child business years before because of advocating for the medical home model – where a child goes to his/her physician for sick and well child care.

Rae Beth Summers, Health Department Nurse – I just found out this morning she gave her two week's notice.

Muegge stated he wanted to discuss more. Can we vote after next week.

Judge – we can discuss at next week's quarterly meeting

#21 – OPEN BIDS FOR SALE OF SURPLUS PROPERTY – PCT 4 – Motion by Commissioner Muegge, seconded by Commissioner Fisher to accept the grader bid from Billy Biar and decline all other bids. This motion having been put to vote prevailed, the vote being unanimous.

- **Bids available at the Milam County Auditor's Office**
 - **No bids on truck**
 - **Backhoe – decline**
- **Muegge – maybe put with Donald**
- **Shuffield – already on there**

#22 – APPROVE SALE OF SURPLUS EQUIPMENT THROUGH KENNEDY AUCTIONS – PRECINCT 2 – Motion by Commissioner Shuffield, seconded by Commissioner Watkins to approve the sale of surplus equipment in Precinct 2 through Kennedy Auctions. This motion having been put to vote prevailed, the vote being unanimous.

#23 – CONSIDER AND DISCUSS POSSIBLE ACTION SHORTENING COUNTY ROAD 310 – Motion by Commissioner Muegge, seconded by Commissioner Fisher to approve the shortening of County Road 310, Precinct 4. This motion having been put to vote prevailed, the vote being unanimous.

- Muegge stated an elderly citizen lives on this road and has lot of undesirable traffic. John Redington stated the same concerns

#24 – APPROVE COUNTY HOLIDAYS FOR 2016 – Motion by Commissioner Muegge, seconded by Commissioner Watkins to approve the 2016 Holidays as presented to the court. This motion having been put to vote prevailed, the vote being unanimous.

#25 – REVIEW OF DISTRICT ATTORNEY’S PRESENTATION OF CHECKS TO VOLUNTEER FIRE DEPARTMENTS FROM FORFEITURE ACCOUNT – Motion by Judge Barkemeyer, seconded by Commissioner Fisher to endorse the District Attorney’s support of fire departments. This motion having been put to vote prevailed, the vote being unanimous.

- Judge stated there was earlier talk about doing away with County donation to the fire departments but decided against it.
- Refer to www.milamcounty.net for list of donation amounts

#26 – APPROVE RESOLUTION TO PARTICIPATE IN A REGIONAL EMERGENCY COMMUNICATIONS DISTRICT – Motion by Commissioner Watkins, seconded by Commisisoner Muegge to approve the Resolution of Milam County, Texas to Participate in a Regional Emergency Communications District. This motion having been put to vote prevailed, the vote being unanimous.

Jim Reed made presentation –

- Sooner of later form a 911 district
- Allows us to draw down funds from the state
- Over appropriated 911 funds
- Resolutions do not expire – we ask you to approve it; if passed you will not become a district

#27 – APPROVE RESOLUTION IN SUPPORT OF GALVESTON COUNTY COMMISSIONER’S COURT REGARDING ORDERLY CONDUCT OF COUNTY BUSINESS – Passed

Discussion –

Judge – We had a District Judge in Galveston county dictate to Commissioners.

Redington – who asked to put on agenda?

Judge – I basically did. District Judges shouldn’t get involved with County Commissioner’s court having violated anything, making decisions that are not yours to make. Are you guys ok with doing this? Muegge – let’s pass

#28 – PROCLAIM SEPTEMBER 17-23 AS CONSTITUTION WEEK – Motion by Commissioner Watkins, seconded by Commissioner to Proclaim September 17-23,

2015 Constitution Week. This motion having been put to vote prevailed, the vote being unanimous.

- **Alma Lue Wenzel made presentation**

#29 – APPROVE ANTI-NIMBYISM ACTION PLAN – Motion by Judge Barkemeyer, seconded by Commissioner Muegge to approve the Anti-NIMBYism Action Plan. This motion having been put to vote prevailed, the vote being unanimous.

- **Judge – undesirable in ones neighborhood or home**
- **Redington – drug rehabs, sex offender facility; we should be open to them if not grants will not be funded**

#30 – APPROVE EXCEPTION TO BURN BAN FOR OCTOBER LUMINANT / MILAM COUNTY FULL SCALE EXERCISE – Motion by Judge Barkemeyer, seconded by Commissioner Muegge to approve the Burn Ban for October Luminant / Milam county Full Scale Exercise. This motion having been put to vote prevailed, the vote being unanimous.

- **Emergency Management, Susan Reinders told the court**
 - **Diesel fire to cause hazmat full scale exercise**
 - **911 call @ 7:30 and exercise will end at 1:00**
 - **Fire Departments involved – Luminant, Milano, Rockdale & Temple**

#31 - BILLS – Motion by Commissioner Muegge, seconded by Commissioner Fisher to approve the payment of bills in the amount of \$571,967.27 as presented to the court. This motion having been put to vote prevailed, the vote being unanimous.

#22 - ADJOURN – Motion by Commissioner Fisher, seconded by Commissioner Muegge to adjourn @ 12:31 P.M. This motion having been put to vote prevailed, the vote being unanimous.

The above and foregoing Minutes examined and approved in Open Court this 28 day of September 2015.

County Judge

**State of Texas:
County of Milam:**

I, Barbara Vansa, County Clerk, Milam County, Texas, attest that the foregoing is a true and correct accounting of the Commissioners' Court authorized proceedings for September 14, 2015.

**County Clerk and Ex-Officio Member of
Commissioners' Court, Milam County, Texas**

**STATEMENT OF APPROVAL
September 14 2015 Meeting**

Commissioner of Precinct No. 1

Commissioner of Precinct No. 3

Commissioner of Precinct No. 2

Commissioner of Precinct No. 4

**POWERPOINT
PRESENTATION
September 14,
2015**

**Minutes from the September 14, 2015 Milam County
Commissioners Court meeting ends on**