

**STATE OF TEXAS:**

**COUNTY OF MILAM:**

**BE IT REMEMBERED, that on Monday, the 9th day of September A. D. 2013, 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**

**CHUCK BALCH, COMMISSIONER PRECINCT NO.1**

**KENNETH HOLLAS, 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. - All Present**

**#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 Muegge, seconded by Commissioner Fisher to approve the August 26 2013 Public Hearing & Regular and September 4 2013 Public Hearing meeting minutes as presented to the court. This motion having been put to vote prevailed, the vote being unanimous.**

**#4 – PUBLIC PARTICIPATION –**

- JOLENE CAHILL – Budget –**
  - I have been out of the County for the past few weeks but understand there are positions to be cut. I have worked with them for 13 years. The County has to have 90% reporting of the CCH's (Criminal Case History's) & if not the county can lose grants. We are the only county that hit 90% because the County Attorney's Office, Sheriff's Dept., District Clerk & County Clerk's office worked together. Milam County wouldn't have been able to get to this point if it hadn't been.**

**To the Commissioners – You are elected by us the people to make sure we have service. There's a line when you cross that departments become unefficient.**

- **DAVID GREENE – Budget –**
  - **Thanks for the Budget we have; Coryell county \$46,000 last month; I have great employees; Barbara's office is like me, we have good employees who take care of us & our offices; State Jail Commission contacted two of my deputies for employment; Deputy came to me about 2<sup>nd</sup> job; haven't had raises in the past 4 years & I'm not wanting to compare to Bell, Williamson & Brazos County, I care about Milam County; I don't know if it can be done or not but why not take the money out of the appeal fund & give employee raises; I mean take care of the employees, not the officials.**
  
- **DAVID BARKEMEYER – lifting the Burn Ban –**
  - **Talking to Henry Horelica & he talked with some of the fire chiefs association about lifting the burn ban; I can lift the burn ban; lift for two weeks then reinstitute after that.**

**#5 – FINANCIAL / AUDITORS REPORT – Refer to the POWER POINT on the Milam County website.**

**August 31 2013 report - \$731,782 total expenditures – without the murder trial; General fund extremely well**

**#6 – TREASURERS REPORT – Refer to the POWER POINT on the Milam County Website.**

**#7 - JP OFFICE FINANCIAL UPDATE – Refer to the Power Point on the Milam County Website.**

**#8 – COMMISSIONERS PRECINCT UPDATES –**

**Pct 1 – chip seal 22<sup>nd</sup> street approximately one mile; Rogers underpass; shredding brush to clean corners for buses; 2700 yards gravel in Davilla**

**Pct 2 – gravel CR244; culverts on CR139; coal mix CR240; other maintenance work**

**Pct 3 – blade mix CR314; working on 316; mowing; working on emergency shelter parking lot but need to smooth the handicap area**

- **Susan Reinders – General Land Office - 5% grant remaining until completion \$10,625.00**
- **Judge – Dedication September 28 @ 6p.m.**

**Pct 4 – ditch cleaning CR302; oil for dust control CR457; glue CR418; helping Tank & John**

**#9 – COURT UPDATE – Refer to the POWER POINT on the Milam County Website.**

**#10 – 2014 MILAM COUNTY BUDGET – Motion by Judge Barkemeyer, seconded by Commissioner Balch to ADOPT the 2014 Milam County Budget. This motion having been made, the vote being 3 YES (Judge, Balch & Hollas) and 2 NO (Fisher & Muegge).**

- **Lot of public comment & even some here today.**
- **Any further discussion?**
- **FISHER – none of us want to get rid of anyone but we have to do what it takes**
- **VANSA – is today the last day to approve**
- **JUDGE – no further public input**
- **HOLLAS – not happy with it but have to**

**#11 – 2013 TAX RATE – Motion by Commissioner Hollas, seconded by Commissioner Balch to ADOPT the 2013 Tax Rate @ .630000. This motion having been put to vote prevailed, the vote being unanimous.**

**#12 – 2013 M & O TAX RATE – Motion by Commissioner Balch, seconded by Commissioner Hollas to ADOPT the 2013 M&O Tax Rate @ .599300. This motion having been put to vote prevailed, the vote being unanimous.**

**#13 – 2013 DEBT SERVICE TAX RATE – Motion by Judge Barkemeyer, seconded by Commissioner Balch to ADOPT the 2013 Debt Service Tax Rate @ .030700. This motion having been put to vote prevailed, the vote being unanimous.**

**#14 – 2014 SALARY COURT REPORTER & COUNTY ADUITOR – Motion by Commissioner Muegge, seconded by Commissioner Fisher to approve the 2014 Salary of \$60,730 for the Court Reporter. This motion having been put to vote prevailed, the vote being unanimous.**

**Motion by Commissioner Balch, seconded by Commissioner Hollas to approve the 2014 Salary of \$46,750.00 for the County Auditor. This motion having been put to vote prevailed, the vote being unanimous.**

**#15 – SALE OF PROPERTY / TAXES – Motion by Judge, seconded by Commissioner Muegge to approve the Resolution Requesting a public Sale of Property Acquired By The County of Milam, Texas At A Delinquent Tax Sale. This motion having been put to vote prevailed, the vote being unanimous.**

- **Craig Morgan, Delinquent Tax Attorney – no minimum bid; asking the court for permission to sell @ lower amount; County & school Dist taxes due; heirship issues; landlocked & hoping surrounding property owner would be interested**

**#16 – PCT 1 / CR 116 / CENTURY LINK – Motion by Commissioner Balch, seconded by Commissioner Muegge to approve the request from Century Link to place a line on CR 116. This motion having been put to vote prevailed, the vote being unanimous.**

**#17 – MCCOY TOWING – Motion by Commissioner Muegge, seconded by Commissioner Fisher to approve the Memo of Understanding between Milam County and McCoy Towing & Recovery. This motion having been put to vote prevailed, the vote being unanimous.**

## **Memorandum of Understanding**

**Between**

**Milam County**

**&**

**McCoy Towing & Recovery**

## General Agreement

Ron McCoy doing business as McCoy Towing & Recovery will be referred to herein as McCoy Towing & Recovery. McCoy Towing & Recovery agrees to allow the hospitals associated with Milam County, with local management provided by designated local, regional, or State Mass Fatality Manager, to utilize refrigerated trailers for cold storage of mass fatalities, when the number of dead exceeds the community storage resources. The refrigerated trailers will be utilized during and following a mass fatality event until such time all dead bodies are moved for disposition.

McCoy Towing & Recovery agrees to make refrigerated trailers available 24 hours a day, seven days a week in case of a mass fatality incident. The designated Mass Fatality Manager will notify Mr. Ron McCoy, owner/operator, the designated representative and point of contact for McCoy Towing & Recovery of any pending need for the trailers. Following and during a mass fatality incident, the local, regional, or State Emergency Operations (SOC) and or Regional Medical Operations Center (RMOC) will maintain communication with McCoy Towing & Recovery to give situational reports until the request for the space is made.

The County will assure a local, regional or State Mass Fatality Manager is assigned and responsible for the management of the trailers storage site in accordance with the Mass Fatality Response and Management Plan.

Milam County will be charged a set rate of \$150.00 a day (24 hour) by McCoy Towing & Recovery; which will not be subject to price gouging. Milam County is responsible for ensuring that the refrigerated trailer (s) will be cleaned and sanitized before returning trailer(s) to McCoy Towing & Recovery. McCoy Towing & Recovery agrees to accept the return of the trailer(s) from Milam County.

McCoy Towing & Recovery and Milam County are both mutually responsible for ensuring confidentiality from the general public.

McCoy Towing & Recovery will not enter into other MOU's similar to this one that will conflict with the purpose of this MOU. If there are other such MOU's, then this MOU will take priority. This agreement is not exclusive, and depending on the circumstances, Milam County shall be free at all times to contract with any other party to supply refrigerated trailers.

## Trailer Specifications

- No Company Logos or Branding
- Refrigerated 48' or 53' Trailer
- Diesel Refrigeration Unit with 30 to 50 Gallon Fuel Tank
- Automatic Cooling Equipped
- 24/7/365 Maintenance Agreement
- White or Aluminum Exterior

- Heavy-Duty Aluminum Duct Floor

**Amendment**

This agreement may be amended only in writing and duly signed by each party hereto.

McCoy Towing and Recovery cannot assign their obligations under this agreement to a third party unless consent in writing by Milam County.

**Renewal/Termination**

In Witness whereof, the parties have entered into this Agreement to be effective as of the first date of the required signature of agreement. This agreement shall be reviewed annually. Termination by either party must be submitted in writing thirty (30) days prior to the annual renewal date.

**How Notice to be given:** Any notice to McCoy shall be deemed duly delivered when given orally in person, by telephone, or when deposited in the US mail, certified receipt requested addressed to Ron McCoy dba McCoy Towing & Recovery at the address stated herein; any notice to Milam County shall be deemed duly delivered when deposited in US Mail, certified return receipt requested, addressed to Milam County at the address stated herein.

Signatures:

\_\_\_\_\_  
David Barkemeyer, Milam County Judge  
102 South Fannin Avenue, Suite 1  
Cameron, TX 76520-4216

\_\_\_\_\_  
Date

\_\_\_\_\_  
Ron McCoy dba McCoy Towing & Recovery POC  
2747 N. FM 908  
Rockdale, TX 76567

\_\_\_\_\_  
Date

\_\_\_\_\_  
Attest: Barbara Vansa, Milam County Clerk

\_\_\_\_\_  
Date

**#18 – GAUSE WATER SUPPLY CORPORATION BIDS –Motion by Judge Barkemeyer, seconded by Commissioner Fisher to approve the publication of advertisement to receive bids on behalf of the Gause Water Supply Corporation Hurricane IKE 2.2 water well generator project. This motion having been put to vote prevailed, the vote being unanimous.**

- **BIDS to be published on September 12<sup>th</sup> and 17<sup>th</sup> with a bid opening at the October 14 2013 Commissioner’s Court meeting.**

**#19 – CONSTITUTION WEEK –Presentation by Lee Riding & Alma Wenzel, Daughters of the American Revolution.**

**September 17, 2013, marks the two hundred twenty-sixth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designation September 17 through 23 as Constitution Week.**

**Judge – proclaims the week of September 17 through 23 as Constitution Week.**

**#20 – PCT 1 / UTILITY INSTALLATION REQUEST – Motion by Commissioner Balch, seconded by Commissioner Hollas to approve the Utility Request by Bell-Milam-Falls WSC in Precinct 1 on CR108. This motion having been put to vote prevailed, the vote being unanimous. (Sarah Goers)**

**#21 – PCT 1 / UTILITY INSTALLATION REQUEST – Motion by Commissioner Balch, seconded by Commissioner Fisher to approve the Utility Request by Bell-Milam-Falls WSC in Precinct 1 on CR143. This motion having been put to vote prevailed, the vote being unanimous. (Eugene Zaleski)**

**#22 – CENTRAL COUNTIES MHMR / PURCHASE OF PROPERTY – Motion by Judge Barkemeyer, seconded by Commissioner Fisher to approve the waiver of 31 day advance notice for Central Counties MHMR services to move forward with purchase of property. This motion having been put to vote prevailed, the vote being unanimous.**

**Eldon Tietje CEO – financed by center funding  
Hollas – no county funding**

**#23 – ELECTION JUDGE – Approved at the August 26 2013 meeting**

**#24 – COUNTY CLERK’S RECORDS ARCHIVE FEE INCREASE – Motion by Judge Bsrkemeyer, seconded by Commissioner Balch to approve the Records Archive Fee increase from \$5 to \$10 on non-court filings per HB 1513 passed this last legislative session. This motion having been put to vote prevailed, the vote being unanimous.**

**#25 – COUNTY CLERK’S RECORDS ARCHIVE BUDGET – Motion by Judge Barkemeyer, seconded by Commissioner Muegge to approve the County Clerk’s Records Archive Budget for 2014 per HB 1513 passed this last legislative session. This motion having been put to vote prevailed, the vote being unanimous.**

**#26 – COUNTY CLERK’S RECORDS MANAGEMENT AND PRESERVATION FEE – Motion by Commissioner Muegge, seconded by Commissioner Fisher to approve the County Clerk’s Records Management & Preservation Fee Increase from \$5 to \$10 for non-court filings. This motion having been put to vote prevailed, the vote being unanimous.**

**#27 – DISTRICT CLERK RECORDS ARCHIVE FEE INCREASE – Motion by Judge Barkemeyer, seconded by Commissioner Muegge to approve the District Clerk Records Archive Fee increase from \$5 to \$10 per HB 1513 passed this last legislative session. This motion having been put to vote prevailed, the vote being unanimous.**

**#28 – BILLS – Motion by Commissioner Muegge, seconded by Commissioner Balch to approve the payment of bills in the amount of \$185940.050 and read into Court was \$200 Pct. 3 as presented to the court. This motion having been put to vote prevailed, the vote being unanimous.**

**#29 - ADJOURN – Motion by Commissioner Muegge, seconded by Commissioner Balch to adjourn @ 11:04 A.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 23rd day of September, 2013.**

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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 9th, 2013**

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

**STATEMENT OF APPROVAL**

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**Commissioner of Precinct No. 1**

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**Commissioner of Precinct No. 3**

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**Commissioner of Precinct No. 2**

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**Commissioner of Precinct No. 4**

**Minutes from the September 23, 2013 Milam County Commissioners  
Court meeting ends on**