

STATE OF TEXAS

AUGUST 9, 1999

COUNTY OF JOHNSON

COMMISSIONER'S COURT

BE IT KNOWN that on the 9th day of August, 1999, the Honorable Commissioner's Court of Johnson County, Texas, met in regular session at 9:00 A.M., with all members present in the Courthouse, in the City of Cleburne, Johnson County, Texas, and following the Invocation led by Comm. Thompson, and the Pledge of Allegiance, the following items were considered:

V. PUBLIC PARTICIPATION

Sheriff Bob Alford presented a citation to Jack Vereen, II, for assisting in the attempt to detain escapee and rendering assistance to Deputy Sheriff.

VI. PRECEDING BUSINESS

1. APPROVAL OF BILLS

A motion was made by Comm. McFall, seconded by Comm. Thompson, to approve the bills as presented by the County Auditor.

All voted aye; motion passed.

2. ACKNOWLEDGMENT OF RECEIPT OF THE COUNTY AUDITORS REPORT TO THE COMMISSIONER'S COURT

Judge Harmon acknowledged receipt of the County Auditor's Report to the Commissioner's Court.

3. APPROVAL OF MINUTES

A motion was made by Comm. Harmon, seconded by Comm. Carpenter, to approve the minutes of the July 21, 1999 as submitted by the County Clerk.

All voted aye; motion passed.

4. ACTION ON PRELIMINARY PLAT

a. DOVE RUN, PHASE ONE – PRECINCT #4

A motion was made by Comm. Thompson, seconded by Comm. McFall, to approve the preliminary plat of Phase I of the Dove Run subdivision in Precinct #4.

All voted aye; motion passed.

5. ACTION TO AWARD BIDS/PROPOSALS

a. BID #99-52 AUTOMATIC TRANSMISSION REPAIR

A motion was made by Comm. Harmon, seconded by Comm. Thompson, to approve the bid from Peacock's Transmission for Bid #99-52 for automatic transmission repair.

All voted aye; motion passed.

b. BID #99-53 HEAVY EQUIPMENT REPAIR

A motion was made by Comm. McFall, seconded by Comm. Thompson, to approve the re-bidding of Bid #99-53 for heavy equipment repair.

All voted aye; motion passed.

VII. UNFINISHED BUSINESS

1. ACTION OR UPDATE OF CONSTRUCTION AT LEC JAIL FACILITY

Update to Commissioner's Court by Allen Magee on progress of the construction project at the LEC.

2. ACTION ON RESOLUTION #R99-001 REGARDING JOHNSON COUNTY PARTICIPATING IN FUNDING IMPROVEMENTS ON NOLAN RIVER ROAD FROM US 67 TO FM 4 (KILPATRICK) AS REQUESTED BY TEXAS DEPARTMENT OF TRANSPORTATION

A motion was made by Comm. McFall, seconded by Comm. Thompson, to approve the resolution authorizing Johnson County to participate in

funding improvements on Nolan River Road from US 67 to FM 4 (Kilpatrick) and giving the County Judge authority to sign the resolution.

All voted aye; motion passed.

3. ACTION ON AGREEMENT BETWEEN JOHNSON COUNTY AND THE BRAZOS RIVER AUTHORITY FOR PARTICIPATION IN AND FUNDING OF THE BRAZOS G REGIONAL WATER PLAN

A motion was made by Comm. Harmon, seconded by Comm. McFall, to approve a resolution on agreement between Johnson County and the Brazos River Authority for participation in the funding of the Brazos G Regional Water Plan with Johnson County making two payments.

All voted aye; motion passed.

4. ACTION ON SALARY GRIEVANCE COMMITTEE

A motion was made by Comm. Carpenter, seconded by Comm. Thompson, to approve the drawing of two names, Randall Luck and Grady Storm, for the Johnson County Salary Grievance Committee.

All voted aye; motion passed.

5. ACTION ON ROOF & BUILDING AT THE LEC

Passed for discussion in workshop session.

6. ACTION ON CHARACTER FIRST PROGRAM FOR JOHNSON COUNTY

Passed.

VIII. NEW BUSINESS

1. PURCHASES FROM \$2,500.00 TO \$15,000.00

A motion was made by Comm. Harmon, seconded by Comm. McFall, to approve the purchase of a power broom from the state contract in the amount of \$5,000.00 and a 15 passenger van in the amount of \$3,500.00 for Precinct #2.

All voted aye; motion passed.

2. ADVERTISING FOR BIDS/PROPOSALS

A motion was made by Comm. Carpenter, seconded by Comm. McFall, to approve advertising for bids/proposals for the sale of a used power broom for Precinct #2 and to re-advertise for bids for heavy equipment repair.

All voted aye; motion passed.

3. TRAFFIC SIGNS

No action.

4. ACTION ON PLACEMENT OF NEWSPAPER RACK BY THE CLEBURNE EAGLE NEWS ON COUNTY PROPERTY (COURTHOUSE)

A motion was made by Comm. Thompson, seconded by Comm. McFall, to approve the placement of a newspaper rack near the south basement entrance of the County Courthouse by the Cleburne Eagle News.

All voted aye; motion passed.

5. ACTION ON TAX COLLECTION CONTRACTS

- a. ALVARADO INDEPENDENT SCHOOL DISTRICT
- b. CITY OF GRANDVIEW
- c. VENUS INDEPENDENT SCHOOL DISTRICT

A motion was made by Comm. McFall, seconded by Comm. Harmon, to approve the tax collection contracts with the Alvarado Independent School District, City of Grandview, and the Venus Independent School District.

All voted aye; motion passed.

6. ACTION ON IMPOSITION OF EXTRA FEES

- a. TRANSPORTATION CODE SEC. 502.172 – ROAD & BRIDGE FEES

A motion was made by Comm. Harmon, seconded by Comm. Carpenter, to approve a \$10.00 Road & Bridge Fee pursuant to Sec. 502.172 of the Transportation Code.

All voted aye; motion passed.

b. TRANSPORTATION CODE SEC. 502.173 – SCHOOL CROSSING GUARD

A motion was made by Comm. Harmon, seconded by Comm. McFall, in opposition to the adoption of the collection of the School Crossing Guard Fee pursuant to Sec. 502.173 of the Transportation Code.

All voted aye; motion passed.

VII. UNFINISHED BUSINESS

6. ACTION ON CHARACTER FIRST PROGRAM FOR JOHNSON COUNTY

Ray Ballman addressed the court regarding the Character First Program. No action.

VIII. NEW BUSINESS

7. ACTION ON CHANGE ORDER NO. 3 ON BRIDGE PROJECT ON CR 600 – PRECINCT #3

A motion was made by Comm. Carpenter, seconded by Comm. Thompson, to approve Change Order No. 3 on the bridge project on CR 600 in Precinct #3 in the amount of \$750.14 to be paid from Precinct #3 Road and Bridge Fund.

All voted aye; motion passed.

8. ACTION ON CREATION OF NEW DEPUTY POSITION WITH GRANT FUNDING FROM STOP THE OFFENDERS PROGRAM

A motion was made by Comm. Harmon, seconded by Comm. Carpenter, to approve the creation of a new deputy position within the County Sheriff's

Office to be assigned to the STOP Task Force and to be funded from Criminal Justice Grant.

All voted aye; motion passed.

9. ACTION TO APPROVE BOND FOR DEPUTY TREASURER

A motion was made by Comm. Thompson, seconded by Comm. Carpenter, to approve the bond for Deputy Treasurer.

All voted aye; motion passed.

10. ACTION ON RESOLUTION REGARDING 8-HOUR OZONE STANDARD UNDER THE FEDERAL CLEAN AIR ACT

A motion was made by Comm. Harmon, seconded by Comm. Thompson, to approve the resolution requesting and accepting from TNRCC appropriate voluntary mandatory control measures to assure that Dallas/Fort Worth area achieves attainment of the ozone standards under the federal Clean Air Act; and that Johnson County not be placed in non-attainment status unless TNRCC determines that Johnson County cannot come into compliance with clean air requirements through the utilization of voluntarily mandated control strategies; and that Johnson County agrees to have air quality monitors located within its corporate boundary at the discretion of TNRCC and EPA.

All voted aye; motion passed.

11. ACTION ON ORDER #99-004 – PROHIBITION OF OUTDOOR BURNING

A motion was made by Comm. McFall, seconded by Comm. Harmon, to approve Order #99-004 prohibiting the burning of any combustible material outside of an enclosure which serves to contain all flames and/or sparks in unincorporated areas of Johnson County.

All voted aye; motion passed.

12. ACTION TO CONSOLIDATE VOTING BOXES FOR THE NOVEMBER 2, 1999 CONSTITUTIONAL AMENDMENT ELECTION

A motion was made by Comm. Thompson, seconded by Comm. Carpenter, to approve the consolidation of voting boxes for the November 2, 1999, Constitutional Amendment Election as submitted by the County Clerk.

All voted aye; motion passed.

IX. CONSENT AGENDA

A motion was made by Comm. Thompson, seconded by Comm. McFall, to approve the consent agenda as presented.

All voted aye; motion passed.

BE IT KNOWN that Commissioner's Court met in Executive Session at 10:22 A.M. in accordance with Government Code Sec. 551.074-Personnel Matters for Precinct #1, the Sheriff's Department, and District Attorney and Government Code Sec. 551.071- Consultation with Attorney regarding contemplated litigation. Commissioner's Court reconvened into open session at 10:45 A.M. and went immediately into workshop session. Commissioner's Court reconvened into open session at 2:00 P.M.; immediately met in Executive Session in accordance with Government Code Sec. 551.071- Consultation with Attorney regarding contemplated litigation; reconvened into open session at 4:15 P.M.; and went immediately into workshop session. Commissioner's Court recessed at 5:16 P.M. to reconvene at 9:00 A.M. on August 10, 1999.

BE IT KNOWN that the Honorable Commissioner's Court of Johnson County reconvened under the August 9, 1999, agenda at 9:35 A.M. on the 10th day of August, 1999, with all members present and immediately met in workshop session. Commissioner's Court reconvened into open session at 10:30 A.M. to consider the following:

VII. UNFINISHED BUSINESS

5. ACTION ON ROOF & BUILDING AT THE LEC

A motion was made by Comm. Thompson, seconded by Comm. Carpenter, to table taking action regarding the roof and building at the LEC until estimates are obtained.

All voted aye; motion passed.

6. ACTION ON CHARACTER FIRST PROGRAM FOR JOHNSON COUNTY

A motion was made by Comm. Harmon, seconded by Comm. Carpenter, to approve a twelve month agreement for the implementation of the Character First Program for Johnson County.

All voted aye; motion passed.

X. EXECUTIVE SESSION

1. GOVERNMENT CODE SEC. 551.074 – PERSONNEL MATTERS

a. PRECINCT #1

A motion was made by Comm. McFall, seconded by Comm. Carpenter, to approve an increase in salary from \$15,522.00 to \$16,298.00 for Grant Earnhart effective August 1, 1999, with no change in review date.

All voted aye; motion passed.

b. SHERIFF'S DEPARTMENT

A motion was made by Comm. Carpenter, seconded by Comm. Harmon, to promote Mike Gilbert to the vacant Lieutenant position in the Sheriff's Department at \$31,864.00 effective August 16, 1999, with no change in review date.

All voted aye; motion passed.

c. DISTRICT ATTORNEY

A motion was made by Comm. Thompson, seconded by Comm. Harmon, to pay \$2,105.00 to the District Attorney based on increase in salary supplement pursuant to Professional Prosecutors Act.

All voted aye; motion passed.

2. GOVERNMENT CODE SEC. 551.071 – CONSULTATION WITH ATTORNEY

a. PENDING LITIGATION – CAUSE #3:98-CV-02995-X
FEDERATED FINANCIAL SERVICES, INC. VS
JOHNSON COUNTY AND JOSHUA I.S.D.

A motion was made by Comm. Harmon, seconded by Comm. McFall, to pay \$11,250.00 to acquire five acres of property at the corner of CR 920 and FM 1902 in Precinct #2.

All voted aye; motion passed.

b. PENDING LITIGATION – CAUSE #C199900253
JOHNSON COUNTY VS. HARRIS METHODIST
AFFILIATED HOSPITALS

A motion was made by Comm. Harmon, seconded by Comm. Thompson, to grant authority to Brown McCarroll & Oaks Hartline to amend the petition in Cause #C199900253 to name all appropriate parties and join all parties associated with the provision of health care services for which Johnson county is to provide payment, including but not limited to, the authority to serve all pleadings and take whatever actions are necessary to secure or protect relevant records and to represent the county in litigation.

All voted aye; motion passed.

A motion was made by Comm. McFall, seconded by Comm. Harmon, to grant Brown McCarroll & Oaks Hartline authority to add and file such claims and causes of action related to improper billing and payment practices by any persons, entities or defendants related to Johnson County's payments for health

care services as needed to secure recovery of all inappropriate or unnecessary payments and stop any inappropriate or unnecessary payments.

All voted aye; motion passed.

A motion was made by Comm. Carpenter, seconded by Comm. Thompson, to grant authority to Brown McCarroll & Oaks Hartline to seek and retain an auditor to analyze billing and payment records related to Johnson County's payments for health care services.

All voted aye; motion passed.

A motion was made by Comm. Thompson, seconded by Comm. Harmon, to grant authority to Brown McCarroll & Oaks Hartline to respond to any Harris counter offer with a statement of Johnson County's position and to grant the authority to negotiate any response to offers from Harris, the parties, or defendants subject to the Court's approval.

All voted aye; motion passed.

BE IT KNOWN that the Honorable Commissioner's Court of Johnson County, Texas, met in executive session on August 10, 1999, at 10:40 A.M. in accordance with Government Code Sec. 551.071-Consultation with Attorney and reconvened into open session at 10:55 A.M. to consider the following:

X. EXECUTIVE SESSION

2. GOVERNMENT CODE SEC 551.071-CONSULTATION WITH ATTORNEY

b. CONTEMPLATED LITIGATION

A motion was made by Comm. Thompson, seconded by Comm. McFall, to re-instate Donna Lidick effective July 15, 1999, with back pay, to the position held at time of dismissal with any and all benefits to which she would otherwise be entitled.

All voted aye; motion passed.

There being no further business before the court concerning this agenda,
Commissioner's Court adjourned at 10:57 A.M. on the same date.

Submitted by: _____
Curtis H. Douglas
County Clerk

Approved by: _____
Roger Harmon
County Judge

New Business item 10 (page 6) reflects corrections made upon approval in the
September 13, 1999, regular meeting of Commissioner's Court.