



JOHNSON COUNTY COMMISSIONERS COURT

Christopher Boedeker
County Judge

Rick Bailey
Commissioner
Precinct 1

Kenny Howell
Commissioner
Precinct 2

Mike White
Commissioner
Precinct 3

Larry Woolley
Commissioner
Precinct 4

MEETING OF THE JOHNSON COUNTY COMMISSIONERS COURT REGULAR TERM

JOHNSON COUNTY COURTHOUSE, RM. 201
2 N. MAIN ST. CLEBURNE, TEXAS 76033
MONDAY, NOVEMBER 27, 2023 - 9:00 AM

CALL TO ORDER

BE IT KNOWN that on the 27th day of November 2023, the Honorable Commissioners Court of Johnson County, Texas, met in Regular Session at the Johnson County Courthouse thereof, in the City of Cleburne, Johnson County, Texas, for the purpose of transacting any and all business that may lawfully be brought before the same. The meeting was called to order at 8:59 A.M. (Judge Boedeker stated the time as 9:00 A.M.) with all members present. The following items, having been lawfully posted and filed for record in the Office of the County Clerk on November 22, 2023, at 10:27 A.M., were considered:

INVOCATION

Led by County Judge Christopher Boedeker

PLEDGE OF ALLEGIANCE

AMERICAN FLAG
TEXAS FLAG

PUBLIC ANNOUNCEMENTS

PA1. Announcements from County Commissioners Regarding County and Precinct Events

Comm. Woolley announced to the Court that the Shop with a Cop donation box was in front of April's desk. He said in lieu of exchanging gifts among the folks in Commissioners Court meetings they did that a few years ago and it was a worthwhile thing. He said the box is empty now and they need to fill it up. He invited anyone else who would like to participate to join as well.

Comm. Bailey gave an update to the Court on the bills in Austin.

PA3. Presentation of the 2023 Annual Achievement of Excellence in Procurement Award to the Johnson County Purchasing Department

Judge Boedeker read the 2023 Annual Achievement of Excellence in Procurement Award to the Johnson County Purchasing Department. He and the other Members of the Court presented the 2023 Annual Achievement of Excellence in Procurement Award to Ralph McBroom and the other members of the Johnson County Purchasing Department.

PA2. Presentation of the Annual Texas A&M Agrilife Extension Update

Kristin Clark, the Johnson County Extension Agent presented the Annual Texas A&M AgriLife Extension Update.

Comm. Bailey said that Adam Hayes, with the Conference of Urban Counties in Austin, now considers Johnson County an urban county. He said that Austin has Johnson County at 205,000 people now. He wanted to share that Johnson County is not looked upon as a rural county.

Comm. Woolley provided follow-up information on some of the 4H members that go beyond when they graduate from high school and go do other things. He said he was out of court two weeks ago due to the fact he was attending the Meat Judging Contest. He said we have quite a few former Johnson County 4H members going off into that endeavor and that his daughter is the meat judging coach and professor there at West Texas A&M. They won the national championship which was the first meat judging win in W2's history. He said two of the four members that marked on that team were from Johnson County, Colt Edington and Eli Mathis. He mentioned that Randy Gillespie's son, Jake Gillespie, was present along with Drew Cassens, who he coached when he was younger, and Will Boyd. He said when you look at the impact that is going forward on what these kids are learning on the 4H level and then going into the collegiate level, and continuing to pursue a graduate degree and then going in either industry or academia, it's quite impressive.

Judge Boedeker thanked Comm. Woolley and Mrs. Clark and he said we have a fantastic program and that Johnson County is well represented in the state and around the world.

PA4. Update on Status of the Construction/Renovation of County Buildings by Joshua Green, Facilities Management Director

Facilities Management Director Joshua Green gave a brief update on the 911 Center. He said that the estimated date to receive the switch for the 911 Call Center was the middle of February.

PUBLIC PARTICIPATION

NONE

CONSENT AGENDA

The following items are a part of the Consent Agenda and will be voted on collectively unless opposition is presented in which case the contested item(s) will be heard separately.

TRANSFERRING OF BUDGET SURPLUS FOR FY2023

- CA1.** 413th District Court – Transfer from Fees & Services to Witness Expense-\$7,000.00
- CA2.** Non-Departmental – Transfers from Fees & Services and Workers Compensation Insurance to Child Safety Programs, Real Property Acquisition, Mental Commitment Expense, Personnel Salaries, Retirement, FICA, Personnel Salaries, Retirement, Small Equipment Repair & Maintenance, Fees & Services, and Mileage Reimbursement-\$24,903.00
- CA3.** SRO-Cleburne ISD – Transfers from Vehicle & Heavy Machinery Repair & Maintenance, Auto & Property Insurance, and Fuel, Additives & DEF to Small Tools, Equipment & Supplies, Fuels, Additives & DEF, and Equipment Non-Capital-\$1,841.00
- CA4.** Public Works – Transfer from Fuels, Additives & DEF to Postage-\$675.00
- CA5.** Justice of the Peace, Pct. 4 – Transfer from Law Books & Publications to Postage-\$300.00
- CA6.** 413th District Court – Transfers from Law Books & Publications, Other Court Appointed Attorneys, Investigation Expense, Indigent Court Reporter Rec., Misdemeanor Court Appointed Attorneys, Other Court Appointed Attorneys, and Fuel Reserve to Fees & Services-\$130,956.00

TRANSFERRING OF BUDGET SURPLUS FOR FY2024

- CA7.** Hamm Creek Park – Transfer from Small Tools, Equipment & Supplies to Small Equipment Repair & Maintenance-\$1,000.00
- CA8.** Public Works – Transfer from Fees & Services to Dues, Conferences & Training-\$2,000.00
- CA9.** Emergency Management – Transfer from Small Tools, Equipment & Supplies to Equipment Non-Capital-\$600.00
- CA10.** Constable, Pct. 1 – Transfers from Law Books & Publications, Maintenance of Office Equipment, and Fuels, Additives & DEF to Equipment Non-Capital-\$4,200.00
- CA11.** Non-Departmental – Transfers from Telephone and Operating Reserve to Equipment Lease, Printing, and Uniforms-\$135,726.00
- CA12.** 413th District Court – Transfer from Fees & Services to Felony Court Appointed Attorneys-\$15,000.00
- CA13.** Sheriff-Jail – Transfer from Ammunition to Equipment Non-Capital-\$5,280.00

REQUEST TO PAY BILLS

- CA14.** Consider and Approve to Pay County Bills for Current Term

APPOINTMENTS

- CA15.** Consider and Approve Re-Appointment of Jerry Cash to the Cen-Tex Rural Transportation District Board for a Two-Year Term Ending December 31, 2025-County Judge's Office-County Judge's Office

TRAINING/SEMINARS

- CA16.** Request from the Honorable Rick Bailey, Commissioner, Pct. 1 for Himself to Attend “2024 Annual V.G. Young Institute of County Government School for County Commissioners Courts”
- CA17.** Request from Jennifer VanderLaan, Public Works Director for Francisco Gonzalez and Don Mitchell to Attend “2024 Texas On-Site Wastewater Association Annual Conference”
- CA18.** Request from Jennifer VanderLaan, Public Works Director for Kalee Young to Attend “TEEX OSSF Designated Representative Class”
- CA19.** Request from the Honorable Jeffrey Monk, Justice of the Peace, Pct. 2 for Nikki Ashley, Jessie Reynolds, Margarita DeLeon, and Caleb Gray to Attend “Texas Justice Court Training Center’s Experience Court Personnel Seminar”
- CA20.** Request from the Honorable Adam King, Sheriff for James Saulter and Mark Reinhardt to Attend “Recruiting & Retaining the Next Generation of Law Enforcement”
- CA21.** Request from the Honorable Kenny Howell, Commissioner, Pct. 2 for Himself to Attend “2024 Annual V.G. Young Institute School for County Commissioners Courts”

MISCELLANEOUS ITEMS

- CA22.** Consider and Approve **Order 2023-97** – “Order Approving the Johnson County Treasurer’s Report”
- CA23.** Consider and Approve **Order 2023-98** – “Order Approving Plat” of **Ross Addition, Phase 2**, Lot 2 & Lot 3, Block 1, in Precinct 4-Public Works Department
- CA24.** Consider and Approve Paula Reid to Serve as a Designee for County Judge Christopher Boedeker and Lori Schuster to Serve as Designee for County Court at Law No. 2 Judge Steve McClure for the 2024 Bail Bond Board Meetings-Sheriff’s Office
- CA25.** Consider and Approve Expenditures from 0216: Records Management and Preservation in the Amount of \$51,482.84 for the Preservation and Imaging of Johnson County Plat Records and the Purchase of Two Plat Cabinets from Kofile, Inc., with the Purchase to be Made Under the State of Texas Comptroller of Public Accounts Texas Multiple Award Schedule (TXMAS), Contract No. TXMAS-23-92001 with Authorization for County Judge to Sign-County Clerk’s Office
- CA26.** Acknowledgement of Statement of Financial Position for Johnson and Somervell Counties CSCD August 31, 2023-Community Supervision and Corrections Department
- CA27.** Acknowledgement of Audit Report for FY23 Quarter 3 County Clerk Registry Auditor’s Office
- CA28.** Acknowledgement of Audit Report for FY23 Quarter 3 and Quarter 4 District Clerk Filing Fees-Auditor’s Office
- CA29.** Acknowledgement of Audit Report for FY23 Quarter 4 Tax Office Sales Tax-Auditor’s Office
- CA30.** Acknowledgement of Audit Report for FY23 Quarter 1 Burleson Clerk’s Office Cash Count-Auditor’s Office
- CA31.** Acknowledgement of Audit Report for FY23 Quarter 3 and Quarter 4 County Clerk Filing Fees-Auditor’s Office
- CA32.** Acknowledgement of Audit Report for FY23 Quarter 3 and Quarter 4 County Clerk Recording-Auditor’s Office
- CA33.** Acknowledgement of Audit Report for FY23 Quarter 4 Tax Office Auto Registration-Auditor’s Office

- CA34.** Acknowledgement of Audit Report for FY23 Quarter 4 Tax Office Boat Registration-Auditor’s Office
- CA35.** Acknowledgement of Audit Report for FY23 Quarter 4 County Clerk Cash Bonds-Auditor’s Office
- CA36.** Acknowledgement of Audit Report for FY23 Quarter 3 District Clerk Registry-Auditor’s Office
- CA37.** Acknowledgement of Audit Report for FY23 Quarter 4 District Clerk Jury Fund-Auditor’s Office
- CA38.** Consider and Approve **Order 2023-100** – “Order Approving Plat” of **Lemons Addition**, Lots 1 & 2, Block 1, in Precinct 4-Public Works Department
- CA39.** Consider and Approve FY 24 Budget Transfer from Non-Departmental to the Individual Department’s Health Insurance and HSA Employer Contribution Lines-County Judge’s Office
- CA40.** Consideration of Volunteer in Park (VIP) Bond for Janette Kurtz, Hamm Creek Park-Precinct 1

Comm. Woolley clarified on CA 23 that the easement shown for lots 2 and 3 is not an access easement, a sole access for either of these subdivided properties. He said that it is the sole access for lot 3 with 150 feet of road frontage but they also granted an access easement to lot 2 but it’s a secondary access with ample road frontage on CR 401. He wanted to clarify, if it created any questions, that it is not an easement that they would grant to get sole access to a subdivided property.

MOTION by Comm. Woolley, seconded by Comm. White, to approve as presented.

All voted aye; motion carried.

ACTION ITEMS

- A1.** Consider and Approve Bill Run for Court Appointed Attorneys’ Fees

Comm. Bailey took control of the Court to consider ACTION ITEMS, A1, Consider and Approve Bill Run for Court Appointed Attorneys’ Fees.

MOTION by Comm. White, seconded by Comm. Woolley, to approve.

Comm. Bailey	aye
Comm. Howell	aye
Comm. White	aye
Comm. Woolley	aye
Judge Boedeker	abstained

Motion carried.

Judge Boedeker re-took control of the Court and moved to A11.

- A11.** Consider and Authorize Johnson County Historical Commission (JCHC) Representative(s) to Attend the 2024 Friends of the Texas Historical Commission Real Places Conference in Austin from April 3-5, 2024, and Authorize Board to Apply for Scholarships to the Event, with a Total Cost not to Exceed the JCHC Dues and Conferences Budget-County Judge's Office

Sandra Neely Chair of the Historical Commission Board presented.

Comm. Bailey commented that it was important to have representation.

Mrs. Neely agreed that it was quite a networking opportunity.

Judge Boedeker pointed out that Joshua Green might be attending and is looking at calendars and whether there is a discount for County Representatives.

Mrs. Neely said that all elected officials are welcome.

MOTION by Comm. Bailey, seconded by Comm. Woolley, to approve.

All voted aye; motion carried.

Mrs. Neely said that she would include a report of what they learned when she makes her report to the Commission in early 2024.

Comm. Bailey said that they are fighting to preserve history.

- A2.** Consider and Authorize Purchasing Agent to Advertise for Bids/Proposals

Comm. Bailey asked Purchasing Agent Ralph McBroom for a status update on the renovation of the second building at the Pct. 1 location.

Mr. McBroom stated that after visiting the location, they are waiting on a revised estimate.

NO ACTION

- A3.** Consider and Approve **Order 2023-88** – “Prohibition of Outdoor Burning”

NO ACTION

- A4.** Consider and Approve Amended Johnson County Bank Depository Contract Allowing for the Use of an Irrevocable Letter of Credit as Collateral Securing County Investments with Authorization for County Judge to Sign-Treasurer's Office

Johnson County Treasurer, Kathy Blackwell presented. Austin Elsner and Jaye Weishuhn were present with First Financial Bank.

Comm. Bailey asked if it was a two or three-year commitment.

Mrs. Blackwell answered that the contract was extended for another two years.

Johnson County Attorney Bill Moore said all the contract does is amend the current contract that allows them to use an irrevocable letter of credit from the Home Loan Bank as collateral. He said this allows them to use the letter of credit.

Comm. Bailey asked about the value of the credit.

Austin Elsner, First Financial Bank Representative, explained that the amount of the letter has not been determined. He added that this is simply adding the letter of credit option to the current contract as an amendment.

MOTION by Comm. White, seconded by Comm. Bailey, to approve as presented.

All voted aye; motion carried.

A5. Consider and Approve Purchase of the EVS 6.3.0.0 Reporting Standard Standalone EMS Workstation in the Amount of \$4,768.00 from Election Systems & Software, LLC Under Buy Board Cooperative Contract #710-23, to be Purchased with American Rescue Plan Act (ARPA) Funding with Authorization for County Judge to Sign-Purchasing Department

Elections Administrator Patty Bourgeois presented. The Vendor, Chris Wlaschin with Election Systems and Software LLC, was present as well. Mrs. Bourgeois asked for the purchase of the express votes.

Comm. Bailey asked if this was in lieu of the letter that was received recently.

Judge Boedeker read in A6 since it was a related item, but he said the Court would vote on them separately. He also asked Mrs. Bourgeois to explain how this impacts how the citizens are going to vote next year.

Mrs. Bourgeois said that they had to replace the equipment due to decertifying the equipment because Johnson County has to be in compliance by 2024.

Comm. Woolley asked if this would give Johnson County the capability of countywide voting.

Mrs. Bourgeois said that it would but not at this time. She clarified that this equipment would be capable of adding more to it to go countywide in the future.

Judge Boedeker asked if that had to do with the number of machines.

Mrs. Bourgeois said that it did and they based it off of Ellis County.

Chris Wlaschin noted that legislation and countywide voting require that all voters use the same device.

Comm. Woolley asked if there would be a machine in every booth.

Chris Wlaschin explained that it would accommodate every single voter versus the voter getting a paper ballot.

Comm. Howell pointed out that would mean several machines at every location.

Judge Boedeker said that the request is looking at purchasing 45 machines which means one machine in every voting Precinct and two extra if any one of them breaks. He said those are required for Americans with Disability Act compliance. He added that Johnson County currently has autoMARK machines for those who need a machine to read a ballot or those who can't fill out a paper ballot. He said that this is the new version of the autoMARK machine and does the same thing. He said that it does print out a cardstock paper ballot for you to review and to make sure it marked the ballot the way that you wanted it to be marked, and then you put it in the box. He stated that there is no moving away from paper ballots or audit trails and there will be boxes of paper ballots that will be counted. This will only impact people who have a disability or if the voter chooses to use the machine.

Comm. Bailey said to be ADA compliant, the 45 machines will be sufficient. He asked if this was just for the software itself on this first item, A5.

Chris Wlaschin said that A5 was for the central accumulation computer and software. He clarified that the \$4,768.00 was for the software and the computer and that the next line item was for the high-speed central scanner and for the ADA express votes. He added that it was about \$3,600 per unit.

Comm. Woolley said that it would be a million-dollar update after this to go countywide.

Chris Wlaschin agreed and stated that it would be a million plus or minus \$100,000. He noted that a scanner to scan the votes would also be needed at each location.

Comm. Wolley asked how old the current equipment was that the state sees as no longer usable.

Chris Wlaschin said that it was about 20 years old and the reason for this is to keep tampering from happening before the election.

Comm. Bailey stated that he is grateful for the ARPA funds because Johnson County was notified after budget time had already passed.

Chris Wlaschin said that he could give Patty the quote to reach the countywide-status, that way the Court would have it.

Comm. Woolley stated that we need to look at this sooner rather than later.

MOTION by Comm. Bailey, seconded by Comm. Howell, to approve.

All voted aye; motion carried.

- A6.** Consider and Approve Purchase of Express Vote Universal Voting System in the Amount of \$361,722.50 from Election Systems & Software, LLC Under Buy Board Cooperative Contract #710-23, to be Purchased with American Rescue Plan Act (ARPA) Funding with Authorization for County Judge to Sign-Purchasing Department

MOTION by Comm. Howell, seconded by Comm. Bailey, to approve.

All voted aye; motion carried.

Comm. Howell agreed that we need to look at this sooner rather than later and showed his appreciation to Patty for putting those numbers together so the county would have an idea of the cost.

- A7.** ***PUBLIC HEARING*** - Consider and Approve **Order 2023-91** – “Second Amended Ordinance Licensing Junkyards and Automotive Wrecking and Salvage Yards Located in Unincorporated Areas of Johnson County, Texas”-Public Works Department

Public Works Director Jennifer VanderLaan presented. She stated that the Court recently completed a workshop to discuss the updated language changes that need to take place in the order and this is the public hearing that is necessary to adopt those changes.

County Attorney Bill Moore stepped in and said that in paragraph four, under number A, the previous language was just 50 feet of residence, but the statute actually says within 50 feet of the nearest property line of a residence.

Mrs. VanderLaan said that this was the main correction.

Comm. Woolley asked if it was statute-driven.

Mr. Moore agreed that the statute had changed and that’s the language from the statute.

Comm. Bailey called Constable Matt Wylie to the podium and asked him to explain what they can and can’t do in an unincorporated area.

Mr. Wylie said that he has gotten with the County Attorney’s office. He added that basically if it’s a public health nuisance, then something can be done.

Mrs. VanderLaan stated that, in this document, it’s specifically when a license is required and what meets the definition under this document.

Judge Boedeker opened the Public Hearing at 10:04 A.M.

There being no one to speak, the Public Hearing was closed at 10:04 A.M.

MOTION by Comm. Bailey, seconded by Comm. Howell, to approve as presented.

All voted aye; motion carried.

- A8.** ***PUBLIC HEARING*** - Consider and Approve **Order 2023-99** – “Order Authorizing JHHB, LLC to File an Instrument Canceling the **Gill’s Crossing, Phase Three Subdivision** in Johnson County, Texas, Precinct 3”-Public Works Department

Public Works Director Jennifer VanderLaan presented. She said that the phase was platted previously and never built out and the owner wishes to cancel what was previously recorded. She added that, to the best of her knowledge, they own the entirety of the property and it does not affect any other landowner.

Judge Boedeker opened the Public Hearing at 10:06 A.M.

There being no one to speak, the Public Hearing was closed at 10:06 A.M.

Comm. White pointed out that the reason they are canceling this and are going to file for a new plat is because these lots were cut in half and went from one-acre lots to two-acre lots.

The Court held additional discussions regarding the water wells.

MOTION by Comm. White, seconded by Comm. Bailey, to approve.

All voted aye; motion carried.

- A9.** Consider and Approve Variance to Allow Permitting for Residential Development and OSSF on a Lot less than One Acre, in Precinct 2-Public Works Department

MOTION by Comm. Howell, seconded by Comm. White, to approve.

All voted aye; motion carried.

- A10.** Consider and Approve Joining TEX-21 and Appointing County Judge and County Engineer as Representative and Alternate Representative to the Board-County Judge’s Office

MOTION by Comm. Bailey, seconded by Comm. Woolley, to approve.

All voted aye; motion carried.

- A12.** Discuss and Take Any Appropriate Action Necessary to Implement the Annual Johnson County Christmas Party to be Held on Friday, December 8, 2023- Personnel Department

Personnel Director Randy Gillespie presented and said that the caterer requested a live check the night of the party.

Comm. Bailey asked if there was a dollar amount.

Mr. Gillespie answered that was going to be \$10,000.00.

MOTION by Comm. Bailey, seconded by Comm. White, to approve the \$10,000 for the Christmas Party for the meal and for Kathy Blackwell to issue a live check.

All voted aye; motion carried.

The Commissioner Court recessed at 10:21 A.M. and reconvened at 10:32 A.M.

WORKSHOP

The Commissioners Court convened into Workshop Session at 10:32 A.M. to discuss WS1, WS2, and WS3.

WS1. Discussion of Proposals and Projects for the American Rescue Plan Act (ARPA) Funding, with Possible Consultation with GrantWorks

While still in Workshop Session, Judge Boedeker called for a motion on WS1.

While in Workshop, Comm. Bailey made a motion to go forward with this and that we spend the \$50,489 and this to be funded with ARPA funds and we are going to wait until we find action on this building purchase that will determine when we set a date for delivery and setup.

Comm. Howell seconded.

All voted aye; motion carried.

Comm. White stepped out of the meeting at 10:39 A.M. and returned at 10:39 A.M.

WS2. Discuss Locating and Acquiring Real Property in Precinct 3 to be Used for Future County Purposes-County Judges Office

WS3. Discussion Regarding the Grant Application Process, Including Potential Minimum Grant Threshold-Auditor's Office

Comm. Woolley stepped out of the meeting at 11:24 A.M. and returned at 11:25 A.M.

WS4. Reconvene into Open Session for Potential Action Resulting from Workshop Sessions

EXECUTIVE SESSION

The Commissioners Court convened into Closed Executive Session directly from Workshop Session at 11:26 A.M. to discuss ES1 and ES2.

ES1. Government Code: *Sec. 551.071*, Consultation with Attorney, Contemplated Litigation, Regarding Bio Solids being Placed on Property Adjacent to CR 204 and CR 102, in Precinct 4, Johnson County, Texas

ES2. Government Code: *Sec. 551.072* – Deliberation About Real Property, Lot 1R1, Blk 2, Marti-Bentley Subdivision, 411 Marti Drive, Cleburne, Texas 76033

ES3. Reconvene into Open Session for Potential Action Resulting from Executive Session

The Commissioners Court reconvened into Open Session at 12:43 A.M. and took no action on ES1 and ES2.

ADJOURN

There being no further business, the Commissioners Court adjourned at 12:43 P.M.

Approved by: *Christopher Boedeker*
Christopher Boedeker, County Judge

STATE OF TEXAS §
COUNTY OF JOHNSON §

I, April Long, Johnson County Clerk, attest that the foregoing is a true and accurate accounting of the Commissioners Court's authorized proceedings for November 27, 2023.



FILED & RECORDED
December 21, 2023
Commissioner Court Minutes

April Long
April Long, County Clerk
Clerk of Commissioners Court
Johnson County, Texas