

STATE OF TEXAS

DECEMBER 23, 2019

COUNTY OF JOHNSON

COMMISSIONERS COURT

BE IT KNOWN that on the 23rd day of December 2019, 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 9:01 A.M. with all members present, and following the Invocation led by County Judge, Roger Harmon, and the Pledge of Allegiance, the following items, having been lawfully posted and filed for record in the Office of the County Clerk on December 19, 2019 at 1:09 P.M., were considered:

County Judge, Roger Harmon welcomed all visitors to the Court, he told everyone that the Court appreciated their presence at today's meeting and he wished everyone a very Merry Christmas.

Commissioner Woolley, Precinct #4 recognized and congratulated the Grandview High School Football team on their Class 3A Division 1 State Championship win. He noted that this win was a back-to-back championship for the team. Comm. Woolley also recognized Quarterback, Dane Jentsch, who was awarded both Offensive and Defensive MVP of the game.

V. PUBLIC PARTICIPATION

James Ludden addressed the Court in support of the Proclamation Regarding Second Amendment. He emphasized that all individuals are important, and should be standing in the "circle" to make a difference.

R. Baker Hughes addressed the Court in support of the Proclamation Regarding Second Amendment. He read the 2nd Amendment, as follows, for Court Record, "A well-regulated Militia, being necessary to the security of a Free State, the right of the people to keep and bear Arms, shall not be infringed." Mr. Hughes also read the Oath of Enlistment, as follows, for Court Record, " I, Baker Hughes, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I will obey the orders of the President of the United States and the orders of the officers appointed over me, according to regulations and the Uniform Code of Military Justice. So help me God." He emphasized that he supported the Court and thanked them for what they were doing.

Keith Kelly addressed the Court in support of the Proclamation Regarding Second Amendment. He discussed the current situation in Virginia and how eighty-five percent of the counties in Virginia have adopted Sanctuary Resolutions. Mr. Kelly commented that the Court and everyone will have to make a decision in the near future, and that he hopes that he will always be able to support the Court as he does now.

IV. WELCOME VISITORS, ANNOUNCEMENTS & PRESENTATIONS

1. PRESENTATION OF PROCLAMATION REGARDING SECOND AMENDMENT

Johnson County Sheriff, Adam King, invited the Constables to join the Court as he presented the Proclamation Regarding Second Amendment and declared Johnson County's support of the Second Amendment.

Commissioner Stringer, Precinct #3 addressed the argument about guns/gun control and stated that what a lot of people don't realize is, it has nothing to do with guns but what your rights are as an American Citizen. Comm. Stringer commented that if you can't defend yourself under the Second Amendment, the other rights are junk and unenforceable. He thanked the Sheriff and the Sheriff Officers for being in Court today and for their continued support. He also recognized the members of the 4-H Clay Shooting Team.

Commissioner Bailey, Precinct #1 commented that they all have roles as elected officials and that he discussed the use of the word "*sanctuary*" with legal counsel, Jim Allison. Comm. Bailey stated the word "*sanctuary*" has a bigger role than what was discussed in Court, and that, yes state and federal funding does come into play, but more importantly, the Court does not want to be confused with sanctuary for illegal immigration. He clarified that despite not using the word "*sanctuary*," the Members of the Court did not do anything to alter the Proclamation as it was intended, and that any Member of the Court, if they were ever challenged, would step down before they surrendered their weapons.

Commissioner Stringer, Precinct #3 commented in regards to the use of the word "*sanctuary*" and he clarified that this has nothing to do with illegal aliens. He also commented that if the County were to become a Second Amendment Sanctuary County, and would not receive federal funds because of it, he did not want to use federal money and that he was ready for any repercussions that may arise from this proclamation.

Johnson County Sheriff, Adam King commented that, speaking from his position, if a signature is required from the Sheriff stating his department would comply with unconstitutional gun laws in order to receive federal funds, it will not happen.

County Attorney, Bill Moore commented and stated that he thought the proclamation was not watered down. He stated that he took out the word "*sanctuary*" because it has a bad connotation. He also noted that every elected official took an oath to uphold the Constitution of the United States and due to the other connotations of the word "*sanctuary*," he did not want someone to be able to claim that any elected official was violating their oath of office.

County Judge, Roger Harmon agreed with comments made and stated that the Court stands for the Second Amendment. He thanked the Sheriff and the officers in Court today. For Court Record, Judge Harmon read the last paragraph of the Proclamation, as follows, "In witness whereof, we hereto set our hands and cause the Seal of Johnson County, Texas to be affixed on the 23rd day of December 2019. Roger Harmon, County Judge, Johnson County; Rick Baily, Precinct Commissioner #1; Kenny Howell, Precinct Commissioner #2; Jerry Stringer, Precinct Commissioner #3; Larry Woolley, Precinct Commissioner #4; Matt Wylie, Constable, Precinct #1; Adam Crawford, Precinct #2, Mike White, Constable Precinct #3; Tim Kinman, Constable Precinct #4; and Adam King, Johnson County Sheriff. And it is attest by our County Clerk, Becky Ivey." He stated that the Court's stance on Second Amendment Rights has been taken and affirmed in Court today and will go on record. Judge Harmon thanked everyone for coming to today's Court.

VI. PRECEDING BUSINESS

1. CONSIDERATION OF MINUTES OF THE COMMISSIONERS COURT:

a. December 9, 2019 – Regular Session

Comm. Stringer, seconded by Comm. Woolley, made a motion to approve the Minutes of the Commissioners Court for December 9, 2019.

All voted aye; motion carried.

2. CONSIDERATION OF REQUEST TO PAY BILLS

Comm. Bailey, seconded by Comm. Howell, made a motion to approve to pay bills as presented with the addition of adding 3rd Share Investigations from the 413th District Court in the amount of \$14,723.80 to the schedule of claims.

All voted aye; motion carried.

3. CONSIDERATION OF ORDER #2019-74 – “APPROVING THE JOHNSON COUNTY TREASURER’S REPORT TO THE COMMISSIONERS COURT”

Comm. Stringer, seconded by Comm. Howell, made a motion to approve

Order #2019-74 – “Approving the Johnson County Treasurer’s Report to the Commissioners Court”.

All voted aye; motion carried.

4. CONSIDERATION TO TRADE-IN A 2004 CATERPILLAR MODEL 305 FOR A 2020 CATERPILLAR MODEL 305 ON SOURCEWELL CONTRACT #032119 PURSUANT TO LOCAL GOVERNMENT CODE 263.152 (a)(2), TOTAL EXPENSE TO JOHNSON COUNTY WILL BE \$64,371.11-PURCHASING DEPARTMENT

Comm. Bailey, seconded by Comm. Woolley, made a motion to approve to

Trade-In a 2004 Caterpillar Model 305 for a 2020 Caterpillar Model 305 on Sourcewell Contract #032119 Pursuant to Local Government Code 263.152 (a)(2), Total Expense to Johnson County will be \$64,371.11- Purchasing Department.

All voted aye; motion carried.

5. CONSIDERATION OF ORDER #2019-75 – “ORDER APPROVING PLAT” OF PICA INVESTMENTS BP ADDITION, BLOCK 1, LOT 1 IN PRECINCT #3- PUBLIC WORKS DEPARTMENT

Comm. Stringer, seconded by Comm. Bailey, made a motion to approve

Order #2019-75 – “Order Approving Plat” of Pica Investments BP Addition, Block 1, Lot 1 in Precinct #3-Public Works Department.

All voted aye; motion carried.

6. CONSIDERATION OF ORDER #2019-76 – “PROHIBITION OF OUTDOOR BURNING”-PRECINCT #1

Comm. Bailey, seconded by Comm. Woolley, made a motion to approve

Order #2019-76 – “Prohibition of Outdoor Burning” which includes all four Precincts and replaces Order #2019-70-Precinct #1.

All voted aye; motion carried.

VII. UNFINISHED BUSINESS

1. CONSIDERATION OF UPDATES ON JOHNSON COUNTY REMODELING PROJECTS:

- a. Burleson Sub-Courthouse Building Remodel
No Action.
- b. Portion of Johnson County Sheriff's Administration Building Remodel
No Action.
- c. Demolition of Drive-Thru Bank Facility Located at the Corner of W. Chambers and S. Mill Street, Cleburne, Texas
No Action.
- d. Annex Building Located at 104 W. Chambers Street, Cleburne, Texas
No Action.

VIII. NEW BUSINESS

1. CONSIDERATION TO ADVERTISE FOR BIDS/PROPOSALS

No Action.

2. CONSIDERATION OF BUDGET AMENDMENT PURSUANT TO THE LOCAL GOVERNMENT CODE SECTION 111 FOR:

- a. Insurance Claim - Sheriff-\$2,205.00

Comm. Bailey, seconded by Comm. Howell, made a motion to approve the Budget Amendment Pursuant to the Local Government Code *Section 111* for Insurance Claim - Sheriff-\$2,205.00.

All voted aye; motion carried.

3. ACKNOWLEDGEMENT OF PECAN VALLEY CENTERS FOR BEHAVIORAL & DEVELOPMENTAL HEALTHCARE FINANCIAL STATEMENTS FOR FISCAL YEAR ENDING AUGUST 31, 2019-COUNTY JUDGE'S OFFICE

The Commissioners Court acknowledged the Pecan Valley Centers for Behavioral & Developmental Healthcare Financial Statements for Fiscal Year Ending August 31, 2019-County Judge's Office.

4. ACKNOWLEDGEMENT OF COUNTY JUDGE RESPONDING TO LETTER DATED DECEMBER 2, 2019 FROM TEXAS STATE REPRESENTATIVE MAYES MIDDLETON, DISTRICT 23, THAT REQUESTS DISCLOSURES REQUIRED UNDER GOVERNMENT CODE SECTION 2254.030 AND DISCLOSURES OF BENEFICIAL INTERESTS REQUIRED UNDER GOVERNMENT CODE SECTION 2252.908(b) REGARDING LOBBYING ACTIVITIES-COUNTY JUDGE'S OFFICE

The Commissioners Court acknowledged the County Judge Responding to Letter Dated December 2, 2019 from Texas State Representative Mayes Middleton, District 23, that Requests Disclosures Required Under Government Code *Section 2254.030* and Disclosures of Beneficial Interests Required Under Government Code *Section 2252.908(b)* Regarding Lobbying Activities-County Judge's Office.

5. CONSIDERATION OF ENVIRONMENTAL REVIEW RECORD, ENVIRONMENTAL ASSESSMENT AND AUTHORITY TO USE GRANT FUNDS, JOHNSON COUNTY TXCDBG CONTRACT NO. 7218250 WATER IMPROVEMENTS, FOR ENVIRONMENTAL CLEARANCE FOR THE REDUCED SCOPE OF WORK (OPTION 1, OPTION 2)-COUNTY JUDGE'S OFFICE

Comm. Bailey, seconded by Comm. Howell, made a motion to approve the Environmental Review Record, Environmental Assessment and Authority to Use Grant Funds, Johnson County TxCDBG Contract No. 7218250 Water Improvements, for Environmental Clearance for the Reduced Scope of Work (Option 1, Option 2); approving Option 1-County Judge's Office.

All voted aye; motion carried.

6. CONSIDERATION OF SALES ORDER AGREEMENT FOR MICROFILM STORAGE FOR JOHNSON COUNTY DISTRICT CLERK'S OFFICE WITH AVENU IN THE AMOUNT OF \$6,375.00 FOR FIVE YEARS-PURCHASING DEPARTMENT

Comm. Stringer, seconded by Comm. Woolley, made a motion to approve the Sales Order Agreement for Microfilm Storage for Johnson County District Clerk's Office with Avenu in the Amount of \$6,375.00 for Five Years and to give the County Judge, Roger Harmon the authorization to sign-Purchasing Department.

All voted aye; motion carried.

7. CONSIDERATION OF PRESERVATION OF HISTORICAL DEEDS AND INDEXES, COUNTY COURT MINUTES AND MARKS AND BRAND BOOKS FROM KOFIL PRESERVATION FOR THE COUNTY CLERK, WITH PURCHASE TO BE MADE UNDER THE STATE OF TEXAS COMPTROLLER OF PUBLIC ACCOUNTS TEXAS MULTIPLE AWARD SCHEDULE (TXMAS), CONTRACT NO. TXMAS-18-3602, FOR A TOTAL OF \$549,469.62 AND FUNDS WILL BE PULLED OUT OF THE RECORDS ARCHIVE FUND-PURCHASING DEPARTMENT

Comm. Woolley, seconded by Comm. Stringer, made a motion to approve the Preservation of Historical Deeds and Indexes, County Court Minutes and Marks and Brand Books from Kofile Preservation for the County Clerk, with Purchase to be made under the State of Texas Comptroller of Public Accounts Texas Multiple Award Schedule (TXMAS), Contract No. TXMAS-18-3602, for a Total of \$549,469.62 and Funds will be Pulled Out of the Records Archive Fund and to give the County Judge, Roger Harmon the authorization to sign-Purchasing Department.

All voted aye; motion carried.

8. CONSIDERATION OF PRESERVATION OF VITAL RECORDS INCLUDING MARRIAGE, BIRTH AND DEATH RECORDS AND BOOKS FROM KOFIL PRESERVATION FOR THE COUNTY CLERK, WITH PURCHASE TO BE MADE UNDER THE STATE OF TEXAS COMPTROLLER OF PUBLIC ACCOUNTS TEXAS MULTIPLE AWARD SCHEDULE (TXMAS), CONTRACT NO. TXMAS-18-3602, FOR A TOTAL OF \$106,291.82 AND FUNDS WILL BE PULLED OUT OF THE VITAL STATISTICS PRESERVATION FUND-PURCHASING DEPARTMENT

Comm. Woolley, seconded by Comm. Stringer, made a motion to approve the Preservation of Vital Records Including Marriage, Birth and Death Records and Books from Kofile Preservation for the County Clerk, with Purchase to be made under the State of Texas Comptroller of Public Accounts Texas Multiple Award Schedule (TXMAS), Contract No. TXMAS-18-3602, for a Total of \$106,291.82 and Funds will be Pulled Out of the Vital Statistics Preservation Fund and to give the County Judge, Roger Harmon the authorization to sign-Purchasing Department.

All voted aye; motion carried.

9. CONSIDERATION OF PURCHASE OF AN ARCHIVAL SHELVING SOLUTION FOR DEED RECORDS AND INDEXES, COUNTY COURT RECORDS, AND MARRIAGE RECORDS FROM KOFIL PRESERVATION FOR THE COUNTY CLERK, WITH PURCHASE TO BE MADE UNDER THE STATE OF TEXAS COMPTROLLER OF PUBLIC ACCOUNTS TEXAS MULTIPLE AWARD SCHEDULE (TXMAS), CONTRACT NO. TXMAS-18-3602, FOR A TOTAL OF \$16,307.17 AND FUNDS WILL BE PULLED OUT OF THE RECORDS MANAGEMENT FUND-PURCHASING DEPARTMENT

Comm. Bailey, seconded by Comm. Howell, made a motion to approve the Purchase of an Archival Shelving Solution for Deed Records and Indexes, County Court Records, and Marriage Records from Kofile Preservation for the County Clerk, with Purchase to be made under the State of Texas Comptroller of Public Accounts Texas Multiple Award Schedule (TXMAS), Contract No. TXMAS-18-3602, for a Total of \$16,307.17 and Funds will be Pulled Out of the Records Management Fund and to give the County Judge, Roger Harmon the authorization to sign-Purchasing Department.

All voted aye; motion carried.

10. CONSIDERATION OF PROPOSAL FOR ASBESTOS ABATEMENT MONITORING FOR FORMER BANK BUILDING ON 102 S. MILL ST., CLEBURNE, TEXAS FROM RESOURCE ENVIRONMENTAL CONSULTING, INC. FOR \$2,300.00-PURCHASING DEPARTMENT

Comm. Bailey, seconded by Comm. Howell, made a motion to approve the Proposal for Asbestos Abatement Monitoring for Former Bank Building on 102 S. Mill St., Cleburne, Texas from Resource Environmental Consulting, Inc. for \$2,300.00-Purchasing Department.

All voted aye; motion carried.

11. CONSIDERATION OF PROPOSAL FOR ASBESTOS ABATEMENT MONITORING FOR FORMER BANK BUILDING ON 102 S. MILL ST., CLEBURNE, TEXAS FROM ABADON ENVIRONMENTAL, LLC FOR \$5,700.00-PURCHASING DEPARTMENT

Carla Hester, Assistant to Commissioner's Court, noted that Item #11 should read "*Asbestos Abatement Services*," not, "*Asbestos Abatement Monitoring*".

Comm. Bailey, seconded by Comm. Howell, made a motion to approve the Proposal for Asbestos Abatement Monitoring for Former Bank Building on 102 S. Mill St., Cleburne, Texas from Abadon Environmental, LLC for \$5,700.00 and to give the County Judge, Roger Harmon the authorization to sign-Purchasing Department.

All voted aye; motion carried.

12. CONSIDERATION OF BOND FOR:

- a. Holly A. Lacy – Hamm Creek Park

Comm. Bailey, seconded by Comm. Howell, made a motion to approve the Bond for Holly A. Lacy – Hamm Creek Park.

All voted aye; motion carried.

13. CONSIDERATION OF APPOINTMENTS AND RE-APPOINTMENTS TO THE JOHNSON COUNTY ECONOMIC DEVELOPMENT COMMISSION BOARD FOR A TWO YEAR TERM:

- a. Ellis Brannam, Precinct #1, New Appointment

Comm. Bailey, seconded by Comm. Howell, made a motion to approve the Appointments and Re-Appointments to the Johnson County Economic Development Commission Board for a Two Year Term for Ellis Brannam, Precinct #1, New Appointment.

All voted aye; motion carried.

- b. Rhyan Anderson, Precinct #2, New Appointment

Comm. Howell, seconded by Comm. Stringer, made a motion to approve the Appointments and Re-Appointments to the Johnson County Economic Development Commission Board for a Two Year Term for Rhyan Anderson, Precinct #2, New Appointment.

All voted aye; motion carried.

- c. Jeannie Prazak, Precinct #3, Re-Appointment

Comm. Stringer, seconded by Comm. Bailey, made a motion to approve the Appointments and Re-Appointments to the Johnson County Economic Development Commission Board for a Two Year Term for Jeannie Prazak, Precinct #3, Re-Appointment.

All voted aye; motion carried.

14. CONSIDERATION OF APPOINTMENT TO THE RADIO ADVISORY BOARD:

- a. Johnson County Sheriff's Office – Capt. Ben Arriola

Comm. Bailey, seconded by Comm. Woolley, made a motion to approve the Appointment to the Radio Advisory Board for Johnson County Sheriff's Office – Capt. Ben Arriola.

All voted aye; motion carried.

IX. CONSENT AGENDA

Comm. Stringer, seconded by Comm. Woolley, made a motion to approve all items on the Consent Agenda.

All voted aye; motion carried.

BE IT KNOWN that the Commissioners Court met in Executive Session at 10:33 A.M. in accordance with Government Code: a. *Sec. 551.071*-Consultation with Attorney, Contemplated Litigation:
(1) Business Opening and Conducting Business without Obtaining a License.

The Commissioners Court reconvened into Regular session at 11:03 A.M. (County Judge, Roger Harmon stated the time as 11:01 A.M.) to consider the following:

XI. EXECUTIVE SESSION

1. Government Code:

a. *Sec. 551.071* - Consultation with Attorney, Contemplated Litigation:

(1) Business Opening and Conducting Business without Obtaining a License

No Action.

There being no further business before the Court concerning this agenda, Commissioners Court adjourned at 11:03 A.M.


Approved by: 
Roger Harmon, County Judge

STATE OF TEXAS §
COUNTY OF JOHNSON §

I, Becky Ivey, Johnson County Clerk, attest that the foregoing is a true and accurate accounting of the Commissioners Court's authorized proceedings for December 23, 2019.



FILED & RECORDED
January 13, 2020
Commissioner Court Minutes


Becky Ivey, County Clerk
Clerk of Commissioner's Court
Johnson County, Texas