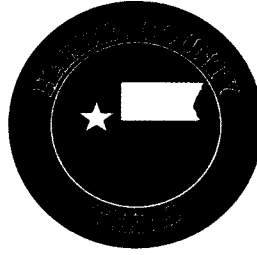


L. W. "Nubbin" Cooper Jr.
County Commissioner, Precinct 1



Amanda Young
County Commissioner, Precinct 3

Chris Kirkendall
County Commissioner, Precinct 2

Ernie Koch
County Commissioner, Precinct 4

Wayne McDaniel
County Judge

COMMISSIONERS COURT OF HARDIN COUNTY, TEXAS
HARDIN COUNTY COURTHOUSE ■ COMMISSIONERS COURTROOM (A-131)

NOTICE OF REGULAR MEETING AND AGENDA
TUESDAY | JULY 25, 2023 | 10:00 A.M.

AGENDA AND MINUTES

BE IT REMEMBERED THAT ON JULY 25, 2023, THERE WAS BEGUN AND HOLDEN A REGULAR MEETING OF THE COMMISSIONERS' COURT OF HARDIN COUNTY, TEXAS, WITH THE FOLLOWING MEMBERS OF THE COURT PRESENT:

**HONORABLE WAYNE MCDANIEL
HONORABLE L.W. COOPER, JR.
HONORABLE CHRIS KIRKENDALL
HONORABLE AMANDA YOUNG
HONORABLE ERNIE KOCH
HONORABLE CONNIE BECTON**

**HARDIN COUNTY JUDGE
COMMISSIONER PCT. 1
COMMISSIONER PCT. 2
COMMISSIONER PCT. 3
COMMISSIONER PCT. 4
HARDIN COUNTY CLERK**

WHEN THE FOLLOWING PROCEEDINGS WERE HAD AND ORDERS MADE TO-WIT; IN ADDITION TO THE ROUTINE BUSINESS OF THE COUNTY, THE SUBJECT OF SAID MEETING WILL BE THE FOLLOWING:

- 1) *Call meeting to order.*
- 2) Invocation and Pledge of Allegiance. *Commissioner Chris Kirkendall*
- 3) Approve Minutes of the July 11, 2023 Regular Meeting as presented by *Connie Becton, County Clerk.*
MOTION BY: COMMISSIONER YOUNG
SECOND BY: COMMISSIONER KOCH
IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER, COMMISSIONER YOUNG AND COMMISSIONER KOCH.
ACTION: APPROVED AS PRESENTED

COMMISSIONERS COURT AGENDA AND MINUTES

JULY 25, 2023

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- 4) Consider approval of request to cancel all Registered Claims from July 11, 2023; and Approval of Cash Statement as presented by *Deborah McWilliams, County Treasurer.* (SEE ATTACHED)
MOTION BY: COMMISSIONER YOUNG
SECOND BY: COMMISSIONER KOCH
IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER, COMMISSIONER YOUNG AND COMMISSIONER KOCH.
ACTION: APPROVED AS PRESENTED

- 5) Authorization to pay County bills as presented by *Angela Gore, County Auditor.* (SEE ATTACHED)
MOTION BY: COMMISSIONER COOPER
SECOND BY: COMMISSIONER KOCH
IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER, COMMISSIONER YOUNG AND COMMISSIONER KOCH.
ACTION: APPROVED AS PRESENTED

- 6) Consider adoption of Resolution 25-23 authorizing the County Judge to execute the Settlement Participation and Release forms regarding settlement offers from Walgreens, CVS, and Walmart in the matter of Texas Opioid Multi-District Litigation for the County in the matter of *County of Hardin v. Purdue Pharma, L.P. et al.* (SEE ATTACHED)
MOTION BY: COMMISSIONER KIRKENDALL
SECOND BY: COMMISSIONER YOUNG
IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER, COMMISSIONER YOUNG AND COMMISSIONER KOCH.
ACTION: APPROVED

- 7) Consider request by *Kim Hanks, Program Director, Garth House,* to authorize the County Judge to sign Memorandum of Understanding and Working Protocols with the Garth House, Mickey Mehaffy Children's Advocacy Program, Inc. (SEE ATTACHED)
MOTION BY: COMMISSIONER YOUNG
SECOND BY: COMMISSIONER KOCH
IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER, COMMISSIONER YOUNG AND COMMISSIONER KOCH.
ACTION: APPROVED

- 8) Consider and possibly authorize the County Judge to sign Interlocal Agreement with the Regional Public Defender Office Local Government Corporation (RPDO-LGC) for the purpose of providing court-appointed counsel to individuals charged with the offense of capital murder (death-eligible) who cannot afford to hire their own attorney. (SEE ATTACHED)
MOTION BY: COMMISSIONER KIRKENDALL
SECOND BY: COMMISSIONER KOCH
IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER, COMMISSIONER YOUNG AND COMMISSIONER KOCH.
ACTION: APPROVED

- 9) Consider taking action to set the 2024 TCDRS Retirement Rate as requested by *Melinda Herrington, Human Resources Director*. (SEE ATTACHED)

MOTION BY: COMMISSIONER KIRKENDALL

SECOND BY: COMMISSIONER YOUNG

IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER, COMMISSIONER YOUNG AND COMMISSIONER KOCH.

ACTION: APPROVED TO ADOPT A RATE OF 15.46.

- 10) Consider approval of request by *Rebecca Walton, District Attorney*, to increase the annual wage of the District Attorney Investigator from \$57,512.00 annually to \$59,954.00 annually effective 10/01/2023 utilizing the balance of the \$2,442.00 in annual wage expenditures from the dissolution of the additional DA Investigator position, and as recommended by the Salary Committee on March 14, 2023. (SEE ATTACHED)

MOTION BY; COMMISSIONER COOPER

SECOND BY: COMMISSIONER KOCH

IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER, COMMISSIONER YOUNG AND COMMISSIONER KOCH.

ACTION: APPROVED

- 11) Consider approval of request by *Rebecca Walton, District Attorney*, for the District Attorney Investigator to receive TCOLE Peace Officer Certification pay effective 10/01/2023. The Certificate Pay would be based upon the proficiency level of the Investigator as of October 1st each year and not subject to COLA, as follows: (SEE ATTACHED)

Intermediate Proficiency Certificate	\$1,500.00
Advanced Proficiency Certificate	\$1,800.00
Master Proficiency Certificate	\$2,100.00

MOTION BY: COMMISSIONER COOPER

SECOND BY: COMMISSIONER KOCH

IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER, COMMISSIONER YOUNG AND COMMISSIONER KOCH.

ACTION: APPROVED

- 12) Consider and possibly authorize the County Judge's request to promote a Custodian in the Building Maintenance Department to Supervisor Assistant at a rate of \$19.50 per hour effective October 1, 2023. If approved, the vacant Custodian position will not be filled. (SEE ATTACHED)

MOTION BY: COMMISSIONER COOPER

SECOND BY: COMMISSIONER KIRKENDALL

IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER, COMMISSIONER YOUNG AND COMMISSIONER KOCH.

ACTION: APPROVED

COMMISSIONERS COURT AGENDA AND MINUTES

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13) Consider approval of request by *Chief Monica Kelley, Juvenile Probation Department*, for approval of outside detention contracts with Cherokee County, Grimes County, and Limestone and Freestone Counties. (SEE ATTACHED)

MOTION BY: COMMISSIONER KIRKENDALL

SECOND BY: COMMISSIONER COOPER

IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER, COMMISSIONER YOUNG AND COMMISSIONER KOCH.

ACTION: APPROVED

14) Consider acceptance for filing in the Minutes of the Court a Petition from residents for the Creation of Hardin County Emergency Services District № 7 (Votaw-Thicket); and Setting of Public Hearing to consider the Creation of Hardin County Emergency Services District № 7. (SEE ATTACHED)

MOTION BY: JUDGE MCDANIEL

SECOND BY: COMMISSIONER KIRKENDALL

IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER, COMMISSIONER YOUNG AND COMMISSIONER KOCH.

ACTION: ACCEPTED AND APPROVED A PUBLIC HEARING FOR AUGUST 21, 2023 AT 10:00 A.M.

15) Consider and possibly approve preliminary plat of Black Creek Ranch, a 44.216-Acre Subdivision situated in the W.T. Evans Survey, Abstract No. 546, and the John Trawhorn Survey, Abstract No. 593 of Hardin County, Texas, located in Precinct 3, as requested by *A/ex Parker, Floodplain Administrator*. (SEE ATTACHED)

MOTION BY: COMMISSIONER YOUNG

SECOND BY: COMMISSIONER KIRKENDALL

IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER, COMMISSIONER YOUNG AND COMMISSIONER KOCH.

ACTION: APPROVED

16) Consider and possibly approve request by *Commissioner Amanda Young, Precinct 3*, to amend the FY2023 R&B 3 Department Budget as follows: (SEE ATTACHED)

FROM	017-623-570 Equipment Purchase	\$98,000.00
TO	017-623-334 Materials and Supplies	\$35,000.00
	017-623-351 Vehicle/Equipment Expense	\$36,500.00
	017-623-574 Auto Purchase	\$26,500.00

MOTION BY: COMMISSIONER KIRKENDALL

SECOND BY: COMMISSIONER KOCH

IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER, COMMISSIONER YOUNG AND COMMISSIONER KOCH.

ACTION: APPROVED

COMMISSIONERS COURT AGENDA AND MINUTES

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17) Consider request by *Commissioner Amanda Young*, to amend the FY2023 R&B 3 Department Budget by creating revenue line item, 017-367-103 'Road & Bridge Repair Reimbursement' in the amount of \$131,800.00 and expense line item 017-623-396 'Road Repairs Reimbursement Expense' in the amount of \$131,800.00. These funds were received in FY 2022; however, they were not spent during that fiscal year. (SEE ATTACHED)

MOTION BY: COMMISSIONER KIRKENDALL

SECOND BY: COMMISSIONER COOPER

IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER, COMMISSIONER YOUNG AND COMMISSIONER KOCH.

ACTION: APPROVED

18) Consider approval of *Commissioner Amanda Young's request* to purchase a 1991 Ford Etnyre Asphalt Distributor Truck (VIN...3891) in the amount of \$10,000.00 for the R&B 3 Department. (SEE ATTACHED)

MOTION BY: COMMISSIONER KIRKENDALL

SECOND BY: COMMISSIONER COOPER

IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER, COMMISSIONER YOUNG AND COMMISSIONER KOCH.

ACTION: APPROVED

19) Consider and possibly authorize the Purchasing Agent to solicit bids for materials and emulsions for all Road & Bridge Departments. (SEE ATTACHED)

MOTION BY: COMMISSIONER COOPER

SECOND BY: COMMISSIONER YOUNG

IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER, COMMISSIONER YOUNG AND COMMISSIONER KOCH.

ACTION: APPROVED

20) Consider and possibly authorize the Purchasing Agent to solicit bids for Demolition Services related to Community Development Block Grant for Disaster Recovery (CDBG -DR). (SEE ATTACHED)

MOTION BY: COMMISSIONER KIRKENDALL

SECOND BY: COMMISSIONER COOPER

IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER, COMMISSIONER YOUNG AND COMMISSIONER KOCH.

ACTION: APPROVED

21) Consider approval of request by Cody Croley, LJA Engineering, to present results of bids received for Beaver Brook Road Crossing Improvement Project; and possibly award to successful vendor or take other action, as the Court deems necessary. (SEE ATTACHED)

MOTION BY: COMMISSIONER YOUNG

SECOND BY: COMMISSIONER KIRKENDALL

IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER, COMMISSIONER YOUNG AND COMMISSIONER KOCH.

ACTION: GIVE PERMISSION TO PURCHASING AGENT TO RE-ADVERTISE FOR BID WHEN COMMISSIONER YOUNG AND LJA ENGINEERING DEEM APPROPRIATE.

22) Consider request by *Chief Kevin Cummings, Adult Probation Department*, to purchase a 2023 Ford Explorer (VIN...4285) from Doggett Ford Lincoln of Beaumont in the amount of \$45,603.86. If approved, this purchase will be paid from line item 805-501-426 'Basic Supervision Travel'. (SEE ATTACHED)

MOTION BY: COMMISSIONER COOPER

SECOND BY: COMMISSIONER KIRKENDALL

IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER, COMMISSIONER YOUNG AND COMMISSIONER KOCH.

ACTION: APPROVED

23) Consider request by *Aaron Tupper, Emergency Management Coordinator*, to fulfill a request from Hardin County ESD № 6 (Silsbee) to provide them with 18 Motorola XTS 2500 portable radios from surplus inventory. This equipment was purchased using grant funds between 2007-2009 and will assist ESD 6 in their efforts to move to the Southeast Texas Regional Radio System for all operable and interoperable radio communications. (SEE ATTACHED)

MOTION BY: COMMISSIONER KIRKENDALL

SECOND BY: COMMISSIONER COOPER

IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER, COMMISSIONER YOUNG AND COMMISSIONER KOCH.

ACTION: APPROVED

24) Consider approval of request by *Judge Wayne McDaniel* to transfer \$49,442.00 from R&B Fund Balance to newly created line item 017-621-649 'Auto Note Principal' in the amount of \$47,896.00 and newly created line item 017-621-670 'Auto Note Interest' in the amount of \$1,546.00 for the purpose of paying off the current auto note on a 2022 F250 Crew Cab Truck (VIN...1021).

MOTION BY: COMMISSIONER KIRKENDALL

SECOND BY: COMMISSIONER YOUNG

IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER, COMMISSIONER YOUNG AND COMMISSIONER KOCH.

ACTION: APPROVED

25) Discussion only by Any County Official of any item not on the Agenda without taking any action.

26) Adjourn.

MOTION BY: COMMISSIONER KOCH

SECOND BY: COMMISSIONER COPPER

IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER, COMMISSIONER YOUNG AND COMMISSIONER KOCH.

ACTION: APPROVED

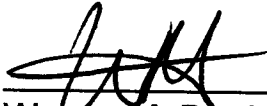
**Any attendee of this Open Meeting may be permitted to comment on an Agenda item for a period of three (3) minutes by raising their hand and being recognized by the Presiding Member prior to the Court acting on any item. Anyone who addresses Commissioners Court must do so from the podium.*

RESPECTFULLY SUBMITTED,

COMMISSIONERS COURT AGENDA AND MINUTES

JULY 25, 2023

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A handwritten signature in black ink, appearing to be 'Wayne McDaniel', written over a horizontal line.

**Wayne McDaniel
HARDIN COUNTY JUDGE**

A handwritten signature in black ink, appearing to be 'Connie Becton', written over a horizontal line.

**Connie Becton
HARDIN COUNTY CLERK**