

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



Ken Pelt
County Commissioner, Precinct 3

Chris Kirkendall
County Commissioner, Precinct 2

Alvin Roberts
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 | SEPTEMBER 8, 2020 | 10:00 A.M.

AGENDA AND MINUTES

BE IT REMEMBERED THAT ON SEPTEMBER 8, 2020, 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 KEN PELT
HONORABLE ALVIN ROBERTS
HONORABLE GLENDA ALSTON

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. *Judge Wayne McDaniel*
- 2) Invocation and Pledge of Allegiance. *Commissioner Alvin Roberts*
- 3) Approve Minutes of the August 25, 2020 Regular and Special Meetings; and August 31, 2020 Special Meeting. *Glenda Alston, County Clerk (SEE ATTACHED)*
MOTION BY: COMMISSIONER ROBERTS
SECOND BY: COMMISSIONER COOPER
IN FAVOR: JUDGE MCDANIEL, COMMISSIONER PELT COMMISSIONER KIRKENDALL,
COMMISSIONER COOPER AND COMMISSIONER ROBERTS.
ACTION: APPROVED AS PRESENTED

COMMISSIONERS COURT AGENDA AND MINUTES

SEPTEMBER 8, 2020

PAGE 2 OF 7

- 4) Consider approval of request to cancel all Registered Claims from August 25, 2020; and Approval of Cash Statement as presented. *Deborah McWilliams, County Treasurer (SEE ATTACHED)*
MOTION BY: COMMISSIONER COOPER
SECOND BY: COMMISSIONER ROBERTS
IN FAVOR: JUDGE MCDANIEL, COMMISSIONER PELT, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER AND COMMISSIONER ROBERTS.
ACTION: APPROVED AS PRESENTED

- 5) Discussion and possible action to consider deferment of employee 6.2% FICA tax during September 1, 2020 through December 31, 2020 and repayment January 1, 2021 through April 30, 2021, pursuant to Presidential Memorandum on Deferring Payroll Tax Obligations in Light of the Ongoing COVID-19 Disaster. *Deborah McWilliams, County Treasurer (SEE ATTACHED)*
MOTION BY: COMMISSIONER COOPER
SECOND BY: COMMISSIONER KIRKENDALL
IN FAVOR: JUDGE MCDANIEL, COMMISSIONER PELT, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER AND COMMISSIONER ROBERTS.
ACTION: APPROVED TO OPT OUT

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

- 7) Consider and possibly approve overtime pay to personnel who are classified as Exempt during their assignments to work the Hurricane Laura disaster by the EOC during the time period the Courthouse was not closed.
MOTION BY: COMMISSIONER KIRKENDALL
SECOND BY: COMMISSIONER COOPER
IN FAVOR: JUDGE MCDANIEL, COMMISSIONER PELT, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER AND COMMISSIONER ROBERTS.
ACTION: APPROVED OVER TIME HOURS FOR: 42 HOURS FOR AARON TUPPER, 3 HOURS FOR MICHELLE BREWER, 3 HOURS FOR MARK MINTON AND 1 HOUR FOR SCOTT DELACERDA.

- 8) Discussion and possible action to set salaries, expenses and other allowances of all Elected County and Precinct Officers. (SEE ATTACHED)
MOTION BY: COMMISSIONER COOPER
SECOND BY: COMMISSIONER KIRKENDALL
IN FAVOR: JUDGE MCDANIEL, COMMISSIONER PELT, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER AND COMMISSIONER ROBERTS.
ACTION: APPROVED

COMMISSIONERS COURT AGENDA AND MINUTES

SEPTEMBER 8, 2020

PAGE 3 OF 7

- 9) Discussion and possible action to approve and accept for filing in the Minutes of the Court the District Court orders setting salaries of the County Auditor, Assistant County Auditors and Official Court Reporters of the 88th and 356th Judicial District Courts for fiscal year 2021. (SEE ATTACHED)
MOTION BY: COMMISSIONER KIRKENDALL
SECOND BY: COMMISSIONER COOPER
IN FAVOR: JUDGE MCDANIEL, COMMISSIONER PELT, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER AND COMMISSIONER ROBERTS.
- 10) Discussion and possible action to ratify the property tax revenue increase reflected in the FY21 budget. (SEE ATTACHED)
MOTION BY: COMMISSIONER COOPER
SECOND BY: COMMISSIONER KIRKENDALL
IN FAVOR: JUDGE MCDANIEL, COMMISSIONER PELT, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER AND COMMISSIONER ROBERTS.
ACTION: APPROVED MOTION TO RATIFY WITH A UNANIMOUS RECORD VOTE
- 11) Discussion and possible action to adopt the Fiscal Year 2021 Hardin County Budget. (SEE ATTACHED)
MOTION BY: COMMISSIONER PELT
SECOND BY: COMMISSIONER KIRKENDALL
IN FAVOR: JUDGE MCDANIEL, COMMISSIONER PELT, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER AND COMMISSIONER ROBERTS.
ACTION: APPROVED FISCAL YEAR 2021 BUDGET WITH A UNANIMOUS RECORD VOTE
- 12) Consider and possibly approve Order to adopt tax rate of \$0.5800 per \$100.00 valuation (The debt service tax rate is \$0.009857 per \$100 valuation and the maintenance and operations tax rate is \$0.570143 per \$100 valuation). (SEE ATTACHED)
MOTION BY: COMMISSIONER COOPER
SECOND BY: COMMISSIONER KIRKENDALL
IN FAVOR: JUDGE MCDANIEL, COMMISSIONER PELT, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER AND COMMISSIONER ROBERTS.
ACTION: APPROVED TAX RATE OF \$0.5800 PER \$100 VALUATION WITH A UNANIMOUS RECORD VOTE.
- 13) Discussion and possible action concerning Order Setting Day of Week and Location of Regular Term Schedule of Hardin County Commissioners Court Meetings for Fiscal Year 2021. (SEE ATTACHED)
MOTION BY: COMMISSIONER COOPER
SECOND BY: COMMISSIONER ROBERTS
IN FAVOR: JUDGE MCDANIEL, COMMISSIONER PELT, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER AND COMMISSIONER ROBERTS.
ACTION: APPROVED

- 14) Discussion and possible action concerning the setting of 2021 County Holidays. (SEE ATTACHED)
MOTION BY: COMMISSIONER KIRKENDALL
SECOND BY: COMMISSIONER COOPER
IN FAVOR: JUDGE MCDANIEL, COMMISSIONER PELT, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER AND COMMISSIONER ROBERTS.
ACTION: APPROVED
- 15) Discussion and possible action to accept the Governor's Proclamation ordering the November 3, 2020 General Election. (SEE ATTACHED)
MOTION BY: COMMISSIONER KIRKENDALL
SECOND BY: COMMISSIONER PELT
IN FAVOR: JUDGE MCDANIEL, COMMISSIONER PELT, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER AND COMMISSIONER ROBERTS.
ACTION: APPROVED
- 16) Discussion and possible action regarding refund exceeding \$500.00 limit; Account No. 37187 for tax year 2019. *Shirley Cook, Tax Assessor-Collector* (SEE ATTACHED)
MOTION BY: COMMISSIONER COOPER
SECOND BY: COMMISSIONER KIRKENDALL
IN FAVOR: JUDGE MCDANIEL, COMMISSIONER PELT, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER AND COMMISSIONER ROBERTS.
ACTION: APPROVED
- 17) Permission to accept settlement offer in the amount of \$12,502.00 for a non-employee fault accident involving a 2015 Ford Explorer VIN# 1FM5K8AR5FGB62133. *Sheriff Mark Davis* (SEE ATTACHED)
MOTION BY: JUDGE MCDANIEL
SECOND BY: COMMISSIONER ROBERTS
IN FAVOR: JUDGE MCDANIEL, COMMISSIONER PELT, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER AND COMMISSIONER ROBERTS.
ACTION: APPROVED
- 18) Consider adoption of Resolution 15-20; certifying that the County has made a Grant to Nutrition and Services for Seniors, an organization that provides home-delivered meals to homebound persons in the County who are elderly and/or have a disability; and certifying that the County has approved the organizations accounting system. *Janci Kimball, CEO of Nutrition and Services for Seniors* (SEE ATTACHED)
MOTION BY: COMMISSIONER ROBERTS
SECOND BY: COMMISSIONER COOPER
IN FAVOR: JUDGE MCDANIEL, COMMISSIONER PELT, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER AND COMMISSIONER ROBERTS.
ACTION: APPROVED

COMMISSIONERS COURT AGENDA AND MINUTES

SEPTEMBER 8, 2020

PAGE 5 OF 7

- 19) Consideration of four Resolutions for adoption as follows: Resolution 16-20 authorizing County Judge, Angela Gore and Amanda Holland to sign documents relating to the Community Development Block Grant Disaster Recovery (CDBG-DR) Program per Texas General Land Office Contract No. 20-066-041-C266; Resolution 17-20 adopting the Hardin County Citizen Participation Plan for Community Development Block Grant Disaster Recovery (CDBG-DR) Programs; Resolution 18-20 adopting and implementing Hardin County's revised Section 3 Plan to ensure compliance with Section 3 of the Housing and Urban Development Act of 1968; and Resolution 19-20 reaffirming Hardin County's commitment to follow the Civil Rights Act of 1964, Texas Labor Code and Americans with Disabilities Act. *Amanda Young, Floodplain Administrator (SEE ATTACHED)*
MOTION BY: COMMISSIONER COOPER
SECOND BY: COMMISSIONER KIRKENDALL
IN FAVOR: JUDGE MCDANIEL, COMMISSIONER PELT, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER AND COMMISSIONER ROBERTS.
ACTION: APPROVED
- 20) Discussion and possible action to adopt Section 504 Grievance Procedures which provide for prompt and equitable resolution of complaints alleging any action prohibited by the US Department of Housing and Urban Development Regulations. *Amanda Young, Floodplain Administrator (SEE ATTACHED)*
MOTION BY: COMMISSIONER COOPER
SECOND BY: COMMISSIONER ROBERTS
IN FAVOR: JUDGE MCDANIEL, COMMISSIONER PELT, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER AND COMMISSIONER ROBERTS.
ACTION: APPROVED
- 21) Discussion and possible action to adopt Declaration of Maintenance Covenant for Stormwater Structural Controls; and amend the Subdivision Regulations to include the Declaration for new subdivisions. *Amanda Young, Floodplain Administrator (SEE ATTACHED)*
MOTION BY: COMMISSIONER COOPER
SECOND BY: COMMISSIONER KIRKENDALL
IN FAVOR: JUDGE MCDANIEL, COMMISSIONER PELT, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER AND COMMISSIONER ROBERTS.
ACTION: APPROVED
- 22) Authorization for County Judge to sign contract with the Office of the Attorney General (OAG) for Statewide Automated Victim Notification Service (SAVNS) Contract No. 2111144 (September 1, 2020 - August 31, 2021). *Laura Pape, Director, Crime Victims Assistance Center*
MOTION BY: COMMISSIONER ROBERTS
SECOND BY: COMMISSIONER COOPER
IN FAVOR: JUDGE MCDANIEL, COMMISSIONER PELT, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER AND COMMISSIONER ROBERTS.
ACTION: APPROVED

COMMISSIONERS COURT AGENDA AND MINUTES

SEPTEMBER 8, 2020

PAGE 6 OF 7

23) Authorization for County Judge to sign First Contract Renewal Participating Services Agreement with Appriss for Statewide Automated Victim Notification Service (SAVNS) Contract No. 20202144900-391-01. *Laura Pape, Director, Crime Victims Assistance Center (SEE ATTACHED)*

MOTION BY: COMMISSIONER ROBERTS

SECOND BY: COMMISSIONER COOPER

IN FAVOR: JUDGE MCDANIEL, COMMISSIONER PELT, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER AND COMMISSIONER ROBERTS.

ACTION: APPROVED

24) Consider approval of request to appoint a committee to evaluate Statements of Qualification received concerning Engineering Services pertaining to projects for the Community Development Block Grant Mitigation Fund (CDBG-MIT). *Misty Sims, Purchasing Agent*

MOTION BY: JUDGE MCDANIEL

SECOND BY: COMMISSIONER COOPER

IN FAVOR: JUDGE MCDANIEL, COMMISSIONER PELT, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER AND COMMISSIONER ROBERTS.

ACTION: APPROVED THE COMMITTEE RECOMMENDED BY PURCHASING AGENT, MISTY SIMS, WHICH CONSIST OF: LAURA PAPE, JUDGE INGRAM AND COMMISSIONER KIRKENDALL.

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

26) Adjourn.

MOTION BY: COMMISSIONER KIRKENDALL

SECOND BY: COMMISSIONER COOPER

IN FAVOR: JUDGE MCDANIEL, COMMISSIONER PELT, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER AND COMMISSIONER ROBERTS.

ACTION: APPROVED

**Any attendee of this Open Meeting may be permitted to comment on an Agenda item by raising their hand (or by verbal notification if joining remotely), and being recognized by the Chair prior to the Court taking action. Anyone who addresses Commissioners Court in person must do so from the podium.*

This Open Meeting will be held in accordance with Governor Abbott's March 16, 2020 suspension of certain provisions of the Texas Open Meetings Act, which are being implemented to maintain government transparency while mitigating the risk of spreading COVID-19. In-person attendance is limited to 20. Members of the public will be entitled to participate and address the Court during the meeting via remote access through the means provided: Dial (877) 402-9753; Access Code 6995123 before the meeting begins. When you dial in, announce yourself if you wish and then mute your line. If you desire to address any line item on this agenda, notify the Chair when you dial in or at the time the item is reached during the meeting.

RESPECTFULLY SUBMITTED,



WAYNE MCDANIEL
HARDIN COUNTY JUDGE



CONNIE BECTON, DEPUTY COUNTY CLERK