



Minutes for the
Madison County Commissioners Court
Monday, January 13, 2020

Item #3

THE STATE OF TEXAS
COUNTY OF MADISON

IN COMMISSIONERS COURT
OF MADISON COUNTY TEXAS

The Madison County Commissioners Court met in Regular Session the 13th day of January 2020, 9:32 a.m., in the Courtroom of the Madison County Courthouse Annex, 103 West Trinity Street, Suite 106, Madisonville, Texas with the following members:

Tony Leago	County Judge	Present
Ricky Driskell	Precinct 1, Commissioner	Present
Carl Wiseman	Precinct 2, Commissioner	Present
Carl Cannon	Precinct 3, Commissioner	Present
David Pohorelsky	Precinct 4, Commissioner	Present

ITEM 1. INVOCATION AND PLEDGES OF ALLEGIANCE TO THE FLAGS

The invocation and pledges of allegiance to the United States and Texas flags were led by Judge Leago.

ITEM 2. CALL THE MEETING TO ORDER

The meeting was called to order with a quorum present.

COUNTY CLERK – SUSANNE MORRIS

ITEM 3. Review and/or correct minutes of Regular Meeting held December 23, 2019, as attached. Judge Leago asked for any comments or corrections to Regular Meeting minutes, December 23, 2019, there were none they stand as presented.

ITEM 4. COLLECTION REPORTS

a) Approve Collection Reports for County Clerk and County Criminal Court.

Susanne Morris, County Clerk, reported December 2019 County Clerk collections, \$21,458.00; and County Court collections, \$4,538.88. See attached.

Commissioner Cannon moved for approval of collection reports; Commissioner Driskell gave a second; and Judge Leago called for a vote.

VOTING:

Court	Aye	Nay	ABSTAIN	RECUSE
Tony Leago, County Judge	X			
Ricky Driskell, Commissioner Pct. 1	X			
Carl Wiseman, Commissioner Pct. 2	X			
Carl Cannon, Commissioner Pct. 3	X			
David Pohorelsky, Commissioner Pct. 4	X			

All in favor, motion carried.

- b) Approve Collection Reports for District Attorney
No report was submitted.
- c) Approve Collection Reports for District Clerk
No report was submitted.

TREASURER – JUDI DELESANDRI

ITEM 5. Approve paying County bills.

Accounts Payable Claims List for January 13, 2020 was submitted by Judi Delesandri, County Treasurer. See A/P Claims List attached.

Commissioner Pohorelsky made a motion to approve payment of county bills; Commissioner Wiseman gave a second; Judge Leago called for a vote.

VOTING:

Court	Aye	Nay	ABSTAIN	RECUSE
Tony Leago, County Judge	X			
Ricky Driskell, Commissioner Pct. 1	X			
Carl Wiseman, Commissioner Pct. 2	X			
Carl Cannon, Commissioner Pct. 3	X			
David Pohorelsky, Commissioner Pct. 4	X			

All in agreement, motion carried.

ITEM 6. Approve bills paid since last court date December 23, 2019. See report attached.

Commissioner Driskell made a motion to approve bills paid since last court date, December 9, 2019; Commissioner Cannon gave a second; and Judge called for a vote.

VOTING:

Court	Aye	Nay	ABSTAIN	RECUSE
Tony Leago, County Judge	X			
Ricky Driskell, Commissioner Pct. 1	X			
Carl Wiseman, Commissioner Pct. 2	X			
Carl Cannon, Commissioner Pct. 3	X			
David Pohorelsky, Commissioner Pct. 4	X			

No one opposed, motion carried.

ITEM 7. Approve Treasurer’s Report.

Judi Delesandri, County Treasurer submitted Treasurer’s Monthly Report for December 2019 as recorded in these minutes.

Commissioner Cannon made a motion to approve December 2019 report; Commissioner Driskell gave a second; and Judge Leago called for a vote.

VOTING:

Court	Aye	Nay	ABSTAIN	RECUSE
Tony Leago, County Judge	X			
Ricky Driskell, Commissioner Pct. 1	X			
Carl Wiseman, Commissioner Pct. 2	X			
Carl Cannon, Commissioner Pct. 3	X			
David Pohorelsky, Commissioner Pct. 4	X			

All in favor, motion carried.

Delesandri submitted the Quarterly Report ending December 31, 2019, as recorded in these minutes. Commissioner Driskell moved for approval; Commissioner Cannon gave a second; and Judge called for a vote.

VOTING:

Court	Aye	Nay	ABSTAIN	RECUSE
Tony Leago, County Judge	X			
Ricky Driskell, Commissioner Pct. 1	X			
Carl Wiseman, Commissioner Pct. 2	X			
Carl Cannon, Commissioner Pct. 3	X			
David Pohorelsky, Commissioner Pct. 4	X			

All in agreement, motion carried.

ITEM 8. Approve personnel changes.

Delesandri reported one payroll change, Nathan Ziebell was hired December 30, 2019 as a jailer in the Sheriff's Department at \$13.00 hourly replacing Devin Kindon. And, one payroll promotion, James Jackson appointed Constable Pct. 1 replacing James Weathers, January 1, 2020 at \$3,345 monthly. See attached.

Commissioner Driskell moved to approve personnel changes; Commissioner Pohorelsky gave a second; and Judge called for a vote.

VOTING:

Court	Aye	Nay	ABSTAIN	RECUSE
Tony Leago, County Judge	X			
Ricky Driskell, Commissioner Pct. 1	X			
Carl Wiseman, Commissioner Pct. 2	X			
Carl Cannon, Commissioner Pct. 3	X			
David Pohorelsky, Commissioner Pct. 4	X			

All in favor, motion carried.

AUDITOR – TONI JOYNER

ITEM 9. Auditor' Report

A Budget Analysis Usage report for January 13, 2020 was provided by auditor's office.

A copy is included in these minutes for review.

ITEM 10. Budget Amendments

No budget amendments.

DEPARTMENTAL REPORTS

ITEM 11. Safety Meeting Monthly Report - Lynn Jeffries

Jefferies reported on six recent septic applications, a fee of \$1,385 was collected. A total of 50 septic inspections were completed in 2019, 50 home structures and 20 mobile homes.

ITEM 12. Tax Assessor/Collector Monthly Report – Karen Lane, Tax A/C

Karen Lane, TAC, submitted a monthly report for December 2019 as attached on current taxes collected, delinquent taxes collected, fees collected, auto titles and registrations and Texas Parks & Wildlife fees.

Karen Lane, Tax Assessor-Collector, and Deputy Clerk, Veronica Hunt, each submitted a continuing education transcript of total hours for 2019. See attached.

ITEM 13. Emergency Management Report – Shelly Butts
 Shelly Butts gave an Emergency Management Report primarily on processing grant applications. This report may be viewed in these minutes.

ITEM 14. County Extension Agent Monthly Report – Chadd Caperton
 No report was submitted.

ITEM 15. Veterans Affairs – Danny Singletary
 Singletary reported on taking five veterans to Bryan-College Station, Texas for health care visits; assisted two vets with DD-214 Forms; and one veteran with a first stage VA home loan.

ITEM 16. Elections Administrator-Janet Boone
 No report was submitted.

ITEM 17. **Public Comment – Hear Comments in reference to the following Agenda Items Only – time limit 3 minutes, one person at a time will be called from the Public Participation Forms submitted. Move to the front of the Court and stand at the podium.**
 No public participation forms were submitted to clerk of court.

Comment:

Judge Leago reported on a letter received from the Texas Commission on Jail Standards who had recently conducted a re-inspection of Madison County Jail. The letter states “all deficiencies have been corrected and your jail facility is now in compliance with minimum jail standards.” The letter and a certificate of compliance is recorded in these minutes for review.

ITEM 18. Discuss and consider proposals for Jail Medical Health Services.
 Judge Leago said there are going to be several changes in the way jails do business, costly changes because of the Sandra Bland Act. He called on Larry Shiver, Jail Administrator, Madison County Sheriff’s Office to present this information. Shiver said it basically all comes down to the Sandra Bland Act, Senate Bill 1849, and as usual it’s an unfunded state mandate with rules to follow. We contacted Toni Joyner, County Auditor, and Paul Miles, Attorney at Law with Texas Association of Counties for legal advice. We were required to contact some 25 companies for Jail Mental Health Services and only two companies responded. We needed three proposals, but we only received two. Most companies were not interested in an average head count of 35 inmates, they wanted to service larger entities. According to Joyner and Miles the county may follow the Government Code 2254 professional consulting services, but commissioners would have to agree and vote to follow Government Code 2254 to accept these two proposals instead of three.

Commissioner Cannon moved to accept Government Code 2254 and consider two proposals for jail medical health services; Commissioner Wiseman gave a second; and Judge called for a vote.

VOTING:

Court	Aye	Nay	ABSTAIN	RECUSE
Tony Leago, County Judge	X			
Ricky Driskell, Commissioner Pct. 1	X			
Carl Wiseman, Commissioner Pct. 2	X			
Carl Cannon, Commissioner Pct. 3	X			
David Pohorelsky, Commissioner Pct. 4	X			

Unanimous vote, motion carried.

Shiver said with that being approved the two proposals to consider are Southern Health Partners and Turn Key Health. Southern Health Partners services 34 Texas counties including Grimes, Leon, and San Jacinto. They will provide medical and mental health services on-site and remote care for \$62,120 a year, they meet all requirements of law. A description of their services offered are recorded in these minutes. Turn Key Health provides services for one jail in Texas and proposed a bid of \$68,988 annually. See attached. They do not provide the services that Southern Health Partners (SHP) provides. Shiver described all services offered by SHP including TeleCorrect medical for Physician services and TeleCorrect health provides for a Qualified Mental Healthcare Professional. Dr. Helen Morrow is medical physician currently for Madison County Jail and her contract expires soon, so if possible, it would be good to accept one of the proposals to begin when her contract ends, Shiver said. Commissioner Driskell moved to accept Southern Health Partners for Jail Medical Health Services; Commissioner Cannon gave a second; and Judge called for a vote.

VOTING:

Court	Aye	Nay	ABSTAIN	RECUSE
Tony Leago, County Judge	X			
Ricky Driskell, Commissioner Pct. 1	X			
Carl Wiseman, Commissioner Pct. 2	X			
Carl Cannon, Commissioner Pct. 3	X			
David Pohorelsky, Commissioner Pct. 4	X			

All in favor, motion carried.

Health Services Agreement is attached.

ITEM 19. Discuss and consider quotes on water heaters for Madison County Jail.

Judge called on Sgt. Lynn Standley, Madison County Sheriff's office to explain the three quotes proposed for two hot water heaters. He said, quotes were submitted by D&L Plumbing, Taylor Plumbing and Affordable Plumbing Inc. and discussed each proposal and answered questions as posed by commissioners. A copy of each proposal is attached.

Commissioner Driskell made a motion to approve the quote submitted by D&L Plumbing for two hot water heaters, Commissioner Cannon agreed to the motion with a second, and Judge called for a vote.

VOTING:

Court	Aye	Nay	ABSTAIN	RECUSE
Tony Leago, County Judge	X			
Ricky Driskell, Commissioner Pct. 1	X			
Carl Wiseman, Commissioner Pct. 2	X			
Carl Cannon, Commissioner Pct. 3	X			
David Pohorelsky, Commissioner Pct. 4	X			

All in favor, motion carried.

ITEM 20. Discuss and consider annual renewal of service for weatherbug software and new maintenance agreement.

Shelly Butts, Emergency Management Coordinator explained this request is for annual renewal of the weatherbug system on top of the courthouse, it's the onsite weather station and camera for the county. Butts requested a new maintenance agreement with weatherbug for coverage of site visits, repairs, replacements and parts and said she has funds in her budget to cover the expenses. See attachments.

Commissioner Cannon moved to approve the annual renewal and new maintenance agreement;

Commissioner Wiseman gave a second; and Judge called for a vote.

VOTING:

Court	Aye	Nay	ABSTAIN	RECUSE
Tony Leago, County Judge	X			
Ricky Driskell, Commissioner Pct. 1	X			
Carl Wiseman, Commissioner Pct. 2	X			
Carl Cannon, Commissioner Pct. 3	X			
David Pohorelsky, Commissioner Pct. 4	X			

All approved, motion carried.

ITEM 21. Discuss and consider fuel bids for a two-year contract for Madison County fuel usage from January 1, 2020 – December 31, 2021.

Toni Joyner presented one bid submitted by John R. Hardy, Inc. and stated that she had sent seven invitations to vendors, national, state and local, requesting bids. See attached.

Commissioner Wiseman moved for approval of the two-year contract with John R. Hardy, Inc. for fuel usage from January 1, 2020 – December 31, 2021; Commissioner Driskell gave a second and Judge Leago called for a vote.

VOTING:

Court	Aye	Nay	ABSTAIN	RECUSE
Tony Leago, County Judge	X			
Ricky Driskell, Commissioner Pct. 1	X			
Carl Wiseman, Commissioner Pct. 2	X			
Carl Cannon, Commissioner Pct. 3	X			
David Pohorelsky, Commissioner Pct. 4	X			

All in favor, motion carried.

ITEM 22. Discuss and consider approving final minor plat recorded in Volume 1657, Page 119, Number 106398 of the Madison County Records. Located in the Zoraster Robinson Survey Tract 26, Abstract 0028, 54.097 acres more or less being divided into three lots with a 20' easement to (1) a subdivided lot of 1.110 acres and to (2) the residual of an 11.00 acre tract, leaving (3) the residual of the original 54.097 acre tract.

Shelly Butts, 911 Coordinator, said the county's subdivision regulations are very generous to developers and she sometimes visits many hours talking to individuals who are planning to divide their land. We do this to protect our citizens and to avoid land lock or other problems that can arise by divisions that don't follow county rules. Many residents are already subjected to less than desirable private roads and they have been paying county taxes for numerous years. The rules that commissioners' court approved were intended to help solve future issues of private roads in multi-lot divisions by avoiding them if possible. Our regulations allow several exceptions such as a family grant, VA tract, lot line adjustments, tracts over ten acres each, however adequate access is an important issue even the state recommends that these exceptions only be allowed if adequate road frontage to a public accessible road. In our county we have a provision for most family grants and we always stress the importance of road frontage for accessibility and direct access. Our regulations read quote, "with the exception of flag lots, the minimum road frontage for all lots shall be 80 feet which shall also be the narrowest width of any portion of the lot, unless a variance has been granted by Commissioners' Court", unquote. Our rules go on to require right of ways roads, streets construction standards and draining provisions. It is my responsibility to handle these land divisions for the county according to rules and regulations I have done this for many years with your support and cooperation. The land division you are asked to consider today does not follow the requirements of the county's regulations. This is a 54.097 acres

tract near the corner of FM 1372 and Bethel Cemetery Road. The developer is requesting to divide a portion of this land that does not have any road frontage. There is an abandoned oil field road on the property and developer plans to extend this road to allow access to the division. As I have received conflicting plans from him, and he is not certain how many lots he plans to construct on the land. I have nothing in writing guaranteeing the construction standards, maintenance or upkeep of the road nor confirmation of weather any more lots are planned with or without road frontage or use of the proposed road. The application is not within the current rules and regulations however commissioners' court can approve a variance to the rules but not by my recommendation at this time. The developer is here if you have any questions for him and the application is included in your packet with surveys and field notes. See attached. The dotted line on survey map represents the oil field road going from FM 1372 to 11-acre tract is 1756 feet, said Gordon Wells, developer and it supplies only the 11 acres. This is 1756 feet of private roadway, he said. We currently do not have anything in our subdivision order that prohibits future divisions, in other words other counties say if you have a parcel of land and someone divides that parcel of land and pulls that 11 acres out then they must wait a period of six months to a year before they can divide another parcel of land from that tract. Our rules do not say that so there is nothing that would prohibit another provision from coming out of the original acreage. The county has the option to bring the road up to standards, 80 feet, and accept it as a county road or you can reject it, she said. Mr. Wells is making future development plans for this land. Commissioner Pohorelsky asked Wells so there are going to be three lots in the remaining 54.097 acres. Wells answered yes. Commissioner Cannon asked who would maintain the road, Wells said it is a private road and landowner who purchases 11-acre tract will maintain it. Butts said, yes but it will be shared in the future. Wells said 100 feet from the front to the next division. Commissioner Cannon asked Butts so what does he need to do to make this comply with the county. He needs to do a full subdivision plat application or you can do a variance, Butts said, you can accept what he has now. The next time he divides he will come back to court and ask for another variance. The 1.110 acres that is out of the 11 acres is owned by the same person they divided the 1.110 acres for their house, Wells said. Judge Leago asked if the owner is aware, they will always be responsible for maintaining the road. Wells replied, yes. Commissioner Cannon asked is the oil company is still using the road, Wells said no. They have not used that gas well in eight or nine years and had contacted the Railroad Commission to see if they plan to abandon it and remove the equipment, but they did not answer. Commissioner Driskell commented on private roads in the county that are not maintained and the hardship it causes property owners. Commissioner Wiseman asked does the property owner of 11-acre tract understand he is going to maintain the road all the way to the highway. Wells said, yes, it's in his contract. Commissioner Driskell said he would like to see the contract and moved to table this agenda item number 22 until the contract could be reviewed. Commissioner Wiseman gave a second to the motion; and Judge called for a vote to table this agenda item 22 until the contract is reviewed by commissioners.

VOTING:

Court	Aye	Nay	ABSTAIN	RECUSE
Tony Leago, County Judge	X			
Ricky Driskell, Commissioner Pct. 1	X			
Carl Wiseman, Commissioner Pct. 2	X			
Carl Cannon, Commissioner Pct. 3	X			
David Pohorelsky, Commissioner Pct. 4	X			

All approved, motion carried.

ITEM 23. Discuss and consider quotes for repairs to generator at fair grounds.

Judge Leago expressed how difficult it had been to get quotes from reliable companies for generator

repair service, but two companies submitted their itemized statements for service and parts. Toni Joyner, Auditor, said this is a county owned generator that we store at the Madison County Fair Association grounds in anticipation of using their facilities in emergency situations. See quotes attached. After further discussion and consideration Commissioner Cannon made a motion to accept quote from Generator Supercenter of Houston; Commissioner Wiseman seconded the motion; and Judge Leago called for a vote.

VOTING:

Court	Aye	Nay	ABSTAIN	RECUSE
Tony Leago, County Judge	X			
Ricky Driskell, Commissioner Pct. 1	X			
Carl Wiseman, Commissioner Pct. 2	X			
Carl Cannon, Commissioner Pct. 3	X			
David Pohorelsky, Commissioner Pct. 4	X			

All approved, motion carried.

ITEM 24. Discuss and consider for approval enrolling all Madison County employees with access to Madison County’s computer system or database in TAC’s free certified cybersecurity course. Judge Leago explained this is a State-Mandated Cybersecurity Course for all local government employees and elected officials who have access to a local government computer system or database must complete a cybersecurity training program certified by the Texas Department of Information Resources at least annually. See attached.

Commissioner Driskell moved to approve enrolling all Madison County employees with access to county’s computer system or database in TAC’s free certified cybersecurity course; Commissioner Wiseman agreed and seconded the motion; Judge Leago called for a vote.

VOTING:

Court	Aye	Nay	ABSTAIN	RECUSE
Tony Leago, County Judge	X			
Ricky Driskell, Commissioner Pct. 1	X			
Carl Wiseman, Commissioner Pct. 2	X			
Carl Cannon, Commissioner Pct. 3	X			
David Pohorelsky, Commissioner Pct. 4	X			

All in favor, motion carried.

ITEM 25. **Public Comment- No Discussion or Action will be taken at this time by the Court – A three (3) minute limit per speaker. One person at a time will be called from the Public Participation submitted. Move to the front of the Court and stand at the podium. Please address your comments to your Commissioner.**

No public participation forms were submitted to clerk of court.

ITEM 26. Adjourn

Commissioner Wiseman made a motion to adjourn; Commissioner Pohorelsky gave a second; and Judge called for a vote.

VOTING:

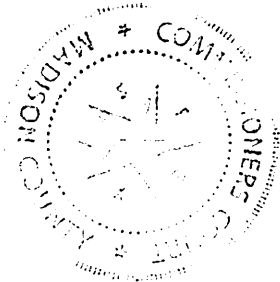
Court	Aye	Nay	ABSTAIN	RECUSE
Tony Leago, County Judge	X			
Ricky Driskell, Commissioner Pct. 1	X			
Carl Wiseman, Commissioner Pct. 2	X			
Carl Cannon, Commissioner Pct. 3	X			
David Pohorelsky, Commissioner Pct. 4	X			

No one opposed, motion carried.

Meeting was adjourned Monday, January 13, 2020 at 10:43 a.m.

I, Susanne Morris, Madison County Clerk, do hereby attest that the foregoing is a true and accurate accounting of the Commissioners Court's authorized proceedings for January 13, 2020.

Approved and signed this 27th day of January 2020.



Susanne Morris
Susanne Morris, County Clerk
Clerk of Commissioners Court
Madison County, Texas