



Minutes for the  
Madison County Commissioners Court  
Monday, July 27, 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 27<sup>th</sup> day of July 2020, 9:33 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   | Commissioner, Precinct 1 | Present |
| Carl Wiseman     | Commissioner, Precinct 2 | Present |
| Carl Cannon      | Commissioner, Precinct 3 | Present |
| David Pohorelsky | Commissioner, Precinct 4 | 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 July 13, 2020. See attached. Judge Leago asked for any comments or corrections to Regular Meeting minutes, there were none, they stand as presented, he said.

**ITEM 4. COLLECTION REPORTS**

- a) Approve Collection Reports for County Clerk and County Criminal Court.  
No reports were submitted.
- b) Approve Collection Reports for District Attorney  
No reports were submitted.
- c) Approve Collection Reports for District Clerk  
No reports were submitted.

**TREASURER – JUDI DELESANDRI**

ITEM 5. Approve paying County bills. Accounts Payable Claims List for July 27, 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 July 13, 2020. See attached.

Commissioner Driskell made a motion to approve bills paid since last court date, July 13, 2020.

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.

No report was submitted.

ITEM 8. Approve personnel changes.

No personnel changes to report.

#### AUDITOR – TONI JOYNER

ITEM 9. Auditor' Report

A Budget Analysis Usage report for July 27, 2020 was provided by auditor's office.

A copy is included in these minutes for review.

ITEM 10. Budget Amendments

No Budget Amendments were submitted.

#### DEPARTMENTAL REPORTS

ITEM 11. Safety Meeting Monthly Report - Lynn Jeffries

No report was submitted.

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

No report was submitted.

ITEM 13. Emergency Management Report – Shelly Butts

Shelly Butts, Emergency Management Coordinator gave an update on numbers for the radio system and other projects they have been waiting on from Brazos Valley Wide Area Communication System. She told commissioners they are not being asked to vote on anything today, this is for information only referring to the handouts she had provided and included in these minutes. She discussed several of the grant funding projects such as cleaning up the tower and getting ready for the antennas provided by DPS project and getting Sheriff's office ready for the new CAD and dispatch console station. The county is saving money by partnering with DPS. Projected cost for 2020 is \$173,288.76 and 2021, \$119,590.49 a considerable reduction from five million when this project began several of years ago, she said.

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

ITEM 15. Veterans Affairs – Danny Singletary  
No report was submitted.

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.

ITEM 18. Discuss and consider approval of Addendum to Madison County Employee Personnel Handbook Infectious Disease Prevention and Control. See attached.  
Commissioner Cannon moved to approve Addendum to Employee Personnel Handbook concerning Infectious Disease Prevention and Control; 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.

ITEM 19. Discuss and consider approval for Texas DPS Information Technology Team to install an Ultra-Wide Band (Cradle Point) antenna at the Courthouse annex. See attached.  
Judge called on Kelly Kasten, Texas Department of Public Safety Information Technology Team who explained their project to install and Ultra-Wide Band (Cradle Point) antenna at the Courthouse Annex Driver License office. Kasten said this Cradle Point antenna is 7 inches by 7 inches and will be mounted on the exterior wall of the building. It will support and supplement DL customer service. There is no cost to Madison County, she said.

Commissioner Pohorelsky made a motion to approve Texas DPS installation of an Ultra-Wide Band antenna at the Courthouse annex; 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 approved, motion carried.

**ITEM 20.** Discuss and consider project award for construction project for the 2016 Floods CDBG-DR Drainage Improvement to Palasota Contracting, LLC. See attached.

Judge Leago explained all facets and particulars of this grant project are being cancelled at this time. This project will have to be re-posted and re-bid for 2016 Floods CDBG-DR. The specifics for this cancellation are project award for construction must be posted for two consecutive weeks in the local newspaper and it did not happen. Commissioners' Court should make a motion to void all prior bids of this 2016 Floods CDBG-DR project, Judge said.

Commissioner Pohorelsky made a motion to void all prior bids for this 2016 Floods CDBG-DR Drainage Improvement project; 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 approved, motion carried.

**ITEM 21.** Discuss and consider approval of the Optional Fees for Motor Vehicles for the Calendar Year 2021. See attached.

Karen Lane, Tax Assessor-Collector said this is an annual requirement by Texas Department of Motor Vehicles for the court to determine which optional fees the county will approve or disapprove. The County Road and Bridge Fee, \$10.00 is approved each year, but the Child Safety Fee is disapproved. Commissioner Driskell moved to approve the County Road and Bridge Fee, \$10.00 but not to approve Child Safety Fee; 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 unanimously approved, motion carried.

ITEM 22. Discuss and consider resolution to approve Madison County Tax Assessor/Collector to calculate the voter-approval tax rate of the County in the manner provided for a special taxing unit (at a voter-approval rate of 8%) due to the declarations of disaster by the Governor of Texas and the President of the United States. See attached.

Judge Leago said I can tell you this is not an 8% tax increase and it is not asking for an 8% tax increase. Karen Lane, TAC said this asking for the court to allow me to calculate what was the effective tax rate, rollback rate which is now the no new tax rate and voter approved tax rate. In the past we have had an 8% difference between the two rates, but Senate Bill 2 changed it to a 3.5%. Since we are under a disaster declaration, we have the option of calculating at the 8%. It does not mean you go up 8% you have the option of doing it because of the disaster. It gives the option in the next two years to also do the 8% if our values do not exceed this year's values. So, you have leeway on the amount you can go up in the tax rate without having an election. Commissioner Cannon asked if it raises the limit, yes it raises the limit, Lane said. This gives us an 8% gap and without approval will give us the 3.5% gap.

Commissioner Driskell moved to approve resolution for Madison County Tax Assessor/Collector to calculate the voter-approval tax rate of the County in the manner provided for a special taxing unit (at a voter-approval rate of 8%) due to the declarations of disaster by the Governor of Texas and the President of the United States; 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.

ITEM 23. Discuss and consider for approval contract with Linebarger Goggan Blair and Sampson, LLP for the collection of delinquent taxes. See attached.

Wade Gent, Attorney, Linebarger Goggan Blair and Sampson LLP said Agenda Items 23, 24, and 25 are all related. This is a two-step resolution for our law firm to collect early some delinquent property taxes.

Property taxes are divided basically between two different categories, real estate and personal properties that are used by a business in their operations, inventories, and equipment. Typically, we are not allowed to begin collecting delinquent taxes until July 1<sup>st</sup>, the following year after they become delinquent. This resolution allows us to begin three months earlier, April 1<sup>st</sup> for only the business personal property. There are multiple benefits to doing this, particularly now because, several of businesses are closing and leaving the county. It allows us to try and identify those before they take their property and leave the county and hopefully be able to recover that loss tax revenue when a business is in danger of going out of business and moving the taxable property from the county.

Commissioner Cannon moved for approval a contract with Linebarger Goggan Blair and Sampson, LLP for the collection of delinquent taxes; Commissioner Driskell 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 24. Discuss and consider for approval Collection Agreement for Tax Collection Services with Linebarger Goggan Blair and Sampson, LLP. See attached.

Wade Gent, Attorney, Linebarger Goggan Blair and Sampson, LLP said this is the actual Collection Agreement and lays out the terms of the agreement which we had for the past 35 years, except language is being added to collect those limited accounts early. It has been 2005 since we have had a renewed Collection Agreement, it has been automatically renewing each year.

Commissioner Driskell moved to approve Collection Agreement for Tax Collection Services with Linebarger Goggan Blair and Sampson, LLP; Commissioner Pohorelsky 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 approved, motion carried.

ITEM 25. Discuss and consider for approval Order Authorizing Early Additional Penalty on Delinquent Personal Property Taxes under Tex. Tax Code § 33.11 to defray costs of collection. See attached.

Wade Gent, Attorney, Linebarger Goggan Blair and Sampson LLP said this is the Order needed from the Commissioner Court that when we do collect those accounts early, this is where the additional penalty to delinquent tax payers attaches in April instead of July. Commissioner Cannon asked, so if someone leaves the county owing taxes do we have a recourse to collect what is owed? Gent said if property leaves the county we have two options, one is to pursue personal judgment against the company or the individual who had the property or if property is in another county in the state we may be able to seize it, there are several steps to make that happen, he said. The easiest way to ensure payment is to go out with the Sheriff with a tax warrant and tell them to pay or we will lock the doors. This Order allows us to collect those taxes.

Commissioner Driskell moved for approval of Order for early additional penalty on delinquent personal property taxes; Commissioner Cannon seconded the motion; 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 unanimously approved, motion carried.

ITEM 26. Discuss and consider appointment of Karen Lane to the BVCOG Board of Directors for a period of three (3) years beginning October 1, 2020 and ending September 30, 2023.

Commissioner Cannon moved to appoint Karen Lane to the BVCOG Board of Directors for three years; Commissioner Driskell 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.

27. Discuss and consider closing the 30-day comment period and approving re-plat of the Leaning Oakes Estates Subdivision (Replat Lot 45) Recorded in Volume 1293, Page 205, Number 83791 of the Madison County Records. Located in the Leaning Oakes Estates Plat, Lot 45. Original plat recorded in Plat Book 247, Page 404, Madison County, Texas. See attached.

Shelly Butts 911 Coordinator said there were no negative responses in the 30-day comment period, and it meets the subdivision rules and regulations.

Commissioner Cannon made a motion to approve re-plat of Leaning Oakes Estates Subdivision Lot 45; Commissioner Driskell gave a second to 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 28. Discuss and consider Resolution and Order Approving the County Transportation Infrastructure Fund Grant 2020 Program Call Agreement, Designating Authorized Representative and Making Specific Findings Required by the Texas Department of Transportation. See attached.

Judge said this is a Grant we will administer ourselves and each commissioner should prepare a priority project list to get it started.

Commissioner Pohorelsky moved for approval; Commissioner Wiseman seconded the motion; 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 29. Discuss and consider waiving the out-sourcing of the administration of the CTIF Grant 2020 Program and approving the administration be performed by Madison County.

Commissioner Cannon moved to waive the out-sourcing of the CTIF Grant 2020 Program and approve administration be performed by Madison County; 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 in favor, motion carried.

ITEM 30. Discuss and consider Resolution of Madison County Authorizing Professional Service Provider Selection for Community Development Block Grant-Mitigation (CDBG-MIT) Programs through the Texas General Land Office (GLO). See attached.

Shelly Butts, Emergency Management Coordinator said this is the Grant we approved last week, but we do not know what our projects are at this time, this Grant is for three million dollars. It has a little less stringent requirements than grants in the past, so we are looking forward to getting this going. Judge said this Grant requires a three million-dollar minimum project and we can go up to five or seven million. Judge said we need to get this going so we can identify projects that fall into the perimeters so we can submit our application. Commissioner Cannon asked if this is something that is not going to be solely for roads and can be county-wide. Judge answered, yes sir. Commissioner Driskell said so this is different from other grants we have had. Judge said there are three other grants in the mix now, but this is a mitigation grant, the perimeters are must wider. It does not have to be attached to a previous disaster; it is looking forward not backwards. Judge called on Coy Richards, Grant Works who said most of these projects are going to be related to drainage and that could be anything including culverts. Your priorities should be what you think might happen, what future problems could you solve by improving your infrastructure and that is what the money is for. Mostly the ones we have seen so far are going to be drainage problems, a lot of blade and culvert work that sort of thing. Commissioner Cannon said so this is a preventative type grant. Richards said yes. The only reason Madison County is eligible for the funds is for the past declared disasters here. Judge said this is one you need to think outside the box because you may have opportunities with this grant that you may have thought you would never have as far as fixing up something that is not technically broke. Richards said there can be work on drainage problems in the City of Madisonville too, because it is a county grant. You can work on anything in the county if it is in your mitigation plan. Commissioner Cannon asked about our county jail, Judge said there is a drainage problem there.

Commissioner Driskell made a motion to approve Resolution and accept Grant Works to provide application and planning services for CDBG-MIT program(s); Commissioner Cannon 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 31. Discuss and consider Order Restricting Outdoor Burning.  
Due to recent rain showers Judge said no action will be taken.

ITEM 32. **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 33. 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, July 27, 2020 at 10:18 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 July 27, 2020.

Approved and signed this 10<sup>th</sup> day of August 2020.



*Susanne Morris*

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