



Minutes for the  
Madison County Commissioners Court  
Monday, September 14, 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 14<sup>th</sup> day of September 2020, 9:30 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 August 24, 2020. See attached. Judge Leago asked for any comments or corrections to both 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.

Susanne Morris, County Clerk submitted County Clerk collections for August 2020, \$18,243.25; and County Criminal Court collections, \$5,982.

Commissioner Driskell moved to approve County Clerk and County Criminal Court collections for August 2020; 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.

- 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 September 14, 2020 was submitted by Judi Delesandri, County Treasurer. See A/P Claims List attached.

Commissioner Pohorelsky made a motion to approve paying county bills; Commissioner Wiseman seconded the motion; and Judge called the 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 6. Approve bills paid since last court date August 24, 2020. See attached.

Commissioner Driskell made a motion to approve bills paid since last court date, August 24, 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.

Judi Delesandri, Treasurer gave her Treasurer's Monthly Report for August 2020. See attached.

Commissioner Cannon moved to accept and approve Treasurer's Monthly Report for August 2020;

Commissioner Pohorelsky gave a second to 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 favor, motion carried.

**ITEM 8. Approve personnel changes.**

There was one payroll change and four payroll promotions at the Sheriff's Department reported by Judi Delesandri, Treasurer. Payroll change was Caleb James Kubacak, Cpl. Jailer, \$14.00 hourly, effective 8/26/2020, replacing Melinda Page. Payroll promotions included Klute Kyle Sr. promoted from Patrol Sgt. to Senior Patrol Sgt. effective 8/22/2020 from \$20.78 to \$22.28 hourly. David Myers, Deputy received a merit performance increase as a certified field training officer effective 9/1/2020, pay increased from \$17.89 to \$19.39 hourly. John Kindon, Deputy increased from \$19.00 to \$20.50, a merit increase for his advanced certificate, effective 9/1/2020. Ashley Lawrenz promoted from Administrative Assistant 1 to Administrative Assistant 3, and increase from \$16.00 to \$18.00 hourly, effective 9/5/2020. See attached.

Commissioner Driskell made a motion to approve personnel changes; Commissioner Wiseman 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.

**AUDITOR – TONI JOYNER**

**ITEM 9. Auditor' Report**

A Budget Analysis Usage report for September 14, 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. Designated Representative Monthly Report - Lynn Jeffries**

Designated Representative Jeffries reported receiving in August 2020, 11 septic applications and fees totaling \$2,530. He reported that the building contractors are currently making repairs to Madison County Library.

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

A monthly report for August 2020 was submitted by Karen Lane, Tax A/C as recorded in these minutes. See attached.

**ITEM 13. Emergency Management Report – Shelly Butts**

No report was submitted.

**ITEM 14. County Extension Agent Monthly Report – Chadd Caperton**

County Extension Agent Chadd Caperton gave a report on 4-H members and their activities. Several members and their families will be participating in the State Fair of Texas and the Heart of Texas Fair. The 4-H clubs have started meeting and they are facing a few difficult challenges in abiding by the state policies and regulations during this pandemic, he said.

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

ITEM 16. Elections Administrator-Janet Boone  
Janet Boone, EA gave a report on voter registrations and mail ballot requests. She is assisting 50-60 persons weekly with voter registration, some are new voters, and some are updating their address. Currently I have received 350 mail ballots but expecting more. October 5, 2020 is the last day for voter registration and October 23, 2020 is the last day to request a ballot by mail, she said.

ITEM 17. Justice of the Peace – Steve Cole/Jon Stevens  
Steve Cole, J.P. Pct. 2 presented his Distribution Summary report for fees collected for August 2020, totaling \$4,730.37 as recorded in these minutes. A Distribution Summary report, Jon Stevens, J.P. Pct. 1 was submitted with fees totaling \$33,370.60 as recorded in these minutes.

**ITEM 18. 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 19. Conduct public hearing on proposed Fiscal Year 2021 Madison County Budget.  
Judge Leago called the public hearing in session and opened the floor to anyone wanting to make a comment on the proposed fiscal year 2020 budget. There were no responses; Judge closed the public hearing.

ITEM 20. Discuss and approve adopting the Fiscal Year 2021 Madison County Budget.  
Commissioner Driskell said he wanted to make a change to the budget, to give 3% raise to all employees who make \$15.00 or less, employees making above \$15.00 do not get a pay raise. Judge asked for any other discussion on Commissioner Driskell's recommendation; we would approve the budget with that one condition. Commissioner Driskell said yes. Judge asked Commissioner Driskell to state that in the form of a motion. Commissioner Driskell said, "I Ricky Driskell move to adopt this budget for Madison County Texas with the consideration of the pay raises as stated for employees making \$15.00 or less on this 14<sup>th</sup> day of September 2020 to be effective October 1, 2020 for the fiscal year 2021 budget year". Commissioner Cannon gave a second. Toni Joyner, Auditor asked if she could interject, Judge recognized her. Joyner said this is going to make our publications that we ran in the newspaper ineligible and ineffective. It will require additional postings in the newspaper for all the elected officials, no elected official makes less than \$15.00. Karen Lane, TAC said, if the budget is not adopted then the tax rate cannot be adopted because of the change for elected officials, it would have to be re-published. Joyner said, you would be adopting a budget that you do not know the numbers on. Commissioner Driskell said, revenue is going to be \$100,000 and if we give the 3% to all employees that is \$180,000 putting us over what we are behind already on our revenue. Joyner said, because of the legality of the prior years you have amassed a reserve and fund balances to tie you over on less generating years. At some point you need to start using some of your reserve established on the past eight or nine years so to keep a smoother operation. Commissioner Driskell said, so you are suggesting we pass a deficit budget, Joyner said, you are not passing a deficit budget. If you look at your latest fund balance, spread sheet, the general fund has in excess \$187,000. The deficit budget is in the road and bridge funds and that is because you have accumulated so much in reserves, in order to tap into your reserves, you would have to pass a deficit budget. This budget is not presenting a deficit budget in the general fund.

Commissioner Cannon said, I guess we have time to change this before the end of the month and said to Joyner since you put the pay increases in the publication which we were not advocating. Joyner said, the Budget Officer asked me to put it in there. Commissioner Cannon okay, but we want to take it out and we do not need to take an action on the budget, he said. Commissioner Driskell said he would like to rescind his first motion and make a motion not to pass the budget. Commissioner Cannon seconded the motion not to pass the budget. Judge Leago said we have a motion and a second not to adopt the Fiscal Year 2020-2021 Madison County budget and called for a vote. See attached.

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		

Approved on a vote of "0" for, and "5" against, motion carried.

ITEM 21. Discuss and consider action on adopting Tax Year 2020 Maintenance and Operations Tax Rate of 0.5500/\$100 valuation and Tax Year 2020 Debit Service Tax Rate of 0 valuation of the total Tax Year 2020 Tax Rate of \$0.5500/\$100 valuation. Motion should be made in the following form: "I move that the property tax rate be decreased by the adoption of a tax rate of .55/\$100 valuation, which is effective a 2.17% decrease in the tax rate".

Judge Leago said the Fiscal Year 2021 Madison County Budget did not pass, so this agenda item will be tabled.

ITEM 22. Discuss and consider action on ratifying that the adoption of the Fiscal Year 2021 Madison County Budget will raise more total property taxes than last year's budget by 0.04%, an increase of \$2,427. The property tax revenue to be raised from new property added to the tax roll this year is \$92,422.

The Fiscal Year 2021 Madison County Budget did not pass, so this agenda item will be tabled, Judge Leago said.

ITEM 23. Discuss and consider grant application to Center for Tech and Civic Life for COVID-19 to cover unprecedented expenses of 2020 elections. See attached.

Janet Boone, Election Administrator said, an opportunity is available for grant application with Center for Tech and Civic Life for COVID-19 for a \$5,000 grant to assist in election expenses. She requested Commissioners' Court approval to apply.

Commissioner Cannon moved to approve EA's request; 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.

ITEM 24. Discuss and consider approving final minor plat recorded in Volume 1297, Page 42, Number 84034 of the Madison County Records. Located in the Ira C. Shute Survey, Tract 10, Abstract 0206. Directions to Property: Just East of the Madisonville city limits, along Main Street/State Highway 21, known as 911 address 3475 State Highway 21E (Tract One) and 3525 State Highway 21 E (Tract Two), Madisonville, Texas 77864 of the Madison County Records. See attached.

Bunny Unterreiner, Assistant 911 Coordinator explained this is a land division of property east of Madisonville City Limits, previously Top Line Rental property, being divided into two parcels. City of Madisonville maintains an easement to its Lift Station at the back of these properties. The City of Madisonville has chosen not to exercise their right to ETJ determinations. This division requires Commissioners' Court approval because it does not meet any exceptions in our subdivision order. Commissioner Driskell moved to approve final minor plat; 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			

No one opposed, motion carried.

ITEM 25. Discuss and consider approving final minor plat recorded in Volume 1736, Page 132, Number 111081 of the Madison County Records. Located in the Job S. Collard Survey, A-10, the E. Arriola League Survey, A-4, and the W.W. Ballard League Survey, Abstract A42, being part of a call 1022.49 acre further divided into a 200-acre tract previously. Directions to Property: South of Madisonville, known as 911 address 2505 State Highway 90 S, Madisonville, Texas 77864, and a new address to be determined for the residual. See attached.

Bunny Unterreiner, Assistant 911 Coordinator explained this property is located south of Madisonville, a large parcel of land previously divided. Currently, they have taken some land out of their LLC name and put it into their own names with the intention of selling 91.69 acres. The division requires Commissioners' Court approval because it does not have the minimum footage required along a public roadway, however an easement is provided for access to the property.

Commissioner Cannon moved to approve final minor plat; 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 approved, motion carried.

ITEM 26. Discuss and consider accepting application for re-plat of John Batson subdivision, Tract 3, previously divided, triggering a 30-day comment period. Bunny Unterreiner, Assistant 911 Coordinator said the proper paperwork has not been submitted for this re-plat application and requested the court to table it. Judge Leago said, this agenda item is tabled.

ITEM 27. Discuss and consider Memorandum of Understanding between Madison County and the City of Madisonville relative to the Madisonville Volunteer Fire Department for FY 2021. See attached. Judge Leago said this is an annual renewal agreement, there are no changes. Commissioner Cannon moved to approve the MOU; 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 approved, motion carried.

ITEM 28. Discuss and consider approving \$9,000 to be used out of the BVCOG Community Van account for a part-time driver for the Madison Health Resource Center. See attached.

Director Lara Meece, MHRC submitted a request to hire a part-time driver. The need is due to the declining number of volunteers who do not feel comfortable driving during the COVID-19 pandemic. BVCOG agreed to expensing \$9,000 from Madison County's van account since it's for travel purposes. Commissioner Driskell moved to approve \$9,000 for part-time van driver; 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 29. Discuss and consider 2-year contract with AT&T for dedicated internet service for Madison County.

Judge Leago asked Donna Cuevas to explain this AT&T contract. Currently, the county is out of contract with Century Link for internet service who was charging \$1,800 monthly. Justin Knight, Madisonville resident, resales AT&T internet service and has provided a proposal. The two-year contract fee for internet service would be \$856.00. Knight has worked with the county's Internet Technician, Dustin Price to get all the specification correct, Cuevas said. Commissioner Cannon asked if we would be getting the same service as we currently get and save the county \$1,000 monthly. Cuevas said exactly. Commissioner Driskell moved to approve 2-year contract with AT&T for internet service; 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 unanimously approved, motion carried.

ITEM 30. Discuss and consider for approval Madison County 2019 Final Audit.

Diane Sollock, CPA, Davis, Heinemann & Company, P. C. Certified Public Accountants, Huntsville, Texas presented Madison County's Annual Financial Report for the year ended September 30, 2019. Sollock said there were no issues and no findings in the audit report. A copy of the audit is recorded in these minutes.

Commissioner Driskell moved to approve Madison County 2019 Final Audit; Commissioner Pohorelsky 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 approved, motion carried

ITEM 31. Discuss and consider Extended Declaration of Local Disaster for Public Health Emergency.

Commissioner Cannon moved to approve Extended Declaration of Local Disaster for Public Health Emergency; Commissioner Wiseman 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 in favor, motion carried.

**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, September 14, 2020 at 10:26 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 September 14, 2020.

Approved and signed this 28<sup>th</sup> day of September 2020.



*Susanne Morris*

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