

JANUARY 11, 2021

WISE COUNTY COMMISSIONERS' COURT MEETING

On this the 11th day of January, A.D., 2021 at 9:00 A.M. came on to be had a Regular Meeting of the Commissioners' Court of Wise County, Texas held in the County Court at Law Court Room (3rd) Floor in County Courthouse of said County in the town of Decatur with the following members present and presiding:

J.D. Clark	County Judge
John "Biff" Hayes	Commissioner, Precinct No. 1
Kevin Burns	Commissioner, Precinct No. 2
Danny Lambert	Commissioner, Precinct No. 3
Gaylord Kennedy	Commissioner, Precinct No. 4

Sherry Lemon, County Clerk and Ex-Officio Clerk of Commissioners' Court when and where the following proceedings were had, to-wit:

All attachments referred to in the minutes of the Wise County Commissioners' Court are designated original or copy and are provided at the time of action by the Court unless otherwise indicated by provider.

County Judge Clark votes aye on all agenda items unless otherwise indicated.

- 1) Clark called the meeting to order at 9:00 AM. All court members were present.
- 2) Pledge of Allegiance
- 3) Moment of Silence

Clark recognized newly elected Commissioners John "Biff" Hayes (Pct. 1) and Danny Lambert (Pct. 3). Clark explained the purpose of each agenda item throughout the meeting.

- 4) Community Forum:

John Bowman (TXS Powder Coating) discussed installation of an RV Park on a portion of his property. Bowman stated he's discussed this with both an engineer and his commissioner. Bowman discussed county ordinance for installation of asphalt roads in the RV Park. Bowman requested the court revisit asphalt requirements on private roads.

Clark told Bowman the roads in subdivisions are not automatically maintained by the county after the three year maintenance period if the roads do not meet county standards. Clark told Bowman this can be discussed in a Development Rules and Regulations Committee Meeting. Clark discussed contacting Bowman prior to that Development Rules and Regulations meeting.

- 5) County Correspondence: None

6) Precinct Cooperation/Coordination:

Kennedy commented that 911 Addressing/Flood Plain Coordinator Wacy Beck has a flood control dam off of Wilson Prairie Road in Precinct No. 4. Kennedy commented that a base road will be constructed across the dam area. Kennedy commented that 50 loads of base is needed for this and requested assistance if needed.

7) Plats:

Motion made by Burns seconded by Kennedy and unanimously adopted by the Court to approve the following plats as submitted:

- Replat Anjelic Farms, Lots 1R-2A and 1R-2B, Block 1, located in Precinct No. 1, as presented, including a letter of conformance from Wise County Development Services and granting a drainage plan variance as requested. (See attachments)
- Replat Jamberly Hills, Lots HR-1 and HR-2, Phase 1, located in Precinct No. 4, as presented, granting a drainage plan variance as requested. (No attachment)
- Replat Silver Lakes Ranch, Lot 42R, Phase 1, located in Precinct No. 2, as presented and granting a drainage plan variance as requested. (No attachment)
- Final/Re-Plat Briar Farms, Lot 1, Block 1, located in Precinct No. 3, as presented, including a letter of conformance from Wise County Development Services and granting a drainage plan variance as requested. (See attachment)
- Replat Seven Wires, Lots 9R-1 and 9R-2, Block 2, located in Precinct No. 2, as presented, including a letter of conformance from Wise County Development Services and granting a drainage plan variance as requested. (See attachment)
- Replat North Star Pointe, Section 7, Phase 2, Lot 402R, located in Precinct No. 2, as presented, including a letter of conformance from Wise County Development Services and granting a drainage plan variance as requested. (See attachments)
- Replat Wild Oak Hills, Phase II, Tract 14R-1 and Tract 14R-2, located in Precinct No. 4, as presented, including a letter of conformance from Wise County Development Services, and granting a drainage plan variance as requested. (See attachment)

8) The court tabled action regarding Wise County Historical Commission Appointees. (No attachments)

9) Clark stated during the COVID-19 pandemic there is a Federal Labor Policy that stated that if an employee is unable to come to work or is quarantined due to COVID-19 the employer will provide up to 80-hours of emergency paid sick leave to use for the COVID-19 quarantine instead of the employee having to use accrued time. Clark stated this policy expired on December 31, 2020 with the county hoping the policy might be extended and was not. Clark stated that even though the federal policy is expired employers are authorized to implement this as a local policy. Clark stated that he and County Treasurer/Human Resources Director Katherine Hudson have discussed this local implementation. Clark stated that Hudson has discussed this with Texas Association of Counties and presented a local proposed policy that Clark read to the court. (See attachment)

Hudson stated that out of the 420 county employees 197 were out due to COVID-19 last year. Hudson continued that only 49 of those 197 ran out of time. Clark commented the concern that if the county does not have a policy in place and an employee that should be quarantined comes to work because they do not have any accrued time available this could potentially create a greater health situation. Clark commented that this item is budget neutral because it is already budgeted. Hudson commented that this policy is per calendar year not fiscal year. Hudson stated the county is "FMLA-ing (Family Medical Leave Act) these people because of larger problems for those employees.

Emergency Management Coordinator Cody Powell commented about the benefit of this policy.

Hudson commented there are a lot of employees that are "earner burners" who do not have time accrued.

Motion made by Burns seconded by Kennedy and unanimously adopted by the Court to approve the Wise County Emergency Paid Sick Leave Policy, as presented, noting that it is retroactive to January 1, 2021 (not 2020 as stated on the form). (See attachment)

10) Donations:

Motion made by Kennedy seconded by Burns and unanimously adopted by the Court to accept the following donations with the court's thanks:

- CB Holdings coated chip rock to Precinct No. 4. (No attachment)
- Wise County Historical Commission \$550.00 for the sale of courthouse calendars to the Courthouse Restoration Fund. (No attachment)
- \$1,210.00 for the sale of unused ammunition from the Wise County Sheriff's Office to 2K-Pawn. (No attachment)

Asset Control Officer Diana Allen commented for the court record. Allen stated that if an asset is donated to the county to please contact her office for inventory tagging.

11) Bids:

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Allen stated the VHF duplexer that was donated from West Fork Amateur Radio Club to the Office of Emergency Management (OEM) was involved in an accident and is not up to Emergency Management Standards. Allen stated that OEM wants to donate it back to the radio club and Commissioners Court Attorney Thomas Aaberg states that is acceptable.

Motion made by Burns seconded by Kennedy and unanimously adopted by the Court to approve the above said return donation, as presented. (No attachment)

Kennedy asked about the upcoming county asset auction. Allen stated she is working on scheduling a Rene Bates online auction. Allen will return with information when it is available.

12) Consent Agenda Item:

a) Minutes for meeting December 14, 2020. (No attachment)

b) Department Head Reports:

- Items submitted in Dropbox but not provided for court record. (No attachments)
- Chapter 59 Asset Forfeiture Reports for Constables Precincts 1, 2, 3, and 4. (See attachments)
- Auditor's Report for November 2020. (See attachment)
- Auditor's Report for December 2020. (See attachment)
- Asset Inventory Report for October 1, 2020 to December 31, 2020. (See attachment)
- Treasurer's Report for November 2020. (See attachment)

c) Budget Amendments: None

d) Capital Expenditure Plan: None

e) Claims/Payroll:

- Walk to Court Register dated 1.11.21 (See attachment)
- Claims and Payroll Registers presented in Dropbox (No attachment)

f) Utility Requests: (Pending confirmation of name)

- MABAK Directional Drilling for Post Oak Cove in Silver Lakes Ranch addition located in Precinct No. 2.
- Aqua Texas for Hawk Ridge located in Precinct No. 1.

g) Contracts and Interlocal Agreements:

(Original contracts and Interlocal Agreements are filed in the Asset Control Office by Diana Allen.)

- Verbal from Allen regarding Texas Association of Counties cybersecurity course training pending Aaberg's review.
- Texas Association of Counties Total Loss Documents (See attachment)

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- OpenGov Renewal (See attachment)
- Texas Facilities Commission Add/Delete Authorized Representatives for in-coming commissioners (See attachment)
- Fully Executed (list): Wise County Historical Commission; City of Boyd Animal Control (See attachments)
- Renewals (list only): Tyler Technology Court Payment Agreement; Novacopy Copier – Jail Commissary.

Motion made by Burns seconded by Lambert and unanimously adopted by the Court to approve all items listed under the consent agenda item, as presented.

13) Project Agreements for Road Repair:

Motion made by Kennedy seconded by Burns and unanimously adopted by the court to approve the project agreement for road repair for the City of Paradise for crack sealing on Schoolhouse Road and potholing for other streets in Precinct No. 4. (No attachment)

Clark confirmed that the county already has an agreement with the City of Rhome for projects requested by previous commissioner Lamance.

Aaberg told the court that the county has standing agreements with the entities but projects mentioned under this item are specific requests.

14) Right-of-Way Improvements – None

15) Burn Ban:

Clark explained the current burn ban process to the new commissioners. Fire Marshal Jeff Doughty requested a full burn ban; discussed current weather conditions; and, fire forecast. Clark explained that the burn ban is effective for 90 days or until Commissioners Court repeals the ban.

Motion made by Burns seconded by Kennedy and unanimously adopted by the Court to adopt a full 90-day burn ban prohibiting all outdoor burning except outdoor cooking and welding unless repealed by the Commissioners Court with guidelines available on the county website. (See attachment)

16) Committee Reports:

Motion made by Burns seconded by Hayes and unanimously adopted by the Court to appoint Commissioner Precinct No. 3 Danny Lambert to the Wise County Development Rules and Regulations Committee due to a vacancy upon the retirement by former Commissioner Precinct No. 3 Harry Lamance; and, to appoint 911 Addressing Director/Watershed Manager Wacy Beck needs to be appointed to the Development Rules and Regulations committee.

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17) Motion made Burns seconded by Kennedy and unanimously adopted by the Court to enter into Executive Session allowed under Texas Government Code Section 551.074 for the discussion of personnel matters at 9:39 AM.

18) Regular Session reconvened at 10:24 AM. NO action was taken during Executive Session by the court.

19) Clark stated the court has an appointment it has to consider and explained the circumstances for filling the vacancy of County Court at Law #1 Judge upon Judge Melton D. Cude's death in November 2020. Clark discussed the December 14, 2020 committee appointment to review applications to fill this vacancy. Clark stated that 271st Judicial District Attorney Greg Lowery was the solo applicant.

Clark stated that Lowery has served as the District Attorney since 2009 and the County Attorney from 2001 to 2009. Clark explained that Lowery is familiar with County Court at Law #1. Clark stated that Lowery is a native to Wise County and will treat the county right from the judicial seat. Clark stated the committee appointed was Clark, Lemon and Sheriff Lane Akin. Clark discussed the lone application with the other committee members and would not have selected a lone applicant if that person was not the person the committee felt is best for the job. Clark asked Lemon and Akin if they wished to speak to this.

Lemon told the court that she and her office look forward to working with Lowery. Lemon told the court that the County Clerk Court Department interacts with the County Court at Law #1 and County Attorney's offices daily. Lemon told the court that Lowery's qualifications are exemplary. Akin echoed Lemon and Clark's comments.

Clark discussed the process of appointment to the County Court at Law #1 bench. Clark stated that as soon as Lowery takes the oath of office for County Court at Law #1 judge he immediately vacates the District Attorney position as he cannot hold two elected offices at once. Clark stated Governor Greg Abbott appoints the District Attorney position. Clark stated that the Texas State Legislature convenes at 12:00 PM on January 12, 2020 (tomorrow) and no appointments can be made during a legislative session without legislative approval. Clark continued that the first associate District Attorney can serve but not more than twenty-one days. Clark discussed the issue with a vacancy in the District Attorney position. Clark told the court that Abbott's office is prepared to appoint someone to the District Attorney position as early as this afternoon in the event that there is a vacancy in the District Attorney's office. Clark stated that the Governor's Office of Appointments has interviewed multiple interested parties for the vacancy and are not caught off guard of a District Attorney vacancy.

Motion made by Burns seconded by White and unanimously adopted by the Court to appoint Greg Lowery to the County Court at Law #1 judge position to complete the unexpired term (through December 31, 2022) that was vacated upon the death of County Court at Law #1 Judge Melton D. Cude. (No attachment)

20) Clark announced the next holiday as Monday, January 18, 2021 being Martin Luther King, Jr.'s birthday.

21) Clark announced the next meeting as Monday, January 25, 2021. Clark noted that Commr. Lambert will be unable to attend the January 25, 2021 meeting in-person due to surgery.

22) Clark adjourned the meeting at 10:36 AM, there being no further action to be had by the court.

Minutes approved this 8th day of February, 2021, as printed.

J.D. Clark, County Judge, Wise County

John "Biff" Hayes, Commr. Pct. No. 1

Kevin Burns, Commr. Pct. No. 2

Danny Lambert, Commr. Pct. No. 3

Gaylord Kennedy, Commr. Pct. No. 4

ATTEST:

Sherry Lemon by Amanda Knox, Chief Deputy
Sherry Lemon, County Clerk and Ex-Officio Clerk of Commissioners' Court,
Wise County, Texas.



The Wise County Commissioners' Court adopted revised **Rules of Procedures, Conduct & Decorum at Meetings of Wise County Commissioners' Court** on March 25, 2019.