

JANUARY 19, 2021

WISE COUNTY COMMISSIONERS' COURT MEETING

On this the 19th day of January, A.D., 2021 at 8:33 A.M. came on to be had a Special 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 (telephonic)	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 8:33 AM. All court members were present.
- 2) Pledge of Allegiance
- 3) Moment of Silence
- 4) Clark told the court the purpose of this meeting is to discussed and take action on the County Attorney vacancy. Clark stated that former District Attorney Greg Lowery was appointed to County Court at Law #1 to complete the unexpired term (ending December 31, 2022) created by the vacancy of office upon the death of Judge Melton D. Cude.

Clark continued that former County Attorney James Stainton was appointed by Governor Greg Abbott to fill the unexpired term of the District Attorney position creating a vacancy in the County Attorney position. Clark continued that the County Attorney position cannot sit vacant and Assistant County Attorney Robert Carper is ineligible to hold the County Attorney position as he resides in Parker County.

Clark presented two paths for filing the vacancy of County Attorney. Clark stated a committee can be formed to screen/interview persons interested in the position. Clark stated the county could give people until the January 25, 2021 meeting to present applications and give the committee a week to review applications. Clark stated a proposed committee would consist of Clark, Sheriff Lane Akin and County Treasurer Katherine Hudson.

Page Two, January 19, 2021 Mtg...

Clark presented a second path to fill the County Attorney position vacancy. Clark stated that to get the office through the 2022 election Commissioners Court Attorney Thomas Aaberg is potentially willing to fill the office and not seek it in the 2022 election at which time he would roll back to the Commissioners Court Attorney position. Lambert asked if Aaberg will have time to do both roles. Aaberg stated that Stainton handled civil litigation cases for the county that could be sent out to a larger firm. The court discussed that Carper does a great job as Assistant County Attorney and is capable of a lot but cannot take on the role because he is not a Wise County resident.

Clark confirmed this will be an interim position and opened the item for discussion.

Burns told Aaberg that if he ever feels the interim County Attorney position is too much (in addition to his work as Commissioners Court Attorney) to let the court know and they can rethink filling that vacancy. Aaberg discussed his opinion of the workload. Burns discussed the court's need of Aaberg. Clark discussed Aaberg's background in county government.

Kennedy asked the earliest election date? Clark stated a special election cannot be held and the position will be on the next general election date of 2022.

Clark discussed Aaberg's ability to fill the vacancy of County Attorney to create a stable transition for staff.

Hayes asked if Aaberg would be paid both the County Attorney salary and the Commissioners Court Attorney salary? Clark stated Aaberg would be paid the County Attorney salary and the Commissioners Court Attorney salary would be suspended while he is in that position.

Hayes asked about cost for outside attorney civil litigation? Clark told Hayes that is already paid as part of policy coverage through a Texas Association of Counties firm.

Aaberg told the court that not a lot of activity is going on for misdemeanors in County Court at Law #1 and most hearings are held via Zoom. Wise County Sheriff Chief Deputy Craig Johnson commented that the wheels of justice are going at a snail's pace; and, the Sheriff's Office will work well with whoever is appointed.

Motion made by Burns seconded by Kennedy and unanimously adopted by the Court to appoint Commissioners Court Attorney Thomas Aaberg to fill the vacancy of County Attorney until the 2022 election.

Clark noted that if the workload does pile up then the Commissioners Court can take other action.

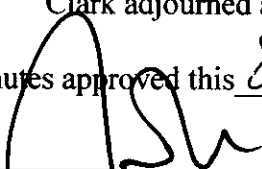
Aaberg thanked Asset Control Officer Diana Allen for all of her help with contracts. Clark commented that for the county it is a safe move to buy the county some time until someone can

be duly elected. Aaberg commented that he worked with Lowery when Lowery was County Attorney and they'll work well together as judge and prosecutor.

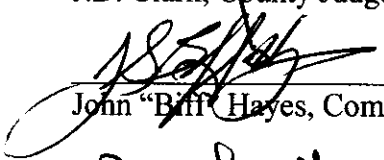
Clark noted the next full Commissioners Court meeting as Monday, January 25, 2021.

5) Clark adjourned at 9:00 AM, there being no further business to be had by the court.

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



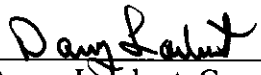
J.D. Clark, County Judge, Wise County



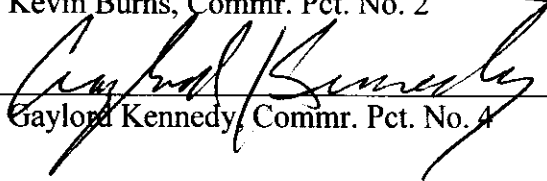
John "Biff" Hayes, Commr. Pct. No. 1



Kevin Burns, Commr. Pct. No. 2

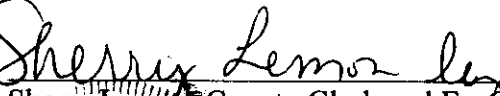



Danny Lambert, Commr. Pct. No. 3



Gaylord Kennedy, Commr. Pct. No. 4

ATTEST:

Sherry Lemor, County Clerk and Ex-Officio Clerk of Commissioners' Court,
Wise County, Texas.


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