

Tom Green County Commissioners' Court
September 4, 2003

The Commissioners' Court of Tom Green County, Texas, met in Special Session September 4, 2003 in the Edd B. Keyes Building, with the following members present:

Clayton Friend, Commissioner of Precinct #1
Karl Bookter, Commissioner of Precinct #2
Jodie R. Weeks, Commissioner of Precinct #3
Richard Easingwood, Commissioner of Precinct #4
Michael D. Brown, County Judge

1. **County Judge, Mike Brown, called the meeting to order at 8:08 AM.**
2. There was a lengthy discussion of Tom Green County's Personnel and Administrative Policies and Procedures, focusing on co-ordination between the Treasurer's office, the Personnel office (on FMLA matters) and Risk Management office (for workers comp issues). The goal is to ensure that personnel are not only taking only leave they have accrued, but also that they avail themselves of the appropriate type of leave. There was also discussion concerning tightening up office hours policy. This will be addressed when the new Personnel Policy is presented in October
Becky Harris, Director, reported that there are currently 23 residents at the Roy K. Robb Post Adjudication Center. Expenditures for July were \$44,416.08, with Revenues in the amount of \$60,755.73, showing a net gain of \$16,339.65 for the month of July. **No action was taken.** (Report recorded with minutes.)
9. **Judge Brown moved to accept the Title IV Community Service Grant for Roy K. Robb Post Adjudication Facility. Commissioner Friend seconded the motion and all voted in favor.** (Budget Narrative for Grant Program recorded with these minutes.)
10. **Commissioner Weeks moved to approve the contract with GrantWorks, Inc. for Colonia Comprehensive Planning Services to complete TCDP Contract No. 723165 as presented. Commissioner Easingwood seconded the motion and all voted in favor.** (Recorded with these minutes.)
11. **Commissioner Weeks moved to approve the replat of Tract 16, Red Creek Subdivision as presented. Commissioner Friend seconded the motion and all voted in favor.** (Recorded with these minutes.)
12. **Judge Brown moved to adopt Resolution amending an Enterprise Zone Resolution that was adopted May 13, 2003, by amending the caption, deleting surplus language, adding language that indicates Texas Tax Code Chapter 323 for refund of local sales and use taxes, adding an Exhibit "D", and amending Exhibit "A" to clarify zone boundaries. Commissioner Weeks seconded the motion and all voted in favor.** (Recorded with these minutes.)
- 12 A. **Commissioner Weeks moved to accept the June & July 2003 Auditor's Report as presented. Judge Brown seconded the motion and all voted in favor.** (Recorded with these minutes.)
- 12 B. **Judge Brown moved to accept the Certification of the of the decennial census taken in 2000 with the population of Tom Green County being 104,010 as presented by the Secretary of State for the State of Texas. Commissioner Friend seconded the motion and all voted in favor.** (Recorded with these minutes.)
13. **Judge Brown moved for the approval of a Subscription Agreement and Order Form between LexisNexis and Tom Green County Courts and the County Attorney and the cancellation of the West Law subscription for all County offices with the exception of the District Attorneys' Office. Commissioner Easingwood seconded the motion and all voted in favor.** (Recorded with these minutes.)
14. The Court acknowledged the Resignation of Marvin Ensor and Judge Brown appointed Commissioner Friend as the Commissioners' Court's representative for the interview process of hiring a new agent for Tom Green County. John Begnaud will be the County Co-coordinator and contact person for the Court. (Recorded with these minutes.)
15. **Commissioner Weeks approved the sale of surplus shotguns by the Sheriff's Office to authorized licensed gun dealers, with the revenue going**

back into the Sheriff's fund for ammunition and replacements. Set the date of 9-18-03 to open bids for RFB 03-018 for two World War II Vintage guns. Commissioner Friend seconded the motion and all voted in favor.

16. Recessed the Regular Meeting at 10:15 AM and opened the Public Hearing at 10:16 AM.

Lynn Rutland, MHMR made a lengthy presentation and requested additional funding to help with the funds that were cut by the 78th State Legislature. Several juvenile and adolescent programs have been cut and most programs have been reduced. The loss of funding for MHMR will possibly have an impact on the population of the jail. The Health and Safety Code addresses the requirements by the County for caring for MHMR clients. Seven Counties are served by the Concho Valley MHMR facility in San Angelo, with the majority of the funding coming from Tom Green County. Irion County provides some local office space. The Mental Health Deputy program has been funded again through grants, thus creating savings for Tom Green County.

Jackie Shannon, a volunteer for MHMR, also addressed the Court and stressed the significance of the programs provided for schizophrenia and by-polar disorders. She asked for the Court to consider additional funding for MHMR of the Concho Valley.

Commissioner Bookter expressed his concern on the budget being funded about 72% by property taxes and sales tax. He expressed his concern that raising the evaluation on property would result in the loss of individuals' homes.

17. Judge Brown adjourned the Public Hearing and reconvened the Regular Commissioners' Court meeting at 11:10 AM.

18. Judge Brown moved to adopt the Tom Green County Budget for FY 2004 in the amount of \$23,331,109 and capitol expenditures in the amount of \$1,294,838. Commissioner Friend seconded the motion. Commissioners Friend and Weeks voted in favor of the motion. Commissioners Bookter and Easingwood and Judge Brown voted in opposition of the motion. The motion failed 3 to 2.

19. Without the passage of the Budget, the tax rate could not be considered at this time.

20. Judge Brown moved to authorize Amendment #1 to County Indigent Health Care Program Screening Services Agreement between Tom Green County and the City of San Angelo for a 30-day extension and authorize the County Judge to sign all necessary papers. Commissioner Friend seconded the motion and all voted in favor. (Recorded with these minutes.)

21. Dianna Spieker, County Treasurer, explained to the Court that the interest rate continued to decline and the County continued to lose money.

Commissioner Bookter moved to accept the Treasurer's Monthly Report for July 2003 as presented. Commissioner Easingwood seconded the motion and all voted in favor. (Recorded with these minutes.)

22. Commissioner Friend moved to award the RFP 03-004 Life Insurance to Canada Life, Zesch & Pickett/Martin & Herring Company with Bobby Zesch and Paul Martin as agents, to be effective October 1, 2003 through September 30, 2004. Commissioner Easingwood seconded the motion and all voted in favor.

Commissioner Friend moved to retain the current \$15,000.00 rate with the new policy. Commissioner Easingwood seconded the motion and all voted in favor.

Commissioner Friend moved to authorize the employees the opportunity for a buy up option through payroll deduction, at no additional cost to the county. Commissioner Easingwood seconded the motion and all voted in favor.

23. Steve Mild, Homeland Security Coordinator, presented a budget for a Hazmat Response Team to be considered for the FY 2004 Budget for Tom Green County. The owner would be responsible for reimbursement to the County for materials. For every 10 cents of county funds, there is 90 cents of public

funding available. Estimated annual cost to the County would be \$94,366.80.

There was No action taken.

24. Chris Taylor, County Attorney, advised the Court that he had received information pertaining to reinstatement of funding for requested grants. The funds have not been received but will be retroactive to September 1, 2003, which will reimburse the funds extended by the County through September. **Commissioner Easingwood moved to authorize the funding of \$3,200.00 to fund the County Attorney’s Victim’s Assistance Coordinator for the month of September from the Contingency fund and authorize the County Treasurer to pay the employee. Commissioner Friend seconded the motion and all voted in favor.**

19. **Commissioner Friend moved to reconsider the adoption of the Tom Green County Budget for Fiscal Year 2004 in the amount of \$23,331,109.00 and Capital Expenditures of \$1,294,838.00. Commissioner Bookter seconded the motion.** Commissioner Bookter expressed his reservation concerning the Capital Expenditures that he sees as an ongoing expense instead of a one-time expense. Commissioner Easingwood expressed his concern about not being able to provide the funding needed by the Concho Valley MHMR. The vote was called for. **The result of an individual poll of the Court was Commissioner Friend, Commissioner Bookter, Commissioner Weeks, Commissioner Easingwood and Judge Brown voted in favor of the motion. The motion passed unanimously.** (Recorded with these minutes.)

20. **Judge Brown moved to adopt the tax rate for Fiscal Year 2004 for an operating rate of 0.43571. Commissioner Friend seconded the motion. The result of an individual poll of the Court was Commissioner Friend, Commissioner Bookter, Commissioner Weeks, Commissioner Easingwood and Judge Brown voted in favor of the motion. The motion passed unanimously.**

Judge Brown moved to adopt an interest and sinking rate of 0.08714. Commissioner Friend seconded the motion. The result of an individual poll of the Court was Commissioner Friend, Commissioner Bookter, Commissioner Weeks, Commissioner Easingwood and Judge Brown voted in favor of the motion. The motion passed unanimously.

There was **No Action** from the Executive Session.

25. **Judge Brown moved to approve the renewal of Verizon Public Communications Agreement for Payphone Services in the Detention and Court facilities. Commissioner Weeks seconded the motion and all voted in favor.** (Recorded with these minutes.)

26. There was **no other action** taken in regard to the Tom Green County Subdivision and Manufactured Home Community Rules and Regulations.

27. **Judge Brown moved to approve the following line item transfers as presented. Commissioner Easingwood seconded the motion.**

Fund: General Fund

<u>Department</u>	<u>Account</u>	<u>Budget Increase</u>	<u>Budget Decrease</u>
035 County Auditor	0108 Salary/Part-Time	212.50	
035 County Auditor	0102 Salary/Appt. Official		212.50
003 County Clerk	0428 Travel & Training	2,695.00	
003 County Clerk	0105 Salary/Employee		695.00
003 County Clerk	0109 Salary/Supervisor		2,000.00
078 Indigent Health Care	0108 Salary/Part-Time	377.00	
078 Indigent Health Care	0105 Salary/Employee	635.00	
078 Indigent Health Care	0201 FICA/Medicare	100.00	
078 Indigent Health Care	0203 Retirement	69.00	
078 Indigent Health Care	0301 Office Supplies	500.00	
078 Indigent Health Care	0514 Special Projects	3,360.00	
199 Contingency	0601 Reserves		5,041.00

136 Building Maintenance	0433 Inspection Fees	200.00	
192 Contingency	0601 Reserves		200.00

All voted in favor.

28. Future Agenda Items.

1. Consider 10 feet strip of County Road in Precinct #1.
2. Consider change of name for Wilson Road in Precinct #1.
3. Emergency Meeting August 27, 2003 at 9:00 AM

29. Announcements.

1. Sheep and Goat Raisers Field Day next week.

Judge Brown adjourned the meeting at 12:26 PM.

Michael D. Brown, County Judge

Elizabeth McGill, County Clerk and
Ex-officio Clerk of the Commissioners' Court



Dianna Spieker CCT, CIO

*Certified County Treasurer (CCT)
Certified Investment Officer (CIO)*

Tom Green County Treasurer

112 W Beauregard

San Angelo, TX 76903

(915) 659-3263 (915) 659-6440 (fax)

Effective April 2003 Area Code (325)

Email dianna.spieker@co.tom-green.tx.us

Treasurer@co-tom-green.tx.us

August 30, 2003

Members of Tom Green County Commissioners Court

Gentlemen:

Currently Commissioners' Court approved the following overtime rates
In the interest of being current and updated I need the courts approval once again.

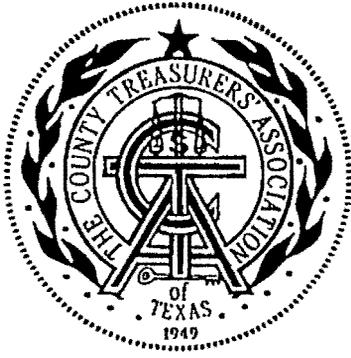
Sheriff and Jail-

- 1) Sheriff has authority to grant payment of compensatory time when amount exceeds the Counties' Policy of 240 max Law Enforcement.
- 2) Transport - Paid At Double time not to exceed \$20.00. Payment must be received in the Treasurers' Office prior to paying Overtime.
- 3) Marshal - Paid at a rate of \$17.46
- 4) Safe and Sober Grant - Paid at Time and One Half.
- 5) Sheriff may designate any other overtime to be paid at a rate of time and one half.
Example- Court Bailiff, Hospital Guard;

All other departments Compensatory Time paid upon the resignation or termination of an employee.

Sincerely,

Dianna Spieker
Tom Green County Treasurer



Dianna Spieker CCT, CIO

Certified County Treasurer (CCT)

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August 30, 2003

Members of Tom Green County Commissioners Court

Gentlemen:

Pursuant to Local Government Code 157.021(b) (See Attached), the Commissioners Court may adopt and enforce uniform rules on overtime and compensatory time. The Court may prohibit unbudgeted overtime, except when the court or an elected county or district officer declares an emergency. If an emergency is declared, said emergency is required to be reported to the County Auditor and the Commissioners Court.

For the purposes of declaring an emergency, the Court Minutes would satisfy the required report.

Currently TGC Personnel Policy 6.05 states that overtime is allowed only in cases of emergency or when specifically authorized by the Commissioners Court. A conflicted statement is made that employees can only be authorized overtime by the employee's supervisor and approved by the elected or appointed department head.

If the Treasurer's Office is going to be able to enforce the above, then the Court needs to notify Departments that a report needs to be made to the Commissioners before overtime is worked. In addition, employees need to be notified that overtime is not allowed.

I would suggest that a firmer policy be instated by October 1st, 2003 and notifications be sent to all concerned prior to that date.

Awaiting the Court's Direction.

Sincerely,

Dianna Spieker

Tom Green County Treasurer

§ 157.021. Hours of Work of County Employees

(a) In a county with a population of 355,000 or more, the commissioners court may adopt and enforce uniform rules on the hours of work of department heads, assistants, deputies, and other employees whose compensation is set or approved by the court.

(b) The commissioners court of any county may adopt and enforce uniform rules on overtime and compensatory time for department heads, assistants, deputies, and other employees whose compensation is set or approved by the commissioners court. The rules may:

- (1) prohibit unbudgeted overtime, except when the commissioners court or an elected county or district officer declares an emergency; and
- (2) require that emergency overtime be reported to the county auditor and the commissioners court.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987. Amended by Acts 1995, 74th Leg., ch. 713, § 2, eff. Sept. 1, 1995.

When an emergency closing is not officially declared, employees who do not report to work will not be paid, unless the employee elects to use vacation leave for the period not worked. Employees who are not entitled to vacation leave will be docked for the working hours they miss.

If an early emergency closing is declared during a work day, all employees who are at work will be compensated for their normal work day, regardless of the number of hours actually worked. Employees who are not at work will not be compensated unless prior authorization for absence has been approved by the department head or elected official.

When a declared opening of county offices/departments has been declared, employees who report for work at the established time will be compensated for the normal workday regardless of the number of hours worked. Employees who do not report to work will be charged with vacation leave or docked as appropriate.

Employees who are on prior authorized vacation or sick leave will be charged with the appropriate leave.

6.05 OVERTIME WORKED. The policy of the county is to allow overtime only in cases of emergencies or when specifically authorized by the Commissioners' Court. Employees may be required in emergencies to provide services in addition to normal hours or on weekends or holidays. Overtime is defined as hours worked in excess of the allowable number of hours under the Fair Labor Standards Act (FLSA) (40 hours per seven-day workweek for non-law enforcement employees; 171 hours per 28-day work period for certified law enforcement officers and certified jailers).

For non-law enforcement employees, overtime begins to accrue after the 40th hour worked during the seven-day workweek. For law enforcement employees, overtime begins to accrue after the 171st hour worked during the 28-day work period.

All overtime services by employees covered under FLSA must be authorized in advance by the employee's supervisor and approved by the elected or appointed department head. (*Legal reference: U.S. FLSA of 1938, as amended.*)

6.06 EXEMPTIONS FROM FLSA (OVERTIME COMPENSATION). Department heads and other executive, administrative, and professional employees are exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) and are expected to render necessary and reasonable overtime services with no additional compensation. The salaries of these positions are established with this condition in mind. Some additional county positions are exempt from FLSA because of the close relationship of the position and the elected official for whom the employee works. (*Legal reference: U.S. FLSA of 1938, as amended.*)

Extra hours worked by executive, administrative, and professional employees and elected officials' closest staff members may be used as a factor in granting or denying paid leave other than vacation or sick leave. Employees engaged in recreational, seasonal activities which do not operate for more than seven months in any calendar year and meet the other statutory prerequisites are also exempted from the minimum wage and overtime provisions of the Fair Labor Standards Act as recreational, seasonal employees. Each