



Minutes for the
Madison County Commissioners Court
Monday, August 8, 2022

THE STATE OF TEXAS
COUNTY OF MADISON

IN COMMISSIONERS COURT
OF MADISON COUNTY TEXAS

The Madison County Commissioners Court met in Regular Session the 8th day of August 2022, 8:31 a.m., at the Madison County Courthouse Annex, County Courtroom, 103 W. Trinity Street, Suite 106, Madisonville, Texas with the following members:

Clark Osborne	County Judge	Present
Billy McNutt	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

Judge Osborne led the invocation and pledges of allegiance to the United States and Texas flags.

ITEM 2. CALL THE MEETING TO ORDER

Judge Osborne called the meeting to order with a quorum present.

COUNTY CLERK – SUSANNE MORRIS

ITEM 3. Review and/or correct minutes of Regular Meeting held July 25, 2022, Regular Session Meeting. See attached.

Judge Osborne asked for any comments or corrections to the minutes, there were none, the minutes stand as presented.

ITEM 4. COLLECTION REPORTS

a) Approve collection reports for County Clerk and County Criminal Court
Susanne Morris, County Clerk reported County Clerk collections for July 2022, \$19,356.25; and County Court collections July 2022, \$2,892.66. See attached.

VOTING:

	Aye	Nay	ABSTAIN	RECUSE
Clark Osborne, County Judge	X			
Billy McNutt, Commissioner Pct. 1	X			
Carl Wiseman, Commissioner Pct. 2	X			
Carl Cannon, Commissioner Pct. 3	X			
David Pohorelsky, Commissioner Pct. 4	X			

All agreed, motion carried.

- b) Approve Collection Reports for District Attorney
No reports were submitted.
- c) Approve Collection Report for District Clerk
No report was submitted

TREASURER – JUDI DELESANDRI

ITEM 5. Approve paying County bills.

Accounts Payable Claims List for August 8, 2022, was submitted by Judi Delesandri, County Treasurer. See A/P Claims List attached.

Commissioner Wiseman made a motion to approve; Commissioner Cannon gave a second; and Judge Osborne said we have a motion and second and called for a vote to approve paying August 8, 2022, county bills.

VOTING:

Court	Aye	Nay	ABSTAIN	RECUSE
Clark Osborne, County Judge	X			
Billy McNutt, 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 6. Approve bills paid since last court date July 25, 2022. See attached.

Commissioner Cannon made a motion to approve; Commissioner Wiseman gave a second; and Judge Osborne called for a vote to approve bills paid since last court date July 25, 2022, all in favor.

VOTING:

Court	Aye	Nay	ABSTAIN	RECUSE
Clark Osborne, County Judge	X			
Billy McNutt, 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 July 2022 Monthly Treasurer’s Report, a combined statement of cash receipts and disbursements. See attached.

Commissioner Cannon made a motion to approve; Commissioner Wiseman gave a second to the motion; and Judge Osborne called for a vote to approve Treasurer’s July 2022 Monthly Report, all in favor.

VOTING:

Court	Aye	Nay	ABSTAIN	RECUSE
Clark Osborne, County Judge	X			
Billy McNutt, 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 8. Approve personnel changes.

Judi Delesandri, Treasurer reported two payroll changes, Kaleb Jordan, Jailer, Sheriff's Department replaced Meagen Richards, 7/25/22, rate of pay \$15.33 and William Jackson, Heavy Equipment Operator, Precinct 1, on 8/1/2022, rate of pay \$18.50, replaced Jason Lang. There were three payroll promotions as follows: Minnie Jordan, Senior Meals part-time driver was increased from \$8.50 to \$10.00 on 8/1/2022; Eddie Darter, Precinct 3, Dump Station, was increased from \$11.33 to \$11.83, 8/8/2022; and Kenton Spikes, Heavy Equipment Operator, Precinct 3, was increased from \$21.50 to \$22.50 effective 8/8/2022. See attached.

Commissioner Wisemen moved to approved personnel changes; Commissioner McNutt seconded the motion; and Judge Osborne said we have a motion and second to approve personnel changes, all in favor.

VOTING:

Court	Aye	Nay	ABSTAIN	RECUSE
Clark Osborne, County Judge	X			
Billy McNutt, 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.

AUDITOR – TONI JOYNER

ITEM 9. Auditor's Report

A budget analysis report 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

No report was submitted.

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

Karen Lane, Tax Assessor/Collector reported July 2022 total funds, \$77,566.13 collected; Registration and Title fees, \$526,137.37; and Texas Parks & Wildlife fees, \$5,005.40. See attached.

ITEM 13. Emergency Management Report – Shelly Butts

Shelly Butts, Emergency Management Coordinator said on Friday Governor Abbott included Madison County and other BVCOG counties in the Texas Disaster Declaration. Small Business Administration announced their economic injury disaster loans are available and Madison County Extension may have additional information on those loans in their office. She gave a July 2022 report on electric permits & signs and subdivisions and exceptions. A copy of the report is included in these minutes.

ITEM 14. County Extension Agent Monthly Report-Allen Homann

No report was submitted.

ITEM 15. Veterans Affairs – Danny Singletary

No report was submitted.

ITEM 16. Elections Administrator-Bobbie Duke
No report was submitted.

ITEM 17. Justice of the Peace – Steve Cole/Jon Stevens
No report was submitted.

ITEM 18. Sheriff's Department – Bobby Adams
Sheriff Adams submitted a Patrol Division, Deputy Monthly Activity Report for July 2022, total calls, 367; total mileage 19,593.2; total arrest by S.O., 8; total changes by S.O., 20; total citations, 27; total warnings, 119; total arrests to jail, 47; serious incidents in jail, 0. See attached.

ITEM 19. Historical Commission – Clark Osborne
No. report was submitted.

ITEM 20. **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 21. Discuss and consider Application for Final Minor Plat for property recorded in Volume 702, Page 334 of the Madison County Clerk Records, located in the A. J. Morgan Survey, A-173, the Bryce Little Survey, A-148, and the J. R. Parker Survey, A-183, originally out of a called 112.82 acres more or less, known as 911 address 2098 Fellowship Lane, Madisonville, Texas 77864. See attached.
Shelly Butts, Subdivisions/Rural Development Coordinator said this is a division submitted and it does meet all requirements of subdivision rules and regulations for your consideration.

Commissioner Cannon moved to approve; Commissioner Pohorelsky gave a second; and Judge Osborne called for a vote to approve application for Final Minor Plat for property recorded in Volume 702, Page 334 of the Madison County Clerk Records, located in the A. J. Morgan Survey, A-173, the Bryce Little Survey, A-148, and the J. R. Parker Survey, A-183, originally out of a called 112.82 acres more or less, known as 911 address 2098 Fellowship Lane, Madisonville, Texas 77864, all in favor.

VOTING:

Court	Aye	Nay	ABSTAIN	RECUSE
Clark Osborne, County Judge	X			
Billy McNutt, Commissioner Pct. 1	X			
Carl Wiseman, Commissioner Pct. 2	X			
Carl Cannon, Commissioner Pct. 3	X			
David Pohorelsky, Commissioner Pct. 4	X			

All agreed, motion carried.

ITEM 22. Discuss and consider ADOPTION OF THE Madison County FEMA approved Hazard Mitigation Plan. The approved plan makes Madison County eligible to apply for current and future mitigation grants. See attached.

Shelly Butts, Emergency Management Coordinator said this is the Hazmat Grant approved year or so ago and we rewrote the Hazard Mitigation Action Plan, a joint effort by North Zulch MUD, City of Madisonville, City of Midway and Madison County. The plan is good for five years, we had it contracted out and they did an excellent job with it. When they sent it from the state to the feds it usually takes about a year and usually comes back all scratched up, they did a wonderful job, and it has been approved. This is a formality to accept the plan and each of our jurisdictions will have to accept it, redate the plan, file it, and it will be good for five years. Judge asked has any of those jurisdictions approved it, Butts said not yet.

Commissioner Pohorelsky moved to approve; Commissioner McNutt seconded the motion; and Judge Osborne called for a vote on the ADOPTION OF THE Madison County FEMA approved Hazard Mitigation Plan. The approved plan makes Madison County eligible to apply for current and future mitigation grants, all in favor.

VOTING:

Court	Aye	Nay	ABSTAIN	RECUSE
Clark Osborne, County Judge	X			
Billy McNutt, 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 23. Discuss and consider adoption of Rules of Procedure, Conduct and Decorum at Meetings of the Madison County Commissioners Court. See attached.

Judge Osborne said the reason for this item is to reverify the rules and procedures and to update the adoption page.

Commissioner Cannon made a motion to approve; Commissioner Wiseman gave a second; and Judge Osborne called for a vote for the adoption of Rules of Procedure, Conduct and Decorum at Meetings of the Madison County Commissioners Court, all in favor.

VOTING:

Court	Aye	Nay	ABSTAIN	RECUSE
Clark Osborne, County Judge	X			
Billy McNutt, 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 reappointment of The Honorable William “Bill” Parten to the BVCOG Board of Directors for a term of three years beginning October 1, 2022 and ending September 30, 2025. Commissioner Cannon moved to approve; Commissioner Wiseman seconded the motion; and Judge Osborne said we have a motion and second to approve the reappointment of The Honorable William “Bill” Parten to the BVCOG Board of Directors for a term of three years beginning October 1, 2022 and ending September 30, 2025, all in favor.

VOTING:

Court	Aye	Nay	ABSTAIN	RECUSE
Clark Osborne, County Judge	X			
Billy McNutt, Commissioner Pct. 1	X			
Carl Wiseman, Commissioner Pct. 2	X			
Carl Cannon, Commissioner Pct. 3	X			
David Pohorelsky, Commissioner Pct. 4	X			

All agreed, motion carried.

ITEM 25. Discuss and consider appointment of The Honorable Clark Osborne to the BVCOG Board of Directors for a term of three years beginning October 1, 2022 and ending September 30, 2025 and to fill the current remaining term of The Honorable Tony Leago.

Commissioner Wiseman made a motion to approve; Commissioner Pohorelsky gave a second; and Judge Osborne called for a vote to approve the appointment of The Honorable Clark Osborne to the BVCOG Board of Directors for a term of three years beginning October 1, 2022 and ending September 30, 2025 and to fill the current remaining term of The Honorable Tony Leago, all in favor.

VOTING:

Court	Aye	Nay	ABSTAIN	RECUSE
Clark Osborne, County Judge	X			
Billy McNutt, 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 26. Discuss and consider approving construction quotes to remove existing shelving and install new shelving in the County Clerk’s Storage Room 1 using records management preservation funds. Susanne Morris, County Clerk submitted three quotes for consideration. Woodway Builders & Development Company, Inc., \$11,865.00; B’nR’ Enterprises, \$14,545.00; and JDO Services LLC, \$15,200.00. See attached.

Commissioner Wiseman made a motion to approve Woodway Builders & Development Company’s quote of \$11,865.00; Commissioner Pohorelsky gave a second to the motion; and Judge Osborne said we have a motion and second to approve construction quote by Woodway Builders & Development Company’s quote of \$11,865.00 to remove existing shelving and install new shelving in the County Clerk’s Storage Room 1 using records management preservation funds, all in favor.

VOTING:

Court	Aye	Nay	ABSTAIN	RECUSE
Clark Osborne, County Judge	X			
Billy McNutt, 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 27. Discuss and consider for approval, an order for a General Election, Tuesday, November 8, 2022, with early voting starting, Monday, October 24, 2022, running two weeks prior to the election. Bobbie Duke, Elections Administrator said early voting will be Monday through Friday, 8:00 a.m. to 5:00 p.m. in the Courthouse, J.P. Courtroom. We have countywide vote centers, so a voter may vote at any polling location. On Election Day, November 8, 2022, voting will begin at 7:00 a.m. and close at 7:00 p.m. Polling locations are the Courthouse, Midway Community Center, Elwood Baptist Church, North Zulch Elementary gymnasium, and Sand Prairie Baptist Church. See attached. Commissioner Pohorelsky made a motion to approve; Commissioner McNutt seconded the motion; and Judge Osborne called for a vote to approve an order for a General Election, Tuesday, November 8, 2022, with early voting starting, Monday, October 24, 2022, running two weeks prior to the election, all in favor.

VOTING:

Court	Aye	Nay	ABSTAIN	RECUSE
Clark Osborne, County Judge	X			
Billy McNutt, 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 28. Discuss and consider approval of the Optional Fees for Motor Vehicles for the Calendar Year. Judge Osborne called on Karen Lane, TAC who said these are Optional Fees for Motor Vehicles for 2023, the \$10.00 Road and Bridge Fee and, if the court decides to include the Child Safety Fee. In the past, the court has declined the Child Safety Fee because of the restrictions on using the fund. Commissioner Cannon said the county would have to provide school crossing guard services as one of the requirements and the fee would not be enough to pay for it. See attached. Commissioner Cannon moved to approve the \$10.00 Road and Bridge Fee and not to approve the Child Safety Fee, \$5.00; Commissioner Wiseman seconded the motion; and Judge called for a vote to approve Optional Fees for Motor Vehicles for 2023 with no change from past years, all in favor.

VOTING:

Court	Aye	Nay	ABSTAIN	RECUSE
Clark Osborne, County Judge	X			
Billy McNutt, 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. Accept no new revenue rate and voter approval rate calculations as presented by Karen Lane, Madison County Tax Assessor Collector. See attached. Karen Lane, TAC referred the court to the 2022 Tax Rate Calculation Worksheet and cover sheet. Judge Osborne questioned the no new revenue rate is the effective rate, Lane answered yes. The voter approval rate would be the old rollback rate, Lane answered correct. And the De minimis rate, Lane said is new. Judge said, De Minimis rate is the rate equal to the no-new-revenue rate with an additional rate to raise \$500,000, in counties with less than 35,000, Lane said, correct. Lane said the court has to accept the calculations on the worksheet. Commissioner Cannon moved to approve; Commissioner McNutt gave a second to the motion; and Judge Osborne called for a vote to accept no new revenue rate and voter approval rate calculations as presented by Karen Lane, Madison County Tax Assessor Collector, all in favor.

VOTING:

Court	Aye	Nay	ABSTAIN	RECUSE
Clark Osborne, County Judge	X			
Billy McNutt, 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 a revised proposed tax rate and take a record vote and set one public hearing for September 12, 2022. See attached.

Karen Lane, TAC said last time the court proposed a tax rate it was before any calculations were done, and before the approved certified tax roll was done. Once we got everything done and we saw the numbers, I thought you might want to revise your proposed rate, because it is above the no-new-revenue tax rate, voter approval tax rate and de minimis rate, she said. So, if you stay with the recently proposed tax rate it would require an election in November. Judge Osborne said the no-new-revenue tax rate and slightly higher is the voter-approval rate and slightly above that is the de minimis rate and above that is our proposed \$0.55 which was approved at last commissioners' court meeting. Lane said de minimis rate does not require an election. Judge said even though it is over the voter approved rate the tax code that created a de minimis rate allows us to adopt that tax rate without an election, Lane answered yes.

Commissioner Cannon moved to revise our proposed tax rate and approve the de minimis \$0.4750 per \$100 valuation; Commissioner Wiseman gave a second; and Judge Osborne called for a vote to approved revised proposed tax rate and set it at the de minimis tax rate \$0.4750 per \$100 valuation and take a record vote and set one public hearing for September 12, 2022. Judge Osborne said this requires a record vote so, Susanne Morris, Clerk of Court, called for the votes as follows:

- Commissioner Cannon, Aye
- Commissioner Wiseman, Aye
- Commissioner Pohorelsky, Aye
- Commissioner McNutt, Aye
- County Judge Osborne, Aye
- All in agreement, motion carried.

ITEM 31. **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.**

Edward Collins thanked the commissioners' court for their service and gave a special thanks to the Sheriff's Department. Most people come to complain but, I am here to give accolades to the Sheriff's Department and each department, he said.

Bill McMane addressed the court in regard to commissioners' court meeting day and time saying the agenda is not posted on the website soon enough for reviewing and questioning.

ITEM 32. ADJOURN:

Commissioner Wiseman made a motion to adjourn; Commissioner Pohorelsky gave a second; and Judge Osborne called for a vote to adjourn, all in favor.

VOTING:

Court	Aye	Nay	ABSTAIN	RECUSE
Clark Osborne, County Judge	X			
Billy McNutt, 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.

Meeting was adjourned Monday, August 8, 2022, at 9:14 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 August 8, 2022.



Approved and signed this 22nd day of August 2022.

Susanne Morris

Susanne Morris, Clerk
Commissioners Court
Madison County, Texas