



Minutes for the
Madison County Commissioners Court
Tuesday, May 26, 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 26th day of May 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 | Absent |
| 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 May 11, 2020. See attached. Judge Leago asked for any comments or corrections to 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.
No reports were submitted.
- 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 May 26, 2020 was submitted by Judi Delesandri, County Treasurer. See A/P Claims List attached.

Commissioner Pohorelsky made a motion to approve payment of county bills, Commissioner Driskell gave a second; 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, Absent | | | | |
| David Pohorelsky, Commissioner Pct. 4 | X | | | |

All in agreement, motion carried.

ITEM 6. Approve bills paid since last court date May 11, 2020. See attached.

Commissioner Driskell made a motion to approve bills paid since last court date, May 11, 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, Absent | | | | |
| David Pohorelsky, Commissioner Pct. 4 | X | | | |

No one opposed, motion carried.

ITEM 7. Approve Treasurer's Report.

No report was submitted.

ITEM 8. Approve personnel changes.

No personnel changes were submitted.

AUDITOR – TONI JOYNER

ITEM 9. Auditor's Report

A Budget Analysis Usage report for May 26, 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. Safety Meeting Monthly Report - Lynn Jeffries

No report was submitted.

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

No report was submitted.

ITEM 13. Emergency Management Report – Shelly Butts

No report was submitted, but Butts reported 180 persons had been tested for the COVID-19, 44 results are pending and there are eight confirmed cases in the county. Testing results from drive-thru testing last Thursday are unknown.

ITEM 14. County Extension Agent Monthly Report – Chadd Caperton

Chadd Caperton, Extension Agent called on Cassidy Myer, Assistant Extension Agent to give a report on participating in a COVID-19 Disaster and Relief Program in Houston, Texas for a couple weeks. She did data entry and assisted in preparing and delivering PPE (Personal Protective Equipment) packets to various locations in the city. Caperton said his office is following current guidelines, we are not allowed to have face to face activities, so we utilize Zoom and US Teams to do programs and meetings and we have good participation. Caperton said, we have put together some multi-planning teams and utilizing some of our specialist with these digital platforms we have been blown-up by participation. We have done nine beef cattle sessions and four sheep and goat sessions on our live face book with 35,000 contacts and six states. Kids are commenting online and re-watching the posts. A number of 4-H activities have been cancelled for the summer.

Veterans Affairs – Danny Singletary

No report was submitted.

ITEM 16. Elections Administrator-Janet Boone

No report was submitted.

ITEM 17. 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 18. Discuss and consider approving the Madison County Sheriff’s Department, Madison County Constable Pct. 1 and Madison County Constable Pct. 2 Racial Profiling Reports for FY 2019.

Commissioner Driskell moved to approve Racial Profiling Reports for FY 2019; Commissioner Wiseman seconded 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, Absent | | | | |
| David Pohorelsky, Commissioner Pct. 4 | X | | | |

Unanimous vote, motion carried.

ITEM 19. Discuss and consider approving First Amendment to the Interlocal Agreement for Managing Entity by the BVCOG for the Brazos Valley Wide Area Communications System (BVWACS). See attached.

Judge Leago asked Shelly Butts, Emergency Management if she would give some background on this agenda item. She explained, several months ago we had received a grant from Homeland Security for upgrade of equipment at the Sheriff's Department, so this is the county's actual agreement with BVWACS to partner with other cities, counties and Texas A&M University and go from this point forward. In the initial letter from BVCOG Madison County agreed to join BVWACS and agreed to fund any costs and yearly costs associated with it. Currently, radios in use are used radios, so the county will be responsible for the cost to replace those, she said. The county agrees to provide antenna and equipment shelter space at the tower located at East Collard Street for its proper operation and protection of new and existing equipment. Department of Public Safety is providing a Six Pack Repeater System and hardware that will go on the tower, the county will pay for its installation. Commissioner Driskell asked about the cost. Butts said, basically the initial cost to get started will be around \$80,000, subscriber devices will be paid in the next budget year, around \$16.71 per radio per month or less. Our county is financially responsible for any costs of necessary accessories to put subscriber devices into service such as batteries, antennas, microphones, speakers, power cables, installation services or any other ancillary costs. We should be able to get on the system for under \$200,000, but when we first began, we thought it would be \$500,000, Butts said. The system will link law enforcement entities, all three county fire departments, first responders, medical services and will connect with Walker and Brazos counties too. The City of Madisonville is a part of this system and will pay their own costs. Judge Leago said it will bring us up to par with this modern era of communications that we do not currently have in our county.

Commissioner Driskell made a motion to approve First Amendment to the Interlocal Agreement for Managing Entity by the BVCOG for BVWACS; Commissioner Pohorelsky Wiseman gave a second; 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, Absent | | | | |
| David Pohorelsky, Commissioner Pct. 4 | X | | | |

All in favor, motion carried.

ITEM 20. Discuss and consider approving First Amendment to the Second Restatement of the Interlocal Agreement for the Construction, Acquisition, Implementation, Operation and Maintenance of the Brazos Valley Wide Area Communications System (BVWACS). See attached.

First Amendment to the Second Restatement of the Interlocal agreement was discussed in prior agenda item. Commissioner Pohorelsky made a motion to approve Amendment; Commissioner Wiseman gave a second; 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, Absent | | | | |
| David Pohorelsky, Commissioner Pct. 4 | X | | | |

All approved, motion carried.

ITEM 21. Discuss and consider approving final minor plat on land recorded in Volume 1728, Page 304, Number 110712, of the Madison County Records. Located in the Thomas Boatwright Survey Abstract 0008, Tract 28. Directions to property: West of Madisonville, along FM 1452, known as 911 address 3081 FM 1452 W., Madisonville, Texas. See attached.

Shelly Butts, 911 Coordinator explained this is a correction to a part of Windy Hill Ranch survey to describe the metes and bounds of a 0.47-acre tract of land out of and part of the Thomas Boatwright Survey, Abstract N. 8. It meets Madison County Subdivision Rules and Regulations.

Commissioner Driskell moved to approve final minor plat; Commissioner Wiseman gave a second to the motion; and Judge Leago called for 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, Absent | | | | |
| David Pohorelsky, Commissioner Pct. 4 | X | | | |

All in agreement, motion carried.

ITEM 22. Discuss and consider approving Governmental Equipment Lease-Purchase between Madison County and Caterpillar Financial Services Corporation for a lease on a 2018 IT Caterpillar Backhoe Loader for Pct. 4. See attached.

Commissioner Pohorelsky said he needs the equipment because he has a 1996 model that requires repair and maintenance often and he does not want to spend more money when the backhoe is not going to be any better.

Commissioner Wiseman moved to approve lease-purchase agreement with Caterpillar Financial Services Corporation on a 2018 IT Caterpillar Backhoe Loader for Pct. 4; Commissioner Driskell 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, Absent | | | | |
| David Pohorelsky, Commissioner Pct. 4 | X | | | |

All approved, motion carried.

ITEM 23. Discuss and consider approving Radiology Services Agreement between Madison County and PDQ Imaging Services, LLC d/b/a/ Gamma Healthcare Radiology Texas for providing routine Portable X-Rays for Madison County Jail. See attached.

Judge Leago tabled this item until a representative from Sheriff's Department could attend and explain this agreement to the court.

ITEM 24. Discuss and consider Amendment to Original Lease entered on April 20, 2017, with the Texas Parks and Wildlife Department for office space located at 300 West School Street, Madisonville, TX 77864. See attached.

Judge Leago said this is an amendment to current lease to extend it for three more years.

Commissioner Driskell made a motion to approve Amendment to Original Lease with Texas Parks and Wildlife Department; Commissioner Wiseman 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, Absent | | | | |
| David Pohorelsky, Commissioner Pct. 4 | X | | | |

All agreed, motion carried.

ITEM 25. Discuss and consider approval of revised County Transportation Infrastructure Fund Grant Program – 2020 Program Call Application. See attached

Judge Leago said the original County Transportation Infrastructure Fund Grant application was approved in 2014 and our numbers have been amended to continue with this CTIF 2020 Program Call application. Commissioner Pohorelsky moved to approve revised application; 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, Absent | | | | |
| David Pohorelsky, Commissioner Pct. 4 | X | | | |

Unanimous vote, motion carried.

ITEM 26. Discuss and consider Resolution for 2020 Help America Vote Act (HAVA) Cares Act Sub-Grant to Texas Counties. See attached.

Janet Boone, Elections Administrator said this Resolution is for Madison County to receive election grant funds for the CARES Act (Coronavirus Aid, Relief and Economic Security). The amount of this Sub-Grant is \$11,392.38 and our matching fund will be \$2,278.46. This covers for the next two grants the 2018 Election Security Grant and the 2020 Election Security Grant. The 2018 Grant is a no match grant because we have done our election security assessment. The 2020 Grant is \$80,000 and 20% match from the county. This Resolution will cover all three of the grants. The State is allowing us to use as part of our matching funds Chapter 19 money, \$1,133.58, so our county match will be around 10%. We can use the funds for costs for printing and mailing ballots, purchase high speed scanner to help process the mail in ballots, staffing, security and training, communication, and supplies. All funds will be sent up front and whatever monies are not used, it will be returned November 30, 2020.

Commissioner Driskell moved to approve Resolution for 2020 Help America Vote Act CARES Act Sub-Grant to Texas Counties; Commissioner Wiseman gave a second; 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, Absent | | | | |
| David Pohorelsky, Commissioner Pct. 4 | X | | | |

All approved, motion carried.

ITEM 27. Discuss and consider approval of tax refund to AXIP Energy Services in the amount of \$12,932.05 pursuant to Property Tax Code. See attached.

Karen Lane, Tax Assessor-Collector responded to this item saying AXIP Energy Services is one of the compressor companies involved in a lawsuit against the county, and the county's portion to pay is \$12,932.05.

Commissioner Driskell moved to approve tax refund to AXIP Energy Services in the amount of \$12,932.05; Commissioner Wiseman seconded the motion; 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, Absent | | | | |
| David Pohorelsky, Commissioner Pct. 4 | X | | | |

All agreed, motion carried.

ITEM 28. Discuss and consider approval and adoption of Madison County Employee's Paid Leave entitlements under the Federal Employee Rights Paid Sick Leave and Expanded Family and Medical Leave Under the Families First Coronavirus Response Act. See attached.

Commissioner Driskell made a motion to approve and adopt Federal Employee Rights Paid Sick Leave and Expanded Family and Medical Leave Under the Families First Coronavirus Response Act effective June 1, 2020; Commissioner Wiseman gave his 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, Absent | | | | |
| David Pohorelsky, Commissioner Pct. 4 | X | | | |

All approved, motion carried.

ITEM 29. *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 30. 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, Absent | | | | |
| David Pohorelsky, Commissioner Pct. 4 | X | | | |

No one opposed, motion carried.

Meeting was adjourned Tuesday, May 26, 2020 at 10:24 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 May 26, 2020.

Approved and signed this 8th day of June 2020.

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