

**THE COMMISSIONERS' COURT OF ARCHER COUNTY, TEXAS**

met in Regular Session on Monday, July 26, 2021 at 10:00 a.m.

**Those present:**

|                    |                    |                      |                   |
|--------------------|--------------------|----------------------|-------------------|
| Randall C. Jackson |                    | County Judge         |                   |
| Wade Scarbrough    |                    | Commissioner Prec. 1 |                   |
| Darin Wolf         |                    | Commissioner Prec. 2 |                   |
| Pat Martin, III    |                    | Commissioner Prec. 3 |                   |
| Todd Herring       |                    | Commissioner Prec. 4 |                   |
| Karren Winter      | Absent             | County Clerk         |                   |
| Karen Aulds        |                    | Chief Deputy Clerk   |                   |
| Doug Strange       | Constable Prec. 1  | Patricia Vieth       | Treasurer         |
| Jack Curd          | Sheriff            | David Levy           | County Attorney   |
| Donald Stevens     | Constable Prec. 2  | Greg Anderson        | Deputy            |
| Casey Polhemus     | District Attorney  | Dawn Vieth           | Tax Assessor      |
| Shane Wright       | EMC                | Christie Mooney      | EA                |
| Brett Hoff         | Constable Prec. 4  | Paul Wylie           | Auditor           |
| Joe Aulds          | JP Prec. 1         | Nita Lewis           | Court Coordinator |
| Maranda Revell     | AgriLife Extension |                      |                   |

**Public in attendance:**

|               |                    |
|---------------|--------------------|
| Cheyenne Neal | 4-H                |
| Kreede Neal   | 4-H                |
| Matt Neal     | 4-H                |
| Corrie Brake  | 4-H                |
| Finnley Brake | 4-H                |
| Nathan Lawson | Archer County News |

**CALL TO ORDER:**

Greeting, Roll Call and Determination of Quorum  
 Pledge of Allegiance to the United States and Texas Flags  
 Registration of Attendees by the County Court Clerk

***The meeting was called to order by Randall C. Jackson, and a quorum was noted.***

**B. Approve Final Agenda.**

**Item #11 was removed from the Action Agenda due to no action being required.**

**ORDER TO APPROVE FINAL AGENDA**

The motion was made by Pat Martin, III and seconded by Todd Herring to approve the Final Agenda. Voting yes 1-2-3-4-Judge

**C. PUBLIC COMMENTS, MISCELLANEOUS REPORTS, DISCUSSIONS OR PRESENTATIONS AGENDA:**

**Maranda Revell introduced the 4-H students in attendance and gave an update on the summer activities. They had 40 kids attend camp this year, which is a huge increase over previous years. Finnley Brake spoke about her favorite things she did at camp. Ms. Revell introduced Kreede Neal as the State Intermediate Aged Champion archer for the entire State. She also announced that the 4-H Banquet is Sunday, August 1<sup>st</sup> and the Court should have received invitations and is invited to attend.**

**D. ACTION AGENDA:**

1. Approve departmental reports.

**ORDER APPROVING REPORTS**

The motion was made by Todd Herring and seconded by Darin Wolf to approve departmental reports: Indigent Health; Holliday Public Library; Treasurer; Extension Office. Voting yes 1-2-3-4-Judge

2. Approve vouchers for payment.

**ORDER APPROVING VOUCHERS**

The motion was made by Wade Scarbrough and seconded by Pat Martin, III to approve vouchers for payment. Voting yes 1-2-3-4-Judge

3. Approve line-item transfers.

**ORDER APPROVING TRANSFERS**

The motion was made by Darin Wolf and seconded by Pat Martin, III to approve line-item transfers. Voting yes 1-2-3-4-Judge

**Precinct 2 Line-item Transfer:**

| <b>Department-Account</b> | <b>Account Name</b>           | <b>Increase</b> | <b>Decrease</b> |
|---------------------------|-------------------------------|-----------------|-----------------|
| 021.0400.0103             | Temporary Part Time Salaries  | 6,000.00        |                 |
| 021.0400.0333             | Building Repairs/Maintenance  | 6,500.00        |                 |
| 021.0400.0334             | Equipment Repairs/Maintenance | 8,000.00        |                 |
| 021.0400.0337             | Bridge/Culvert Materials      | 16,000.00       |                 |
| 021.0400.0340             | Special Projects              |                 | 36,500.00       |

4. Approve Education Certificates. **Removed.**
5. Approve Publisher’s Certificates. **Removed.**
6. Discuss and/or take action on Murder Trial expenses for the District Attorney’s office.

**Casey Polhemus presented the details of the expenses for the murder that occurred in April, 2020. She mentioned that Archer County will probably try the three defendants separately, with the first trial scheduled to begin in October and concluding all trials by the end of 2022. The expenses include lab fees, testing of evidence, lab storage fees, transcribing statements, copies of previous trials’ transcripts, and expert testimony, totally approximately \$35,000. The Commissioners’ Court needs to approve lab fee payments now. Ms. Polhemus will work with Paul Wylie and Patricia Vieth to get lab invoices paid, and she will present to the Court as she receives future invoices/expenses.**

**ORDER TO APPROVE EXPENSES**

The motion was made by Pat Martin, III and seconded by Darin Wolf to approve expenses incurred for a murder trial by the District Attorney’s Office. Voting yes 1-2-3-4-Judge

7. Discuss and/or take action on Update on Census Release and Discussion of Redistricting Timeline Issues with Redistricting Counsel. **Item postponed until after Executive Session.**

**ORDER TO APPROVE REDISTRICTING TIMELINE**

No Action Taken

8. Consider and/or take action on Sheriff and Constable Fees for 2022.

**ORDER TO APPROVE FEES**

The motion was made by Wade Scarbrough and seconded by Pat Martin, III to approve Sheriff and Constable Fees for 2022. Voting yes 1-2-3-4-Judge

**2022 SHERIFF’S FEES**

**Notices:**

|                       |          |
|-----------------------|----------|
| Subpoena              | \$135.00 |
| Summons               | \$135.00 |
| Writ of Attachment    | \$200.00 |
| Writ of Garnishment   | \$200.00 |
| Writ of Sequestration | \$200.00 |

|                    |                                                                 |
|--------------------|-----------------------------------------------------------------|
| Order of Sale      | \$200.00                                                        |
| Writ of Possession | \$150.00 (2 hr maximum) 75.00 per hour per deputy after 2 hours |
| Forcible Detainer  | \$125.00                                                        |
| Writ of Execution  | \$200.00                                                        |

**Service Fees:**

|                            |          |
|----------------------------|----------|
| Small Claims Citation      | \$125.00 |
| Justice Court Citation     | \$125.00 |
| All Other Court's Citation | \$125.00 |

**Other Service Fees:**

|                       |          |
|-----------------------|----------|
| Post Probate Citation | \$ 40.00 |
| All other writs       | \$200.00 |
| Protective Order      | \$200.00 |

9. Consider and/or take action on Imposition of Optional Fees Calendar Year 2022. **Dawn Vieth reported that these are the same fees as normal: \$10.00 Road and Bridge Fee. She briefly mentioned SB876 effective March, 2022, that states that no matter where an Archer County resident's vehicle title is processed, the \$10.00 Road and Bridge fee will come to Archer County.**

**ORDER TO APPROVE IMPOSITION OF OPTIONAL FEES CALENDAR**

The motion was made by Randall C. Jackson and seconded by Darin Wolf to approve Imposition of Optional Fees Calendar Year 2022. Voting yes 1-2-3-4-Judge

10. Consider and/or approve Interlocal Local Agreement for 9-1-1 Public Safety Answering Point Services between Nortex Regional Planning Commission and Archer County.

**Jack Curd gave background information on the Agreement. He stated that Nortex owns the equipment, and they are good about working with us if any issues arise. He mentioned that it is a reliable system.**

**ORDER APPROVING INTERLOCAL AGREEMENT**

The motion was made by Todd Herring and seconded by Wade Scarbrough to approve Interlocal Local Agreement for 9-1-1 Public Safety Answering Point Services between Nortex Regional Planning Commission and Archer County. Voting yes 1-2-3-4-Judge

11. Discuss and/or take action in reference to Red Robin Lane in Archer County.  
**Removed**

12. Discuss and/or take action in regards to the lease agreement for the Megargel repeater.

**Shane Wright reported that we now have an agreement with Vertical Bridge. Judge Jackson stated that there is no cost to Archer County. David Levy explained that it is a zero-payment lease.**

**ORDER TO APPROVE LEASE AGREEMENT**

The motion was made by Pat Martin, III and seconded by Todd Herring to approve the lease agreement for the Megargel repeater between Vertical Bridge and Archer County at no cost. Voting yes 1-2-3-4-Judge

13. Discuss and/or take action on Budget Items for Fiscal Year 2022.

Items discussed:

- **Tax Rate** – Paul Wylie mentioned that the major discussion is giving pay raises. Mr. Wylie and Dawn Vieth discussed the Estimated Tax Rate. Ms. Vieth explained that the Comptroller's information that she received late Friday afternoon is not correct. Her vendor needs a few more days to finalize the numbers. Christie Mooney has spoken with Secretary of State staff. Ms. Mooney stated that to go up to the de minimis rate, the Commissioners would have to approve the rate by August 16<sup>th</sup> in order to give citizens time to petition, so that a Special Election could be added to the November ballot.

Judge Jackson reiterated that the Court needed to make the majority of the budget decisions today in order to move forward with the proposed budget.

- **Cell Phone Allowance** – In reviewing the action from the previous meeting regarding cell phone allowance, Judge Jackson reported that the Treasurer's Office needs a cell phone with all their grant work. He discussed providing the \$600 cell phone allowance to the County Clerk, Tax Assessor/Collector and the Treasurer. He reminded the Court that the County Attorney and District Clerk did not request the cell phone allowance due to privacy issues. After considerable discussion, **the Motion was made by Pat Martin, III and seconded by Randall C. Jackson to increase the salary by \$600.00 of the Elected Officials who do not have cell phone allowance – County Clerk, Treasurer, Tax Assessor/Collector, District Clerk and County Attorney. Voting yes 1-2-3-4-Judge**

- **Retirement Contribution Increase** – Patricia Vieth distributed a handout and discussed increasing the County's portion of Retirement contributions. The County has contributed 1.25% in the past. We do not do cost of living increase each year. She explained that the County's rate can change but the Employees cannot change their rate. Darin Wolf stated that he would support one or the other, either a pay raise or retirement increase, but not both.

- **Constables' Salaries** – Donald Stevens and Doug Strange were in attendance to discuss matching their salaries with the other Constable, Brett Hoff. Donald Stevens discussed his duties: works with Archer County Sheriff's Office (ACSO) seven days a week; patrols traffic; serves papers; duties are not restricted to his precinct, i.e., helps in Megargel. Doug Strange discussed his duties: serves at three schools; serves papers; helps the ACSO; not sure of exact number of hours worked each week but some weeks works 60 – 80 hours; always on call. Brett Hoff discussed his duties: patrols traffic; works school zones; Bailiff; on call 24 hours/7 days a week; cleaned up meth labs in his Precinct; covers Megargel area when needed. Constable Hoff recently completed a continuing education course where it was recommended that he submit monthly activity reports. Wade Scarbrough said that he has a problem with the disparity in pay. Todd Herring asked who determined that the one constable was full time and the other two were part time? Pat Martin, III stated that if we had the money, he would be in support of the pay increase but he cannot vote for it. Wade Scarbrough appreciates both Constables trying to increase their salaries. Darin Wolf agreed with Commissioner Martin and stated that he would like extra money to improve roads and a raise across the board would be nice for everyone. Commissioner Herring would like to work towards leveling the salaries among the Constables and he appreciates the jobs they are doing. Commissioner Scarbrough looked at different line items and suggested shifting money around to get the salaries equal. Jack Curd suggested eliminating their office supply budget because they could get supplies from the ACSO.

**The motion was made by Darin Wolf and seconded by Wade Scarbrough to include in the proposed budget, an increase of \$10,000 each to the salaries of Constable Precinct 1 and Constable Precinct 2. Discussion: Pat Martin mentioned needing more law enforcement presence in Megargel. Randall C. Jackson stated that we need more money for the ACSO staffing. Voting yes 1-2-3-4 and Voting no - Judge**

- **Salary increases** – Randall C. Jackson led the discussion. Paul Wylie reminded the Court that we have money in reserve. **The motion was made by Randall C. Jackson and seconded by Darin Wolf to increase the salaries for Elected Officials and full-time Employees by 6% for FY2022. Discussion: Paul Wylie confirmed that with the information provided, we would have enough for raises. Voting yes 1-2-3-4-Judge**

- **Personnel Policy Revision** – Darin Wolf and Patricia Vieth led the discussion. Commissioner Wolf would like a change to the personnel policy to allow Roadhands to work overtime. Ms. Vieth mentioned that part-time money could be used. This will be an Agenda Item at a future meeting.

- **Salary increases** – Paul Wylie mentioned the District Judge's request for a \$2,000 pay increase for Court Reporter and District Court Coordinator. **The motion was made by Randall C. Jackson and seconded by Wade Scarbrough to give the same pay increase as the Elected Officials and full-time Employees (6% increase) instead of the requested \$2,000. Voting yes 1-2-3-4-Judge**

**The motion was made by Pat Martin, III and seconded by Darin Wolf to include part-time County employees in the 6% salary increase. Voting yes 1-2-3-4-Judge**

Court recessed at 11:35 a.m. prior to going into Executive Session.

14. Executive Session.

**ORDER TO CONVENE INTO EXECUTIVE SESSION**

The motion was made by Pat Martin, III and seconded by Todd Herring to convene into Executive Session per Texas Government Code 551.071(1). Voting yes 1-2-3-4-Judge

Executive Session convened at 11:45 a.m.

Executive Session adjourned at 12:17 p.m.

**ORDER TO ADJOURN EXECUTIVE SESSION**

The motion was made by Pat Martin, III and seconded by Todd Herring to adjourn from Executive Session. Voting yes 1-2-3-4-Judge

**Having no further business to consider, the Court adjourned at 12:20 p.m.**

**I, Karren Winter, County Clerk of Archer County, and Ex-Officio Clerk of the Commissioners Court, Archer County, Texas do hereby certify that the foregoing Commissioners Court Minutes are a true and correct record of the proceedings.**

**ATTEST:** *Karren Winter*

**Karren Winter, Archer County Clerk**