

MARCH 26, 2019

**WISE COUNTY COMMISSIONERS' COURT MEETING**

On this the 26<sup>th</sup> day of March, A.D., 2019 at 9:00 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 (3<sup>rd</sup>) Floor in County Courthouse of said County in the town of Decatur with the following members present and presiding:

J.D. Clark	County Judge
Danny White	Commissioner, Precinct No. 1
Kevin Burns	Commissioner, Precinct No. 2
Harry Lamance	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 9:00 AM.
- 2) Pledge of Allegiance.
- 3) Moment of Silence
- 4) Community Forum: None
- 5) County Correspondence: Clark stated that Isaac Garcia with Texas Association of Counties will be attending the meeting later to address the court under this item.
- 6) Precinct Cooperation/Coordination: White stated he will need assistance hauling base. Burns asked about the laydown machine? The court discussed that it is at the CAT yard and didn't provide an ETA.
- 7) Motion made by White seconded by Burns and unanimously adopted by the Court to approve the minutes of the meeting held on March 11, 2019, as presented.
- 8) Motion made by White seconded by Burns and unanimously adopted by the Court to approve the final plat of Live Oak Estates, Lots 1-8, Block 1, located in Precinct No. 1, as presented, granting variances on both drainage study and road frontage, and including a letter of general conformance from Kimley-Horn and Associates, Inc. (See attachment)

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- 9) The court TABLED action regarding the construction plan acceptance of Rolling Hills Ranch, Phase 1, located in Precinct No. 2, as the court is waiting on signatures. (See attached letter of general conformance from Kimley-Horn and Associates, Inc.)
- 10) Motion made by Burns seconded by White and unanimously adopted by the Court to approve the replat review for Las Brisas, Lots 6R, 9R & 10R, Block C, located in Precinct No. 2, as presented, including a letter of general conformance from Kimley-Horn and Associates, Inc. (See attachment)
- 11) Motion made by Lamance seconded by Burns and unanimously adopted by the Court to approve the final plat of Goodger Place, Lot 1, Block 1, located in Precinct No. 3, as presented, granting a variance on the drainage study; and, including a letter of general conformance from Kimley-Horn and Associates, Inc. (See attachment)
- 12) Motion made by Kennedy seconded by White and unanimously adopted by the Court to approve the final plat of Honeysuckle Ranch, Phase 1, located in Precinct No. 4, as presented, including a letter of general conformance from Kimley-Horn and Associates, Inc. (See attachment)
- 13) Motion made by Kennedy seconded by Burns and unanimously adopted by the Court to approve the replat review of East Pecan Creek Estates, Lots 1R and 8R, Block 1, located in Precinct No. 4, as presented, including a letter of general conformance from Kimley-Horn and Associates, Inc. (See attachment)
- 14) Motion made by Kennedy seconded by Burns and unanimously adopted by the Court to approve the Construction Plans Acceptance for Mesquite Ridge Estates, Lots 1-14, Block 1, located in Precinct No. 4, as presented, with the roads built to county specifications.

Kennedy noted that in the construction plans it references concrete roads and the developer wants to use asphalt roads. Kennedy told the court that he spoke to the engineer and thinks it is a typo. Kenney noted that the roads will be built to county standards.

***Skip to agenda item 16: Receive and discuss outside audit for FY2018. Take necessary action.***

Kathy Williams of Snow, Garrett, Williams CPA presented the outside audit for 2018.

- Pages 2/3: Independent Auditor's Report for fiscal year ending September 30, 2018 statement showing unmodified opinion.

Williams noted the required reporting of Other Post Employment Benefits (OPEB) per the General Accounting Standards Board (GASB). Clark noted that this is to show life insurance benefits.

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- Page 10: Unassigned General Fund Balance totaled \$4,686,889 being 96% of the total general fund balance. The unassigned fund balance represents 15% or slightly over 54 days of total fund expenditures. Williams reminded the court of the fund balance policy and commended the court being close to that 20% goal.
- Page 11: Williams reviewed the Capital Assets and Debt Administration.
- Page 16: Williams noted the Total Governmental Fund assets at \$25,706,568 (does not include capital expenditures); Total Liabilities of \$4,436,218; and Total Fund Balance of \$19,656,120.00.
- Page 17: Williams noted Total Revenues of \$46,165,379.00 with the bulk coming from property sales, other taxes; and fees of office; Total Expenditures of \$48,511,471.00 of which the bulk is public safety; Excess of revenues over expenditures of \$2,346,092.00; and, other financing sources \$195,899.00 and a total net change in fund balance of -\$2,150.193. Williams explained the deficiency is due to capital expenditure money being acquired in a previous fiscal year that is now being spent.
- Page 52/53: Williams reviewed the Combining Balance Sheet for right-of-way fencing, thoroughfare and the four commissioner precincts for Lateral Road Fund.
- Page 71/72: Independent Auditor's Report on Internal Control  
Williams reviewed the report and noted there were no deficiencies or instances of non-compliance or other matters that are required to be reported under Government Auditing Standards.
- Page 73: State Single Audit because of state funds required due to CETRZ monies.

Williams reviewed the Management Letter and current year comments on pages 2 and 3 of the letter. Williams briefly discussed fund balance reporting.

Motion made by Burns seconded by White and unanimously adopted by the Court to accept the FY2018 outside auditor's report presented by Snow, Garrett, Williams partner Kathy Williams, as presented. (See attachments)

County Auditor Ann McCuiston provided the Snow, Garrett, Williams CPA Annual audit for the Wise County Community Supervision and Corrections Department for the year ending August 31, 2018 (See attachment); and, the annual audit for the Texas Juvenile Justice Department Grant Funds of Jack and Wise Counties, Texas for the year ending August 31, 2018. (See attachment)

***Back to agenda item 15: Consider authorizing Wise County Elections Administrator Sabra Srader to enter into a Contract for Election Services with the following entities for the May 4, 2019 General and Special election: City of Aurora, City of Bridgeport, City of Chico, City of Decatur, Alvord ISD, Decatur ISD, Krum ISD, and Northwest ISD. Take necessary action.***

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Motion made by Kennedy seconded by Burns and unanimously adopted by the Court to authorize Wise County Elections Administrator Sabra Srader to enter into a contract for election services with the following entities for the May 4, 2019 General and Special Election: City of Aurora; City of Bridgeport; City of Chico; City of Decatur; Alvord ISD; Decatur ISD; Krum ISD; and Northwest ISD. (No attachment)

17) The court discussed acting on a letter of support/non-opposition related to legislation creating Burns Branch Municipal Utility District #1 (MUD). Burns asked if this is for water only? Clark advised this includes road powers. White confirmed this will not affect current homeowners. Clark stated it will only affect new subdivisions in the (MUD) and that the tax rate is governed by the MUD and not the county. Burns commented that if the MUD isn't created through legislation it can be created via TCEQ.

Motion made by White seconded by Burns and unanimously adopted by the Court to authorize a letter of non-opposition related to legislation creating the Burns Branch Municipal Utility District #1. (No attachment)

18) The court discussed acting on a letter of support/non-opposition related to legislation extending the Rolling V Ranch Water Control and Improvement District No. 1. Clark stated this includes a mass-transit system and rail facilities. Burns discussed the rail facility. Clark stated he thinks they'd like to have a stop if they have a rail system. Clark read the letter to the county from the MUD engineer for the district. Clark stated it would also add law enforcement, per the letter. Clark asked Sheriff Lane Akin about the added law enforcement? Akin commented.

Burns told the court, "I'm not sure we want to support someone who is suing us (referencing the Ram Horn Hill issue). White asked what the problem is to opposing the creation of a MUD? The court discussed potential TCEQ creation; the fact that the county isn't imposing anything on current taxpayers and the coverage of law enforcement.

Clark discussed the issue of one person moving into the MUD and adopting the tax rate and the effect on future property owners. The court discussed a letter of non-opposition. Clark reiterated that the county isn't imposing anything on existing property owners. Burns discussed the autonomy of a MUD. Burns recommended doing a letter of non-opposition. Clark and White discussed some pros to the creation of MUDs. Akin commented about the burden to law enforcement whether the MUD brings on its own law enforcement or if the county services law enforcement.

The court discussed doing no letter or neither supporting or opposing the creation of the MUD. White commented that the creation of a MUD doesn't affect the current property owners and those that move in are aware that a MUD is in place.

Burns asked if the MUD is self-governing as to the type of road that is built? Clark stated the MUD still falls under Development Rules and Regulations minimum standards.

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Motion made by White seconded by Kennedy and unanimously adopted by the Court to authorize a letter of non-opposition stating that the county neither actively supports or opposes the legislation extending Rolling V Ranch Water Control and Improvement District #1.

***Back to agenda item 5: County Correspondence***

Texas Association of Counties Risk Control Consultant Isaac Garcia presented the county with a Texas Association of Counties Safety Achievement Award. County Treasurer Katherine Hudson stated this is the first time the county has received the award.

19) Donations:

Motion made by Burns seconded by Kennedy and unanimously adopted by the Court to accept the donation of a historic desk from Jim and Kaye Beneke that was once at the Sheriff's Office in the early 1900's; was sold in the 1970's; and is now being returned to the Sheriff's Office with the court's thanks.

20) Bids:

Motion made by White seconded by Burns and unanimously adopted by the Court to ratify the disposal of asset number 18327 sold as a unit with the other bird guard items; storage building behind the pavilion at the Wise County Park.

21) Consent Agenda Item:

a) Department Heads:

- Wise County Treasurer's Report for January 2019 (See attachment)
- Local Rules of Procedure and Rules of Decorum for the Justice of the Peace Courts, Wise County (See attachment)
- "AA" rating by Standard and Poor in preparation for the Series 2019 Capital Project (See attachments) County Auditor Ann McCuiston and Clark both discussed this with the court.

b) Budget Amendments:

- FY19-05 for various line item transfers (No attachment)

c) Capital Expenditures:

- Akin stated he has \$56,000.00 remaining in the current capital expenditure plan and stated the county needs additional dual-band radios. Akin requested to purchase ten (10) additional for \$53,727.00 via bid or cooperative purchase. Asset Control Officer Diana Allen will get with Akin regarding specifications.

d) Claims/Payroll:

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- Renew current reserve deputies and Personnel Status Report for said reserve deputies (See attachments)
- Legislative Days in August re: hotel rooms reserved.  
Clark discussed that hotel reservation costs are paid out of Clark's budget during legislative cycles. Clark stated that if elected officials want to go to both association legislative meetings and Legislative days the hotel costs for both will not be paid out of Clark's budget. Clark told the court he knows these meetings are important but requested that officials go to one meeting or the other for legislative updates.
- McCuiston stated the county received a bill from Intermedix when the contract was cancelled in 2017. McCuiston stated the county is not paying the bill and is disputing it.

e) Utility Requests: None

f) Contracts/Interlocal Agreements:

- Commissioners Court Attorney Thomas Aaberg re: trustee for Deep Creek division orders from Devon to be signed.
- Fully Executed: S&P Global Ratings (See attachment)
- Alldata for Wise County Sheriff's Office (See attachment)
- Cellebrite, Inc. for Wise County Sheriff's Office (See attachment)
- First Financial Bank two year renewal on Depository Contract (see attached letter)
- Memorandum of Understanding for Helen Farabee MHMR Substance Abuse Services (See attachment)
- TAC Total Loss for 2013 Explorer (See attachment)

Motion made by Burns seconded by White and unanimously adopted by the Court to approve all items under agenda item 21, as presented, with changes noted.

22) Project Agreements for Road Repair:

Motion made by Burns seconded by White and unanimously adopted by the Court to approve the following project agreements for road repair:

- #4035 for City of Paradise (fill potholes on Old Town Road) in Precinct No. 4 (See attachment)
- #2024 for Chico ISD parking lot at the football field in Precinct No. 2. (See attachment)

23) Right-of-Way Improvements: None

24) Burn Ban: None

25) Committee Reports:

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Kennedy discussed concerns about when people purchase property and go get an address or apply for a septic permit only to find out the property hasn't been platted. The court discussed the problems with this and talked about whether there is anything the homeowner can do to solve the problem? The court further discussed disclosure at time of purchase/contract. Clark told the court the only thing the county can do is encourage the local realtor associations to be good partners in disclosing about platting and the status of roads (county road or private road). Clark discussed sending a letter to the Greater Denton/Wise Realtor Association regarding this issue.

26) Motion made by White seconded by Kennedy and unanimously adopted by the Court to enter into Executive Session with county legal counsel for private consultation under Texas Government Code Section 551.071 for discussion and legal updates for pending litigation at 10:13 AM.

Court reconvened into regular session at 12:20 PM. No action was taken by the court as a result of Executive Session.

***Back to 21c: Consent Agenda item Capital Expenditures***

Motion made by Burns seconded by Kennedy and unanimously adopted by the Court to amend item 21c to include the purchase of a shop door for the Precinct No. 1 barn with a cost not to exceed \$3,000.00 to be paid from Building and Grounds Capital Expenditures.

27) Clark announced the next meeting as Monday, April 8, 2019.

***Back to agenda item 25: Committee Reports***

Motion made by White seconded by Burns and unanimously adopted by the Court to cancel the public hearing scheduled for April 8, 2019 based on discussion had during Executive Session.

28) Clark adjourned the meeting at 12:23 PM, there being no further business to be had by the court.

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Minutes approved this 22nd day of April, 2019, as printed.

[Signature]  
J.D. Clark, County Judge, Wise County

[Signature]  
Danny White, Commr. Pct. No. 1

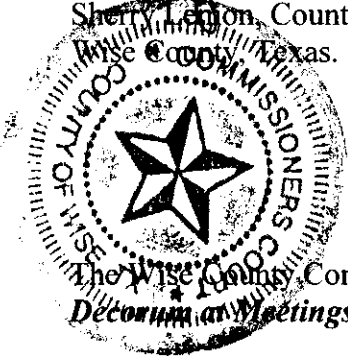
[Signature]  
Kevin Burns, Commr. Pct. No. 2

[Signature]  
Harry Lamance, Commr. Pct. No. 3

[Signature]  
Gaylord Kennedy, Commr. Pct. No. 4

ATTEST:

[Signature]  
Sherry Leaton, County Clerk and Ex-Officio Clerk of Commissioners' Court,  
Wise County, Texas.



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