

APRIL 28, 2020

WISE COUNTY COMMISSIONERS' COURT MEETING

On this the 28th day of April, A.D., 2020 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 (3rd) 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. All court members were present.
- 2) Pledge of Allegiance
- 3) Moment of Silence
- 4) Community Forum: None
- 5) County Correspondence: None
- 6) Precinct Coordination/Cooperation: None
- 7) Plats:

Motion made by Lamance seconded by Burns and unanimously adopted by the Court to approve the following plats, as presented:

- Marshall Acres, Lots 1 and 2, Final Plat, located in Precinct No.2, as presented, granting a variance for a drainage study and including a letter of conformance from Wise County Development Services. (See attachment)
- Friendship Ranch, Phase I, Lots 1-6, Final Plat, located in Precinct No. 2, as presented, including a letter of general conformance from Kimley-Horn and Associates, Inc. (See attachment)

8) Clark stated that Governor Greg Abbott held a press conference on Monday, April 27, 2020 at 2:30 PM to discuss the Executive Orders that he implemented at the start of COVID-19 in Texas. Clark discussed the difference for counties between the Disaster Declaration and Executive Order. Clark stated Abbott's executive order expires on April 30, 2020 at 11:59 PM and a new Executive Order takes effect May 1, 2020. Clark stated the new order opens businesses that were previously designated as non-essential at 25% capacity. Clark continued that Abbott ordered in counties with five (5) or fewer active COVID-19 cases businesses can open at 50% capacity. Clark stated that Wise County currently has three (3) active cases. Clark and Emergency Management Coordinator Cody Powell will file an attestation with the Department of State Health Services requesting that Wise County be allowed to open at 50% capacity based on Abbott's Executive Order.

Clark briefly discussed Department of State Health Service lag-time in reporting COVID-19 testing case statuses to counties. Clark discussed the benchmarks with the court regarding how percentages are determined for operation capacity.

Clark stated that Abbott's executive order maintains churches as essential businesses allowing expanded capacity as long as people are socially distancing between households.

Clark stated that barber shops and beauticians are not included to be opened under Abbott's Executive Order. Clark requested to send a letter to reconsider Abbott's policy on keeping barber shops and beauticians closed. Clark discussed the state-required sanitation guidelines of barber shops and beauticians. Clark provided an Executive Summary of Abbott's Reopen Texas order; an updated Wise County Disaster Declaration and Executive Order; and Attestation Report. (See attachments)

Motion made by Burns seconded by Kennedy and unanimously adopted by the Court to authorize Clark to send a letter to Governor Greg Abbott requesting that he reconsider his executive order guidelines regarding barber shops and beautician salons. (See attachment)

Clark stated that restaurants can reopen with reduced capacity. Clark commented that the requirement of ten (10) or less attending social gatherings has not changed. Clark noted that there is no masking requirement in Abbott's Executive Order. Clark noted that Abbott's order states that businesses can reopen but do not have to if they choose not to.

County Attorney James Stainton stated that he attended a Region 7 conference call yesterday with other county and district attorneys. Stainton stated that Abbott's order did not address court activity. Stainton discussed how some other counties in the region are conducting court. Stainton stated that prosecutors are sending communication to Abbott regarding process of the courts. Stainton stated that the Office of Court Administration has provided a set of guidelines but have no mandatory binding authority. Stainton stated that courts in Wise County are aiming for a July 1, 2020 start date for dockets. Stainton stated he has encouraged County Court at Law #1 Judge Cude to begin in June. Stainton discussed his office has tried to move as many criminal cases as possible. Stainton discussed with law enforcement to continue what they're doing. Stainton stated that theft cases have gone through the roof.

Stainton stated that there are multiple inmates held at Wise County Jail on parole holds only their Wise County charges being resolved. Stainton stated that parole isn't working right now and discussed the expense per day to the county of housing these inmates. Stainton stated he is going to get with Representative Phil King to get parole resuming because these parolees don't need to be in Wise County Jail.

Stainton discussed immigration holds; bond provisions on parole warrants; and, inmates waiting to transport to state jail. The court discussed that TDCJ has 45 days to get inmates picked up from county jail. Clark discussed that the State of Texas should be on the hook for inmates not being transported timely and should be held responsible for cost of housing reimbursement. Stainton stated there is no provision in the law for parole and inmates can be held indefinitely.

Clark discussed Abbott's Open Texas guidelines for employers and businesses containing safety precautions as it relates to Wise County reopening business. Clark reviewed the Executive Summary for all county offices. (See attachment) Clark stated the department that falls into high-exposure risk is Emergency Medical Services (EMS) and those needs have been met. Clark stated that other departments will receive personal protective equipment (PPE) based on risk assessment. Clark stated that gloves will not be provided to administrative departments and explained the risk associated with the use.

Clark stated the reopen date at the earliest is May 4, 2020 and paid administrative leave will end at that time. Powell discussed the employee training requirements to meet the requirements in the Executive Summary. Clark and the court discussed documentation and that human resources should have a copy of proof that employees have completed all training required by the County Executive Summary.

Motion made by Burns seconded by White and unanimously adopted by the Court to reopen Wise County offices effective May 4, 2020 which ceases paid administrative leave (staggered schedules).

Powell stated the report does encourage someone who is sick to stay home. Kennedy asked if this will be used as sick leave? Clark and the court discussed this further. County Treasurer Katherine Hudson stated that COVID-19 Leave would be used if an employee exhibits COVID-19 symptoms. Clark stated that all symptoms are listed in the document provided to county employees. Powell further discussed return-to-work requirements. Powell will provide a temperature roster for departments to log employee temperature when the employee arrives at work.

Clark discussed the Wise County Disaster Declaration and Executive Order. Clark stated that Abbott's order supersedes any county order; and, the county's order is streamlined to be effective at 11:59 AM on April 28, 2020 and will remain in effect until 11:59 PM on May 11, 2020. Clark reviewed said order. (See attachment)

Motion made by Burns seconded by White and unanimously adopted by the Court to adopt the Wise County Disaster Declaration and Executive Order as presented. (See attachment)

9) Clark stated there is a portion of CR 4925 located in Precinct No. 3 that runs through the North Star Pointe Municipal Utility District (MUD) that will be maintained as concrete roads. Clark stated that the county doesn't maintain concrete roads. Clark stated that the development asked if the county would consider vacating part of the road that is in the MUD. County Engineer Chad Davis reviewed provided maps of the development area and the portion of the road in question. (See attachments filed in the meeting folder due to document size.)

Motion made by Lamance seconded by Burns and unanimously adopted by the Court to approve the vacation of a portion of CR 4925 located in Precinct No. 3 and to convey the property to the adjoining landowner (170 Northstar Ranch Developer Inc.) as grantee. (See attached Order signed by Commissioners and recorded in Wise County Official Public Records as document number 202005108 by the Wise County Clerk.)

10) Donations:

Motion made by Burns seconded by White and unanimously adopted by the Court to accept the donation of thirty (30) pairs of footwear from Twisted X Footwear to Wise County Emergency Medical Services (EMS) with the court's thanks. (No attachment)

11) Bids:

Asset Control Officer Diana Allen stated that Emergency Medical Services (EMS) Director Randall Preuninger requested the court invoke Local Government Code Section 262.024 (2) health safety exemption to be able to purchase uniform t-shirts as the county cannot purchase t-shirts from the current vendor due to COVID-19 shutdowns. Emergency Medical Services (EMS) is currently changing the uniform t-shirts between calls for COVID-19 safety procedure reasons.

Motion made by Burns seconded by White and unanimously adopted by the Court to authorize the purchase of uniform t-shirts by Emergency Medical Services (EMS) under the Local Government Code Section 262.024(2) health and safety emergency exemption. (No attachment)

12) The court entered into Executive Session at 10:05 AM, for private consultation allowed under Texas Government Code 551.071 for discussion and legal updates of pending litigation and legal consultation.

13) Court reconvened from Executive Session at 11:17 AM. No action was taken by the court.

14) Consent Agenda Item:

- a) Minutes of Monday, April 13, 2020. (No attachment)
- b) Department Head Reports:
 - Auditor's Report

- Treasurer's Report for March 2020 (See attachment)
 - Wise County Investment Report for January 1, 2020 to March 31, 2020. (See attachment)
 - Clark verbal re: Preuninger discussion of CARES stimulus funding received by Wise County Emergency Medical Services (EMS) for revenue losses and expenses related COVID-19.
 - Precinct No. 2 damage of property and replacement of grapevines and trees on the property.
 - County Auditor Ann McCuiston requested court direction regarding spending limits on out-going elected officials. Clark stated this is pursuant to Government Code 130.098 regarding spending limits. McCuiston wanted to make the court aware of the option to set spending limits. The court agreed that all purchases are approved by the court. Commissioners Court Attorney Thomas Aaberg stated that the court has to approve expenditures under GC 130.098. Aaberg stated the court can set an amount. Clark recommended expenditures for out-going elected officials that are within the current budget. The three elected officials are Commissioner Precinct No. 1 Danny White; Commissioner Precinct No. 3 Harry Lamance; and Constable Precinct No. 1 Dennis Hudson.
- c) Budget Amendments: FY20-11 (No attachments)
- d) Capital Expenditures:
- Public Works Director Joey Highfill requested to purchase a 1655 compactor and three containers from Public Works capital expenditure with a cost from \$31,000.00 to \$32,000.00. (No attachment)
- e) Claims/Payroll: Registers provided via Dropbox (No attachment)
- f) Utility Requests: West Wise Special Utility District for CR 1749 located in Precinct No. 2. (See attachment)
- g) Interlocal Agreements/Contracts:
(Original Interlocal Agreements and Contracts are filed in the Asset Control Office by Diana Allen.)
- Memorandum of Understanding Between U.S. Department of Agriculture; Natural Resources Conservation Service and Wise County Soil and Water Conservation District; Wise County Commissioners Court; Wise County Water Control and Improvement District No. 1; and Sponsors for Big Sandy Creek of the Trinity River Watershed Floodwater Retarding Structure No. 26. (See attachment)
 - Fully Executed (See attached list): Vigilant (See attachment)

Motion made by Burns seconded by Kennedy and unanimously adopted by the Court to approve all items listed under agenda item 14, as presented, with the changes and additions noted.

15) Project Agreements for Road Repair: None

16) Right-of-Way Improvements:

Motion made by Burns seconded by White and unanimously adopted by the Court to authorize Burns to enter on to two property owners land on CR 2461 in Precinct No. 2 for the replacement of grapevine and trees mentioned in item 14(b) above. (No attachment)

17) Burn Ban: None

18) Committee Reports: None

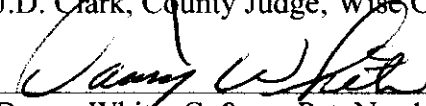
19) Clark announced the next meeting as Monday, May 11, 2020.

20) Clark adjourned the meeting at 11:29 AM, there being no further business to be had by the court.

Minutes approved this 11th day of May, 2020, as printed.



J.D. Clark, County Judge, Wise County



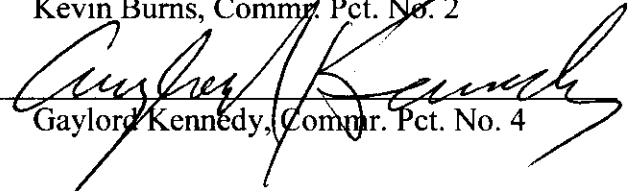
Danny White, Commr. Pct. No. 1



Kevin Burns, Commr. Pct. No. 2

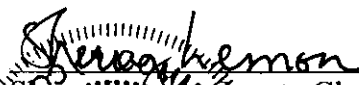


Harry Lamance, Commr. Pct. No. 3

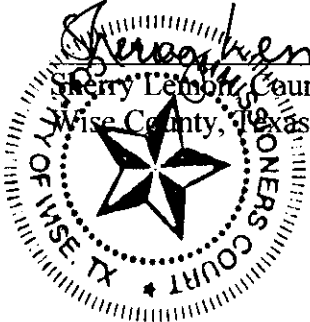


Gaylord Kennedy, Commr. Pct. No. 4

ATTEST:



Sherry Lemon, 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.