

L. W. "Nubbin" Cooper Jr.
County Commissioner, Precinct 1



Amanda Young
County Commissioner, Precinct 3

Chris Kirkendall
County Commissioner, Precinct 2

Ernie Koch
County Commissioner, Precinct 4

Wayne McDaniel
County Judge

COMMISSIONERS COURT OF HARDIN COUNTY, TEXAS
HARDIN COUNTY COURTHOUSE ■ COMMISSIONERS COURTROOM (A-131)

NOTICE OF REGULAR MEETING AND AGENDA
TUESDAY | MARCH 26, 2024 | 10:00 A.M.

AGENDA AND MINUTES

Any attendee of this Open Meeting may be permitted to comment on an Agenda Item for a period of three (3) minutes by raising their hand and being recognized by the Presiding Member prior to the Court acting on any item. Anyone who addresses Commissioners Court must do so from the podium.

BE IT REMEMBERED THAT ON MARCH 26, 2024, THERE WAS BEGUN AND HOLDEN A REGULAR MEETING OF THE COMMISSIONER' COURT OF HARDIN COUNTY, TEXAS, WITH THE FOLLOWING MEMBERS OF THE COURT PRESENT:

HONORABLE WAYNE MCDANIEL
HONORABLE L.W. COOPER, JR.
HONORABLE CHRIS KIRKENDALL
HONORABLE AMANDA YOUNG
HONORABLE CONNIE BECTON

HARDIN COUNTY JUDGE
COMMISSIONER PCT. 1
COMMISSIONER PCT. 2
COMMISSIONER PCT. 3
HARDIN COUNTY CLERK

COMMISSIONER ERNIE KOCH, PCT. 4, WAS ABSENT WHEN THE FOLLOWING PROCEEDINGS WERE HAD AND ORDERS MADE TO-WIT, THEREBY CONSTITUTING A QUORUM; IN ADDITION TO THE ROUTINE BUSINESS OF THE COUNTY, THE SUBJECT OF SAID MEETING WILL BE THE FOLLOWING:

- 1) Establish Quorum and Call Meeting to Order | *Hon. Wayne McDaniel*
- 2) Invocation and Pledge of Allegiance | *Hon. Chris Kirkendall*

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- 3) Consider and possibly approve the March 12, 2024 Regular Meeting [Minutes](#) as presented by *Hon. Connie Becton, County Clerk.*

MOTION BY: COMMISSIONER KIRKENDALL

SECOND BY: COMMISSIONER COOPER

IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER AND COMMISSIONER YOUNG.

ACTION: APPROVED AS PRESENTED

- 4) Consider approval of request to cancel all [Registered Claims](#) from March 12, 2024; and Approval of [Cash Statement](#) as presented by *Hon. Deborah McWilliams, County Treasurer.* (SEE ATTACHED)

MOTION BY: COMMISSIONER KIRKENDALL

SECOND BY: COMMISSIONER COOPER

IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER AND COMMISSIONER YOUNG.

APPROVED AS PRESENTED

- 5) Authorization to pay [County bills](#) as presented by *Mrs. Angela Gore, County Auditor.* (SEE ATTACHED)

MOTION BY: COMMISSIONER COOPER

SECOND BY: COMMISSIONER YOUNG

IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER AND COMMISSIONER YOUNG.

ACTION: APPROVED AS PRESENTED

- 6) Consider and possibly approve amendments/transfers to the FY 2023 Budget as presented by *Mrs. Angela Gore, County Auditor.*

MOTION BY: COMMISSIONER KIRKENDALL

SECOND BY: COMMISSIONER COOPER

IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER AND COMMISSIONER YOUNG.

ACTION: APPROVED AS PRESENTED

- 7) Special [recognition](#) of Personnel/Officials for meeting Years of Service Milestones as follows:

- a. Sharon Hamilton, 356th Judicial District Court - 5 Years of Service
- b. Michael McConaghy, Technology Department - 5 Years of Service
- c. Joyce Lange, Treasurer's Office - 15 Years of Service
- d. Catherine Brown, Justice of the Peace, Precinct 3 - 20 Years of Service
- e. Melissa Minton, Justice of the Peace, Precinct 5 - 25 Years of Service
- f. Charles Brewer, Justice of the Peace, Precinct 2 - 30 Years of Service

- 8) [Presentation](#) by *Mr. J.A. McKim, III, Chairman, Historical Commission*, of Hardin County Historical Commission annual report for Fiscal Year 2023. (SEE ATTACHED)

PRESENTATION ONLY

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- 9) Consider and possibly adopt an Order Authorizing San Jacinto Day Fireworks Sales beginning April 16, 2024 and ending at midnight April 21, 2024. (SEE ATTACHED)
MOTION BY: COMMISSIONER KIRKENDALL
SECOND BY: COMMISSIONER COOPER
IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER AND COMMISSIONER YOUNG.
ACTION: APPROVED
- 10) Consider approval of request by *Hon. Mark Davis, Sheriff*, to authorize the County Judge to execute Application Service Provider Agreement with CloudGavel, LLC for computer software for Law Enforcement agencies in Hardin County effective April 1, 2024 through March 31, 2025. (SEE ATTACHED)
MOTION BY: COMMISSIONER YOUNG
SECOND BY: COMMISSIONER COOPER
IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER AND COMMISSIONER YOUNG.
ACTION: APPROVED
- 11) Consider approval of request by *Hon. Connie Becton, County Clerk*, to authorize the County Judge to execute CSC Memorandum of Understanding (MOU) Agreement with Corporation Service Company (CSC), a Delaware Corporation. The purpose of this (MOU) is to prepare and sign documents, and transmit them in electronic format (E-Recording). (SEE ATTACHED)
MOTION BY: COMMISSIONER KIRKENDALL
SECOND BY: COMMISSIONER COOPER
IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER AND COMMISSIONER YOUNG.
ACTION: APPROVED
- 12) Consider approval of request by *Mr. Aaron Tupper, Emergency Management Coordinator*, to authorize the County Judge to execute Memorandum of Understanding (MOU) with the City of Lumberton outlining the terms of the Hazard Mitigation Grant Program (HMGP) DR-4332, Project 232, Hardin County Lumberton Detention Pond, including the local cost share responsibilities, and acceptance of matching funds totaling \$1,358,690.00 to be deposited into the HMGP bank account. (SEE ATTACHED)
MOTION BY: COMMISSIONER YOUNG
SECOND BY: COMMISSIONER COOPER
IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER AND COMMISSIONER YOUNG.
ACTION: APPROVED

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- 13) Consider approval of request by *Mr. Aaron Tupper, Emergency Management Coordinator*, to authorize the County Judge to execute DR-4332 Hurricane Harvey Sub-Grant Award contract with Texas Department of Emergency Management (TDEM), upon delivery of the updated contract, outlining the terms of the Hazard Mitigation Grant Program (HMGP) DR-4332, Project 232, Phase II, Hardin County Lumberton Detention Pond, in the amount of \$5,434,760.00 including the local cost share of \$1,385,690.00. (SEE ATTACHED)

MOTION BY: COMMISSIONER KIRKENDALL

SECOND BY: COMMISSIONER YOUNG

IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER AND COMMISSIONER YOUNG.

ACTION: APPROVED WITH THE COST SHARE AMOUNT AMENDED TO \$1,358,690.00 INSTEAD OF \$1,385,690.00.

- 14) Consider approval of request by *Mr. Aaron Tupper, Director of Technology*, to authorize the County Judge to execute Services Agreement, which pertains to current email and website services with County Information Resource Agency (CIRA), a division of Texas Association of Counties. (SEE ATTACHED)

MOTION BY: COMMISSIONER COOPER

SECOND BY: COMMISSIONER YOUNG

IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER AND COMMISSIONER YOUNG.

ACTION: APPROVED

- 15) Consider approval of request by *Hon. L.W. 'Nubbin' Cooper, Jr, County Commissioner, Precinct 1*, for the Purchasing Agent to solicit bids to overlay approximately 1,200' on Hickory Hollow Drive, located in Precinct 1. (SEE ATTACHED)

MOTION BY: COMMISSIONER KIRKENDALL

SECOND BY: COMMISSIONER YOUNG

IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER AND COMMISSIONER YOUNG.

ACTION: APPROVED

- 16) Consider approval of request by *Hon. Chris Kirkendall, County Commissioner, Precinct 2*, to rescind action taken by Commissioners Court on January 9, 2024, to purchase a 2024 John Deere 6105E Tractor equipped with a Tiger BB22 22' Boom Mower for the R&B 2 Department for a total purchase price of \$141,192.88. (SEE ATTACHED)

MOTION BY: COMMISSIONER YOUNG

SECOND BY: COMMISSIONER COOPER

IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER AND COMMISSIONER YOUNG.

ACTION: APPROVED

- 17) Consider approval of request by *Hon. Chris Kirkendall, County Commissioner*, to purchase a 2024 Kubota M6S-111SHDC, 4WD Tractor equipped with a Terrain King KB22 22' Boom Mower for the R&B 2 Department utilizing a cooperative purchasing program for a total purchase price of \$169,500.00. A down payment of \$60,000.00 will be funded by the R&B 2 Budget line item '017-622-570 Equipment Purchase' and the balance of \$109,500.00 will be financed for a term not to exceed five (5) years. If approved, amend the FY24 Budget by transferring \$60,000.00 from line item '017-622-649 Equipment Notes' to '017-622-570 Equipment Purchase'. **(SEE ATTACHED)**
MOTION BY: COMMISSIONER COOPER
SECOND BY: COMMISSIONER YOUNG
IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER AND COMMISSIONER YOUNG.
ACTION: APPROVED
- 18) Consider approval of request by *Hon. Amanda Young, County Commissioner, Precinct 3*, to purchase a TracMow 95 EVO Kawasaki FS730 EFI with a flex trimmer attachment utilizing a cooperative purchasing program for a total purchase price of \$43,449.05 which will be funded by the R&B 3 Budget line item '017-623-570 Equipment Purchase'. **(SEE ATTACHED)**
MOTION BY: COMMISSIONER KIRKENDALL
SECOND BY: COMMISSIONER COOPER
IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER AND COMMISSIONER YOUNG.
ACTION: APPROVED
- 19) Consider approval of request by *Mrs. Melinda Herrington, Human Resources Director*, to approve amended job description for the Trial Coordinator/Evidence Tech position in the District Attorney's Office. **(SEE ATTACHED)**
MOTION BY: COMMISSIONER KIRKENDALL
SECOND BY: COMMISSIONER YOUNG
IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER AND COMMISSIONER YOUNG.
ACTION: APPROVED
- 20) Consider approval of request by *Mrs. Misty Sims, Purchasing Agent*, to authorize the County Judge to execute Amendment to the Professional Services Agreement with The LaBiche Architectural Group, Inc. related to construction of a new storage building. **(SEE ATTACHED)**
MOTION BY: COMMISSIONER KIRKENDALL
SECOND BY: COMMISSIONER COOPER
IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER AND COMMISSIONER YOUNG.
ACTION: APPROVED

21) Consider adoption of [Resolution 11-24](#) proclaiming April as Child Abuse Awareness and Sexual Assault Awareness Month, as request by *Mrs. Jennifer Walters, HCCVAC Director*. (SEE ATTACHED)

MOTION BY: COMMISSIONER KIRKENDALL

SECOND BY: COMMISSIONER COOPER

IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER AND COMMISSIONER YOUNG.

ACTION: APPROVED

22) Consider adoption of [Resolution 12-24](#) proclaiming the first Wednesday in April as Start by Believing Day, as requested by *Mrs. Jennifer Walters, HCCVAC Director*. (SEE ATTACHED)

MOTION BY: COMMISSIONER YOUNG

SECOND BY: COMMISSIONER KIRKENDALL

IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL AND COMMISSIONER YOUNG

OPPOSED: COMMISSIONER COOPER

ACTION: APPROVED

23) Consider approval of [request](#) by *Ms. Sharon Whitley, Health Director*, to authorize the County Judge to execute a Memorandum of Understanding (MOU) between Hardin County Health Services WIC Program and MET Head Start / Early Start. This agreement will establish a mutual collaboration that will benefit the children and families within our community. (SEE ATTACHED)

MOTION BY: COMMISSIONER COOPER

SECOND BY: COMMISSIONER KIRKENDALL

IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER AND COMMISSIONER YOUNG.

ACTION: APPROVED

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24) Consider approval of **request** by the County Auditor to amend the FY24 Budget by creating Fund 145, County Attorney Supplement Fund, and the associated Revenue and Expenditure Accounts as follows: **(SEE ATTACHED)**

| County Attorney Supplement Fund | | |
|---------------------------------|--|--------------------|
| FY2024 Budget | | |
| Revenue | | |
| 145-333-200 | State Supplement - C/A | \$70,000.00 |
| 145-390-010 | Transfers from General Fund | \$14,000.00 |
| | TOTAL REVENUE | \$84,000.00 |
| Expenditures | | |
| 145-475-101 | Salaries - County Attorney | \$54,223.00 |
| 145-475-105 | Salaries - Clerical | \$7,116.00 |
| 145-475-201 | FICA Taxes | \$5,179.00 |
| 145-475-203 | Retirement | \$10,367.00 |
| 145-475-204 | Workers Comp Insurance | \$5.00 |
| 145-475-206 | State Unemployment Tax | \$16.00 |
| 145-475-209 | Supplemental Death | \$103.00 |
| 145-475-450 | Building Maintenance, Repairs, Renovations | \$1,654.00 |
| 145-475-575 | Furniture/Fixtures | \$4,497.00 |
| 145-475-594 | Software License/Support | \$840.00 |
| | TOTAL EXPENDITURES | \$84,000.00 |

MOTION BY: COMMISSIONER KIRKENDALL

SECOND BY: COMMISSIONER YOUNG

IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER AND COMMISSIONER YOUNG.

ACTION: APPROVED

25) Consider approval of **request** by *Hon. Matthew Minick, County Attorney*, to create a Full Time Position, Victim Assistant Coordinator, working full time starting April 1, 2024, utilizing Rural Law Enforcement Grants (SB-22) in the County Attorney’s Office at a pay rate of \$41,126.80 annually to be paid through SB 22 Funds (\$23,540.40) and utilizing County Funds that were previously used for the VAC/Pre-Trial Diversion Position (\$7,701.20) for a combined hourly rate of \$15.02, as well as Pre-Trial Diversion Funds (\$9,885.20 - to be paid in bi-weekly stipends of \$380.20). If approved, the current Victim Assistant Coordinator position in the County Attorney’s Office will be renamed to Pre-Trial Diversion Coordinator with job description previously approved in court. **(SEE ATTACHED)**

MOTION BY: COMMISSIONER KIRKENDALL

SECOND BY: COMMISSIONER COOPER

IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER AND COMMISSIONER YOUNG.

ACTION: APPROVED

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26) Consider and possibly approve **request** by *Hon. Matthew Minick, County Attorney*, rescinding agenda item "Increase wages of Victim Assistant Coordinator by \$10.10/hour plus benefits (estimated to be \$5,903.13 from March 17, 2024 until September 30, 2024) effective March 17, 2024" previously approved by Commissioners Court on February 27, 2024. **(SEE ATTACHED)**

MOTION BY: COMMISSIONER COOPER

SECOND BY: COMMISSIONER YOUNG

IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER AND COMMISSIONER YOUNG.

ACTION: APPROVED

27) Consider **request** by Auditor's Office to amend the FY23 and FY24 General Fund & Airport Fund Budget as follows: **(SEE ATTACHED)**

| | | | FY2023 | FY2024 |
|---------------------|------------------------------|-------------|---------------|---------------|
| General Fund | | | | |
| Decrease Revenue | Lease Receipts (FDO) & Misc. | 010-370-210 | \$500.00 | \$500.00 |
| Decrease Transfers | Transfers To Airport Fund | 010-700-022 | \$500.00 | \$500.00 |

| | | | | |
|--|----------------------------------|-------------|--------------|----------|
| Airport Fund | | | | |
| **Create Revenue Item | Other FBO Lease Revenue | 022-370-201 | \$500.00 | \$500.00 |
| Decrease Revenue | Transfers In-General Fund | 022-390-000 | \$500.00 | \$500.00 |
| Decrease Revenue | Transfers In-ARPA | 022-390-422 | \$189,840.00 | |
| Decrease Expenditures | ARPA Funded Engineering Services | 022-501-402 | \$189,840.00 | |
| **Create Expenditure Item | Engineering Services | 022-664-402 | \$46,000.00 | |
| (Previously approved in Commissioner's Court 01/09/2024 to come from General Fund Balance as an increase to Transfers In-General Fund) | | | | |
| **Create Revenue Item | Interest Revenue | 022-360-100 | \$324.00 | \$468.00 |
| (Increase to Fund Balance due to new GASB legislation) | | | | |
| **Create Revenue Item | State RAMP Payments | 022-333-300 | \$2,445.00 | |
| (Increase to Fund Balance for RAMP Grant funding) | | | | |
| **Create Revenue Item | Revenue-CARES Airport | 022-330-600 | \$14,671.00 | |
| **Create CARES Airport Expenditures | Utilities | 022-500-440 | \$2,810.00 | |
| | Lawn Care Services | 022-500-493 | \$11,861.00 | |
| (Increase to revenue & expense for CARES Grant Funding) | | | | |

MOTION BY: COMMISSIONER YOUNG

SECOND BY: COMMISSIONER COOPER

IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER AND COMMISSIONER YOUNG.

ACTION: APPROVED

28) Discussion on any other non-agenda item without taking action, including reports from Elected Officials / Department Heads; or announcements which may be of interest to the public.

29) Adjourn.

MOTION BY: COMMISSIONER KIRKENDALL

SECOND BY: COMMISSIONER COOPER

IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER AND COMMISSIONER YOUNG.

ACTION: APPROVED

RESPECTFULLY SUBMITTED,



Wayne McDaniel
HARDIN COUNTY JUDGE



Connie Becton
HARDIN COUNTY CLERK