

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 | MAY 14, 2024 | 10:00 A.M.

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.

AGENDA AND MINUTES

BE IT REMEMBERED THAT ON MAY 14, 2024, THERE WAS BEGUN AND HOLDEN A REGULAR MEETING OF THE COMMISSIONERS' 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 ERNIE KOCH
HONORABLE CONNIE BECTON

HARDIN COUNTY JUDGE
COMMISSIONER PCT. 1
COMMISSIONER PCT. 2
COMMISSIONER PCT. 3
COMMISSIONER PCT. 4
HARDIN COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD AND ORDERS MADE TO-WIT; 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. Ernie Koch*

- 3) Consider and possibly approve the April 23, 2024 Regular Meeting [Minutes](#) as presented by *Hon. Connie Becton, County Clerk*.
MOTION BY: COMMISSIONER YOUNG
SECOND BY: COMMISSIONER KOCH
IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER, COMMISSIONER YOUNG AND COMMISSIONER KOCH.
ACTION: APPROVED AS PRESENTED

- 4) Consider and possibly approve the following: Request to cancel all [Registered Claims](#) from April 23, 2024; [Cash Statement](#); and [Quarterly Report](#) for quarter ending March 31, 2024, 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, COMMISSIONER YOUNG AND COMMISSIONER KOCH.
ACTION: APPROVED AS PRESENTED

- 5) Authorization to pay [County bills](#) as presented by *Mrs. Angela Gore, County Auditor*. (SEE ATTACHED)
MOTION BY: COMMISSIONER KOCH
SECOND BY: COMMISSIONER YOUNG
IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER, COMMISSIONER YOUNG AND COMMISSIONER KOCH.
ACTION: APPROVED AS PRESENTED

- 6) [Presentation](#) by *Cameron Morgan and Chad Wigington, KE Andrews Tax Consultants*, to discuss a potential project "Hardin County Compressor Station" for Blackfin Pipeline. (SEE ATTACHED)
PRESENTATION ONLY

- 7) Consider authorization for the County Judge to execute a [Court Services Agreement](#) with B3 Interpreting Services, LLC for the purpose of providing American Sign Language interpreting services for any of the Courts in Hardin County. (SEE ATTACHED)
MOTION BY: COMMISSIONER KIRKENDALL
SECOND BY: COMMISSIONER COOPER
IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER, COMMISSIONER YOUNG AND COMMISSIONER KOCH.
ACTION: APPROVED

- 8) Consider authorization for the County Judge to execute an [Interlocal Agreement](#) between Hardin County and the City of Lumberton for the purpose of road maintenance services. (SEE ATTACHED)
MOTION BY: COMMISSIONER KOCH
SECOND BY: COMMISSIONER KIRKENDALL
IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER, COMMISSIONER YOUNG AND COMMISSIONER KOCH.
ACTION: APPROVED

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- 9) Consider authorization for the County Judge to execute the [Unclaimed Property Credits](#) for Counties form and submit to the Texas Comptroller of Public Accounts pursuant to § 381.004 Texas Local Government Code. **(SEE ATTACHED)**

MOTION BY: COMMISSIONER KIRKENDALL

SECOND BY: COMMISSIONER COOPER

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

ACTION: APPROVED

- 10) Consider authorization for the County Treasurer to open one (1) new non-interest-bearing bank account (titled: Hardin County District Clerk Restitution) at First Financial Bank as [requested](#) by *Hon. Dana Hogg, District Clerk*. **(SEE ATTACHED)**

MOTION BY: COMMISSIONER YOUNG

SECOND BY: COMMISSIONER KOCH

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

ACTION: APPROVED

- 11) Discussion and possible action to approve and accept for filing in the Minutes of the Court the [District Court Orders](#) appointing the County Auditor for the term of two (2) years and directing the payment of the County Auditor's salary as requested by *Hon. Dana Hogg, District Clerk*. **(SEE ATTACHED)**

MOTION BY: COMMISSIONER KIRKENDALL

SECOND BY: COMMISSIONER KOCH

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

ACTION: APPROVED

- 12) Consider approval of request by *Hon. Dana Hogg, District Clerk*, to authorize the County Judge to execute proposal [Contract No. TXMAS-18-3602](#) between Hardin County District Clerk's Office and Kofile for the preservation of Civil Dockets and Minutes Books in the amount of \$29,935.10 (50% payment upon pick up and balance due upon project completion) to be paid out of District Clerk Preservation Fund 006. **(SEE ATTACHED)**

MOTION BY: COMMISSIONER YOUNG

SECOND BY: COMMISSIONER COOPER

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

ACTION: APPROVED

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13) Consider approval of request by *Hon. Shirley Cook, Tax Assessor-Collector*, to authorize Tax **Refunds** which exceed the \$1,000.00 limit as follows: **(SEE ATTACHED)**

ACCOUNT	AMOUNT	YEAR	REASON
43010 Lee Lindsay	\$1,432.11	2023	Homestead / Over 65 / Disabled Veteran
21424 Sweetwater Housing	\$4,134.68	2023	ARB Value
49839 FS San Augustine, LLC	\$8,632.32	2023	Re-apply Timber
59070 Konstantinos Vasilakis	\$1,936.13	2023	ARB Value
48203 Hardin Partners, LLC	\$2,174.83	2023	Value Adjustment
39507 Julie Smylie	\$1,167.04	2023	Value Adjustment
42026 Speedy Stop Food Stores	\$5,428.71	2023	Value Adjustment
52242 Dana Apartments, LLC	\$6,242.69	2023	ARB Value
135931 IH Homes, Inc.	\$1,037.10	2023	Homestead / Disabled Veteran
2251 MST Lumberton Properties	\$1,851.15	2023	ARB Value
116452 Lumberton Summerville LTD	\$1,038.51	2023	ARB Value
71260 OM LAXMI LLC	\$4,301.32	2023	ARB Value
29550 Victor Fermo	\$1,555.28	2023	Homestead / Over 65
59683 LM Lighthouse Investments LP	\$1,031.33	2023	ARB Value
51545 Jason Allen	\$1,078.02	2023	Disabled Veteran
54741 Gary Beevers	\$1,024.90	2023	Homestead / Over 65
59576 Jeremy Smith	\$1,055.16	2023	Homestead

MOTION BY: COMMISSIONER KIRKENDALL

SECOND BY: COMMISSIONER KOCH

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

ACTION: APPROVED

14) **Presentation** of 2024 Wellness Committee Award and Employer Rewards check in the amount of \$2,717.10 from Texas Association of Counties Health and Employees Benefit Pool (TAC HEBP) as presented by *Hon. Shirley Cook, Tax Assessor-Collector*. **(SEE ATTACHED)**

PRESENTATION ONLY

15) **Presentation** of Excellence in Safety Award from Texas Association of Counties Risk Management (TAC RMP) as presented by *Mrs. Melinda Herrington, Human Resources Director*. **(SEE ATTACHED)**

PRESENTATION ONLY

16) Consider adoption of [Resolution 16-24](#) requesting a public sale of properties acquired by Hardin County at a delinquent tax sale, as requested by *Mr. Steve Smith, McCreary, Veselka, Bragg & Allen, P.C.* (SEE ATTACHED)

MOTION BY: COMMISSIONER KIRKENDALL

SECOND BY: COMMISSIONER COOPER

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

ACTION: APPROVED

17) Consider and possibly approve amendment to the FY24 Budget as follows:

REVENUE	010-371-100 Right of Way/Easement Proceeds	\$100,000.00
EXPENDITURE	010-411-570 Equipment Purchase	\$44,150.00
EXPENDITURE	010-401-800 Contingency - General	\$55,850.00

*Create New Line Item

*Create New Line Item

MOTION BY: COMMISSIONER YOUNG

SECOND BY: COMMISSIONER KOCH

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

ACTION: APPROVED

18) Consider approval of [request](#) by *Mrs. Misty Sims, Purchasing Agent*, to purchase a sandbag-filling machine from The Sandbag Store, LLC in the amount of \$44,150.00 to be paid for utilizing proceeds received from Blackfin Pipeline, LLC pursuant to the Easement and Right of Way agreement approved in Commissioners Court on April 9, 2024. (SEE ATTACHED)

MOTION BY: COMMISSIONER YOUNG

SECOND BY: COMMISSIONER KOCH

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

ACTION: APPROVED

19) Consider approval of request by *Mrs. Misty Sims, Purchasing Agent*, to authorize [donation](#) of a surplus desk to City of Kountze Police Department. (SEE ATTACHED)

MOTION BY: COMMISSIONER KIRKENDALL

SECOND BY: COMMISSIONER COOPER

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

ACTION: APPROVED

20) Consider approval of [request](#) by *Mrs. Misty Sims, Purchasing Agent*, to sell surplus computers and other miscellaneous items utilizing Rene' Bates Auctioneers, Inc. (ReneBates.com). (SEE ATTACHED)

MOTION BY: COMMISSIONER KOCH

SECOND BY: COMMISSIONER YOUNG

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

ACTION: APPROVED

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- 21) Consider approval of [request](#) by *Mrs. Misty Sims, Purchasing Agent*, to present results of bids received for climate controlled metal building on the property located at 104 Monroe Street, Kountze, TX; and possibly award to successful vendor. **(SEE ATTACHED)**
MOTION BY: COMMISSIONER KIRKENDALL
SECOND BY: COMMISSIONER COOPER
IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER, COMMISSIONER YOUNG AND COMMISSIONER KOCH.
ACTION: APPROVED THE LOW BID OF MCINNIS CONSTRUCTION AT \$377,500.00.
- 22) Consider approval of [request](#) by *Mrs. Misty Sims, Purchasing Agent*, to rescind the action taken by Commissioners Court February 27, 2024, to lease a 2024 Chevrolet Silverado Trail Boss Truck for the Hardin County Health Services Department in the amount of \$60,731.85, utilizing a cooperative purchasing program, for a term not to exceed three (3) years. **(SEE ATTACHED)**
MOTION BY: COMMISSIONER YOUNG
SECOND BY: COMMISSIONER COOPER
IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER, COMMISSIONER YOUNG AND COMMISSIONER KOCH.
ACTION: APPROVED
- 23) Consider approval of [request](#) by *Ms. Sharon Whitley, Health Director*, to lease a 2023 Ford F150 Crew Cab Truck for Hardin County Health Services Department in the amount of \$50,386.20 from Silsbee Ford utilizing a cooperative purchasing program and, further, approval to enter into a Municipal Lease Purchase with GM Financial for a term not to exceed three (3) years for the purchase price plus interest at a rate of 8.588%. If approved, authorize first lease payment. All lease payments will be made utilizing grant funding. **(SEE ATTACHED)**
MOTION BY: COMMISSIONER YOUNG
SECOND BY: COMMISSIONER KOCH
IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER, COMMISSIONER YOUNG AND COMMISSIONER KOCH.
ACTION: APPROVED
- 24) Consider approval of request by *Ms. Sharon Whitley, Health Director*, to authorize the County Judge to execute a [Contractor Agreement 2024-030601](#) between National Association of County and City Health Officials (NACCHO) and Hardin County. This funding will provide the Health Services Department the opportunity to build capacity to train staff on infection prevention and control basics and best practices. (\$0 local match). **(SEE ATTACHED)**
MOTION BY: COMMISSIONER KIRKENDALL
SECOND BY: COMMISSIONER COOPER
IN FAVOR: JUDGE MCDANIEL, COMMISSIONER KIRKENDALL, COMMISSIONER COOPER, COMMISSIONER YOUNG AND COMMISSIONER KOCH.
ACTION: APPROVED

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25) Consider approval of request by *Hon. Mark Davis, Sheriff*, for the Purchasing Agent to solicit sealed bids for the sale of a 2006 Ford F-550 Cab/Chassis Western Hauler (VIN...6136) and a 2007 Ferrara Mobile Command Trailer (VIN...7088) package. **(SEE ATTACHED)**

MOTION BY: COMMISSIONER KOCH

SECOND BY: COMMISSIONER KIRKENDALL

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

ACTION: APPROVED

26) Consider approval of request by *Hon. Mark Davis, Sheriff*, to authorize the County Judge to execute an Agreement with the Texas Law Enforcement Support Office (LESO) for participation in the law enforcement surplus property program. **(SEE ATTACHED)**

MOTION BY: COMMISSIONER KIRKENDALL

SECOND BY: COMMISSIONER YOUNG

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

ACTION: APPROVED

27) Consider approval of request by *Hon. Mark Davis, Sheriff*, to purchase a 2024 Ford-350 Transit Cargo Van in the amount of \$59,145.00 utilizing the buy board cooperative purchasing program, and funding the purchase with the Rural Law Enforcement Grants (SB-22), to be paid as follows: **(SEE ATTACHED)**

FROM	034-560-574 Auto Purchase	\$58,745.00
	034-560-390 Dues and Subscriptions	\$400.00

MOTION BY: COMMISSIONER KOCH

SECOND BY: COMMISSIONER YOUNG

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

ACTION: APPROVED

28) Consider approval of request by *Hon. Chris Kirkendall, County Commissioner, Precinct 2*, for the Purchasing Agent to solicit bids to overlay approximately 12' X 550' on McIntyre Lane located in Precinct 2. **(SEE ATTACHED)**

MOTION BY: COMMISSIONER YOUNG

SECOND BY: COMMISSIONER KOCH

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

ACTION: APPROVED

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29) Consider approval of request by *Mr. Alex Parker, Floodplain Administrator*, to charge a permit fee for all commercial/industrial projects in unincorporated areas of Hardin County with a fee schedule to be based off of the labor and materials cost as follows: **(SEE ATTACHED)**

\$1,000.00 to \$50,000.00	\$50.00 for the first \$1,000.00, plus \$5.00 for each additional \$1,000.00
\$50,001.00 to \$100,000.00	\$300.00 for the first \$50,000.00, plus \$4.00 for each additional \$1,000.00
\$100,001.00 to \$500,000.00	\$500.00 for the first \$100,000.00, plus \$3.00 for each additional \$1,000.00
\$500,001.00 and up	\$2,000.00 for the first \$500,000.00, plus \$2.00 for each additional \$1,000.00

MOTION BY: COMMISSIONER KIRKENDALL

SECOND BY: COMMISSIONER YOUNG

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

ACTION: APPROVED

30) Discussion and possible action to allocate an additional \$287,500.00 to the American Rescue Plan Act (ARPA) Storage Building Project, as the bid was more than originally allocated, utilizing unallocated ARPA funding as requested by *Mr. Aaron Tupper, Emergency Management Coordinator*. **(SEE ATTACHED)**

MOTION BY: COMMISSIONER KIRKENDALL

SECOND BY: COMMISSIONER COOPER

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

ACTION: APPROVED

31) 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.

32) Adjourn.

MOTION BY: COMMISSIONER KIRKENDALL

SECOND BY: COMMISSIONER COOPER

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

ACTION: APPROVED

RESPECTFULLY SUBMITTED,

Wayne McDaniel
HARDIN COUNTY JUDGE

Connie Becton
HARDIN COUNTY CLERK