

**STATE OF TEXAS
COUNTY OF LEON**

**IN THE COMMISSIONERS COURT
OF LEON COUNTY, TEXAS**

On this the 24th day of May 2023, the Commissioners Court of Leon County, Texas, met for its regularly scheduled meeting at 9:30 a.m. with the following members present:

Byron Ryder – County Judge
Joey Sullivan – Commissioner Pct. No. 1
Paul Bing – Commissioner Pct. No. 2
Kyle Workman– Commissioner Pct. No. 3
T. J. Foley – Commissioner Pct. No. 4

Together with County Clerk Christie Wakefield, serving as an ex-officio member of the Commissioners Court, Assistant County Auditor Debbie Reeder, County Tax Assessor Collector Robin Shafer, County Attorney Keith Cook, EOC Director Bob Hickman, Expo Manager Dennis Mizell, and Sheriff Kevin Ellis.

1. OPEN MEETING WITH PRAYER AND PLEDGES.

Judge Ryder opened the meeting with prayer; pledges to the American and Texas flag were rendered.

2. DISCUSS AND POSSIBLY TAKE ACTION ON CLAIMS DUE.

Commissioner Sullivan made a motion, seconded by Commissioner Foley to approve the claims due.

MOTION CARRIED.

(COPY FOLLOWS)

3. DISCUSS AND POSSIBLY TAKE ACTION ON MINUTES FROM THE PREVIOUS MEETING.

Commissioner Sullivan made the motion, seconded by Commissioner Foley to approve the minutes from the previous sessions.

MOTION CARRIED.

4. REVIEW AND APPROVE PAYROLL TO BE ISSUED.

Commissioner Foley made a motion, seconded by Commissioner Workman to approve the May 19, 2023, payroll.

VOTE BREAKDOWN:

Yes: Ryder, Workman, Bing, Foley

No: Sullivan

MOTION CARRIED.

(COPY FOLLOWS)

5. PUBLIC COMMENTS #1.

None submitted.

6. REPORT FROM BILLY RICE ABOUT THE NEW EMERGENCY AND HELICOPTER OPERATIONS IN LEON COUNTY (CENTERVILLE).

Discussion only; no action taken.

7. DISCUSSION AND POSSIBLY ACTION ON RETAINING THE UNDERWOOD LAW FIRM (BRYAN GUYMON) TO REPRESENT THE COUNTY REGARDING TAX ABATEMENT APPLICATIONS AND AGREEMENTS AS PROVIDED IN CHAPTER 312 OF THE TEXAS TAX CODE.

Commissioner Workman made a motion, seconded by Commissioner Foley to sign the engagement letter to retain the Underwood Law Firm.

MOTION CARRIED.

(COPY FOLLOWS)

8. PUBLIC HEARING ON INTENTION OF THE COUNTY TO ADOPT TAX ABATEMENT GUIDELINES AND CRITERIA, PURSUANT TO CHAPTER 312 OF THE TEXAS TAX CODE.

Commissioner Sullivan made a motion, seconded by Commissioner Workman to approve the guidelines as discussed.

MOTION CARRIED.

9. DISCUSSION AND POSSIBLE ACTION ON A RESOLUTION ELECTING TO PARTICIPATE IN TAX ABATEMENTS AND ADOPTING THE COUNTY'S TAX ABATEMENT GUIDELINES AND CRITERIA, PURSUANT TO CHAPTER 312 OF THE TEXAS TAX CODE, TO MAKE UPDATES IN THE GUIDELINES AND CRITERIA.

Commissioner Sullivan made a motion, seconded by Commissioner Workman to approve and sign the resolution.

MOTION CARRIED.

(COPY FOLLOWS)

10. PUBLIC HEARING ON INTENTION OF THE COUNTY TO DESIGNATE THE MISAE SOLAR IV REINVESTMENT ZONE, ESTABLISH THE BOUNDARIES THEROF AND PROVIDE FOR AN EFFECTIVE DATE, PURSUANT TO CHAPTER 312 OF THE TEXAS TAX CODE.

Discussion only; no action taken.

11. CONSIDER AND ACT ON APPROVAL OF RESOLUTION DESIGNATING THE MISAE SOLAR IV REINVESTMENT ZONE, ESTABLISHING THE BOUNDARIES THEREOF AND PROVIDING FOR AN EFFECTIVE DATE, PURSUANT TO CHAPTER 312 OF THE TEXAS TAX CODE.

Commissioner Sullivan made a motion, seconded by Commissioner Bing to establish an effective date of May 24, 2023, along with the boundaries.

MOTION CARRIED.

(COPY FOLLOWS)

12. DISCUSSION AND POSSIBLE ACTION REGARDING TAX ABATEMENT WITH MISAE SOLAR IV LLC, PURSUANT TO CHAPTER 312 OF THE TEXAS TAX CODE.

Commissioner Sullivan made a motion, seconded by Commissioner Bing to approve the agreement.

MOTION CARRIED.

(COPY FOLLOWS)

13. DISCUSS CANVASS FOR 5/6/23 CITY/SCHOOL ELECTION TO BE ENTERED INTO COUNTY CLERK'S PERMANENT RECORD FOR THE FOLLOWING ENTITIES: CITY OF BUFFALO GENERAL CITY COUNCIL & SPECIAL STREET TAX REAUTHORIZATION; CITY OF JEWET GENERAL CITY COUNCIL; BUFFALO ISD GENERAL SCHOOL BOARD; CENTERVILLE ISD SPECIAL BOND; NORMANGEE ISD GENERAL SCHOOL BOARD.

Discussion only.

(COPY FOLLOWS)

14. DISCUSS AND POSSIBLY TAKE ACTION ON THE ELECTION SYSTEMS & SOFTWARE SERVICES AGREEMENT FOR 10/1/23 – 9/30/24 CONTRACT PRICING.

Commissioner Bing made a motion, seconded by Commissioner Workman to approve the pricing as amended in this discussion.

MOTION CARRIED.

(COPY FOLLOWS)

**15. DISCUSS AND POSSIBLY TAKE ACTION ON ROAD USE AGREEMENT AND/OR
PIPELINE AGREEMENT (SPECTRUM) FOR CR 330 NORTH OF US 79; CR 332
WEST OF CR 330; CR 336 SOUTH OF CR 790.**

Commissioner Workman made a motion, seconded by Commissioner Foley to approve the road use and pipeline agreements for 45 days.

MOTION CARRIED.

(COPY FOLLOWS)

**16. DISCUSS AND POSSIBLY TAKE ACTION ROAD USE AGREEMENT AND/OR
PIPELINE AGREEMENT (SPECTRUM) FOR CR 347 WEST OF FM 39 NORTH.**

Commissioner Workman made a motion, seconded by Commissioner Bing to approve the 45 day road use and pipeline agreement.

MOTION CARRIED.

(COPY FOLLOWS)

17. DISCUSS AND POSSIBLY TAKE ACTION ON ROAD USE AGREEMENT FOR CR 102 TO OSR FOR TIMCO TIMBER COMPANY.

Commissioner Sullivan made a motion, seconded by Commissioner Bing to approve the road use agreement for 45 days.

MOTION CARRIED.

(COPY FOLLOWS)

18. DISCUSS AND POSSIBLY TAKE ACTION ON ROAD USE AGREEMENT FOR CR 315 AND CR 329 IN PCT 3 (HODGE SERVICES).

Commissioner Workman made a motion, seconded by Commissioner Foley to approve the road use agreement for 45 days.

MOTION CARRIED.

(COPY FOLLOWS)

**19. DISCUSS AND POSSIBLY TAKE ACTION ON LEASE AGREEMENT (#435732)
BETWEEN TEXAS PARKS AND WILDLIFE DEPARTMENT AND LEON COUNTY
EMERGENCY MANAGEMENT FOR THE COMMUNICATION TOWER IN FLYNN,
TEXAS.**

Commissioner Foley made a motion, seconded by Commissioner Bing to approve the agreement.

MOTION CARRIED.

(COPY FOLLOWS)

**20. DISCUSS AND POSSIBLY TAKE ACTION ON POSSIBLE REFUND OF TAXES ON
PARCEL 6 10 249 FOR THE PAST 20 YEARS.**

Commissioner Sullivan made a motion, seconded by Commissioner Bing to table this agenda item.

MOTION CARRIED; ITEM TABLED.

**21. DISCUSS AND POSSIBLY TAKE ACTION ON CONTRACTS BETWEEN LEON
COUNTY AND LEON COUNTY VOLUNTEER FIRE DEPARTMENTS: BUFFALO
VFD, MARQUEZ VFD, NORMANGEE VFD, OAKWOOD VFD, FLYNN VFD,
HILLTOP LAKES VFD, LEONA VFD, JEWETT VFD, AND CENTERVILLE VFD.**

Commissioner Sullivan made a motion, seconded by Commissioner Workman to approve the sample contract and to execute the contracts with each VFD.

VOTE BREAKDOWN:

Yes: Ryder, Sullivan, Bing, Workman

Abstain: Foley

MOTION CARRIED.

(COPY FOLLOWS)

22. DISCUSS AND POSSIBLY TAKE ACTION ON THE REVISED ACTIVE 911 LISTING.

Commissioner Foley made a motion, seconded by Commissioner Sullivan to approve the revised listing, adding in Carl Collins and the Normangee Police Chief.

MOTION CARRIED.

(COPY FOLLOWS)

23. DISCUSS AND POSSIBLY TAKE ACTION ON THE UPDATED FEE SCHEDULE FOR THE EXPO.

Commissioner Workman made a motion, seconded by Commissioner Foley to approve the updated fee schedule as amended effective immediately for future bookings, and effective Jan. 1, 2024, for prior events already contracted.

MOTION CARRIED.

(COPY FOLLOWS)

24. DISCUSS AND POSSIBLY TAKE ACTION ON HORSE STALL DRAWINGS AT THE EXPO.

Combined motion for Items 24 and 25. See below.

25. DISCUSS AND POSSIBLY TAKE ACTION ON POLE BARN AND STALLS AT EXPO.

Commissioner Sullivan made a motion, seconded by Commissioner Foley to authorize the County Auditor's office to set the scope of the project as follows for bids with a completion date of Sept. 20, 2023: provide Option 1 bid (350 ft. barn) and Option 2 bid (whole building), with matching color as the rest of the Expo campus and including gutterwork.

MOTION CARRIED.

26. DISCUSS AND POSSIBLY TAKE ACTION ON GOING OUT FOR BIDS ON SUPPLY CLOSET IN WOMENS BATHROOM IN ARENA 1.

Combined motion for Items 26-30. See below.

27. DISCUSS AND POSSIBLY TAKE ACTION ON GOING OUT FOR BIDS ON SUPPLY CLOSET IN MENS BATHROOM IN ARENA 2.

Combined motion for Items 26-30. See below.

28. DISCUSS AND POSSIBLY TAKE ACTION ON GOING OUT FOR BIDS ON CEILING IN ARENA 2 BATHROOMS.

Combined motion for Items 26-30. See below.

29. DISCUSS AND POSSIBLY TAKE ACTION ON GOING OUT FOR BIDS ON FINISHING WALL IN EXPO OFFICE.

Combined motion for Items 26-30. See below.

30. DISCUSS AND POSSIBLY TAKE ACTION ON GOING OUT FOR BIDS ON SEALING WALLS IN BATHROOMS OF ARENA 2.

Commissioner Workman made a motion, seconded by Commissioner Bing to have the Auditor's office solicit bids for all listed Expo projects.

MOTION CARRIED.

31. DISCUSS AND POSSIBLY TAKE ACTION ON PROJECTS AT THE EXPO.

Commissioner Workman made a motion, seconded by Commissioner Foley to authorize Mr. Mizell to obtain 3-4 quotes to cut and wrap hay; with intention of splitting the bales with the vendor, with the stipulation that the vendor must be insured and bonded.

MOTION CARRIED.

32. DISCUSS AND POSSIBLY TAKE ACTION ON FY 22 FINANCIAL AUDIT.

Commissioner Foley made a motion, seconded by Commissioner Sullivan to table this agenda item.

MOTION CARRIED; ITEM Tabled.

33. DISCUSS AND POSSIBLY TAKE ACTION ON AMENDING DONATION OF VEHICLE TO ADULT PROBATION TO INCLUDE A KENWOOD TK-5710H MOBILE RADIO, SN:B5C00007.

Judge Ryder made a motion, seconded by Commissioner Bing to amend the May 8, 2023 motion to include the radio in the donated vehicle.

MOTION CARRIED.

34. DISCUSS AND POSSIBLY TAKE ACTION ON APPOINTING A VOLUNTEER TO REGISTER THE LEON COUNTY COURTHOUSE, AND OTHER COUNTY-OWNED BUILDINGS ON THE CENTERVILLE COURTHOUSE SQUARE WITH THE TEXAS FILM COMMISSION AT NO COST TO THE COUNTY, WITH THE STIPULATION THAT IF ANY COUNTY-OWNED SITE IS SELECTED, ALL PROCEEDS WILL BE PAID DIRECTLY TO LEON COUNTY.

Commissioner Workman made a motion, seconded by Commissioner Sullivan to authorize Amy Kaiser as the volunteer to take pictures and to register the above structures with the Texas Film Commission.

MOTION CARRIED.

35. BUDGET AMENDMENTS AND TAKE ANY ACTION NECESSARY.

Commissioner Bing made a motion, seconded by Commissioner Sullivan to approve the FY 2022 budget amendments in the amount of \$49,482.00.

MOTION CARRIED.

(COPY FOLLOWS)

36. LINE ITEMS TRANSFERS AND TAKE ANY ACTION NECESSARY.

None submitted.

37. DISCUSS AND POSSIBLY TAKE ACTION ON THE FOLLOWING MONTHLY REPORTS PER THE LOCAL GOVERNMENT CODE, SECTION 114.044.

Commissioner Sullivan made a motion, seconded by Commissioner Foley, to approve the following reports:

JP 1: April

MOTION CARRIED.

(COPY FOLLOWS)

38. DISCUSS AND POSSIBLY TAKE ACTION ON APPROVAL OF THE COUNTY TREASURER’S MONTHLY REPORT AND AUTHORIZE AFFIDAVIT OF SAME, IN ACCORDANCE WITH LOCAL GOVERNMENT CODE 114.026.

None submitted.

39. DISCUSS AND POSSIBLY TAKE ACTION ON DONATION(S) AND/OR REIMBURSEMENT(S).

None submitted.

40. PURCHASE AND/OR SELLING REQUEST AND TAKE ANY ACTION NECESSARY.

A. DISCUSS AND POSSIBLY TAKE ACTION ON ANNUAL CONTRACT WITH GREG LONG SEPTIC SERVICES FOR THE SEPTIC INSPECTION OF THE EXPO CENTER FACILITIES.

Commissioner Sullivan made a motion, seconded by Commissioner Bing to approve the contract.

VOTE BREAKDOWN:

Yes: Ryder, Sullivan, Bing, Workman

No: Foley

MOTION CARRIED.

(COPY FOLLOWS)

B. DISCUSS AND POSSIBLY TAKE ACTION ON XEROX COPIER LEASE FOR THE SHERIFF'S OFFICE.

Commissioner Workman made a motion, seconded by Commissioner Foley to approve this lease.

MOTION CARRIED.

C. DISCUSS AND POSSIBLY TAKE ACTION ON FUNDING FOR IFB 2023-279 DEMOLITION OF BUILDING.

Commissioner Sullivan made a motion, seconded by Commissioner Foley to pull the \$9,500 from Contingency.

MOTION CARRIED.

41. CLOSE REGULAR SESSION ON OPEN EXECUTIVE SESSION UNDER TEXAS GOVERNMENT CODE 551.071 (CONSULT WITH ATTORNEY).

Regular session closed at 12:03 p.m. on Wednesday, May 24, 2023.

42. OPEN EXECUTIVE SESSION.

43. COUNTY OF LEON V. PURDUE PHARMA, INC. ET AL., MDL PRETRIAL CAUSE NO. 2019-63587 IN THE 152ND DISTRICT COURT OF HARRIS COUNTY, TEXAS.

44. CLOSE EXECUTIVE SESSION.

45. RESUME REGULAR SESSION.

Regular session resumed at 12:11 p.m. on Wednesday, May 24, 2023.

46. CONSIDERATION OF AUTHORIZING THE COUNTY JUDGE OR OTHER AUTHORIZED OFFICIALS TO EXECUTE THE SETTLEMENT PARTICIPATION AND RELEASE FORMS REGARDING SETTLEMENT OFFERS IN THE MATTER OF TEXAS OPIOD MULTI-DISTRICT LITIGATION FOR THE COUNTY IN THE MATTER OF COUNTY OF LEON V. PURDUE PHARMA, INC. ET AL., MDL PRETRIAL CAUSE NO. 2018-63587, IN THE 152ND DISTRICT COURT OF HARRIS COUNTY, TEXAS AND APPROVE THE PROPOSED TEXAS STATEWIDE OPIOD SETTLEMENT AGREEMENT RESOLUTION.

Commissioner Foley made a motion, seconded by Commissioner Workman to authorize Judge Ryder to execute the settlement agreement, and to accept the funds into the General Fund to be used at the health care clinic.

MOTION CARRIED.

47. PUBLIC COMMENTS #2.

None submitted.

48. COMMISSIONERS OPEN FORUM.

None submitted.

49. ADJOURN.

Commissioner Workman made a motion, seconded by Commissioner Bing to adjourn.

MOTION CARRIED; MEETING ADJOURNED.

SIGNED AND APPROVED this the _____ day of _____, 2023.

Byron Ryder, County Judge

Joey Sullivan, Commissioner Pct. No. 1

Paul Bing, Commissioner Pct. No. 2

Kyle Workman, Commissioner Pct. No. 3

T.J. Foley, Commissioner Pct. No. 4

ATTEST:

Christie Wakefield, Leon County Clerk