

## County Judge

**CHAD SIMS**

**Harrison County**

#1 Peter Whetstone Square, Room 314

Marshall, Texas 75670

903-935-8401

903-935-4853 Fax

Charlene Graff, Judicial Admin. Assist.

FILED FEB 25 2022

2022 FEB 25 PM 2:40

CLERK OF COURTS  
HARRISON COUNTY

BY A. J. DEPUTY

Pursuant to Chapter 551 of the Texas Government Code requiring governmental bodies to give notice of their meetings, this is to advise that a **REGULAR meeting of the Harrison County Commissioner's Court will be held at 9:00 a.m. on the 1st day of March, 2022, in the Commissioners' Courtroom at the Harrison County Historic Courthouse in Marshall, Texas, at which time the Commissioners' Court will consider all matters pertaining to Harrison County business and grant authorization for the County Judge to execute any and all documents as may come before said Commissioner's Court for approval, including by way of information but not limitation, the following matters:**

### INVOCATION

### PLEDGE OF ALLEGIANCE:

### AMERICAN FLAG

**TEXAS FLAG: "Honor the Texas Flag; I Pledge Allegiance To Thee, Texas, One State Under God, One and Indivisible"**

**ANNOUNCEMENTS: RECOGNITION OF LETTERS OF RECOMMENDATION FOR ANDREW HILL, JONATHANSMITH, CODY GEORGE AND TREVIN STEWART, HARRISON COUNTY SHERIFF'S DEPARTMENT"**

### PUBLIC COMMENTS – AGENDA ITEMS ONLY

### DECLARE A QUORUM PRESENT:

### CALL TO ORDER:

## AGENDA

### A. AUDITOR:

**Administrative Report: No action to be taken ----- Submission of financial reports.**

1. Consideration and approval regarding Line Item Transfers.

2. Consideration and approval of payment of Regular Bills.
3. Consideration and approval of February 18, 2022 Payroll.
4. Consideration and approval of the Budget Amendment regarding LESO.

**B. COUNTY CLERK:**

1. Consideration and approval of transcribed minutes of Commissioner's Court Meeting(s) of January 4, 2022, January 18, 2022 and February 15, 2022.

**C. ROAD AND BRIDGE DEPARTMENT:**

**Administrative Report: No action to be taken** --- concerning status of construction, maintenance and repairs of county roads, bridges and right of ways; also concerning condition of equipment.

1. Consideration and approval of personnel changes for the Harrison County Road & Bridge Department.
2. Consideration and approval of the utility applications submitted to the Harrison County Road & Bridge Department as follows:
3. Consideration and authorization to publish a Public Notice and set a Public Hearing for the Proposed Replat for the Robin's Trail Subdivision Re-Plat as required by Local Government Code.
4. Consideration and approval of 9-1-1 Issuance Order #22-21 for CR #4439, also known as Old FM 450 North, located in Precinct 4 running East/Southeast off of FM 450 and ending at the Little Cypress Creek in Pct. 4.
5. Consideration and approval of 9-1-1 Issuance Order #22-22 for CR #4440, also known as Old FM 450 South located in Precinct 4 running East/Northeast off of FM 450 and ending at the Little Cypress Creek in Pct. 4.
6. Consideration and action to appoint Lisa Benson, Certified Floodplain Manager as the Harrison County Floodplain Administrator per the Harrison County Flood Damage Prevention Order, Section 4.1.
7. Consideration and approval of the Preliminary Plat for the Private Subdivision "Belle Hollow" at the intersection of Swanson's Landing Road, CR 2613 and Stateline Road North, CR 2618, Pct. 1.
8. Consideration and approval of the Final Plat for the Subdivision "Southern Pines Addition" with all lots facing private roads located west off of FM 2208 in Pct. 4.
9. Consideration and approval of the "County Maintenance Certification" as of December 31, 2021 for the Harrison County Road & Bridge Department.

**D. SHERIFF'S DEPARTMENT:**

**Administrative Report: No action to be taken** ---- concerning statistics reflecting law enforcement activity; execution of civil responsibilities; jail population and location of and turnover in prisoners.

1. Consideration and Approval to create three part time jailer positions for the Harrison County Sheriff's Jail. Each position will be allotted 28 hours each week or 1,456 hours yearly at the pay rate of \$15.2596 hr. or \$22,217.98 annually.

**E. MAINTENANCE DEPARTMENT:**

**Administrative Report: No action to be taken** ---- concerning repairs and maintenance performed upon county owned premises and equipment; status of ongoing projects, and information concerning planned projects.

1. Consideration and action to approve the agreement to hire an elevator consultant with BOCA GROUP CENTRAL, LLC for maintenance evaluation for 6 elevators at \$550.00 per elevator for a total of \$3,300.00

**F. INFORMATION TECHNOLOGY:**

**Administrative Report: No action to be taken** ---- concerning the status of all existing/required communication and information services and equipment, including phones, computers, audio/visual aids and security equipment.

- 1, Consideration and approval to reclassify the position of Network Manager to EXEMPT, currently held by Robert Perkins.

**G. FIRE MARSHAL:**

**Administrative Report: No action to be taken** ---- concerning status of OSSF permits; emergency management; solid waste site investigations.

**H. PURCHASING:**

1. Consideration and approval to declare listed fixed assets as surplus and or salvage to appropriately dispose of said items utilizing the following methods: online auction, recycling, trade in, TAC pickup and or destroying.
2. Consideration and action to declare listed fixed assets as salvage and to appropriately dispose of said items.

**I. HUMAN RESOURCES:**

**Administrative Report: No action to be taken** ---- concerning the status relating to personnel activities.

1. Consideration and approval of Personnel Actions as submitted by the Human Resources Department to appropriately dispose of said items.

**J. TREASURER:**

1. Consideration and action regarding the approval of Treasurer's Monthly Report for January, 2022 and authorization to publish on the county website pursuant to LGC Section 114.026.
2. Consideration and approval of the Harrison County Treasurer's Investment Report for January, 2022.
3. Consideration and approval of Quarterly Fees paid to the State Comptroller, by the County Treasurer for October-December 2021.

**K. ELECTIONS:**

**Administrative Report: No action to be taken** ---- concerning the status relating to election activities.

1. Consideration and action regarding the approval of the Notice of Special Election for May 7, 2022 Constitutional Amendment Election.

**L. NEW BUSINESS:**

1. Consideration of authorizing the Harrison County Judge to execute Order regarding settlement offers in the matter of Texas opioid multi-district litigation for Galveston County in the matter of *County of Harrison v. Purdue Pharma, Inc., et al.*, MDL PRETRIAL CAUSE NO. 2018-63587, in the 152d District Court of Harris County, Texas, removed.
2. Consideration and approval of the MOU between Harrison County and Texas A & M regarding the Extension Office.
3. Consideration and approval of the SAL – state antiquities landmark application regarding 100 block of East Houston Street project.
4. Consideration and action to approve Constable Pct. 3 Racial Profiling and Civil Process Report.

**EXECUTIVE SESSION:**

1. Call of Court to Executive Session pursuant to Government Code Section 551.071 (consultation with attorney – Opioid Statewide Settlement Agreements) and Section 551.072 (personnel matters – )
2. Consideration and action relating to items discussed in executive session.

**ADJOURN**

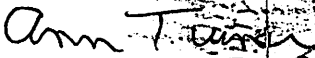
  
\_\_\_\_\_  
CHAD SIMS, COUNTY JUDGE

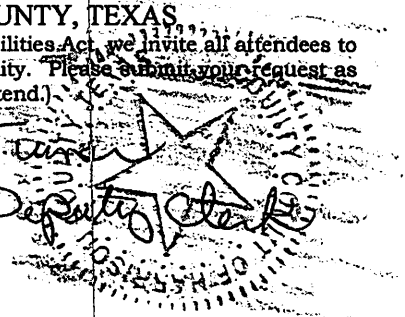
This is to certify that at the time and date stamped hereon, the notice of a meeting, a copy of which is attached hereto, has been filed in my office, and posted on my official bulletin board in the Courthouse, as is required by Texas Government Code, Chapter 551.

Executed on: February 25, 2022

COUNTY CLERK  
HARRISON COUNTY, TEXAS

(In accordance with Title III of the Americans with Disabilities Act, we invite all attendees to advise us of any special accommodations due to disability. Please submit your request as far as possible in advance of the program you wish to attend.)

  
Senior Deputy Clerk



**REGULAR MEETING OF THE COMMISSIONERS' COURT  
HELD IN THE HISTORIC HARRISON COUNTY COURTHOUSE  
MARSHALL, TEXAS  
THIS THE 1ST DAY OF MARCH, 2022**

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**BE IT REMEMBERED** that at 9:00 a.m. on the 1<sup>st</sup> of March, 2022 Regular Session in the Commissioners' Courtroom in the Historic Harrison County Courthouse in Marshall, Texas, for the purpose of transacting any and all business that may lawfully be brought before the same.

Invocation was led by County Judge Chad Sims.

**Pledge of Allegiance:**

American Flag

Texas Flag: "Honor the Texas Flag; I Pledge Allegiance to Thee, Texas, One State under God, One and Indivisible"

The following were present:

Chad Sims,	County Judge
William Hatfield,	Commissioner, Precinct #1
Zephaniah Timmins,	Commissioner, Precinct #2
Phillip Mauldin,	Commissioner, Precinct #3
Jay Ebarb,	Commissioner, Precinct #4
Ann Turner,	Senior Deputy for Liz James County Clerk
Becky Haynes,	County Auditor

**ANNOUNCEMENTS: "RECOGNITION OF LETTERS OF RECOMMENDATION FOR ANDREW HILL, JONATHAN SMITH, CODY GEORGE AND TREVIN STEWART, HARRISON COUNTY SHERIFF'S DEPARTMENT"**

**Declare A Quorum Present:**

When the following were heard and the following Orders passed:

Call to Order by the County Judge, Chad Sims, at 9:13 a.m.

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**ITEM A: County Auditor: Administrative Report: No action to be taken- submission of financial reports.**

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Motioned by Comm. Hatfield  
Seconded by Comm. Timmins  
All members voting in favor  
Motion carried unanimously (5-0)  
Order #2022-48

**1. IT IS ORDERED** by the Commissioners' Court of Harrison County, Texas to approve Line Item Transfers. Exhibit A-1

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Motioned by Comm. Timmins  
Seconded by Comm. Mauldin  
All members voting in favor  
Motion carried unanimously (5-0)  
Order #2022-49

**2. IT IS ORDERED** by the Commissioners' Court of Harrison County, Texas to approve Payment of Regular Bills. Exhibit A-2

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Motioned by Comm. Hatfield  
Seconded by Comm. Timmins  
All members voting in favor  
Motion carried unanimously (5-0)  
Order #2022-50

**3. IT IS ORDERED** by the Commissioners' Court of Harrison County, Texas to approve the February 18, 2022 County Payroll as submitted. Exhibit A-3

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Motioned by Comm. Ebarb  
Seconded by Comm. Timmins  
All members voting in favor  
Motion carried unanimously (5-0)  
Order #2022-51

**4. IT IS ORDERED** by the Commissioners' Court of Harrison County, Texas to approve the Budget Amendment regarding LESO. Exhibit A-4

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**ITEM B: County Clerk:**

Motioned by Comm. Timmins  
Seconded by Comm. Mauldin  
Motion carried (4-0-1)  
Comm. Hatfield Abstained  
Order #2022-52

**1. IT IS ORDERED** by the Commissioners' Court of Harrison County, Texas to approve the minutes of Commissioner's Court Meeting(s) for January 4, 2022, January 18, 2022 and February 15, 2022. Exhibit B-1

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**ITEM C: Road and Bridge Department:**

**Administrative Report:** —Luke Davis, Harrison County Road Administrator, presented a report concerning the status of construction, maintenance and repairs of county roads, bridges and right of ways, also concerning condition of equipment. Exhibit C

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Motioned by Comm. Ebarb  
Seconded by Comm. Mauldin  
All members voting in favor  
Motion carried unanimously (5-0)  
Order #2022-53

**1. IT IS ORDERED** by the Commissioners' Court of Harrison County, Texas to approve the personnel changes for the Harrison County Road & Bridge Department. Exhibit C-1

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Motioned by Comm. Hatfield  
Seconded by Comm. Ebarb  
All members voting in favor  
Motion carried unanimously (5-0)  
Order #2022-54

**2. IT IS ORDERED** by the Commissioners' Court of Harrison County, Texas to approve the utility applications submitted to the Harrison County Road & Bridge Departments as follows: Exhibit C-2

Etex Telephone Cooperative	Jackson Rd., CR 4128
Etex Telephone Cooperative	Dunn Cutoff Rd, CR 4500
Gum Springs Water Supply Corporation	Maple Springs Rd, CR 3405

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Motioned by Comm. Timmins  
Seconded by Comm. Mauldin  
All members voting in favor  
Motion carried unanimously (5-0)  
Order #2022-55

**3. IT IS ORDERED** by the Commissioners' Court of Harrison County, Texas to approve the authorization to publish a Public Notice and set a Public Hearing for the Proposed Replat for the Robin's Trail Subdivision Re-Plat as required by Local Government Code 232.009. Exhibit C-3

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Motioned by Comm. Timmins  
Seconded by Comm. Ebarb  
All members voting in favor  
Motion carried unanimously (5-0)  
Order #2022-56

**4. IT IS ORDERED** by the Commissioners' Court of Harrison County, Texas to approve the 9-1-1 Issuance Order # 22-21 for CR #4439, also known as Old FM 450 North, located in Precinct 4 running East/Southeast off of FM 450 and ending at the Little Cypress Creek in Pct. 4. Exhibit C-4

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Motioned by Comm. Ebarb  
Seconded by Comm. Mauldin  
All members voting in favor  
Motion carried unanimously (5-0)  
Order #2022-57

**5. IT IS ORDERED** by the Commissioners' Court of Harrison County, Texas to approve of 9-1-1 Issuance Order # 22-22 for CR #4440, also known as Old FM 450 South located in Precinct 4 running East/Northeast off of FM 450 and ending at the Little Cypress Creek in Pct. 4. Exhibit C-5

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Motioned by Comm. Timmins  
Seconded by Comm. Hatfield  
All members voting in favor  
Motion carried unanimously (5-0)  
Order #2022-58

**6. IT IS ORDERED** by the Commissioners' Court of Harrison County, Texas to approve the the action to appoint Lisa Benson, Certified Floodplain Manager as the Harrison County Floodplain Administrator per the Harrison County Flood Damage Prevention Order, Section 4.1. No Exhibit Submitted.

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Motioned by Comm. Hatfield  
Seconded by Comm. Timmins  
All members voting in favor  
Motion carried unanimously (5-0)  
Order #2022-59

**7. IT IS ORDERED** by the Commissioners' Court of Harrison County, Texas to approve the Preliminary Plat for the Private Subdivision "Belle Hollow" at the intersection of Swanson's Landing Road, CR 2613 and Stateline Road North, CR 2618, Pct. 1. Exhibit C-7.

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Motioned by Comm. Ebarb  
Seconded by Comm. Mauldin  
All members voting in favor  
Motion carried unanimously (5-0)  
Order #2022-60

**8. IT IS ORDERED** by the Commissioners' Court of Harrison County, Texas to approve the Final Plat for the Subdivision "Southern Pines Addition" with all lots facing private roads located west off of FM 2208 in Pct. 4. Exhibit C-8.

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Motioned by Comm. Hatfield  
Seconded by Comm. Ebarb  
All members voting in favor  
Motion carried unanimously (5-0)  
Order #2022-61

**9. IT IS ORDERED** by the Commissioners' Court of Harrison County, Texas to approve the "County Maintenance Certification" as of December 31, 2021 for Harrison County Road and Bridge Department. No Exhibit Submitted.

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**ITEM D: Sheriff Department:**

**Administrative Report: Sheriff Fletcher gave report concerning statistics reflecting law enforcement activity; execution of civil responsibilities; jail population and location of and turnover in prisoners. January 26 2022 to February 22, 2022 Exhibit D**

**Total Calls 2855                      Criminal Reports (CID) 42**

**Arrest HCSO 91 (figure includes Deputies & booking Jailers)**

**Traffic Citations Issued 81                      Mental 2**

**Transport/Warrants Office 15 Transports  
2529 Mileage**

**Civil Process: Legal Documents Received 95**

**Served: 44 Personal Service**

**11 Indictment Precepts served in Jail**

**14 Tax Postings**

**14 CCL/DC Postings**

**1 Harrison Central Appraisal District Tax Sales**

**Harrison Central Appraisal District Tax Sales (Tues., February 1, 2022)**

**Total Served 84**

**Juror Notices 2400**

**Grand Juror Notices 0**

**1-23-2022 @ 09:58 A.M. Jail Population: 263**

**1-26-2022 TO 2-22-2022 Contract Inmate Billing Out of County & Federal:  
Marion (14) U.S. Marshal (17) Total 31**

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**Motioned by Comm. Ebarb  
Seconded by Comm. Timmins  
All members voting in favor  
Motion carried unanimously (5-0)  
Order #2022-62**

**1. IT IS ORDERED** by the Commissioners' Court of Harrison County, Texas to approve to create three part time jailer positions for the Harrison County Sheriff's Jail. Each position will be allotted 28 hours each week or 1,456 hours yearly at the pay rate of \$15.2596 hr. or \$22,217.98 annually. Exhibit D-1

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**ITEM E: Maintenance Department: Administrative Report: No Action to be taken- Brad Thomas gave the report concerning repairs and maintenance performed upon county owned premises and equipment; status of ongoing projects, and information concerning planned projects.**

Motioned by Comm. Ebarb  
Seconded by Comm. Hatfield  
All members voting in favor  
Motion carried unanimously (5-0)  
Order #2022-63

**1. IT IS ORDERED** by the Commissioners' Court of Harrison County, Texas to approve the agreement to hire an elevator consultant with BOCA GROUP CENTRAL, LLC for maintenance evaluation for 6 elevators at \$550.00 per elevator for a total of \$3,300.00. Exhibit E-1.

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**ITEM F: Information Technology: Administrative Report: No Action to be taken**

Motioned by Comm. Timmins  
Seconded by Comm. Hatfield  
All members voting in favor  
Motion carried unanimously (5-0)  
Order #2022-64

**1. IT IS ORDERED** by the Commissioners' Court of Harrison County, Texas to approve to reclassify the position of Network Manager to EXEMPT, currently held by Robert Perkins. Exhibit F-1.

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**ITEM G: Fire Marshal: Duana Couch**

**Administrative Report: No action to be taken. -----** Concerning on-site sewer facilities activity summary. 02-01-2022 to 02-22-2022. Exhibit G

Dispatched Calls:	171	Office Calls	222
Citations:	30	Inspections:	39
Fire reports requested	04	Fire cases recorded	64
Illegal Dumping Cases	39	Pick up order tickets for litter	13

**Litter picked up (cubic feet)**

Fire Marshal	1,875
Adult Probation	0
Willoughby	0
Sheriff	<u>1,250</u>
Team Total CF	3,125

OSSF:  
Complaints 0  
Notice of Violations 0  
Citations 0

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Inspections	15	
Utility Hookups	19	
1-Single Family Permits Fee	16	= \$5,760.00
Commercial/Multifamily Permit Fee	0	= \$560.00
Subdivision Review	0	= \$50.00
Re-inspection Fee	0	= \$75.00
Insufficient Check Fee	0	= \$0.00
<b>Total Money Collected</b>		<b>\$5,760.00</b>

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**ITEM H: Purchasing:**

Motioned by Comm. Ebarb  
 Seconded by Comm. Mauldin  
 All members voting in favor  
 Motion carried unanimously (5-0)  
 Order #2022-65

**1. IT IS ORDERED** by the Commissioners' Court of Harrison County, Texas to approve to declare listed fixed assets as surplus and or salvage to appropriately dispose of said items utilizing the following methods: online auction, recycling, trade in, TAC pickup and or destroying. Exhibit H-1.

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Motioned by Comm. Timmins  
 Seconded by Comm. Hatfield  
 All members voting in favor  
 Motion carried unanimously (5-0)  
 Order #2022-66

**2. IT IS ORDERED** by the Commissioners' Court of Harrison County, Texas to approve to declare listed fixed assets as salvage and to appropriately dispose of said items. Exhibit H-2.

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**ITEM I: Human Resources:**

Motioned by Comm. Mauldin  
 Seconded by Comm. Timmins  
 All members voting in favor  
 Motion carried unanimously (5-0)  
 Order #2022-67

**1. IT IS ORDERED** by the Commissioners' Court of Harrison County, Texas to approve to Personnel Actions as submitted by the Human Resources Department.. Exhibit I-1

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**ITEM J: Treasurer:**

Motioned by Comm. Ebarb  
Seconded by Comm. Mauldin  
All members voting in favor  
Motion carried unanimously (5-0)  
Order #2022-68

**1. IT IS ORDERED** by the Commissioners' Court of Harrison County, Texas to approve County Treasurer's Monthly Report for January 2022 and authorization to publish on the county website pursuant to LGC Section 114.026. Exhibit J-1

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Motioned by Comm. Timmins  
Seconded by Comm. Ebarb  
All members voting in favor  
Motion carried unanimously (5-0)  
Order #2022-69

**2. IT IS ORDERED** by the Commissioners' Court of Harrison County, Texas to approve County Treasurers Investment Report for October 2021. Exhibit J-2.

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Motioned by Comm. Mauldin  
Seconded by Comm. Timmins  
All members voting in favor  
Motion carried unanimously (5-0)  
Order #2022-70

**3. IT IS ORDERED** by the Commissioners' Court of Harrison County, Texas to approve the Quarterly Fees paid to the State Comptroller by the County Treasurer for October through December 2021. Exhibit J-3.

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**ITEM K: Elections: Administrative Report: No Action to be taken—**

Motioned by Comm. Mauldin  
Seconded by Comm. Timmins  
All members voting in favor  
Motion carried unanimously (5-0)  
Order #2022-71

**1. IT IS ORDERED** by the Commissioners' Court of Harrison County, Texas to approve the Notice of Special Election for May 7, 2022 Constitutional Amendment Election. Exhibit K-1.

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**ITEM L: New Business**

Motioned by Comm. Ebarb  
Seconded by Comm. Timmins  
All members voting in favor  
Motion carried unanimously (5-0)  
Order #2022-72

**1. IT IS ORDERED** by the Commissioners' Court of Harrison County, Texas to the approval authorizing the Harrison County Judge to execute Order regarding settlement offers in the matter of Texas opioid multi-district litigation for Galveston County in the matter of County of Harrison v. Purdue Pharma, Inc., et al., MDL PRETRIAL CAUSE NO. 2018-63587, in the 152<sup>nd</sup> District Court of Harris County, Texas, removed. Exhibit L-1

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Motioned by Comm. Timmins  
Seconded by Comm. Ebarb  
All members voting in favor  
Motion carried unanimously (5-0)  
Order #2022-73

**2. IT IS ORDERED** by the Commissioners' Court of Harrison County, Texas to approve the MOU between Harrison County and Texas A & M regarding the Extension Office. Exhibit L-2

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Motioned by Comm. Timmins  
Seconded by Comm. Mauldin  
Motion carried (3-0)  
Comm. Hatfield and Comm. Ebarb Abstained  
Order #2022-74

**3. IT IS ORDERED** by the Commissioners' Court of Harrison County, Texas to approve the SAL- state antiquities landmark application regarding 100 block of East Houston Street Project. Exhibit L-3

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Motioned by Comm. Mauldin  
Seconded by Comm. Hatfield  
All members voting in favor  
Motion carried unanimously (5-0)  
Order #2022-75

**4. IT IS ORDERED** by the Commissioners' Court of Harrison County, Texas to approve Constable Pct. 3 Racial Profiling and Civil Process Report. Exhibit L-4.

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**Executive Session:**

**Opened @ 10:31 A.M.**

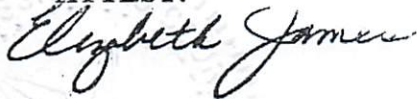
**Closed @ 11:46 A.M.**

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**ADJOURNMENT:**

**With no further business to come before the Court for consideration and action, the motion was made by Commissioner Mauldin and seconded by Commissioner Ebarb to adjourn the meeting. Motion carried unanimously (5-0). Meeting adjourned at 11:47 A.M.**

**ATTEST:**



*Elizabeth James*

**Elizabeth James, County Clerk  
Harrison County, Texas**

**APPROVED:**



*Chad Sims*

**Chad Sims, County Judge  
Harrison County, Texas**

Minutes approved on 3/29/2022.