

TYLER COUNTY COMMISSIONERS COURT

Special Meeting

September 8, 2020 --- 9:00 am

THE STATE OF TEXAS ON THIS THE 8th day of September, 2020 the
Commissioners' Court in and for Tyler County, Texas convened in a Special Meeting at the
Commissioners' Courtroom in Woodville, Texas, the following members of the Court present, to
wit:

JACQUES BLANCHETTE
MARTIN NASH
STEVAN STURROCK
MIKE MARSHALL
BUCK HUDSON
DONECE GREGORY

COUNTY JUDGE, PRESIDING
COMMISSIONER, PCT 1, teleconference
COMMISSIONER, PCT 2, teleconference
COMMISSIONER, PCT 3
COMMISSIONER, PCT 4
COUNTY CLERK, Ex-Officio

The following were absent: none thereby constituting a quorum. In addition to the above were:

JACKIE SKINNER
LEANN MONK
LYNNETTE CRUSE
CHYRL POUNDS
KEN JOBE
BRYAN WEATHERFORD
TRISHER FORD
TERRY ALLEN
JACOB SPIVEY
JOE BLACKSHER
SONDRA WILLIAMS

COUNTY AUDITOR
COUNTY TREASURER
TAX ASSESSOR/COLLECTOR
DISTRICT CLERK
JP #2, EMERGENCY MANAGEMENT
SHERIFF
Justice Peace, Pct. 1
JUVENILE PROBATION OFFICER
AGRI-LIFE EXTENSION AGENT
REP Nominee for Commissioner, Pct. #1
TYLER CO. HOSP. ADMNISTRATOR

After calling the meeting to order by Judge Blanchette, the invocation was delivered by Jackie Skinner. Commissioner Marshall led in the Pledge of Allegiance to the American flag.

PUBLIC COMMENTS:

Kay Timme, Employee to the County Judge- addressed her comments as an employee and a tax paying citizen speaking "only for myself not anyone else":

- request an explanation for county taxpayers regarding the process and rationale for the proposed tax rates
- the budget workshop last week-discussion regarding the hourly rate of two part-time county employees in the Judge's Office, "I am one of those employees." "The discussion took a turn when an Official spoke of the overtime hours I earned." "Here are the facts, I worked a total of 17.5 hours overtime in March and April, not during the summer as I stated in the workshop at a rate of \$ 30.00 per hour for a total of \$525.00 total overtime earnings before deductions." "You need to know and let's be clear as Governor Abbott would say those 17.5 hours were earned during the early stages of the COVID-19 pandemic." "There was a team that worked at the courthouse almost every day while other offices were closed and Officials and staff were working remotely from home." "During that time, I read dozens of emails hundreds of pages of documents from the president and the CDC, legislators and the Governor, TDEM, DETCOG, other County Judges, constituents, etc." "I listened to and reviewed dozens of conference calls and broadcasts sometimes three in a day and made notes of the situation." "I assisted with the creation, filing and posting and dissemination of orders and other documents." "Updates and changes came to the county 24 hours a day sometimes minute by minute or hourly, day after day." "Just when something seemed settled along came another notification that had to be considered, possibly addressed." "The demands were mentally and physically exhausting unless you were present in this building with this team of people you have no idea the intensity of our experience." "Those of us who worked so diligently in the early stages of COVID-19 made great personal sacrifices to serve the citizens of the county during a very challenging time." "We earned every dollar we received." "For this to come into question I think is shameful regarding filling those positions of retirees- how do any of you know the financial needs are?" "I do fortunately draw a teacher's retirement, but that retirement doesn't necessarily mean an adequate income." "This is a slippery slope, are you going to restrict hiring to only those folks that are who are not retired?" "Next, I challenge the notion that all support employees are doing the same kind of level of work

and therefore they deserve the same pay.” “Do all of your staff communicate with attorneys and high level officials and review and process legal documents, conduct extensive research agreement documents for the court etc.?” “Some do many don’t.” “Why does it matter if folks were full-time or part-time?” “Regarding skill sets- Commissioners’ this is for you. Do your foremen deserve a different level of pay than your roadmen? And why would that be? Could it be a different level of work or skill or maybe an additional responsibility?”

- “I also need to address the rumor that there are three secretaries in the Judge’s office. That is not true. You are aware of the roles and responsibilities of the three people in that office.”
- “In closing I challenge all, A-L-L county officials to get past this decisiveness and work together you all have an obligation to the citizens of this county.” “Stop placing blame and accept your individual responsibility in a situation. You all have had a hand in what has happened sometimes by commission and sometimes by omission.” “If you all need to meet with a mediator every day for a month to get back on tract then do it.” “To allow this dysfunction to continue is absurd and detrimental to county government.” “I challenge Commissioners’ Court to take the lead in repairing the damage.” “I further challenge all officials to commit to transparency and decision-making actions.” “I believe the court is allowing a few folks to influence your decisions. Stop giving in to requests to feather the counties nest, stop approving self-serving proposals, I challenge you to consider how every decision you make impacts the type and quality of the services of citizens.” “Scrutinize every request and ask how does this benefit the taxpayer and ask are we being good stewards of the citizens trust.” “To all county officials I say yes the people you serve are counting on you to the right thing. I pray the decisions of Tyler County will all hold you accountable.”

Jacob Spivey, Agri-Life Agent-

- “I will tell you I love my job and I love it a lot but not nearly as much as I love Tyler County and there’s a few things that have been laid on my heart I’m going to say that may or may not be real popular or may or may not make folks happy and though I hope not it may even jeopardize my career, that being said, I asked to do this as public comment because I want to share some things that wouldn’t be appropriate for my office.” “In Matthew Chapter 18 starting in verse 15 in a passage titled restoring a brother: reads like this “If your brother sins against you go rebuke him in private, if he listens to you he’s one your brother, but if he won’t listen take one or two more with you so by the testimony of two or more witnesses every fact may be established. If he pays no attention to them tell the church.” “Folks I know we’re not a church but talk often times about being a county family and the truth of the matter is we haven’t been very good at it lately.”
- “I wanted to talk about Topic F and I’m going to tell you this, I don’t care who I report to, I don’t care.” “I will say this and no disrespect to the Judge and I can tell any of you four commissioners would probably be easier on me than he has and you know in fact he and I had a discussion not long ago about reporting that he and I don’t see eye to eye on but the truth of the matter is that doesn’t matter at least to me I’m going to report to whoever.”
- “Whether we are appointed or elected everybody that serves this county ought to be doing exactly what Kay talked about...serving this county before serving anything else.” “Now I will tell you there are things I disagree with and plenty of them and I’ll say there are things Kay & I disagree on there’s a few things she said I don’t agree with but folks we have got to get past this snipping at each other, this mess we’ve gotten ourselves into because we are doing a disservice to the county if we don’t.”

A motion was made by Commissioner Marshall and seconded by Commissioner Nash to receive the minutes of two previous meetings. All voted yes and none no.

Lynette Cruse, Tax Assessor/Collector reported the proposed “no new revenue rates” for 2021 that generates approximately the same amount of revenue as the previous year:

General Fund: no new revenue rate - .6782

Voter approval rate would be – .7832

County Special: no new revenue rate - .2547

Voter approval rate would be – .2658

A motion was made by **Commissioner Sturrock** and seconded by **Commissioner Marshall** to approve the “no new revenue rate” as the proposed rate for General Fund. Judge Blanchette inquired as to the amount of carry-over, as had been asked of him by a taxpayer. He further stated that before he voted on this, we wanted to know the amount as he had heard it was a range of seven to nine months. The County Treasurer stated it was around seven months- seven million dollars in reserve not including investments. Commissioners Nash, Sturrock, Marshall and Hudson voted yes. Judge Blanchette voted in opposition based on the \$7,000,000. in reserve. Commissioner Nash asked if Item I (longevity award to employees) was included in the 2021 budget. The answer was yes, therefore Commissioner Nash voted no.

A motion was made by **Commissioner Marshall** and seconded by **Commissioner Sturrock** to approve the “no new revenue rate” as the proposed rate for County Special Fund. Judge Blanchette inquired as to the amount of reserve combined in all four precincts? Each commissioner gave an estimate of their individual precincts: Commissioner Sturrock- \$70,000, Commissioner Marshall- aprx. \$400,000, Commissioner Hudson- aprx. \$500,000, Commissioner Nash- aprx. \$300,000 to \$400,00. “Not enough to purchase a maintainer” Judge Blanchette stated it was over a million dollars to 2.8 million in reserve for this special fund. Leann was unsure if the figures stated included investments. The County Auditor reported that Precinct 4 figures included investments. Commissioners Nash, Sturrock, Marshall and Hudson voted yes. Judge Blanchette voted no.

Lynette Cruse, Tax Assessor/Collector reported the proposed rates for the Tyler County Hospital:

County Hospital “no new revenue rate” - .2294

Voter approval rate would be – .2632

A motion was made by **Commissioner Marshall** and seconded by **Commissioner Sturrock** to approve the “no new revenue rate” as the proposed rate for County Hospital Fund. All voted yes and none no.

After reading the resignation of Kay Timmee, **Judge Blanchette** motioned to transfer of oversight of the **Courthouse Remediation & Rehabilitation project** to commissioners’ court for reassignment. “Kay has the command of this position and his confidence in what she does” The motion was seconded by **Commissioner Marshall**. All voted yes and none no with exception to Commissioner Nash abstaining.

Judge Blanchette spoke to his inheriting the oversight of other departments listed and motioned to transfer managerial oversight and personnel supervision (including timesheets) from the County Judge to the commissioners for the following departments:

Department of Public Safety (DPS) Troopers’ Station

Agri-Life

Veterans Service Office

Maintenance/Custodial Grounds

The motion was seconded by **Commissioner Marshall**. Commissioner Sturrock inquired if Agri-Life and DPS would have the same “administrative assistants working for them?” Judge Blanchette answered no- the Agri-Life position was placed under the oversight of the DPS support position that provides back-up to either position. It also had the oversight of flood plain administration and support under the previous emergency management coordinator. Judge Blanchette stated a reconfiguration of some of those duties (i.e. flood plain) that supports Agri-Life services; that Agri-Life services could be under a direct member of the court. Further, that separating those two positions could “purify” as opposed to keep a co-mingled support layer. Commissioner Sturrock was of the opinion that the DPS support staff and EOC support was combined in the same position: He ask Judge Blanchette if he would have the oversight of the support person with combined functions of both EOC and DPS? Commissioner Sturrock also inquired if the Agri-Life person would also support the DPS station? Judge answered no, the DPS support would be under the oversight of the commissioners’ court. Judge Blanchette made it clear that he would not be over the DPS personnel, Agri-Life personnel, Veterans Service personnel and Maintenance/custodial grounds personnel; that, he could keep the one position of emergency management which is inherit of the office. Judge Blanchette stated there are some

additional monies “inside emergency management” that is not expensed to Ken because he agrees to serve at a flat rate per year not as a full position with benefits that has overtime associated. Ken, different than his predecessors, handles a lot of his own [task] and can figure those mechanics out underneath emergency management with the budget now have. Commissioner Sturrock reported Emergency Management had \$61, 984 in part-time and overtime; DPS has \$0, Agri-Life has \$30,600 in support. Commissioner Sturrock stated it was enough funds without adding to the budget, just have to move “stuff around.” He proposed leaving \$40,000 in emergency management and using the remainder to cover the other support. Jacob Spivey spoke to the Agri-Life position- never has been an issue of flood plain duties, Agri-Life duties and reception duties. Most extension office’s support staff normally is under the oversight of the “County Coordinator” (Ag-agent) “There has not been an issue that they reported to the “Official” rather than to me, except annual reviews were not done because I did not have oversight of the position.” If a new position is needed, felt a receptionist position could be shared with emergency management.” Kay added, it was wonderful for the Veteran’s service office to have someone there to greet them and refer them to the service officer. Judge Blanchette specified the Sergeant stated it was not such a demand that the DPS support could not be shared and cross trainable. Commissioner Sturrock requested \$22,000 be transferred out of EOC for support staff to the DPS, as part of Judge Blanchette’s motion. Judge Blanchette stated the positions could be worked out in budget workshop, not today. Judge Blanchette stated the DPS person is there now and not suggesting the person would be transferred to emergency management. Commissioner Marshall interjected the action now would be only for the transfer of duties and personnel would be worked out at a budget workshop. All voted yes with exception of Commissioner Nash voting no.

Item G: transfer the custodial position(s) to the Commissioners’ office. No action was taken due to the above previous action

No action was taken to defer employee 6.2% FICA tax during September 1, 2020 through December 31, 2020 and repayment January 1, 2021 through April 30, 2021, as recommended by the County Treasurer.

A motion was made by **Commissioner Marshall** and seconded by **Commissioner Hudson** to include a longevity **AFLAC reward to employees** who meet the current longevity requirements in the 2021 Budget starting January 1, 2021. Judge Blanchette expressed his view for consideration: the county pays respectful salaries along with a significant benefits package; seven-hour work days due to morning, lunch and afternoon breaks; 14 paid holidays, 10 sick days and 15 vacation days; three bereavement days; \$9050 in health insurance; two and half times (*correction- two times*) annual salary for life insurance paid by the taxpayers, plus payment for overtime. The proposed \$30 per month is being proposed additionally to these benefits. Commissioner Nash was of the opinion this action would be a mistake. Commissioner Marshall expressed some of Commissioner Nash’s employees along with his did not have AFLAC. Leann expressed due to it being a benefit that it could be taken back, if needed rather than reducing salaries or layoffs; that she supported it because it encourages employees be proactive with their health hoping to save on insurance premiums in the future. Employees have not gotten a raise in a while. Commissioner Hudson reported his crew would appreciate it because they were not getting a raise. The Treasurer reported the cost to be \$25,000. Judge asked for the comparison of the \$30 being a better deal vs the employment taxes. Judge Blanchette had calculated a 34% increase in salaries from 12 years ago, being paid by the taxpayers. Commissioner Nash expressed it was the wrong time due to taxpayers losing their jobs due to COVID. All voted yes with exception to Judge Blanchette and Commissioner Nash voting in opposition.

Executive Session was not held.

Closing remarks made by Jacques Blanchette:

My comments I want to address to my commissioners and fellow court members. Last week I was accused of not liking the Auditor’s staff, well that’s actually a lie. I do appreciate them and what they do as a matter of fact, Mike, your daughter was very helpful in getting us reset so that we could log-on to Tyler Technology and get our jobs done. What I don’t like is how you, Commissioners, Treasurer, and District Judges are controlled and told lies you apparently believe. During last year’s budget workshop I stated to you is that the worst thing that could happen to

us as a governing body was for outside voices and influences to divide us and create discord among us well it's happened. Last week you were used to sow discord among us which will result in the loss of your court coordinator, although attached to my office she actually works for you, it's called the Commissioner's Court coordinator for that purpose you'll also lose the services of the County's Probate Court administrative support. The additional collateral is the loss, as we already know, the courthouse remediation coordinator. It's possible you could hire four of the summer students at \$10.00 per hour to replace them or two full time employees with the additional \$9,000 of the health costs and \$10,000 more in salary which taxpayers will have to come up with, you know I wish you well in replacing them I certainly saw the tremendous value that they brought to the county with their willingness to do everything they did as part-time employees and if this COVID pandemic ramps up we'll need your support in filling their support role positions that they were willing to provide since March and I know they'll be glad to stay home with their families this round and it won't even cost the county to pay employees to not work. I just want to set the record straight with that being said the chair will entertain a motion to adjourn.


Motion made by Commissioner Marshall that the meeting be adjourned. Commissioner Hudson seconded. All voted yes and none no.

THERE BEING NO FURTHER BUSINESS, THE MEETING WAS ADJOURNED.

I, Donece Gregory, County Clerk and ex officio member of the Tyler County Commissioners' Court, do hereby certify the fact that the above is a true and correct record of the Tyler County Commissioners' Court session held on September 8, 2020.

Witness my hand and seal of office on this 8th day of September, 2020.

Attest:


Donece Gregory, County Clerk Tyler County, Texas