

**MINUTES OF COMMISSIONERS COURT, MOORE COUNTY, TEXAS
SPECIAL SESSION, MONDAY, SEPTEMBER 26, 2022**

**STATE OF TEXAS }
COUNTY OF MOORE }**

BE IT REMEMBERED THAT ON THIS 26TH OF SEPTEMBER, 2022 there came to be held a Special Session of Commissioners Court of Moore County, Texas in the Commissioner's Courtroom of the Courthouse in Dumas, Texas. The following persons were present to wit: Rowdy Rhoades, County Judge; Daniel Garcia, Commissioner Precinct 1; Miles Mixon, Commissioner Precinct 2; Dee Vaughan, Commissioner Precinct 3; Lynn Cartrite, Commissioner Precinct 4 and Brenda McKanna, County Clerk

Court having been opened according to law the following proceedings were had to wit:

During routine announcements and reports Jace Delgado reported that the Sheriff's Dept. was audited on their JAG Grant and they were in compliance.

Motion was made by Commissioner Cartrite that the bills as presented by Kara Milligan, County Treasurer, be approved for payment and the County Treasurer is hereby directed to issue warrant-checks thereof. Motion was seconded by Commissioner Mixon. Motion carried

There were three bills presented for special handling:

Motion was made by Commissioner Garcia to approve the payment to G&G Contractors in the amount of \$577,017.78 with \$299,118.09 to be paid from American Rescue Funds and \$277,899.69 to be paid out of the General Fund 15. Motion was seconded by Commissioner Vaughan. Motion carried. Commissioner Cartrite Voted "No."

Motion was made by Commissioner Garcia to approve the payment to G&G Contractors in the amount of \$1,317,163.00 to be paid from the American Rescue Funds. Motion was seconded by Commissioner Vaughan. Motion carried. Commissioner Cartrite Voted "No."

Motion was made by Commissioner Cartrite to approve the payment to Plains Internet in the amount of \$418,408.45. Motion was seconded by Commissioner Garcia. Motion carried.

Samantha Trujillo, Chief Appraiser was present in regards to a clerical error made in the amount of \$9,075,700.00 She stated when she certified to the values, they had not coded JBS with the USA Pollution Control Exemption. She stated when she sent out the appraisals that JBS did not contact her to report the error. She filed a claim with her Errors & Omissions insurance but reported that TML Risk Pool denied her claim. She stated she has funds left over from the current budget and she will be refunding the county \$13,000.00. She is working to see if there is another solution but did state when she certifies there will always be some loss. Judge Rhoades asked Mrs. Trujillo if she is bonded and she stated she is not. She did state there will be a hearing with the ARB to see if they can change the exemption of JBS. Judge Rhoades asked Mrs. Trujillo how much money they had in reserves, litigation funds and funds from the TYP the company the district is currently using for their appraisals. She did state TYP is willing to work with the

Appraisal District to offset some of the cost. It was stated the county had a balanced budget until they were made aware of the clerical error which will cost the county \$43,328.21. Mrs. Trujillo stated she will get with Coy Barton to see how much they have in reserves and will report back to Judge Rhoades in regards to how much the district can reimburse the county. Copy of letter from TML Risk Pool, Samantha Trujillo and TYP attached and made a part hereof by references.

Motion was made by Commissioner Vaughan to approve the final plat for Nora's Nook. Motion was seconded by Commissioner Cartrite. Motion carried. Copy of plat attached and made a part hereof by references.

Motion was made by Commissioner Cartrite to approve the final plat for Anderson Acres Unit 6. Motion was seconded by Commissioner Garcia. Motion carried. Copy of plat attached and made a part hereof by references.

Motion was made by Commissioner Vaughan to pre-approve the plat for Anderson Acres Unit 7 with a provision there will be a two-year warranty provided for the road work. Motion was seconded by Commissioner Garcia. Motion carried. Copy of pre-plat attached and made a part hereof by references.

Clayton Jenkins presented the 69th Judicial CSCD Statement of Financial Position. Copy of statement attached and made a part hereof by references.

Motion was made by Commissioner Cartrite to transfer \$1,000.00 from photography supplies to miscellaneous supplies for the Sheriff's Dept. Motion was seconded by Commissioner Vaughan. Motion carried.

Motion was made by Commissioner Mixon to allow the Sheriff's Office to accept Homeland Security Grant in the amount of \$30,087.92. Motion was seconded by Commissioner Vaughan. Motion carried.

Motion was made by Commissioner Garcia to approve the purchase of a computer for the Sheriff's Dept. in the amount of \$1,384.00. Motion was seconded by Commissioner Cartrite. Motion carried.

Motion was made by Commissioner Vaughan to approve hiring a replacement for the position of Patrol Deputy. Motion was seconded by Commissioner Mixon. Motion carried.

Motion was made by Commissioner Cartrite to approve the employment of Candace Barnes as a jail cook with a salary of \$2,914.92 monthly with a \$50.00 increase every six months for two years effective September 17, 2022. Motion was seconded by Commissioner Garcia. Motion carried.

Motion was made by Commissioner Cartrite to approve a 3% salary increase for all full-time and part-time employees effective October 1, 2022. Motion was seconded by Commissioner Garcia. Motion carried.

Motion was made by Commissioner Garcia to approve AirMed Care Agreement for the fiscal year 2022-2023. Motion was seconded by Commissioner Vaughan. Motion carried. Copy of agreement attached and made a part hereof by references.

Motion was made by Commissioner Vaughan to approve Brenda McKanna's election supplement increase to \$16,300.00 annually. Motion was seconded by Judge Rhoades. Motion carried. Commissioner Mixon Voted "No."

Motion was made by Commissioner Cartrite to approve the ADCR Rate of 12.36% with the Texas County and District Retirement System. Motion was seconded by Commissioner Garcia. Motion carried.

Motion was made by Commissioner Garcia to approve K-9 salary supplement at \$400.00 per month effective October 1, 2022. Motion was seconded by Commissioner Mixon. Motion carried.

Motion was made by Commissioner Garcia to approve a policy change with the health insurance waiting period to be changed from 90 days to the 1st of the month following 60 days. Motion was seconded by Commissioner Vaughan. Motion carried.

Motion was made by Commissioner Cartrite to approve an Interlocal Cooperation Contract for Application Development and Management Services Community Development Program. Motion was seconded by Commissioner Garcia. Motion carried. Copy of application attached and made a part hereof by references.

Motion was made by Commissioner Mixon to approve hiring a replacement for a deputy clerk in the County Clerk's office. Motion was seconded by Commissioner Vaughan. Motion carried.

Motion was made by Commissioner Garcia to approve the 2023 Commissioner's Court and Holiday Schedule. Motion was seconded by Commissioner Vaughan. Motion carried. Copy of schedule attached and made a part hereof by references.

There was a meeting with TxDot in regards to removing the curve on FM722 and FM2589. TxDot will be blocking the curve and will install a right turn lane so traffic coming from the south can turn onto FM722. It was stated TxDot will place concrete barriers across the curve and will put signs up warning traffic in regards to the road being closed. The project will be completed in 2022.

Motion was made by Commissioner Cartrite to approve a letter of appreciation to State Representative, Four Price for his assistance in regards to closing the curve on FM722. Motion was seconded by Commissioner Vaughan. Motion carried. Copy of letter attached and made a part hereof by references.

Raymond Tate, Road & Bridge Supervisor gave a report on the department. Raymond stated the water truck should be delivered by end of October. He stated they have finished the water dock

and will hire someone to do a pressure test on the back flow. He reported the remaining balance in the CTIF is \$349,226.00 which the county will be receiving. The court asked Raymond to suspend

the purchase of caliche from Castillo Ventures until they see where they are so they can make sure the reserves don't go below 6%.

Commissioner Mixon stated he placed the item on agenda for Jimmy Stewart to discuss matters with the court. Commissioner Cartrite stated before Jimmy got started, he would like to apologize to Jimmy for telling him to leave and go back to work. He stated if any of the other three members of the court had any manhood about them, they would have told Jimmy that he needed to stay so they could have done to his face what they did behind his back. He stated instead of having Raymond tell him he was terminated they should have had Jimmy stay so he could have heard from them. Jimmy read a statement that he wanted to make a part of the record which is attached as a part of this set of minutes. Jimmy read his statement except for the last paragraph which stated if he was not reinstated, he wanted a written letter of termination citing your reasoning within the week. I'll be filing for unemployment benefits, as well as seeking legal advice of legal counsel and contacting Texas Association of Counties for any perspectives they might be able to add. Thank you for your time today, I enjoyed my time here, I loved the people I worked with and the work we did together.

After he read his statement Judge Rhoades stated that Commissioner Cartrite had the opportunity to ask Jimmy to come back in after the executive session therefore he doesn't want the blame to be placed on the Commissioners Court. Commissioner Cartrite stated he was under the impression that the court was going to allow Raymond to handle the situation and to incentivize Jimmy and if there was a problem Raymond would write him up. Commissioner Cartrite stated there is no record of any type of disciplinary action towards Jimmy. Judge Rhoades asked if there was no record of him being late and his time sheets being changed? Commissioner Garcia asked Jimmy how many times he was late and Jimmy stated he has been late but he has no idea how many times he was late. Commissioner Garcia asked how many times Jimmy had put on his time sheet that he was on time to work when he wasn't on time? Jimmy asked why he would do that and Commissioner Cartrite asked if it was documented that Jimmy was late. Judge Rhoades stated he visited with Dallas and he did say he signed Jimmy's time sheets that he was on time when he was late. Jimmy stated he had 84 hours of vacation time and 50 hours of comp time and why would he jeopardize his job over that. Commissioner Garcia stated since they are talking about the lack of manhood and Raymond not having an opportunity to incentivize Jimmy. Commissioner Garcia stated that Jimmy told the court last October that he would make sure the roads would be built that the court had told Mike Running they would build for the new business in Moore County. He also stated he has minutes from May that Jimmy told the court he would have the next two miles of the road completed in the next two months. Commissioner Garcia stated when someone says that something is going to be done then it needs to be done. Jimmy stated he called Commissioner Garcia and asked if he could close Road G and Commissioner Garcia asked him to hold off because of the weather. Jimmy stated that's the only communication he has had with his commissioner. Commissioner Garcia stated he is not a commissioner that will be out on the roads bothering the operators that he always goes through the supervisor to let them know what needs to be done. He stated it is not a lack of communication on his part even though Jimmy may take it that way. Jimmy stated he does take it that way and he needed more authority than himself to close a road and he needs someone with authority to have his back. Judge Rhoades asked him why he didn't go to his supervisor and Jimmy stated that was the only person he has talked to since May. Commissioner Cartrite stated the previous supervisor lacked the skills to lead and get work done. He believes if they would have given Raymond an opportunity to work with Jimmy

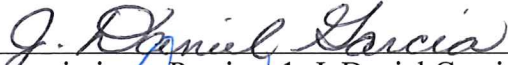
and incentivize Jimmy it would have been better for the court instead of terminating him. He stated there are a lot of extenuating circumstances in regards to completing the road project. He stated with all of the traffic on the road and how unsafe it is when you are on the blade. He stated it is very evident that Jimmy was doing a good job building roads due to the fact that all of the roads he has worked on the base is still good. He stated he went out to the new road that G&G has done and there are soft spots on the road that has already give way and it is a brand-new road. He asked if G&G was going to stand behind their road work. Commissioner Garcia stated that yes G&G will stand behind their work. They are going to cut the soft spots out repack them and put asphalt on them. Commissioner Cartrite stated Road G that Jimmy built is coming apart due to the seal coat it doesn't have anything to do with the base and Jimmy doesn't have anything to do with the seal coat. Judge Rhoades stated Commissioner Cartrite is unhappy with G&G's Road but the county can't build one that stands up. Commissioner Cartrite asked Judge Rhoades if he wanted him to start helping him with his maintenance men and Judge Rhoades told Commissioner Cartrite not to threaten him they are all elected officials and he is just expressing his opinion. He stated that the road Jimmy just built is coming apart and Commissioner Cartrite did agree it is coming apart but he believes it has to do with the way the seal coat was applied. He stated they have too much product down and Jimmy stated they had to get the chip spreader and distributor recalibrated as far as he knows they both are still working well. Commissioner Garcia doesn't believe the question is about the seal coat the question is why Jimmy Stewart was terminated. Commissioner Garcia stated the fact is that Jimmy can't do the work that the court stated they needed done in a certain amount of time. It was said it would get done and the court was depending on Jimmy to get it done it should have been done in the time frame the court wanted it done. Commissioner Garcia stated there was no weather until May and Jimmy started working on the road in February. Commissioner Cartrite asked just because Jimmy didn't get the road done as fast as Commissioner Garcia wanted it done was that a reason to terminate him. Commissioner Vaughan stated there are two components to work. There is one component in doing the job right and the other component is doing a job in a timely manner. Commissioner Vaughan stated you can't pay someone when they do only half the work. Commissioner Cartrite asked if anyone ever talked to Jimmy about him being slow and let him know he needed to speed up. Commissioner Garcia stated it was done in a Commissioners Court meeting and he stated what Dallas Green had said about Jimmy that he was stubborn and wanted to do things his way. Commissioner Cartrite stated he knew Dallas stated Jimmy was slow but he did things right. Commissioner Cartrite feels the court put Raymond in a bad spot when they terminated Jimmy. He asked if there was a conversation when Jimmy was told not to work on the road and Raymond said he told him not to work on the road because it was supposed to rain and another time when harvest was still going on. Jimmy stated again that he needed the ability to close the road. Commissioner Mixon asked Jimmy if he stated he could build the road with the condition that he could close the road. Jimmy stated yes that was the condition but Commissioner Garcia stated that Jimmy was never told that the road would be closed. Commissioner Garcia asked Jimmy when he had a half mile of Road G closed what took so long on that road. Jimmy stated basically that he got it ready and was waiting to get the rest of it closed. He stated it didn't feel like it took that long. Commissioner Garcia stated in his opinion it took way too long. Commissioner Garcia stated when you aren't the one getting all of the phone calls and complaints it won't bother the operator at all. Commissioner Garcia stated he let the court know how many complaints he was receiving and he relayed that to the supervisor. Judge Rhoades stated the court had to hire an outside contractor to get a portion of the road project completed. Commissioner Cartrite stated they did not have to hire an outside contractor that the road & bridge could have built the roads. Commissioner Vaughan ask

Commissioner Cartrite to look at the project on Road G & Road 8 which was five miles of road to do and road & bridge didn't get a mile done in one year. Commissioner Vaughan stated based on the rate of one mile per year it would have taken road & bridge fourteen years before they got the project complete. Commissioner Cartrite stated the department could have got the project done but they would have had to close some roads. Commissioner Cartrite stated if they would have had time before they got all of construction going and all of the traffic on the roads, they could have built the roads. Commissioner Vaughan stated Jimmy had a half mile of the road closed and it took weeks and weeks to get it done. Commissioner Cartrite asked Commissioner Vaughan if he could have gotten on the maintainer and done it any faster. Commissioner Garcia stated they don't need to start making this personal. He stated they are mature folks and they need to be taking care of county's business as adults. Commissioner Garcia stated they have employees out at road & bridge that say they can do things but what takes so long to accomplish a project. Commissioner Garcia asked Commissioner Cartrite what is the difference with his aggravation when the Road D project was going on and what is going on now. Commissioner Cartrite stated a lot of that was his fault due to not pushing his employees. Commissioner Garcia stated he has to make sure this project gets done because the court said they would get it accomplished. He stated in May he went and watched Jimmy work on the road and he could count the ribs on the tire. Commissioner Garcia stated everyone had the knowledge to make sure Road G was done right. Commissioner Garcia asked who runs the chip spreader and who runs the distributor. Jimmy stated he runs the distributor but the calibration was off. Commissioner Garcia stated this wasn't a first-time situation with seal coat that it has been an on-going problem. Raymond did take the initiative to get it figured out and got it taken care of. Jimmy stated it is an on-going problem because every time the sensor moves the probes move and come out of calibration. Commissioner Cartrite stated they did get it calibrated and Raymond is going to be using emulsion instead of the AC10. Commissioner Cartrite stated Raymond is going to get a patching machine and fill in the strips where the seal coat came up and seal coat over the portion of Road G that was seal coated. Judge Rhoades stated the county has spent \$19,077.84 in one month for three employees to do a half mile of Road G and it still hasn't been completed. He stated they had to get an outside company to get part of the road project done and whether its county employees working on the roads or an outside company it's still tax dollars. Jimmy stated his statement stills stands he was asking to close the road and he was never allowed to close the road. Commissioner Garcia stated that Buddy Kline Road was built with traffic on it. Jimmy stated the way he builds a road it needs to closed and stated there is no room for vehicles on the road. Commissioner Cartrite stated he would not have a problem with re-instating Jimmy but can't get it done with two votes. Commissioner Mixon stated the communication or commitments that were made in regards to building the road were based on the assumption that certain conditions would be met whether they were made verbally or were assumptions. Such as the road being closed and it turned out the road could not be closed. He thinks the commitment could have been adjusted based on what Jimmy thought the conditions were going to be. He stated he did agree that it did take a little longer than normal, there were mistakes made and there were communication issues. He stated the court was relying on information from Raymond that Jimmy was the best operator and he stated Jimmy wasn't taking advantage of sick leave or being late. He feels the court turned around and did the opposite and did not take into consideration of what Raymond said. He stated there is plenty of blame to go around and he didn't vote to terminate Jimmy. He stated he would take him in his precinct and maybe they should have moved him to another precinct and put another operator on the road project. Commissioner Vaughan stated the road was closed where Jimmy was working

because he drove in the ditch to go out there to see what was going on and he stated the traffic had built a road in the field and was going around where Jimmy was working. Commissioner Vaughan stated it still took weeks and weeks for Jimmy to get a half mile done. He stated if Jimmy took the same amount of time to do the whole five miles, he would still be out there two or three summers from now still working on the road. Commissioner Vaughan stated there are people who work and live out there and want their roads done. Commissioner Garcia asked if any of the other Commissioners had been out there while the work was being done. Commissioner Garcia stated he drove out there every day and Commissioner Mixon stated he worked out there. Commissioner Garcia stated it didn't matter he would go and drive it in the evenings. Commissioner Mixon stated he doesn't work out there but he did drive it. Commissioner Garcia stated it wasn't a road that you could just take your time and do what you wanted to do. He stated there was caliche delivered in August and it was never laid and there was no progress out there. Jimmy stated it still come down to he could not close the road. Commissioner Vaughan stated that all of the members of the court received a phone call several weeks ago from a gentleman and he stated that Buddy Kline was closed for two miles and Road G was closed and he had to drive all the way around to get to where he needed to go. Jimmy stated yes, he did have a half mile of Road G closed. Jimmy stated it only took three weeks to do a half mile and Commissioners Garcia and Vaughan stated it took two months to do a half mile and that was before it was primed. Jimmy stated he kept Road G closed because it had seal on it and if he opened it traffic would drive it off. Commissioner Vaughan stated he didn't feel like the court was accomplishing a lot and feels like they are continuing to re-hash and in the interest of every one's time he made a motion to adjourn.

. It appears there is no other business to come before the court. Motion was made by Commissioner Vaughan to adjourn. Motion was seconded by Commissioner Garcia. Motion carried.


THE ABOVE AND FOREGOING MINUTES HAVING BEEN READ AND APPROVED, IT IS HEREBY ORDERED THAT THEY BE AND ARE HEREBY APPROVED AS PRESENTED.



Commissioner Precinct 1, J. Daniel Garcia



Commissioner Precinct 2, Miles Mixon



Commissioner Precinct 3, Dee Vaughan



Commissioner Precinct 4, Lynn Cartrite



ATTEST: Brenda McKanna, County Clerk



County Judge, Rowdy Rhoades



Good morning, I appreciate the opportunity to address the court this morning.

My name is Jimmy Stewart, and on August 29, this commissioners court voted to terminate, with a 3 to 2 vote. I had no written notice and no explanation was given, and in my opinion was done without cause.

I had been employed by MCR&B for over 7 years. During that time I was never written up or had any disciplinary actions taken against me.

I have only had positive feedback, from my supervisors, and various commissioners.

I have been involved or led most of the special projects that the county has taken on (outside of the Sunray area) beginning with the septic system install at the airport. Getting Hunt rd. ready to seal coat down to rd I. The finishing of Cluck rd. The rebuild of cnty rd. e, and the paving of Hope rd.

I've never had any complaints about the finish work on any of the projects from the court or my supervisors.

I'm very comfortable, with, and confident in my abilities, to do the work that has been assigned.

The last text I received from my commissioner was on 2/11/21 letting me know how happy everyone was with my work on Hope rd. turned out.

On 8/29/2022 I was told to attend court thinking we would discuss the cnty rd. G project.

The project was discussed, I was never called to speak, never had a question asked of me. I was told to return to work and on my way out to the job, my supervisor called me, and had me return to the office. There he informed me, that the commissioners had taken a vote and I had been terminated. With no explanation for my termination, I'm left to speculate, I believe it had to do with the rd. G project.

My last text from my commissioner was 2/11/21.

My last phone call with my commissioner was on May 17 2022.

I've had one face to face meeting in August, in which he asked if I was willing to keep my maintainer for 6 yrs, which I agreed to do.

With know input from my commissioner, I'm left with my supervisor for guidance and direction.

I was under the impression that they were in contact with each other and we had a plan for moving forward.

I strongly believe that there's a breakdown in communication.

The last text that I sent to my commissioner, was a request to close rd G to Starkey rd (2 miles) to help expedite the construction of rd. and for the safety of Moore county employees and drivers on the rd.

Pushing progress on rds. Like cnty. Rd G leaves it unsafe for travel as proven by the soft edges on buddy kline referenced in the newspaper, as being discussed in the 8/29 meeting and emphasized by the accident last week with the Silage truck last week, and the broken windows on the maintainer, do to an abundance of loose rock.

I'm at an age where starting over isn't ideal. I came to the conclusion, that I needed to speak to you all today, and make this public statement.

I would ask you all to take a look at this situation, and ask yourself if you truly believe that I'm the reason, for the complications in this project.

I would like you to consider reinstating me.

If not I'd like a written letter of termination citing your reasoning within the week. I'll be filing for unemployment benefits, as well as seeking advice of legal council, and contacting the Texas associations of countys for any perspective they might be able to add. Ty for your time today, I enjoyed my time here, I loved the people I worked with, and the work we did together.