

**MINUTES OF COMMISSIONERS COURT, MOORE COUNTY, TEXAS
SPECIAL SESSION, MONDAY, JANUARY 23, 2023**

**STATE OF TEXAS {
COUNTY OF MOORE {**

BE IT REMEMBERED THAT ON THIS 23RD OF JANUARY, 2023 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; Colt Farni, Commissioner Precinct 4 and Teresa Henry, Deputy Clerk.

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

Motion was made by Commissioner Garcia to approve the minutes of the Regular Meeting of December 12, 2022, Special Called Meeting of January 1, 2023 and Regular Meeting of January 9, 2023. Motion was seconded by Commissioner Mixon. Motion carried. Commissioner Vaughan "Abstained" from January 1, 2023.

Motion was made by Commissioner Garcia that the bills as presented by Junior Ortega, County Auditor, be approved for payment and the County Treasurer is hereby directed to issue warrant-checks thereof. Motion was seconded by Commissioner Vaughan. Motion carried

There were two bills presented for special handling:

Motion was made by Commissioner Mixon to approve the payment in the amount of \$6,007.80 to JBI with expenditure to be paid from the SCAAP Grant. Motion was seconded by Commissioner Farni. Motion carried.

Motion was made by Commissioner Garcia to approve the payment in the amount of \$10,552.47 to LGQ Funding to transport three inmates with expenditure to be paid from the SCAAP Grant. Motion was seconded by Commissioner Vaughan. Motion carried.

Bernardo Ferrel, TxDot Engineer was present to discuss reducing the speed limit on FM 119 from 75 mph to 65 mph. He stated they are going to reduce the speed to 65 mph at this time and they will continue to monitor the highway to see if there is a need to reduce it to a lower speed. Motion was made by Commissioner Garcia to approve the request to reduce the speed on FM 119 from 75 mph to 65 mph. Motion was seconded by Commissioner Farni. Motion carried. Copies of maps attached and made a part hereof by references.

Adam Tisdell made a presentation in regards to the Indigent Defense contract. Adam approached Judge Rhoades in regards the indigent defense because he has been hearing complaints from people at the jail and other attorneys. He stated he is very concerned for the small counties because there are no attorneys moving into these places. He stated he has problems hiring staff and salaries have gone through the roof just to get people to move here. He stated the contract

appears to be extremely old and doesn't appear to be modified in any manner and the case counts are way off. There was a case study done by Texas A&M in 2013-2015. The study had attorneys report how much work they were doing, how long it took to do cases, so they could come up with how to measure efficiency. He has all of the data and he will stay afterwards and explain it all if he needs to and stated basically it is approximately 100 cases per attorney per year. Moore County alone did 664 cases in 2021 which should have been at least five attorneys doing these cases to be within the guidelines. He stated that's not to say Moore County is doing it wrong but all small counties are hurting. He stated Tim can not do his job effectively with the number of people that Moore County has and that does not include the other counties that Tim does. He stated in 2021 Dallam had a 150 cases, Hartley 60 and Sherman 104. That is at least 1,000 cases that one attorney and his assistant has done. If the contract was done correctly the cost would be approximately a million dollars which is a lot of money for this county. He stated the county can't get grant money if they choose to continue with the current contract. He stated there is a ton of grant money if the county changes their system and gets out of the contract with an attorney for their services. He stated the county would need to go into an attorney wheel system. He stated there is an improvement grant with approximately \$20 million for small counties like Moore County. He spoke with Texas Indigent Commission and several other people to find out how to fix the problem in Moore County. He stated is willing to help Moore County at no charge he wants to help fix a broken system. He would like to move forward in talking to Texas Indigent Defense Commission to find out how to get grants and get the necessary attorneys and start moving in a different direction. He stated it is impossible for Tim to do what he needs to do unless he could hire 5 or 6 additional attorneys. He stated it took him 9 months to hire an attorney and had to pay \$100,000.00 to get one attorney. If they can get the grant money Moore County can save money from what they are paying now. He stated this is a multi-year grant for smaller counties. Potter County just got \$4 million in free grant money. He stated Potter County's system wasn't broken they were just looking at a way to do it better. He has several people he can contact to help with the problem. He would like to put together a more detailed proposal of how this can be done right. He told the Judge they are there to help in any way possible. He stated Moore County is in a place where most of the attorneys are on their way out with no new attorneys coming in and Moore County is going to have to do their program different. He stated there is going to be a law suit and stated there are potential lawsuits right now because of the way the indigent defense program is being operated. Adam stated these are 5 years grants and it would be a 2-year full funded grant and then goes up to 5 years and that would not stop Moore County from getting the current grant for indigent defense. Erin Lands Anchondo stated that when Vaavia made her presentation she said the same thing in regards to the work load needed to be monitored, some of the attorneys are over whelmed and not doing what they are supposed to be doing. The study shows how many cases one attorney should be handling. Adam stated the indigent defense contract is limiting Moore County from getting additional grant funding. He stated with the improvement grant the state is trying to get counties off of the contract system and onto a system that will work better. Adam is also interested in talking to the other counties within the 69th district. Adam wants to make the system better and to serve the clients better and get the county compliant with the Fair Defense Act.

Motion was made by Commissioner Mixon to allow Adam Tisdell to pursue grants and write proposals to assist in reducing public defender case load and assist the county to get in compliance with the Fair Defense Act. Motion was seconded by Commissioner Farni. Motion carried.

Jace Delgado presented a list of current inmate numbers and inmate numbers in the past. He stated they have been looking for a resolution to keep jail numbers down. He also presented a current inmate list which shows their booking dates, attorney visits and attorney calls. He stated there are several inmates that have been in jail over a long period of time with very few visits or phone calls from their appointed attorney. He stated the corrections officers are getting complaints from the inmates in regards to them not being contacted by their court appointed attorney. Jace stated they are trying to manage the jail population to keep the number out of county holds down and work within their budget. Tim Salley, Public Defender stated he feels like he is doing a good job but there are instances where he tried to get a plea deal with one of his clients and could not get the prosecutor to work with him. He stated the case was appointed to Adam Tisdell and he was able to get a plea bargain right away. Adam did agree that he was able to get a plea but it was due to the fact that the case was transferred to the County Attorney's office. Tim asked the court to ask the judges to find out if he is doing a good job, not ask his adversaries. Tim stated he has to turn his phones off from the jail on Mondays and Fridays. He stated on Tuesday, Wednesday and Thursdays his secretaries are on the phones all day long talking to inmates and a majority of the time they are talking to the same people over and over. Adam stated that is what they are trying to say, Tim's case load is too heavy. Tim did admit his case load is heavy and he could use another attorney. He stated that Jerod was hiring attorneys for \$40,000.00 per year and he just can't do that. He stated he has one attorney that is helping him and an investigator that is probably smarter than anyone in the room. Tim stated he would come visit with the court if they would give him a chance. Erin stated that Tim would still not be in compliance, Adam stated he couldn't hire enough attorneys to be in compliance because there are not enough attorneys that want to work in Dumas. Adam stated his main concern is trying to help Moore County from being sued. Tim stated he feels like he is being attacked by his adversaries and they feel like he is not doing his job. He stated when an adversary attacks you it is usually because you are doing a better job than you should be. Adam suggested getting Tim's case load in compliance with the law and help Tim do his job effectively. Adam stated he could get other attorneys to come to Moore County to help out. Commissioner Vaughan stated the court has a responsibility to the tax payer to take the most cost-effective measure. He feels like the most cost-effective measure at this time is to hire some extra attorneys to get people out of the jail since it cost more for people to sit in jail than to hire extra attorneys. He stated the court also has a responsibility to the people in jail that they get a speedy day in court. It was suggested to modify the indigent contract so the court would be in compliance. Tim stated if the court wants to reduce his case load, he would happy. Copies of information presented attached and made a part hereof by references.

Motion was made by Commissioner Vaughan to pursue the attorney wheel as a temporary solution and reduce Tim's case load with the attorney wheel and to allow Adam Tisdell to pursue the grant with this being the most cost-effective manner to get the jail population down until they can get the grant. Motion was seconded by Commissioner Mixon. Motion carried.

Motion was made by Commissioner Garcia to table action on the community building rules and rental agreement at this time. Motion was seconded by Commissioner Mixon. Motion carried.

Motion was made by Commissioner Farni to table action on Homestead Exemptions for the 2023 tax year until Chris Rivera, Tax Assessor Collector can get figures from other counties. Motion was seconded by Commissioner Garcia. Motion carried.

Motion was made by Commissioner Mixon to accept the settlement check from Sunray Wind, Diamond Shamrock Refining Co. in the amount of \$167,636.93. Motion was seconded by Commissioner Farni. Motion carried.

Motion was made by Commissioner Mixon to approve the expenditure to Veoci EOP module for the EOC Department in the amount of \$6,840.00 which is not a budgeted item contingent on the approval from Coy Barton to pay from the SCRAM fund profits and whether other entities agree to pay a portion with expenditure to paid from the General Fund. Motion was seconded by Commissioner Vaughan. Motion carried.

Motion was made by Commissioner Vaughan to extend the burn ban that will expire on February 1, 2023. Motion was seconded by Commissioner Garcia. Motion carried. Copy of burn ban attached and made a part hereof by references.

Motion was made by Commissioner Farni to approve updates to the airport restaurant equipment in the amount of \$1,962.62 to be paid from the restaurant maintenance. Motion was seconded by Commissioner Mixon. Motion carried.

Motion was made by Commissioner Garcia to approve Soliz Painting to paint airport restaurant in the amount of \$4,900.00 to be paid out of RAMP Grant funds. Motion was seconded by Commissioner Mixon. Motion carried.

Motion was made by Commissioner Garcia to approve the purchase of kitchen supplies for Moore County Jail at a cost of \$2,760.56 to be paid out of the SCAAP Grant. Motion was seconded by Commissioner Mixon. Motion carried.

Motion was made by Commissioner Mixon to accept Carl Speck and Parish Bhakta as the nominations from Dumas Independent School District to serve on the Moore County Appraisal District's Board. Motion was seconded by Commissioner Vaughan. Motion carried.

Raymond Tate, Road & Bridge Supervisor gave a report on the department. Raymond stated they will have a valve adjustment on a grader in the amount of \$987.00. He also has a semi in Sunray that needs a turbo activator at a cost of \$1,650.00 to be paid out of the maintenance budget.

Motion was made by Commissioner Vaughan to grant Scott Higginbotham, County Attorney a waiver of conflict that he may provide legal advice and legal counsel to both parties which consist of Moore County and Sherman County in regards to the law suit by Mr. Vogel. Motion was seconded by Commissioner Farni. Motion carried. Copy of waiver attached and made a part hereof by references.

At 11.30 A.M. motion was made by Commissioner Garcia that the court convene in Executive Session according to Govt. Code, Sec 551.071 to discuss pending litigation. Motion was seconded by Commissioner Vaughan. Motion carried.

At 11:53 A.M. motion was made by Commissioner Mixon to reconvene in open court. Motion was seconded by Commissioner Farni. Motion carried. Judge Rhoades stated no action taken on agenda during Executive Session and certifies to the agenda.

Motion was made by Commissioner Garcia to take no further action in regards to pending litigation. Motion was seconded by Commissioner Mixon. Motion carried.

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.

J. Daniel Garcia
Commissioner Precinct 1, J. Daniel Garcia

Dee Vaughan
Commissioner Precinct 3, Dee Vaughan

Brenda McKanna
ATTEST: Brenda McKanna, County Clerk

Miles Mixon
Commissioner Precinct 2, Miles Mixon

Colt Farni
Commissioner Precinct 4, Colt Farni

Rowdy Rhoades
County Judge, Rowdy Rhoades

