

**MINUTES OF COMMISSIONERS COURT, MOORE COUNTY, TEXAS
SPECIAL SESSION, MONDAY, OCTOBER 24, 2022**

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

BE IT REMEMBERED THAT ON THIS 24TH OF OCTOBER, 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. Lt. Brandon Jones presented a report on the speed trailer that had been placed on Hunt Road & FM 722. He stated there has been some traffic relief with the completion of Buddy Kline Road. Copy of report attached and made a part hereof by references.

Motion was made by Commissioner Cartrite to approve the minutes of the Special Meeting of September 26, 2022. Motion was seconded by Commissioner Vaughan. Motion carried.

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 Garcia. . Motion carried

There were two bills presented for special handling:

Motion was made by Commissioner Garcia to approve a payment to Texas Association of Counties in the amount of \$500.51 to cover a deductible in regards to an auto accident. Motion was seconded by Commissioner Cartrite. Motion carried.

Motion was made by Commissioner Garcia to approve a payment to Texas Association of Counties in the amount of \$324.50 to cover a deductible in regards to a death in the jail. Motion was seconded by Commissioner Vaughan. Motion carried.

Vaavia Rudd, Manage Assigned Council Director for Potter County was present to discuss options for Indigent Defense Council in Moore County. She stated she is responsible for making sure clients are getting proper representation. She stated Potter County has a hybrid system which they have public defenders and appointed attorneys outside of the public defender's office. Her office will be sending out surveys to see how the court appointed attorneys are doing. The goal is to have a Regional Public Defenders office in the future but at this time they are not ready to take other counties as clients. She feels like at this time next year they would be ready. The office operates off of grant funding and she believes Moore County would possibly be eligible to receive grant funding as well. She stated the grant is a 60/40 match and Moore County would have to apply for the grant. Commissioner Mixon asked if she has looked at Moore County's fee schedule

to see if Moore County is comparable to what Potter County pays. She has not had a chance to compare the fee schedule. She stated she could help with a list of attorneys that would be willing to come to Moore County as appointed attorneys.

Motion was made by Commissioner Vaughan to authorize Judge Rhoades to work with the District Attorney, County Attorney and Judges in regards to the Indigent Defense Program and come back to the court with a recommendation. Motion was seconded by Commissioner Garcia. Motion carried.

Rita Fyffe, TAC HR Representative was present to discuss qualifications for comp time for exempt employees. Rita stated she was there to answer any questions that the court might have in regards to exempt and non-exempt status of employees. She stated the government sets the foundation of what the county has to do or doesn't have to do for an employee. She stated anything over and above what the county does for the employees is not considered a bonus it is a gift and out of the goodness of the heart that they are giving something more than what the employees are asking. The questions she told the court to ask themselves does the employee make over \$640.00 per week; does the employee supervise more than two people and does the employee have the capabilities to hire, fire or give the court recommendations as to whether a person should be hired or fired. They do have some management abilities which gives the court the direction on what decisions need to be made. She stated those are the three questions to ask to determine if an employee is an exempt employee. She stated if the answer to the questions is yes then the employee would be an exempt employee. If any one of the questions is a no then the employee is a non-exempt employee. She stated that approximately 85% of employees are non-exempt employees. An exempt employee is being paid for their knowledge, paying them for what their duties are because of their knowledge and expertise. An exempt employee has privileges of not being tied to an 8-5 job and they have fluctuation in their work schedule. She stated you can move an exempt employee and pay them over-time but she stated that is a gift because they are doing more than what the law requires. She stated once you open that door and set a precedence other employees may say the court changed the rule for one employee but would not change it for them. The court would have to defend themselves with the decision that was made. Commissioner Cartrite stated there is already a precedence set in Moore County because the Maintenance Supervisor is an hourly employee and he gets comp time. Judge Rhoades stated Miguel does not have the ability to hire or fire and Commissioner Cartrite stated neither does Raymond. Judge Rhoades stated they are taking care of the business of Road & Bridge Supervisor and for Commissioner Cartrite not to be throwing Miguel back at him. Commissioner Cartrite stated the county can't pick and choose who you give comp time to and who you don't give comp time to. Judge Rhoades stated Miguel does not have the ability to hire or fire. She stated if a supervisor comes to the court with recommendations in regards to hiring or firing they are an exempt employee. Commissioner Vaughan stated in his tenure on the court he doesn't recall anytime that Miguel has come to the court and presented any recommendations in regards to hiring or firing an employee. He stated the Judge advertises for the position and does the interviews. Commissioner Vaughan stated the Road & Bridge Supervisor advertises for the position, does the interviews and come to the court with his recommendation to hire the applicant. Commissioner Mixon had the impression if the employee met all of the criteria for being exempt the county didn't have a choice. It was stated if the employee does meet all of the criteria and if the court chooses to give them an exemption they can. He feels like the underlying factor is there is not enough difference in the salary and does not give an employee an incentive to become a supervisor. Commissioner Mixon stated at the next budget he would like to look at adjusting the salaries of those that are in

supervisors' positions. Commissioner Cartrite stated in the mean time he would like to go ahead and give Raymond comp time. Rita sated once you start giving to one you have to give it to all and you will have to be able to defend your decision in a court of law. Judge Rhoades agrees that the salaries need to be adjusted at the next budget cycle. Commissioner Vaughan stated that if an exempt employee has to stay out late at night, they have the privilege of coming in later the next day. Rita stated an exempt employee has the discretion to come and go as they choose. Commissioner Vaughan wants to review the job description with Raymond. Rita stated she just wanted to inform the court as to what the law says and make the court aware that whatever decisions they make they must be able to defend in a court of law.

Motion was made by Commissioner Mixon to approve the purchase of the Veoci Software for Moore County EOC in the amount of \$19,944.00. Motion was seconded by Commissioner Cartrite. Motion carried. Copy of contract attached and made a part hereof by references.

Motion was made by Commissioner Cartrite to approve the purchase of an Autel Drone for EOC in the amount of \$9,950.00 Motion was seconded by Commissioner Mixon Motion carried.

Motion was made by Commissioner Cartrite to approve the list of hazardous materials to be added to the current Airport Contract with the mechanic. Motion was seconded by Commissioner Garcia. Motion carried. Copy of list attached and made a part hereof by references.

Motion was made by Commissioner Garcia to approve installing a reclaim tank on the Avgas tank in the amount of \$9,697.22 to be purchased with RAMP Grant funds. Motion was seconded by Commissioner Mixon. Motion carried.

Motion was made by Commissioner Vaughan to approve declaring two computer servers from the jail as surplus. Motion was seconded by Commissioner Mixon. Motion carried.

Motion was made by Commissioner Mixon to extend burn ban that would expire on November 3, 2022. Motion was seconded by Commissioner Vaughan. Motion carried.


Jose Gonzales from Amarillo Testing was present to discuss a proposal for testing road samples. He stated he provides services for DISD, City of Dumas and TxDot. He stated his price is based on how many times a road has to be inspected during the construction process. The county could write into their policy what their specs are and allow room for exceptions, with the road base being built to standards approved by a professional road engineer. He stated his inspection is a two-phase test which includes compaction and moisture.

Raymond Tate, Road & Bridge Supervisor gave a report on the department. He stated the water truck should be delivered the first part of November. He would like to add extras items to the truck and will have approximately \$30,000.00 left in his budget and would like to have the truck located at the Sunray Barn equipped with the same equipment. He stated the light that SPS has at the barn is not working and after he contacted them, they stated they would not replace or repair the light. He would like to purchase lights from Elliott Electric in the amount of \$2,229.07 out of his miscellaneous budget for lighting at the barn. He needs to purchase grader tires and had located three in Borger. Commissioner Garcia asked him to find a front and rear grader wheel and he did say Warren Cat has 2 at the cost of \$1,000.00.

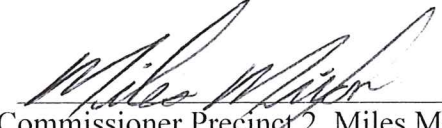
Commissioner Mixon asked if the court is going to post for the supervisor's position. Raymond stated he is willing to continue as the supervisor but if any members of the court are not pleased with his job performance he would be willing to step down. Commissioner Vaughan would like to re-visit the job description and explain the duties to Raymond. He told him his first job is to supervise and to make sure jobs are being done in a timely manner. He asked Raymond when he assigns jobs does he give them a time line and Raymond stated he does not. Commissioner Vaughan told Raymond when an employee is assigned a job, he wants them to have a set time line to get the job completed. He stated he drove by one of the operators the other day and he was sitting in his pickup and most likely on his phone instead of being in his grader working. Commissioner Mixon stated he believes Raymond is doing a good job and the court will adjust the job description and afford Raymond privileges of being a supervisor instead of making him a non-exempt employee. The court stated there is a certain amount of trust and a number of benefits that come with a supervisory position. Raymond stated he is willing to continue as the supervisor without comp time.

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



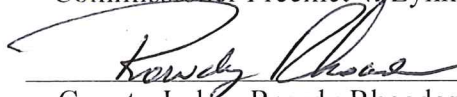
Commissioner Precinct 3, Dee Vaughan



Commissioner Precinct 4, Lynn Cartrite



ATTEST: Brenda McKanna, County Clerk



County Judge, Rowdy Rhoades

