

**MINUTES OF COMMISSIONER COURT, MOORE COUNTY, TEXAS
REGULAR SESSION, MONDAY AUGUST 14, 2023**

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

BE IT REMEMBERED THAT ON THIS 14TH DAY OF AUGUST, 2023 there came to be held a Regular Session of Commissioners Court of Moore County, Texas in the Commissioners Courtroom in 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 County Clerk, Brenda McKanna.

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

Motion was made by Commissioner Mixon to approve the minutes of the Special Meeting of July 24, 2023. Motion was seconded by Commissioner Garcia Motion carried.

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

There were two bills presented for Special Handling:
Motion was made by Commissioner Farni to approve the expenditure to Tisdell Law Firm, Visiting Attorney in the amount of \$10,303.43. Motion was seconded by Commissioner Vaughan. Motion carried.

Motion was made by Commissioner Vaughan to approve the expenditure in the amount of \$19,448.46 to Western Equipment for tractor repairs. Motion was seconded by Commissioner Farni. Motion carried.

Motion was made by Commissioner Mixon to approve the Temporary Cash Investments dated August 14, 2023 as presented by Coy Barton, County Auditor and the County Treasurer's Report of Cash Disbursements of the same date and duly recorded in the Commissioners Court Minutes. Motion was seconded by Commissioner Farni. Motion carried.

Motion was made by Commissioner Garcia to approve a payment in the amount of \$3,700.00 to Grace Heating & Air for Meals on Wheels walk-in cooler compressor with expenditure to be paid out of repairs & maintenance. Motion was seconded by Commissioner Farni. Motion carried.

Plains Internet presented an update to the court in regards to the broadband project. He stated they should be finished by the end of October. They are ready for the court to start nominating residents that are eligible for free service, preferably students. He stated they will need to live within the City of Dumas. There were some questions in regards to the county receiving free

internet. They will research why the county is not receiving free internet and stated that could be corrected.

Motion was made by Commissioner Mixon to authorize the 69th District Judge to conduct non-jury hearings in Moore County via Zoom from the courtroom in any other county within the 69th Judicial District. Motion was seconded by Commissioner Vaughan. Motion carried. Copy of letter from Judge Allen attached and made a part hereof by references.

Coy Barton, County Auditor visited with Jason Howell in regards to expansion of the Public Defender Expansion Program. Judge Rhoades stated there will be a meeting today at 2:00 P.M. between Jason Howell and the Judges.

Motion was made by Commissioner Garcia to table this item until this afternoon. Motion was seconded by Commissioner Farni. Motion carried.

Motion was made by Commissioner Mixon to wait to make a decision in regards to an inmate transport agreement with A&B Bail Bonds until the County Attorney can advise the court in regards to what the statute allows. Motion was seconded by Commissioner Vaughan. Motion carried.

Motion was made by Commissioner Vaughan to approve the 2023 property tax rate for Amarillo College in the amount of \$0.48505/\$100. Motion was seconded by Commissioner Mixon. Motion carried. Copy of letter from Amarillo College attached and made a part hereof by references.

Motion was made by Commissioner Mixon to accept the bids for Double Diamond Properties in the amount of \$300.00 and \$150.00. Motion was seconded by Commissioner Farni. Motion carried. Copy of bids attached and made a part hereof by references.

Motion was made by Commissioner Garcia to keep the optional registration fees for 2024 as the current fees. Motion was seconded by Commissioner Mixon. Motion carried. Copy of fees attached and made a part hereof by references.

Motion was made by Commissioner Farni to approve the purchase of a ballistic vest and carrier for Deputy Padilla in the amount of \$1,407.25 with expenditure to be paid from deputy supply budget. Motion was seconded by Commissioner Vaughan. Motion carried.

Motion was made by Commissioner Garcia to approve a Resolution Nominating Candidates to Serve on Appraisal District Board of Directors. Motion was seconded by Commissioner Farni. Motion carried. Copy of resolution attached and made a part hereof by references.

Motion was made by Commissioner Vaughan to approve an Interlocal Agreement with Region 8 Education Service Center to participate in the TIPS Program for the purchase of materials for new courthouse roof. Motion was seconded by Commissioner Garcia. Motion carried. Copy of agreement attached and made a part hereof by references.

Motion was made by Commissioner Garcia to approve the Blue Cross Blue Shield Health Insurance renewal. Motion was seconded by Commissioner Farni. Motion carried.

Motion was made by Commissioner Vaughan to approve the annual Airmed renewal in the amount of \$60.00 per employee. Motion was seconded by Commissioner Mixon. Motion carried.

Motion was made by Commissioner Mixon to approve the purchase of a router for the County Clerk's Office in the amount of \$2,069.61 with expenditure to be paid out of County Clerk Records Management Fund. Motion was seconded by Commissioner Farni. Motion carried.

Motion was made by Commissioner Mixon to approve the Moore County Employee Appreciation event with the Amarillo Sod Poodles on September 14, 2023 at \$10.00 per ticket with immediate family. Motion was seconded by Commissioner Garcia. Motion carried.

Raymond Tate, Road & Bridge Supervisor gave a report on the department. Raymond stated they are going to try to sealcoat today but may have to wait due to weather. He stated to resurface one mile of County Road G will cost an additional \$10,000.00 and it should be completed in 4 weeks. Commissioner Garcia stated Max Jantz will be placing 6 inches of caliche of Road 8. He stated Max Jantz aka MJE LLC would like to have 10% down to get started on the road project and they will invoice on the 1st and 15th.

Motion was made by Commissioner Garcia to give Judge Rhoades the authority to sign the contract with Max Jantz aka MJE LLC for Road G and Road 8 so they can get the project started. Motion was seconded by Commissioner Farni. Motion carried. Copy of contract attached and made a part hereof by references.

During budget work session Coy Barton, County Auditor was present for the budget work session. Coy stated the contract for Tim Salley has to be paid through September of 2024 and he added \$93,333.00 to the budget for the Public Defender. He stated the funds would be spent regardless if the county decides to go with the new Public Defender Program. He stated the extra expenses will be for additional appointed attorneys, investigators, mental health checks plus mileage. Erni Anchondo, District Attorney stated she does appreciate the attorneys asking for mental health evaluation up front instead of waiting until time to go to trial or make a plea deal. Coy stated with the additional \$93,333.00 there is a \$92,151.00 budget deficit. It was stated if the current tax rate is adopted there would a surplus budget.

Motion was made by Commissioner Mixon to propose a tax rate of \$0.4671 which would create a surplus of \$351,700.00 which is a tax rate deduction from last years tax rate. Motion was seconded by Commissioner Garcia. Motion carried.

Motion was made by Commissioner Mixon to reconvene court at 2:00 P.M. Motion was second by Commissioner Garcia. Motion carried.

Court was reconvened at 2:00 P.M.

Judge Allen addressed the court in regards to the Public Defender Expansion Program and asked the court if they have any questions in regards to the information she had previously sent to the

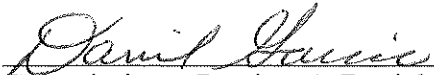
court. Commissioner Mixon stated the court is searching for a way to lower the cost of indigent defense and out of county holds. Judge Allen stated she has visited with Jason Howell and Judge Rhoades and it is the responsibility of the judges to appoint the attorneys who represent indigent defendants and she is not convinced that the contract with a Regional Public Defender's Office would be what is best for the court. She stated Tim Salley representing defendants in her court is going well. She presented a copy of every case that Tim has that is set for docket and stated Tim is not behind in her court. She is required to set cases within six months unless there are reasons beyond her control. The District Attorney indicted 263 cases in 2022 and a lot of the pending cases are defendants that are never going to be found. She is not concerned about a law suit since she has judicial immunity. She was unaware that the court was continuing to pursue a Regional Public Defender contract until Coy came to visit with her. She thought it was a moot point until such time Tim Salley's contract came up for renewal. She stated she is not willing to look at the Indigent Defenders office at this time for her court but she is not speaking for Judge Pingelton's court. She feels like there are not an abundance of attorneys that would want to be dedicated to Moore County and at this time she will not commit to allowing a Regional Public Defender to be in her court. Commissioner Vaughan stated he was under the impression that Judge Allen was opposed because of Tim Salley's contract and the court had no intention of keeping her in the dark. It is a burden to the county with all of the inmates in jail and the court is trying to find a way to lower the cost. Judge Allen stated she would like for Tim to get to the jail more so when they are brought to the court they are asked if they want a plea agreement or a jury trial and if Tim has already made contact with them and worked out some type agreement they don't have to wait until a jury trial. She stated there are some improvements that Tim could make but she is not convinced that a Public Defenders Office is the answer. Commissioner Vaughan asked if there was another alternative to reducing Tim's case load and Judge Allen suggested they could look at the attorney wheel. Judge Rhoades stated if the county did go with a Regional Public Defenders Office the county would have more attorneys to choose from. He also stated Tim is not only doing Moore County cases but also doing the other three counties in the district. Judge Pingelton stated he is in favor of a Public Defenders Office. He stated a Public Defenders Office would begin taking cases from October 1, 2023 going forward but the historic cases would have to be disposed of by other attorneys. Judge Pingelton stated it is a valid point that if the court doesn't take some kind of measure the county is going to get sued. Scott Higginbotham, County Attorney stated leaving Tim Salley on felonies could solve some of the problems the county is facing. Erin Anchondo, District Attorney stated at this point the county is out of compliance with the Fair Defense Act and whoever is under contract is taking more cases than what the Fair Defense Act allows by law. She stated Tim is also doing civil cases and it is the attorney's responsibility to turn in itemized statements of services provided which she doesn't believe being done at this time. She believes the Fair Defense Act is what will eventually cause the county some problems. She stated a true Public Defender is going to be more devoted to recruiting attorneys to help with the case load. Jason Howell, Representative from the Regional Public Defenders Office stated the contract would be year to year. His goal is to get attorneys to live in Moore County but he can't force them to. He did promise Moore County will have adequate attorney representation and they will do whatever they can to help Moore County. Judge Allen is not opposed to giving a Regional Public Defenders Office all of the misdemeanors and she will continue to use Tim in her court. Scott stated this may allow Tim more time managing incarcerated pre-trial felonies which is 95% of the out of county inmate cost. Erin stated she doesn't feel like the split duties will solve the issues since she has to chase

Tim down to see if he has visited with his clients which is usually months for him to follow-up. She stated she is in favor of a majority of the leg work being done at the beginning of the case. Bob Brent with Bob's Bail Bonds stated when Jerod Pingelton was the Public Defender, he had himself and two additional attorneys and since Tim was appointed as the Public Defender, he only has himself and one attorney which is not proper representation. Judge Allen stated at this time she is not ready to make a recommendation to the court and the county is bound to the current contract with Tim Salley. The Sheriff's Dept. asked if it could be a part of the contract that the Public Defender is required to come to the jail to speak to the client.

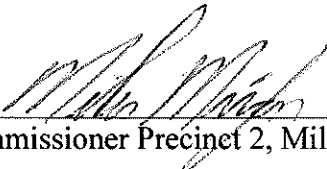
Motion was made by Commissioner Vaughan that the county adopt a dual system with a Regional Public Defenders Office to represent Judge Pingelton's court cases which include misdemeanors, juveniles and any conflict felonies and Tim Salley will represent all of Judge Allen's felony cases effective October 1, 2023. Motion was seconded by Commissioner Garcia. Motion carried. Copy of Indigent Defense Grant Program Agreement attached and made a part hereof by references.

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



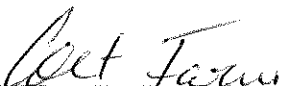
Commissioner Precinct 1, Daniel Garcia




Commissioner Precinct 2, Mile Mixon



Commissioner Precinct 3, Dee Vaughan



Commissioner Precinct 4, Colt Farni



ATTEST: Brenda Kanna, County Clerk



County Judge, Rowdy Rhoades

