

Hamilton County Commissioner's Court

Regular Session

Tuesday, December 12, 2023

9:00 a.m.

Hamilton County Commissioner's Court met on Tuesday, December 12, 2023 at 9:00 am with the following members present: County Juge James Yates, Commissioners Lloyd Huggins, Keith Curry, J ohhny Wagner and Dickie Clary. Judge Yates called the meeting to order and a quorum was established. Commissioner Wagner led the invocation and all followed with the pledges.

Open Comments:

Richard Layne briefly addressed the court about statements the District Judge made during the last Commissioners Court meeting. Mr. Layne supports and commends the Commissioners and their actions and then gave thanks to the court. Commissioner Clary delivered remarks during the public comments portion of the meeting. (Please see exhibit A)

There were two budget adjustments to consider:

- 1. Commissioner Huggins, Precinct 3 requested \$2,250.00 from Contract Services to Temporary Employee Services*
- 2. Commissioner Wagner, Precinct 1 requested \$7,500.00 from Contingency to Contract Services.*

Commissioner Huggins made a motion to approve and Commissioner Wagner seconded the motion. The court approved the Budget Adjustments with a 4-0 vote, Judge Yates abstained.

The court considered the following Consent Agenda:

- a. Approve Minutes from previous Commissioner's Court Meeting, November 28, 2023.*
- b. Approve Departmental Reports*
- c. Payroll in the amount of \$63,936.59 and Expense Register in the amount of \$ 186,353.01*
- d. No Certificates of Continuing Education*
- e. No Applications for Culvert Installation*
- f. No Building and Use Requests*
- g. No Bonds*

Commissioner Clary questioned a \$10,000 bill from BMY for 2022 outside auditing services. Clary questioned the validity of this bill because after an extensive search was made of previous Commissioners Court minutes, an engagement letter authorizing BMY to perform the 2022 outside audit was never located, therefore BMY was never authorized by the Commissioners Court to do the 2022 audit. Judge Yates stated that an engagement letter for the 2022 audit has recently been received from BMY but was not received in time for today's meeting.

Commissioner Huggins made a motion to approve the Consent Agenda and Commissioner Curry followed with a second. The Consent Agenda was approved by a 3 vote, Commissioner Clary objected and Judge Yates abstained.

There were no Hamilton County Personnel updates.

There were no Hamilton County Facilities updates.

Lacy Alexander provided an update to the Commissioners court stating the communications departments service call volume for November was 1,374 and the service call volume year to date is 15,917. The Communications Department has partnered with CTCOG and will be hosting a CPR training class to all first responders, dispatch and members of law enforcement on December 20, 2023. TCIC mobile class will be held on December 21, 2023 for members of law enforcement.

Action was taken on the Order designating the day of the week Commissioners Court will convene in regular term. The order states the Court will meet the 2nd and 4th Tuesday in each month at 9:00 am and will be held in the Annex courtroom. Commissioner Huggins made a motion to approve the order and Commissioner Curry seconded the motion. The court approved the designated meeting dates with a 4-0 vote, Judge Yates abstained.

The court discussed the 2023 Fiscal year audit and decided to conduct more research and place this item on a future agenda for further discussion and or action.

The court discussed the American Rescue Plan Act (ARPA) audit. BMY submitted an engagement letter stating; "Since the County exceeded \$750k in expenditures of federal funds for FY 2022, the county triggered what is known as a "single audit" which is completely separate from the financial statement audit, but is required by the federal government. We have begun this work, but have not billed anything on it to date". Commissioner Clary questioned why an outside auditing firm has started any work before an engagement letter has been seen or approved through the proper channels of the Commissioner's Court. Commissioner Huggins made a motion to approve the engagement letter and Commissioner Curry seconded the motion. The ARPA Audit engagement letter was approved with a 3-1 vote, Commissioner Clary objecting and Judge Yates abstained.

The court took action on the Order Appointing James Parrish as the Election Judge for Aleman Precinct 12. Commissioner Clary made the motion and Commissioner Curry seconded the motion. The court approved the appointment by a vote of 4-0, Judge Yates abstained.

Commissioner Wagner made a motion to approve the Hamilton County agreement with Pottsville Volunteer Fire Department. Commissioner Huggins seconded the motion and the agreement was passed with a 4-0 vote, Judge Yates abstained.

Discussion was had on the Employee Handbook but no action was taken. The Workshop on Employee Handbook will be placed on a future agenda.


No discussion on the FY 2023-2024 Budget.

Adjourn at 10:07 am



Judge James Yates





County Clerk

Exhibit A

At our last Commissioners Court meeting, District Judge Carpenter made several critical comments about me, but walked out of the meeting before I had a chance to provide the background information that tells the whole story.

Unfortunately, we don't have time today to discuss the many details surrounding the issues that were mentioned by Judge Carpenter. Instead, I am verbally warning county citizens that there are serious flaws in our current financial systems because of the procedures which have been put in place by our former CFO and the District Judge.

I want to encourage any Hamilton County citizen who wants to hear the full story to contact me. There are many layers to this issue, but if you are willing to spend a significant amount of time listening, I will be happy to sit down and provide the background details about why I have taken a strong public position against the continued employment of personnel who were working against the best interests of Hamilton County and about the serious day-to-day deficiencies which currently exist in our financial systems.

Rest assured, I will put the interests of county citizens first, even when my actions are publicly ridiculed and even when the District Judge does not like what I have to say. He is not my boss and he will not intimidate me into being silent while his actions and those whom he has appointed have cost our taxpayers thousands of dollars and have brought our county financial and payroll systems perilously close to catastrophic failure.

The Texas Constitution and statutes recognize the Hamilton County Commissioners Court as the duly elected governing body for our county, not the District Judge. There are also at least two Texas Supreme Court cases, Henry v. Cox and Commissioners Court of Titus County v. Agan, that reinforce statutory limits on the authority that a District Judge has over the day-to-day affairs of county government.

I hope Judge Carpenter will actually read the statutes found in LGC Chapter 84 and case law. If he does, I am confident he will learn that Texas law does not grant any District Judge the authority to micromanage decisions made by Hamilton County government nor commandeer the county accounts payable system for any reason. Texas law also does not authorize a District Judge to function as an ex-officio County Auditor in the absence of appointing one. Texas law grants specific powers and authority to both District Judges and Commissioners Courts and our citizens deserve to be served by elected officials who abide by those laws.

In closing, I cannot make the changes that are needed to fix our financial systems by myself. If I could, I would! I do however, have confidence that our Commissioners Court has the authority to make the needed changes to our financial systems by assigning all the day-to-day accounts payable and payroll procedures to competent and capable county personnel like the County Treasurer and County Judges Administrative Assistant. This action will put Hamilton County financial systems back into compliance with statutory requirements surrounding the core functions of the County Treasurer and provide adequate backup for accounts payable and payroll systems when key personnel are not available for extended periods of time.

Likewise, these needed changes will allow the Assistant Auditor to perform the statutory duties for the Auditors office as well as assist the County Treasurer in payroll preparation responsibilities and other accounting functions that do not involve the disbursement, payment, or application of county funds.