

ORIGINAL

MINUTES OF THE

COMMISSIONERS' COURT

WORKSHOP MEETING - JANUARY 22, 2010

On the 22th day of January, 2010, there was a Workshop Meeting of the Commissioners' Court in the Courthouse, Rockport, Aransas County, Texas, with the following members present: C. H. "Burt" Mills, Jr., County Judge; Jack Chaney, Commissioner Precinct 1; Leslie "Bubba" Casterline, Commissioner Precinct 2; Charles Smith, Commissioner, Precinct 3; Howard Murph, Commissioner Precinct 4; and Peggy L. Friebele, County Clerk.

Other County Officers present were Richard Bianchi, County Attorney; Lezlie Kirk, County Auditor; Dee A. Oliver, County Treasurer; David Vyoral, Road Administrator; David Reid, Drainage Engineer; Judge Patrick Daly, Justice of the Peace, Precinct 2; Bill Mills, Sheriff; Jeri D. Cox, Tax Assessor-Collector; Doc Thomas, Constable, Precinct 1; James Jackson, Environmental Health; and Justin Cook, Assistant It Director.

The Meeting was convened at 9:00 a.m. at which time a quorum was declared by Judge Mills, WHEREUPON, the following proceedings were had and done to wit:

Judge Mills announced the purpose of the workshop meeting was to discuss with a representative from Texas Association of Counties (TAC) the Aransas County pay schedule. Mary Ann Saenz told the group she was very familiar with state and federal laws. She said the Court sets the salary for a year. There are three types of employees--volunteers, exempt employees and non-exempt salaried employees. The non-exempt salaried employees receive cash or compensatory time if they work over forty (40) hours in the work week at a rate of one and one-half times their hourly rate.

If the employees are paid every two weeks, a twenty-seventh pay day occurs every ten years. Ms. Saenz stated the Court could have paid the employees twenty-seven (27) smaller checks to address this. Because they elected not to pay 27 pay days in 2009 because it had not been budgeted for, the last work week in 2009 had to be the first pay check in 2010. The Court chose to change to 24 pay days per year on the first and fifteenth of each month. With this schedule there could be more hours in the first half than the second but sometimes this will be reversed. A work week is from Monday to Sunday.

Commissioner Chaney stated all elected officials and department heads are salaried; other employees are hourly. Ms. Saenz stated the rate

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of pay for hourly non-exempt employees includes longevity. She also stated county workers are exempt from the Texas pay day laws. Commissioner Chaney told the group that federal law in 2004 took out "effective" because employers were trying to make every employee exempt so they would not have to pay them overtime.

James Jackson questioned Ms. Oliver about the March 10-28, 2010 pay day. He wanted to know exactly when the pay check would be received and how many hours would be included. One Road and Bridge employee stated he would have to pay more tax if he was paid for three weeks on one pay check.

It was suggested a committee be formed to try to solve the dilemma. District Clerk Heard suggested hourly employees be paid every two weeks and exempt employees be paid the fifteen and the last day of the month.

Ms. Saenz told the group that everything the Court was doing was legal.

No further business presenting, the Court adjourned on a motion made by Commissioner Smith duly seconded by Commissioner Casterline.

C. H. "BURT" MILLS, JR., COUNTY JUDGE

PEGGY L. FRIEBELE, COUNTY CLERK &
EX-OFFICIO CLERK OF THE
COMMISSIONERS' COURT