

Commissioners' Court –2-13-01

The Commissioners' Court of Tom Green County met in Regular Session, Tuesday, February 13, 2001, in the Edd B. Keyes Building with the following present:

Clayton Friend, Commissioner Precinct #1  
Karl Bookter, Commissioner Precinct #2  
Jodie R. Weeks, Commissioner Precinct #3  
Richard Easingwood, Commissioner Precinct #4  
Michael D. Brown, County Judge  
Elizabeth McGill, County Clerk and Ex-officio Clerk of the Commissioners' Court

The meeting was called to order at 9:32 a.m. by Judge Brown. The Pledge of Allegiance was recited and the invocation was given by Commissioner Weeks.

Commissioner Bookter moved for the approval of the Consent Agenda as corrected:

- A. The approval of the Minutes from the Regular meeting on 2-6-01 and the amended correction to the Emergency Meeting on 2-7-01, correcting the motion to read "Commissioner Bookter moved to approve expenditures in excess of the \$30,000.00 cap, that is set by the state, in case #980177 and then to have a review of the case in 30 days (March 6,2001)."
- B. Approval to pay the bills (Minutes of Accounts Allowable) in the amount of \$503,067.19 and approval of the Purchase Orders in the amount of \$11,068.42.
- C. Accepted the Personnel Actions as presented and recorded with these minutes. Personnel Director, Millie Wilson, will draft a letter to all Department heads regarding proper procedure of posting and approval process of salaries.
- D. Acceptance of the Extension Service Monthly Schedule of Travel as a matter of record and recorded with these minutes.
- E. Acceptance of the Indigent Health Care Monthly Report for January , 2001, as a matter of record and recorded with these minutes.

Motion was seconded by and all voted in favor of the motion.

Herb Straach, of Templeton Construction, reported to the Court that the First Phase of the New Tom Green County Justice Center Project should be finished by the middle of next week.

Judge Brown announced that Friday, March 2, 2001 will be VIP and Media day for the Grand Opening of the County Justice Center from 2:00 until 4:00 PM and then Saturday, March 3, 2001, from 10:00 am until 4:00 PM will be open for public viewing.

Mr. Straach also reported that he is negotiating with the fabricators and the erectors to see who is responsible for the leaks in the Roy K. Robb Post Adjudication Center's roof. He also reported that more down spouts will be added to the building to avoid overflows from the gutters.

Auditor, Stanley Liles, and Purchasing Administrator, Sandy Bradley, reported to the Court that the Governmental Accounting Standards Board (GASB) has significantly changed the financial reporting requirements for state and local governments and that the standards will be changing again in about 2 years, so therefore, our fixed asset capitalization level needed to be raised.

Commissioner Friend moved that the fixed asset capitalization level be raised from \$300.00 to \$3,000.00, to become effective today, in order to comply with GASB 34. Motion was seconded by Commissioner Weeks. Motion was passed by all the Court.

Judge Brown moved to authorize installation of a stand alone Fax line for the Justice of the Peace in Precinct #3 office (Judge Steve Floyd). Motion was seconded by Commissioner Friend and all voted in favor .

Purchasing Administrator, Sandy Bradley, reported to the Court that the fixed asset inventory in the County Clerk's office and the County Attorney's office have been satisfied and that a listing of items missing from the Sheriff's office were listed in their information packets.

Commissioner Bookter moved that the records show that the fixed asset inventory for outgoing County Clerk, Judith Hawkins, and outgoing County Attorney, Thomas Goff, are accepted as being clear and that outgoing Sheriff, Dan Gray, has a list of items missing that are to be recorded with these minutes. Motion was seconded by Commissioner Easingwood and all voted in favor.

Commissioner Bookter moved to accept Amendment #2 Food Service Agreement Contract for the Tom Green County Detention Facility with the Aramark Correction Foodservice Management. Motion was seconded by Commissioner Easingwood and all voted in favor.

Commissioner Bookter moved to pass the Court Administrators salary since it had already been addressed in the Personnel Actions. Motion was seconded by Commissioner Friend and all voted in favor.

Pat Gladden, Social Security Administration, and Lt. Randy Swick, (Sheriff's office-CID), presented an Incentive Payment Memorandum between the Social Security Administration and Tom Green County involving the incarceration of Social Security and SSI recipients and payment to the County for this information under certain guidelines.

Commissioner Weeks moved for the approval of the "Incentive Payment Memorandum of Understanding (IPMOU) Agreement Between The Social Security Administration and The County of Tom Green, San Angelo Texas" and authorizing Judge Brown to sign on behalf of the County. Motion was seconded by Commissioner Bookter and all voted in favor. Recorded with these minutes.

Commissioner Friend moved to approve the Investment Policy beginning January 1, 2001 and the members of the Investment Committee (Dianna Speiker-Treasurer, Judge Brown, Stanley Liles-Auditor, Commissioner Bookter & Dick Robertson) and also to accept the administrative procedures, for the record, as presented and recorded with these minutes.

There were no line item transfers.

Issues relating to Tom Green County Subdivision and Manufactured Home Rental Community Development Regulations will be addressed at the special meeting with Bob Bass tomorrow, February 14, 2001, at 1:00 PM.

Future Agenda Items:

- Snack Bar

- Consultant for County Health Insurance

- Establish a Committee to design a County Seal

Meeting was adjourned at 10:35.

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Michael D. Brown, County Judge

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Elizabeth McGill, County Clerk and Ex-officio Clerk  
of the County Commissioners' Court

# Tom Green County PERSONNEL DEPARTMENT

To The Honorable Commissioners' Court:

## PERSONNEL ACTIONS

Presented February 13, 2001

The following salary expenditures are being presented for your *Approval*:

NAME	DEPARTMENT	ACTION	EFF. DATE	GRADE & STEP	SALARY
Torres, Cheryl M.	County Atty.(026)	Prom/Transfer	02/16/01	N/A	\$1250.00 S/M
Thomas, Bonnie J.	County Atty.(027)	Prom/Transfer	02/16/01	N/A	\$ 937.50 S/M
Jacobs, William O.	Court-at-Law 2	Prom/Transfer	02/16/01	N/A	\$ 979.17 S/M
Wallen, Jeanie C.	Court-at-Law	Salary Inc.	02/16/01	N/A	\$ 979.17 S/M
Davis, Toni L.	Library	New Hire	02/13/01	13/1	\$ 700.08 S/M
Baca, Candice M	Library	New Hire	02/13/01	P/T	\$ 6.00 /HR
Flores, Jimmy R.	Jail	Promotion	02/16/01	18/1	\$ 896.88 S/M
Knox, Bo J.	Inform.Tech.	Status Change	01/24/01	P/T	\$ 7.75 S/M
Lester, James R.	Inform.Tech.	Status Change	01/24/01	P/T	\$ 7.75 S/M
Hartsfield, Brittney M.	Juvenile Prob.	Fund Change	01/09/01	P/T	\$ 6.00 /HR

The following personnel actions are presented for *Acknowledgement* and as a matter of record:

NAME	DEPARTMENT	ACTION	EFF. DATE	GRADE & STEP	SALARY
Watson, Joshua J.	Jail	Resigned	02/09/01	16/1	\$ 811.80 S/M
Harvey, Maria	Juvenile Prob.	Resigned	02/15/01	P/T	\$ 11.00 /HR
Burnett, Martha H.	CSCD (282)	Salary Increase	02/01/01	N/A	\$1011.63 S/M
Clark, Barbara F.	CSCD (154)	Salary Increase	01/16/01	N/A	\$1251.21 S/M
Compton, J. Lynn	CSCD (156)	Salary Increase	02/01/01	N/A	\$1166.38 S/M
Lowry, A. Gail	CSCD (218)	Salary Increase	01/01/01	N/A	\$1393.75 S/M
Reyes Jr., Federico	CSCD (255)	Transfer	02/15/01	N/A	\$ 972.71 S/M
Welch, Shannon M.	CSCD (152)	Prom/Transfer	02/05/01	N/A	\$1125.75 S/M
Youngblood, Don A.	CSCD (218)	Salary Increase	12/01/00	N/A	\$ 973.08 S/M
Bennett, Ann E.	CRTC	Salary Increase	02/16/01	N/A	\$ 770.01 S/M
Bethca, Travis	CRTC	Salary Increase	02/01/01	N/A	\$ 903.58 S/M
DeLaRosa, Bryan G.	CRTC	Salary Increase	02/16/01	N/A	\$ 806.87 S/M
Espinoza, Samuel	CRTC	Salary Increase	02/01/01	N/A	\$ 725.16 S/M
Glover, G. Keith	CRTC	Salary Increase	02/01/01	N/A	\$1276.55 S/M

## MONTHLY SCHEDULE OF TRAVEL AND COUNTY COMMISSIONERS COURT REPORT

NAME: JOHN BEGNAUD	TITLE: CEA-HORT
COUNTY: Tom Green	MONTH: JANUARY 2001

DATE	MAJOR ACTIVITIES SINCE LAST REPORT	MILES	MEALS	LODGING
2	RESULT DEMONSTRATIONS	47		
8	LANDSCAPE DESIGN-VANCOURT	52		
10	FIRE ANT SURVEY	39		
11	SCHLEICHER COUNTY ORCHARDS	117		
16	BEEKEEPERS PROGRAM	28		
17	FT. MCKAVITT ORCHARD	157		
19,20	TOM GREEN COUNTY FAIR	48		
22	TEXAS A&M CENTER	12		
23,24	PECAN SHORT COURSE-COLLEGE STATION	566		
26	SCHLEICHER PECAN ORCHARD	113		
28	AMERICAN SOCIETY FOR HORTICULTURE-FT. WORTH	457		
29	WALL GARDEN PROJECT	16		
30	COMPOSTING PROGRAM & PREPARATION	32		
GRAND TOTAL OF MILEAGE, MEALS & LODGING		1684	0	0

Other expenses (list) \_\_\_\_\_

I hereby certify this is a true and correct report of activities, travel and other expenses incurred by me in performance of official duties for the month shown.

**TEXAS AGRICULTURAL EXTENSION SERVICE**  
**The Texas A&M University System**

**MONTHLY SCHEDULE OF TRAVEL AND COUNTY COMMISSIONERS COURT REPORT**

<b>NAME:</b> Kelly L. Ahrens <b>COUNTY:</b> Tom Green	<b>TITLE:</b> CEA-FCS <b>MONTH:</b> January 2001
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DATE	MAJOR ACTIVITIES SINCE LAST REPORT	MILES	MEALS	LODGING
1/02	Office Supplies	21		
1/03	EE Association Meeting (12T)	12		
1/04	Program Supplies	14		
1/05	ASU - ServSafe Program Discussion	13		
1/06	Project Show errands	25		
1/08	Nutrition Program (9T,2B,4H,8F); ALA Meeting (11T, 1H,2M)	22		
1/09	Wall EE Club Meeting (16T)	43		
1/10	Office Errands, Shannon Medical-BLT Pro/ServSafe Discussion (2)	17		
1/11	Liveoak EE Club Meeting - Christoval (9T)	48		
1/15	Nutrition Program (6T,5H,1B,4F); Shannon Dietary -ServSafe (2)	23		
1/16	Office Depot/Office Max; Shannon Wellness	15		
1/17	Youth Project Show errands	16		
1/18	Nutrition Program (7T,4H,2B,6F); Youth Project Show	32		
1/19	Youth Project Show	32		
1/20	Youth Project Show	45		
1/21	Older Adult Nutrition Program Supplies, Office Supplies	16		
1/22	Performance Appraisal - District Office	16		
1/23	Older Adult Nutrition Program -District Office	16		
1/24	San Angelo Housing Authority	10		
1/25	Grape Creek EE Club Meeting (16)	35		
1/29	Clothing Training - Abilene	194	15.00	
1/30	Christoval- Scholarship Committee Meeting (4)	46		
1/31	Office Errands	15		
<b>GRAND TOTAL OF MILEAGE, MEALS &amp; LODGING</b>		<b>726</b>	<b>15</b>	<b>0</b>

Other expenses (list) \_\_\_\_\_

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DATE: February 1, 2001		NAME: Kelly L. Ahrens		
CURRENT MONTHS CONTACTS				
TELEPHONE	OFFICE	SITE CONTACTS	NEWS ARTICLES	NEWSLETTERS
110	23	920	2=160,000	6=482
RADIO	TELEVISION	FIELD VISITS	PROGRAMS	TOTAL
			19=153	161,535

MAJOR PLANS FOR NEXT MONTH: February 2001	
DATE	ACTIVITY
2/01	Character Counts Program Discussion with Grape Creek Church Youth Director
2/05	Adult Leaders Meeting
2/06	Consumer Decision Making Training
2/07	EE Association Meeting
2/15	Liveoak EE Club Meeting Program, BLT Intact Group Meeting
2/20	Emanuel Baptist FCS Program, Farm Safety Camp Planning Meeting - Runnels County
2/22	Housing Program at Alta Loma Senior Center
2/26	4-H Junior Clothing Committee - Runnels County

TEXAS AGRICULTURAL EXTENSION SERVICE  
The Texas A&M University System

MONTHLY SCHEDULE OF TRAVEL AND COUNTY COMMISSIONERS COURT REPORT

NAME: MARVIN ENSOR	TITLE: CEA-AG
COUNTY: Tom Green	MONTH: JANUARY 2001

DATE	MAJOR ACTIVITIES SINCE LAST REPORT	MILES	MEALS	LODGING
1	HOLIDAY			
2	OFFICE MGT			
3	SUPERVISED 4-H LIVESTOCK PROJECTS	226		
4	MONTHLY REPORTS			
5	WORKED ON GRANT PROPOSAL FOR 4-H BUILDING			
8	OFFICE MGT			
9	INDIVIDUAL CONSULTATION WITH LOCAL RANCHERS	191		
10	4-H BUILDING COMMITTEE MTG	7		
10	ATTENDED TWIN MT. 4-H CLUB MTG	24		
11-12	SUPERVISED 4-H LIVESTOCK PROJECTS	127		
15-16	PREPARATION FOR COUNTY SHOW	78		
17-20	LOCAL SCHOOL SHOWS & county show	64		
22	PERFORMANCE APPRAISAL	11		
23	CLEAN FAIRGROUNDS	12		
24	OFFICE MGT			
25	SELECTED CLUB CALVES FOR 4-HERS	131		
25	MET WITH M.S. DOSS FOUNDATION REP.			
26	OFFICE MGT			
29	ASSISTED 4-HERS PREPARE FOR FT. WORTH SHOW	14		
30-31	ASSISTED 4-HERS AT FT. WORTH SHOW	287	31.03	
GRAND TOTAL OF MILEAGE, MEALS & LODGING		1172	31.03	0

Other expenses (list) \_\_\_\_\_

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TEXAS AGRICULTURAL EXTENSION SERVICE  
The Texas A&M University System

MONTHLY SCHEDULE OF TRAVEL AND COUNTY COMMISSIONERS COURT REPORT

NAME: Marc Tucker	TITLE: Assistant County Ext. Agent-Ag.
COUNTY: Tom Green	MONTH: January

DATE	MAJOR ACTIVITIES SINCE LAST REPORT	MILES	MEALS	LODGING
01-04	Shear Sheep for Paul Adam	35		
01-05	Sterling County Project show judge	85		
01-06	Sterling County Showmanship Judge	85		
01-08	County Council/Adult Leaders/Concession Stand Task Force/Goat Project visits	45		
01-09	Tom Green County Shear day number 1/Concession chairman meeting	22		
01-10	Building, Show board meeting	15		
01-12	Goat shearing for 4-H family	28		
01-13	Reagan County Showmanship	160		
01-14	Project visits/Halfmann/Yancy	68		
01-17	Essay's 4-H and FFA/Tom Green County shear date 2	15		
01-18	Lakeview 4-H and FFA show	35		
01-19	Tom Green County Livestock Show	15		
01-20	Tom Green County Livestock Show	15		
01-23	Angora Goat Selection at ASU	30		
01-25	M. S. Doss "Mrs. Jeter" meeting	0		
01-26	Meeting with San Angelo Stock Show and Rodeo board member	10		
01-29	Tom Green County Sheep Shear at Stockshow grounds	15		
01-31	Selection meeting with David Vinson	86		
GRAND TOTAL OF MILEAGE, MEALS & LODGING		764	0	0

Other expenses (list) 

I hereby certify this is a true and correct report of activities, travel and other expenses incurred by me in performance of official duties for the month shown.



## CIHCP MONTHLY FINANCIAL/ACTIVITY REPORT

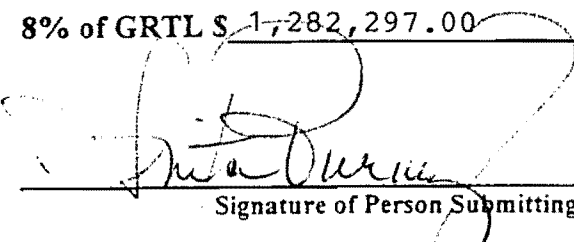
County Name Tom Green CountyReport for the Month/Year of Jan. 2001

## I. Application/Case Data

	Cases	Persons
Applications Approved During Report Month	19	21
Applications Denied During Report Month	13	16

## II. Creditable Expenditure During Report Month

Physicians Services	1.	20,115.24	
Prescription Drugs	2.	34,192.84	
Hospital, Inpatient Services	3.	109,487.83	
Hospital, Outpatient Services	4.	64,507.71	
Laboratory/X-Ray Services	5.	8,569.27	
Skilled Nursing Facility Services	6.	-0-	
Family Planning Services	7.	-0-	
Rural Health Clinic Services	8.	-0-	
State Hospital Contracts	9.	-0-	
Optional Services	10.	793.88	
Total Expenditures (Add #1-#10)			11. 237,666.77
Reimbursements Received	12.(	13,192.82	)
6% Case Review Findings (\$ in error)	13.(	-0-	)
Total to be deducted (Add #12-#13)			14.( 13,192.82 )
Credit to State Assistance Eligibility/Reimbursement (#11 minus #14)	15.	224,473.95	

STATE FISCAL YEAR (Sept 1 - Aug 31) TOTAL \$ 773,827.50General Revenue Tax Levy (GRTL)\$ 16,028,709.008% of GRTL \$ 1,282,297.00 6% of GRTL \$ 961,723.00

  
Signature of Person Submitting Report

February 5, 2001  
Date
Print Name and Title Anita Burney IHC AssistantEligible Cases 176  
Eligible Individuals 185Ineligible Cases 153  
Ineligible Individuals 157

# Interoffice Memo

**Date:** 02/06/2001  
**To:** Commissioners' Court  
**Cc:** Sheriff Joe Hunt  
**From:** Sandy Bradley, Purchasing Administrator  
**RE:** Sheriff Department Fixed Assets

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The following fixed assets were not located in the inventory done by Sheriff Joe Hunt and his personnel.

Tag #	Item	Cost	Purchase Date
1334	Table 34x60	100.00	1/77
6146	Steno Desk	238.00	8/83
7464	Steno Desk	300.00	1/80
8794	T Base High Density	300.00	1/93
8795	T Tools Hi Density	300.00	1/93
11014	4 Drawer File	60.00	7/96
12123	Prebuilt Computer	519.00	10/98
12135	Prebuilt Computer	519.00	10/98
12442	Panosonic Phone	109.65	10/98
12456	Panosonic Phone	109.65	10/98
TOTAL		\$2,555.30	

**AMENDMENT #2  
FOOD SERVICE AGREEMENT  
TOM GREEN COUNTY DETENTION FACILITY  
SAN ANGELO, TEXAS**

**THIS AGREEMENT**, effective April 1, 2001, by and between the Board of Commissioners for the TOM GREEN COUNTY ADULT DETENTION FACILITY (herein referred to as "Client"), whose address is 122 West Harris, San Angelo, Texas 76903, and CORRECTIONAL FOODSERVICE MANAGEMENT (hereinafter referred to as "CFM"), having its principal place of business at 5727 N. Black Canyon Highway, Phoenix, Arizona, 85015, desire and agree to extend the terms of the Contract Food Services as follows:

**WITNESSETH:**

1. **WHEREAS**, the COUNTY and CFM entered into a Management Operating Agreement on February 23, 1999; and
2. **WHEREAS**, the COUNTY and CFM agree to adjust the scale price per Inmate Meal on an annual basis.

Now, therefore, with the intent to be legally bound, and in consideration of the covenants and promises hereafter made, the parties hereto agree to the following price scale effective April 1, 2001-March 31, 2002:

<u>Inmate Population</u>	<u>Current Price Per Meal</u>	<u>% of increase</u>	<u>New Price Per Meal</u>
250 - 300	\$1.002	2.398	\$1.027
300 - 400	\$0.951	2.398	\$0.973
400 - 500	\$0.859	2.398	\$0.880
500 - 600	\$0.818	2.398	\$0.838
600 and above	\$0.790	2.398	\$0.809

All other provisions of the Management Operating Agreement entered into on February 23, 1999 will remain in full force and effect.

**SIGNATURE AND WITNESS HEREOF**, the parties have caused this agreement to be signed, in duplicate originals, by their duly authorized representatives the day and year first written above.

**CORRECTIONAL FOODSERVICE  
MANAGEMENT**

BY: Brion K. Mathias  
Brion K. Mathias  
Senior Vice President

DATE: 1/30/01

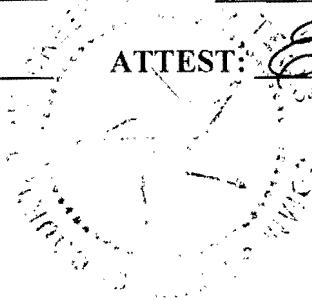
ATTEST: Robert J. Dumas

**TOM GREEN COUNTY DETENTION  
FACILITY**

BY: Michael D. Zorum  
Tom Green County Judge

DATE: 2-13-01

ATTEST: Elizabeth McGill



INCENTIVE PAYMENT MEMORANDUM OF UNDERSTANDING  
(IPMOU)

AGREEMENT BETWEEN  
THE SOCIAL SECURITY ADMINISTRATION  
AND THE  
COUNTY OF TOM GREEN, SAN ANGELO TEXAS

Article I, Purpose & Legal Authority

The parties in accordance with sections 1611(e)(1)(I) and 202(x)(3) of the Social Security Act (the Act) enter into this agreement. The agreement provides the terms and conditions under which the reporting entity (Reporter) will provide to the Social Security Administration (SSA) information about certain confined individuals, on its own behalf and/or on behalf of other facilities/institutions for whom it will report as identified in Article III B.1 of this agreement and under which SSA will pay facilities/institutions for information that results in the suspension of payments to certain confined individuals (see article II B) receiving Supplemental Security Income (SSI) payments under title XVI of the Act, 42 U.S.C. 1381 et seq., as well as suspension of benefits to individuals receiving Retirement Survivors and Disability (RSDI) benefits under title II of the Act, 42 U.S.C. 402 et seq. The responsibilities of each party to the agreement are also provided.

Title XVI of the Act sets forth the conditions under which individuals are eligible for SSI payments. Title II of the Act sets forth the conditions under which individuals are eligible for RSDI payments.

Based on sections 202(x)(1), 202(x)(3), and 1611(e)(1)(A) of the Act (codified at 42 U.S.C. §§ 402(x)(1), 402(x)(3) and 1382(e)(1)(A) respectively), the Social Security Administration is required to limit/deny the payment of benefits to: any individual for any month during which he/she is confined to a jail, prison, or other penal institution or correctional facility under a conviction of a criminal offense; certain individuals (see article II C) confined by court order in an institution at public expense in connection with certain verdicts or findings with respect to such offenses; and to certain individuals who, immediately on completion of confinement based on a conviction of an offense, an element of which is sexual activity, are confined by court order in an institution at public expense based on a finding that such individual is a sexually dangerous person or a sexual predator or a similar finding (title II of the Act); or to any individual for any month throughout which the individual is an inmate of a public institution (title XVI of the Act).

Section 1611(e)(1)(I)(i) and section 202(x)(3) of the Act authorize SSA to enter into agreements described in those sections with a specified type of interested State or local

institution (such as a jail, prison, or other penal institution or correctional facility or other institutions in which people are confined by court order at public expense). These sections of the Act provide the general terms and conditions under which, based on this agreement, the Reporter will provide information about confined individuals to SSA. SSA will also use the information provided by Tom Green County under authority of sections 205(j)(1)(A), 205(j)(5), 1631(a)(2)(A)(iii) and 1631(a)(2)(E) of the Act which require SSA to revoke certification for payment of benefits to representative payees under certain circumstances and investigate and monitor the performance of such representative payees. (See also 20 C.F.R. 404.2050; 416.655). The incarceration or confinement of a representative payee is a circumstance that SSA will consider under the above referenced representative payee provisions.

This agreement and any subsequent addenda supersede any similar agreement entered into previously under the above-cited statutory provisions by the reporter and SSA concerning disclosure of records of confined individuals or inmates of public institutions.

Section 552a(a)(8)(B) of title 5, U.S.C., as amended by section 402(a)(2) of Public Law 106-170 exempts this agreement, and information exchanged under this agreement, from certain provisions of the Privacy Act, i.e., those relating to computer matches.

#### Article II, Definitions

- A. **"Confined"** refers to individuals who are confined to a facility/institution described in Article I of this agreement under authority of law at any time during the period covered by this agreement.
- B. **"Other Confined Individuals" (Title XVI Beneficiaries)** are individuals who are confined to a jail or similar facility throughout any month during the period covered by this agreement. This individual remains confined if transferred from one public institution to another or if temporarily absent from such an institution, or resides in the institution as of the beginning of a month and dies in the institution during the month.
- C. **"Certain Other Individuals Confined at Public Expense" (Title II beneficiaries)** are individuals confined by court order for more than 30 continuous days in any institution at public expense in connection with:
  - (1) A verdict or finding that the individual is not guilty of a criminal offense by reason of insanity; or

- (2) A finding that the individual is incompetent to stand trial under an allegation of a criminal offense; or
- (3) A similar verdict or finding with respect to such an offense based on similar factors (such as a mental disease, a mental defect or mental incompetence).

Such an individual is considered confined until (1) he or she is released from the care and supervision of such institution; and (2) such institution ceases to meet the individual's basic living needs.

- D. **"Sexually Dangerous Individuals"** are individuals, who immediately upon completion of their prison sentence for a criminal offense (an element of which is sexual activity), are confined for more than 30 continuous days by court order in an institution at public expense. These individuals are confined in an institution based on a determination or finding that they are sexually dangerous persons, sexual predators, or similar determinations or findings.
- E. **"Representative Payee"** means the person, agency, organization or institution selected (by SSA) to receive and manage benefits on behalf of an incapable (SSA) beneficiary. This includes a parent who is receiving benefits on behalf of his/her minor child.
- F. **"Record"** means any item, collection, or grouping of information about an individual that is maintained by an entity including, but not limited to, the individual's criminal history, name, Social Security number (SSN), aliases, date of birth, gender, date of confinement, place of confinement and prisoner or inmate status.
- G. **"Disclosure"** means the release of information (data) with or without the consent of the individual(s) to whom the information pertains.
- H. **"Reporter Identification Code"** means the four-character code assigned by SSA to the Reporter that is party to the agreement and that will report information on its own behalf and/or on behalf of other facilities/institutions identified in this agreement.
- I. **"Facility Identification Code"** means the six-character code that SSA will assign to a facility or institution that confines individuals and is covered by this agreement. This code must be furnished with each submission of inmate data

to SSA concerning the facility/institution's confined individuals in order for SSA to process any incentive payments due the facility/institution under this agreement.

- J. **"Throughout a month"** means that a title XVI individual is confined in an institution as of the first instant of a calendar month and stays through the last instant of the month. Suspension applies in any month throughout which an individual is confined as an inmate of a jail, prison, other similar facility or other such public institution.

Example 1: If an individual enters an institution on April 30 and is released on June 3, the individual would be confined throughout May.

Example 2: If an individual enters an institution on May 1 and is released on June 30, the individual would not have been confined in an institution throughout either May or June.

Under the SSI program, an individual who is confined in a public institution is considered as remaining confined in a public institution if he is transferred from one such institution to another or if he is temporarily absent for a period of not more than 14 consecutive days. Also, an individual is considered confined in an institution throughout a month if he is confined in the institution as of the beginning of a month and dies in the institution during the month.

- K. **"More than 30 continuous days"** means that a title II individual has been convicted and remains confined in an institution for a period of more than 30 continuous days following the conviction. Suspension applies in any month in any part of which the individual is convicted and confined.

Example 1: Individual is convicted on April 28, enters an institution on April 30 and is released on June 3. The individual would be convicted and confined for more than 30 continuous days. Benefits would be suspended for all three months, April, May, and June.

Example 2: Individual is convicted on May 1, enters an institution on May 1 and is released on June 30. The individual would be convicted and confined for more than 30 continuous days in an institution. Benefits would be suspended for both months, May and June.

Article III, Description of Records to be Matched

A. General

1. The Reporter will identify confined individuals for SSA.
2. SSA will determine which of these confined individuals are receiving SSI payments, RSDI payments and/or acting as representative payees.

B. Source of Reporter Records

1. These records are compiled from Tom Green County Jail. (the Reporter must list all of the facilities/institutions that are covered by this agreement for which it will report).
2. A reporter may opt to qualify only for the payment of title XVI Incentive Payments. If the Reporter chooses that option, then the Reporter must provide the following data elements:
  - a. Social Security number (provide all numbers the individual has been known to use)
  - b. Name (provide all names the individual has been known to use); (Note: provide all known combinations of Social Security Number/Name identities);
  - c. Date of birth (known or alleged);
  - d. Confinement date, i.e., the date the inmate was admitted to the facility or the date custody of the individual began;
  - e. Facility identification code; and
  - f. Other identifying information as required in the attached Enumeration Verification System (EVS) User Package for Correctional Institutions.
3. A Reporter may opt to qualify for the payment of both title XVI incentive payments and title II incentive payments. If the Reporter chooses that option, then, the Reporter must provide the following data elements:
  - a. Social Security Number (provide all numbers the individual has been known to use);
  - b. Name (provide all names the individual has been known to use) (Note: provide all known combinations of Social Security Number/Name identities);



- c. Date of Birth (known or alleged);
  - d. Confinement date, i.e., the date the individual was admitted to the facility or the date custody of the individual began;
  - e. Date of Conviction for the criminal offense;
  - f. Facility identification code;
  - g. Other identifying information as required by the attached Enumeration Verification System (EVS) User Package for Correctional Institutions.
4. All records will be prepared and transmitted as prescribed in Article IV with clear identification of the facility/institution that is the source of such records.

#### C. SSA Systems of Records

SSA will match the data from the Reporter for the purpose described in the following systems of records. The data will be matched against the:

- 1. Supplemental Security Income Record (SSR) SSA/OSR 09-60-0103
- 2. Master Representative Payee File (09-60-0222)
- 3. Master Beneficiary Record (MBR) (09-60-0090)
- 4. Master Files of Social security Number Holders and SSN Applications SSA/OSR 09-60-0058 (Alphident & Numident)

### Article IV, Functions to be Performed

The information on confined individuals must be provided electronically (i.e., a computer tape, cartridge, diskette, or electronic transmission).

#### A. Type of Report

The Reporter agrees that it will furnish SSA with (check one of the reports below):

- \_\_\_\_ Report(s) (electronic file or paper report, if appropriate) containing the data elements/reporting requirements listed in Article III.B.2. for individuals whose confinement commences on or after March 1, 1997 for SSI recipients. (Title XVI Incentive Payment Agreement only.)

or

XX Reports (electronic file or paper report, if appropriate) containing the data elements/reporting requirements listed in Article III.B.3. for individuals whose confinement and/or conviction commences on or after March 1, 1997 for SSI recipients and the confinement and conviction for RSDI beneficiaries commences on or after April 1, 2000. (Title XVI and Title II Incentive Payment Agreement.)

#### B. Reporting Protocol

Report data required to qualify for Title XVI and/or Title II Incentive Payments (See Article III B.2 or 3 for data to be reported to SSA on inmates.)

1. The first submission of data, whether done electronically or by paper, will be a total inmate population report, commonly referred to as a census report.
2. After census file is submitted to SSA, files are to be submitted monthly for the preceding calendar month. The monthly report should consist of:
  - data for those individuals who are admitted to the facility/institution at any time during the period from the first day of the reporting month to the last day of that month (e.g., newly admitted inmates) and/or,
  - data for those individuals already in the custody of the facility/institution who have subsequently been convicted since the facility/institution initially began reporting inmate data to SSA.

#### C. SSA Actions on the Inmate Data Received

After validating or locating the proper Social Security number, SSA will:

1. Determine if the individual is receiving SSI or RSDI benefits.
2. Verify that the individual has received an SSI or RSDI benefit in the month preceding the first month throughout which such individual is an inmate;
3. Determine whether or not such individual is acting as a representative payee;
4. Investigate and determine whether revocation of representative payee certification is appropriate under applicable law as cited in Article I.

5. Verify that the individual has been confined throughout a calendar month for SSI or; convicted and confined for more than 30 continuous days for RSDI.
6. Notify the individual of the suspension action and provide the individual with an opportunity to contest the planned action under applicable regulations.
7. Suspend SSI and RSDI payments as required by law.
8. Pay the appropriate facility/institution as specified under Article V.
9. Provide the Reporter with a notice of the amount of the incentive payment, the payment date and the total number of suspended individuals, and a list of the individuals suspended.

D. SSA Addresses for Submitting Data Files

The Reporter agrees to send the data to one of the following addresses. If the Reporter prefers to ensure timely receipt of the data, files may be sent using FedEx. (Note: For diskette or large paper reporters, the address information for FedEx files differs from the regular mailing address since FedEx cannot be delivered to a P.O. Box. See below.)

1. Send tapes or cartridges to:

SSA  
 Attention: Outside Agency  
 2-F-9 National Computer Center  
 6201 Security Blvd.  
 Baltimore, MD 21235-6201

2. Send diskettes to:

SSA  
 Division of Employer Services, OCO  
 Metro West Building  
 P.O. Box 33004  
 Baltimore, MD 21290-3004

**FedEx address for diskettes:**

SSA  
 OCO, Division of Employer Services, ATTENTION: Prisoner  
 300 North Greene Street, 5-E-10 North Building  
 Baltimore, Maryland 21290-0300  
 Contact Name: Dortha Towson  
 Telephone Number: (410) 966-9649

3. Send paper listings that contain over 1000 names to:

SSA  
Division of Employer Services, OCO  
Metro West Bldg.  
P.O. Box 33004  
Baltimore, MD 21290-3004

**FedEx address for paper reports:**

SSA  
OCO, Division of Employer Services, ATTENTION: Prisoner  
300 North Greene Street, 5-E-10 North Building  
Baltimore, Maryland 21290-0300  
Contact Name: Dorethea Towson  
Telephone Number: (410) 966-9649

3. Establishing electronic transmission process:

Contact Anita Cohen on (410) 965-5340 to establish electronic processes with SSA systems.

**Article V, Incentive Payment Process**

**SSI (Title XVI) Incentive Payments**

In accordance with section 1611(e)(1)(I)(i)(II) of the Act, SSA will pay an incentive payment to a facility/institution covered by this agreement for information on a confined individual which the Reporter furnishes to SSA within the time periods specified below, provided that the confined individual is:

- Receiving an SSI payment for the month preceding the first month throughout which the confined individual is in such facility/institution; and
- Determined by SSA to be ineligible for a SSI payment for such first month as a result of the information provided by the Reporter under this agreement.

**NOTE:** See article III, B.2. for data elements required to qualify for Title XVI incentive payments as described above.

**RSDI (Title II) Incentive Payments**

In accordance with section 202(X)(3) of the Act, SSA will pay an incentive payment to a facility/institution covered by this agreement for information on a confined and convicted individual

which the Reporter furnishes to SSA within the time periods specified below, provided that the confined individual is:

- Is receiving an RSDI payment for the month preceding the first month in which the confined individual is in a facility/institution; and
- Determined by SSA to be ineligible for an RSDI payment for any part of the first month as a result of the information provided by the Reporter under this agreement.

**NOTE:** See Article III, B.3 for the data elements required to qualify for Title XVI and/or Title II incentive payments as described above.

#### Payment of Incentives

SSA will pay such facility/institution:

- \$400 if the Reporter furnishes the information on a confined individual described above to SSA within 30 days after the date the individual's confinement in such facility/institution begins; and/or,
- \$200 if the Reporter furnishes such information to SSA after 30 days after such date but within 90 days after such date.
- The dollar amounts above will be reduced by 50 percent if the Commissioner is also required to make a payment to the reporter with respect to the same individual under an agreement entered into under section 202(x)(3)(B); and, conversely will be reduced by 50 percent if a payment is made with respect to the same individual under section 1611(e)(1)(I)(I).

If SSA cannot validate the SSN of a confined individual, SSA will take no further action.

SSA will not pay an incentive payment for information concerning a confined individual if, prior to SSA's receipt of the information, SSA has already determined that the individual is ineligible for SSI or RSDI payments or in cases in which SSA's only action is to suspend the individual from serving as a representative payee.

Payments made by SSA under this agreement represent incentive payments accruing as a result of SSA's efforts in processing the data provided under this agreement when such data results in the suspension of SSI payments to confined inmates or confined and convicted inmates for RSDI payments. The time required for SSA

to complete the verification process, perform case development to determine whether suspension of an individual's SSI or RSDI payment is appropriate, and, complete the due process requirements that must be accorded an individual subject to a suspension action, may vary from case to case and may represent several months.

SSA will pay incentive payments to a facility/institution on a monthly basis by electronic transfer of funds. The facility/institution will name a financial institution and provide the information required on an Automated Clearing House (ACH) Vendor/Miscellaneous Payment Enrollment Form (SF 3881) to receive its incentive payments by electronic transfer of funds.

SSA will provide the Reporter with a notice of the amount of the incentive payment, the payment date, the total number of suspended individuals, and a list of individuals suspended. Disputes involving these incentive payments will be considered by the Regional Prisoner Coordinator designated in Article IX. The Reporter should forward a written request describing the dispute in detail to the Regional Prisoner Coordinator designated in Article IX within 30 days of its receipt of the relevant incentive payment notice.

#### Article VI, Records Usage, Duplication and Redisclosure Restrictions

SSA agrees to use the information provided by the Reporter only to determine which of the confined/convicted individuals are receiving payments and to suspend these payments as required by law and to investigate and monitor the performance of representative payees under circumstances as described in Article I. SSA will adhere strictly to the provisions of section 1611(e)(1)(I) and 202(x)(3) of the Act in any usage, duplication, or redisclosure of information provided by the Reporter under this agreement.

As required by section 1611(e)(1)(ii)(II) and section 202(x)(3) of the Act, SSA will redisclose the information obtained pursuant to this agreement to any Federal or Federally assisted cash, food, or medical assistance program, for eligibility purposes.

SSA will retire all identifiable records in accordance with the Federal Records Retention Schedule (44 U.S.C. 3303a). For records the Reporter wants returned, SSA will return the Reporter's electronic files (magnetic computer tapes, diskettes or other electronic media) to the Reporter within 12 months. Paper reports will not be returned.

**Article VII, Notice, Verification and Opportunity  
to Contest**

SSA agrees to verify information obtained under this agreement prior to initiating any adverse action against an individual. Pursuant to its applicable regulations, SSA will inform the individual by written notice that it has received specified information indicating that the individual is confined under the jurisdiction of a named prison system or is an inmate of a public institution beginning (month/year) and that, by law, SSI payments and/or RSDI benefits must be suspended. SSA will afford the individual the opportunity to contest and submit information concerning the planned action and to appeal a determination by SSA to suspend payments in accordance with applicable regulations.

SSA is responsible for determining the most suitable representative payee to receive title II and title XVI payments. For title II and title XVI actions under the representative payee provisions cited in Article I of this agreement, in addition to notices provided to any affected Social Security beneficiary or SSI recipient, that the representative payee receiving notice has 30 days to contest the Agency's decision to change representative payee for the affected beneficiary or recipient based in part on the current payee's incarceration or confinement under applicable provisions of the Act and regulations requiring revocation of certification of payment to certain representative payees and monitoring of representative payee performance by SSA.

**NOTE:** SSA's final decision on the representative payee issue does not affect the eligibility or entitlement of the individual to the continued receipt of Social Security benefits or supplemental security income payments. In the event that there is any adverse effect on the monthly benefits payments to the beneficiary or recipient as a result of this match, if a decision is made to change the representative payee, the beneficiary or recipient will receive notice of the change as provided in sections 205(j)(2)(E)(ii) and 1631(a)(2)(B)(xi) of the Act.

**Article VIII, Term of the Agreement**

This agreement supersedes any previous agreement(s) between SSA and the facility/institutions identified in this agreement effectuating the exchange of prisoner information for the purpose of enforcing section 1611(e)(1)(A), 205(j)(1)(A), 205(j)(5), 1631(a)(2)(A)(iii), 1631(a)(2)(E), and 202(x)(1) of the Act.

This agreement shall be effective upon the signatures of both parties and shall remain in effect until terminated by either of the parties. The agreement may be terminated upon written

notification by either party 90 days in advance of the termination date.

Article IX, Persons to Contact

- A. The SSA contact for questions concerning this incentive payment agreement is the Regional Prisoner Coordinator in SSA's Dallas Regional Office at the following address:

Ed Hromatka/Larry Mayo  
MOS, Center for Disability  
Room 670  
1301 Young Street  
Dallas, TX 75202-5433  
(214) 767-4281  
FAX (214) 767-8267  
E-mail: ed.hromatka@ssa.gov/

- B. The SSA contact for policy questions concerning the incentive payment provision is:

William Browne  
Office of Program Benefits  
3-A-26 Operations Building  
6401 Security Boulevard  
Baltimore, MD 21235-6401  
(410) 965-7685  
FAX (410) 597-0146  
E-mail: bill.browne@ssa.gov

- C. For technical questions concerning the computer operation itself, contact:

Anita Cohen  
Team Leader, Client Identification Branch  
3-L-16 Operations Building  
6401 Security Boulevard  
Baltimore, MD 21235-6401  
(410) 965-5340  
FAX (410) 966-4159  
E-mail: anita.m.cohen@ssa.gov

- D. The Reporter contact for the incentive payment provision is:

NAME	Dianna Speiker, Tom Green Co. Treasurer
ADDRESS	113 W. Beauregard, San Angelo TX 76903
TELEPHONE	915-659-3263
FAX	915-659-6440

- E. The Reporter contact concerning technical questions regarding the electronic file process is:



NAME            Electronic file process is waived unless the  
                  county decides to report electronically.  
 ADDRESS  
 TELEPHONE  
 FAX

F. The Reporter contact for questions concerning the incentive payment accounting information is:

NAME            Dianna Speiker, Tom Green Co. Treasurer  
 ADDRESS        113 W. Beauregard, San Angelo TX 76903  
 TELEPHONE     915-659-3263  
 FAX             915-659-6440

**Article X, Signature**

In witness whereof, the parties execute this agreement,

FOR THE SOCIAL SECURITY ADMINISTRATION

BY Fredi Franki                      DATE 2/13/01  
      Fredi Franki  
      District Manager  
      (TITLE)

FOR THE REPORTER

BY Michael D. Brown                      DATE FEB 13 2001  
      Michael D. Brown  
      Tom Green Co. Judge  
      (TITLE)

# **INVESTMENT POLICY TOM GREEN COUNTY, TEXAS**

For the year beginning January 1, 2001

## **I. Investment Scope**

### **General Statement**

This policy serves to satisfy the statutory requirements of Local Government Code 116.112 and Government Code Chapter 2256 to define and adopt a formal investment policy.

### **Funds Included**

This investment policy applies to all financial assets of all funds of the County of Tom Green, Texas at the present time and any funds to be created in the future, and any other funds held in custody by the County Treasurer, unless expressly prohibited by law or unless it is in contravention of any depository contract between Tom Green County and any depository bank.

## **II. Investment Objectives**

### **General Statement**

Funds of the County will be invested in accordance with federal and state laws, this investment policy and written administrative procedures. The County will invest according to investment strategies for each fund as they are adopted by Commissioners' Court resolution in accordance with 2256.005(d).

### **Safety**

The County is concerned about the return of its principal; therefore, safety of principal is the primary objective in any investment transaction.

### **Liquidity**

The County's investment portfolio must be structured in conformity with an asset/liability management plan (mmp) which provides for liquidity necessary to pay obligations as they become due, utilizing investment instruments, the final maturity of which, is one (1) year or less unless approved in advance by the Investment Advisory Committee.

### **Diversification**

It will be the policy of the County to diversify its portfolio to eliminate the risk of loss resulting from over concentration of assets in specific maturities, a specific issuer or a specific class of investments. Investments of the County shall always be selected that provide for safety of principal, stability of income and reasonable liquidity prior to maturity.

## **Yield**

It will be the objective of the County to earn the maximum rate of return allowed on its investments within the policies imposed by its safety and liquidity objectives, investment strategies for each fund, and all state and federal law governing investment of public funds.

## **Maturity**

Portfolio maturities will be structured to meet the obligations of the County first and then to achieve the maximum rate of return consistent with liquidity requirements. When the County has funds that will not be needed to meet current-year obligations, maximum restraints will be imposed based upon the investment strategy for each fund.

## **Quality and Capability of Investment Management**

It is the County's policy to provide training required by the Public Funds Act, Sec. 2256.008 and periodic training in investments for the County Investment Officer and other members of the Investment Advisory Committee through courses and seminars offered by professional organizations and associations in order to insure the quality, capability, professional expertise and timeliness of the County Investment Officer and other members of the Investment Advisory Committee in making investment decisions.

# **III. Investment Responsibility and Control**

## **Investment Advisory Committee**

It is further the purpose of this policy to establish an Investment Advisory Committee comprised of five (5) members. Those members being the County Judge, the County Treasurer, the County Auditor and one Commissioner alternating on an biannual basis beginning with the precinct one Commissioner and followed by the Commissioners' of precincts 2, 3, and 4 and then repeating. The fifth member of the Investment Advisory Committee shall serve a one calendar year term and shall be a qualified citizen with experience in investment management suggested by the four County officials of the committee and approved by the Commissioners' Court. The Investment Advisory Committee derives its authority and responsibility from the Commissioners' Court. It will be the responsibility of the committee to oversee the investment of the County's funds and those proprietary and fiduciary funds that Tom Green County has the responsibility and authority to invest.

## **County's Investment Officer**

In accordance with sec.116.112(a), Local Government Code and/or Government Code Chapter 2256, the County Investment Officer under the supervision of the Tom Green County Commissioners' Court, may invest County funds that are not immediately required to pay obligations of the County.

If the investment officer has a personal business relationship with an entity, or is related within the second degree by affinity or consanguinity to an individual seeking to sell an investment of the county, the Investment Officer must file a statement disclosing that personal business interest, or relationship, with the Texas Ethics Commission and the Commissioners' Court in accordance with Government Code 2256.005(I).

### **Liability of Investment Officer**

In accordance with sec. 113.005, Local Government Code, the County Investment Officer is not responsible for any loss of the County funds through the failure or negligence of a depository. This section does not release the Investment Officer from responsibility for a loss resulting from the official misconduct or negligence of the Investment Officer, including a misappropriation of the funds, or from responsibility for funds until a depository is selected and the funds are deposited. If the Investment Officer is other than the County Treasurer, that person must be fully bonded.

## **IV. Investment Reporting**

### **Regular Reports**

In accordance with Government Code 2256.023, monthly, the County Investment Officer shall prepare and submit to the Commissioners' Court a written report of investment transactions for all funds for the preceding reporting period. The report must:

- A. describe in detail the investment position of the county on the date of the report;
- B. be prepared by all investment officers of the County;
- C. be signed by each investment officer of the County;
- D. contain a summary statement of each pooled fund group that states the:
  - 1. beginning market value for the reporting period;
  - 2. additions and changes to the market value during the period; and
  - 3. ending market value for the period;
- E. state the book value and market value of each separately invested asset at the beginning and end of the reporting period by the type of asset and fund type invested;
- F. state the maturity date of each separately invested asset that has a maturity date;
- G. state the account or fund or pooled group fund in the County for which each individual investment was acquired; and
- H. state the compliance of the investment portfolio of the county as it relates to:
  - 1. the investment strategy expressed in the County's investment policy; and
  - 2. relevant provisions of this chapter.

## **Annual report**

The County Investment Officer will prepare a written yearly report concerning the County's investment transactions for the preceding year and describing in detail the investment position of all of the funds for which the County has the investment authority and responsibility as of the date of the report.

## **Notification of investment changes**

It shall be the duty of the County Investment Officer of Tom Green County, Texas to notify the Tom Green County Commissioners' Court of any significant changes in current investment methods and procedures prior to their implementation, regardless of whether they are authorized by this policy or not.

## **V. Investment Types**

### **Authorized**

The County Investment Officer shall use any or all of the following authorized investment instruments consistent with governing law (Government Code, Chapter 2256):

- A. Except as provided by Government Code 2256.009(b), the following are authorized investments:
  - 1. obligations of the United States or its agencies and instrumentality's;
  - 2. direct obligations of the state of Texas or its agencies and instrumentalities;
  - 3. other obligations, the principal of and interest on which are unconditionally guaranteed or insured by or backed by the full faith and credit of, the state of Texas or the United States or their respective agencies and instrumentalities;
  - 4. obligations of states, agencies, counties, cities, and other political subdivisions of any state having been rated as to investment quality by a nationally recognized investment rating firm and having received a rating of not less than "A" or its equivalent;
- B. Certificates of deposit if issued by state and/or national banks domiciled in this state or a savings and loan association domiciled in this state and is:
  - 1. guaranteed or insured by the federal deposit insurance corporation, or its successor; and
  - 2. secured by obligations that are described by Section 2256.009(a) of the Public Funds Investment act, including mortgage backed securities directly issued by a federal agency or instrumentality that have a market value of not less than the principal amount of the certificates, but excluding those mortgage backed securities of the nature described by Section 2256.009(a) of the Public Funds Investment act.
- C. A fully collateralized direct repurchase agreements as defined in the Public Funds Investment Act, if it:
  - 1. has a defined termination date;
  - 2. is secured by obligations described by Section 2256.009(a)(1) of the Public Funds Investment Act; and
  - 3. requires the securities being purchased by the County to be pledged to the County, held in the County's name, and deposited at the time the investment is made with the county or with a third party selected and approved by the county.

- D. A prime domestic bankers' acceptance if it:
  - 1. has a stated maturity of 270 days or less from the date of its issuance;
  - 2. will be, in accordance with its terms, liquidated in full at maturity;
  - 3. is eligible for collateral for borrowing from a Federal Reserve Bank; and
  - 4. is accepted by a bank organized and existing under the laws of the United States or any state, the short-term obligations of which (or of a bank holding company of which the bank is the largest subsidiary) are rated at least A-1, P-1, or the equivalent by at least one nationally recognized credit rating agency.
  
- E. Commercial paper is an authorized investment if the commercial paper:
  - 1. has a stated maturity of 270 days or less from the date of its issuance
  - 2. is rated not less than A-1, P-1, or the equivalent rating by at least:
    - a. two nationally recognized credit rating agency; or
    - b. one nationally recognized credit rating agency and is fully secured by an irrevocable letter of credit issued by a bank organized and existing under the laws of the United States or any state thereof.
  
- F. Mutual funds and money market mutual funds with limitations described below:
  - 1. A no-load money market mutual fund is authorized if it:
    - a. is regulated by the Securities and Exchange Commission;
    - b. has a dollar-weighted average stated portfolio maturity of 90 days or less;
    - c. included in its investment objectives the maintenance of a stable net asset value of \$1 for each share.
  - 2. A no-load mutual fund is authorized if it:
    - a. is registered with the Securities and Exchange Commission;
    - b. has an average weighted portfolio maturity of less than 2 years;
    - c. is invested exclusively in obligations approved by this subchapter;
    - d. is continuously rated as to investment quality by at least one nationally recognized investment rating firm or not less than AAA or it equivalent; and
    - e. conforms to the requirements set forth in Sections 2256.016(b) and (c) relating to the eligibility of investment pools to receive and invest funds of investing entities.
  - 3. Relative to mutual funds and money market mutual funds, the county may not:
    - a. invest in the aggregate more than 80% of Tom Green County's monthly average fund balance, excluding bond proceeds, reserves and other funds held for debt service, in money market mutual funds or mutual funds, either separately or collectively;
    - b. invest in the aggregate more than 15 percent of its monthly average fund balance excluding bond proceeds, reserves and other funds held for debt service, in mutual funds; or
    - c. invest any portion of bond proceeds, reserves and funds held for debt service in mutual funds; or
    - d. invest its funds or funds under its control, including bond proceeds and reserves and other funds held for debt service, in any one mutual fund or money market mutual fund in an amount that exceeds 10 percent of the total assets of the mutual fund or money market mutual fund.

- G. Eligible investment pools (as discussed in the Public Funds Investment Act, Section 2256.016-2256.019) if the Commissioner' Court by resolution authorizes investment in the particular pool. An investment pool shall invest the funds it receives from entities in authorized investments permitted by the Public Funds Investment Act. A county, by contract, may delegate to an investment pool the authority to hold legal title as custodian of investments purchased with its local funds.
- H. In addition to investment in obligations, certificates, or agreements authorized herein, bond proceeds of the County, may be invested in common trust funds or comparable investment devices owned or administered by banks domiciled in this state and whose assets consist exclusively of all or a combination of the obligations authorized herein. Common trust funds of banks domiciled in this state may be used if allowed under applicable federal regulations governing the investment of bond proceeds; and meet the cash flow requirements and the investment needs of the County. Competitive, written bids for common trust fund investments must be solicited initially from at least three banks in Tom Green County. If there are not three banks available for the investments within Tom Green County, the County may solicit such bids from any bank within the state in addition to those banks, if any that are located within the boundaries of the County.

#### **Prohibited**

The Tom Green County Investment Officer has no authority to use any of the following investment instruments which are strictly prohibited:

- A. obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principal;
- B. obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest;
- C. collateralized mortgage obligations.

### **VI. Investment Responsibility and Control**

#### **Investment Institutions Defined**

The Investment Officer shall invest County funds with any or all of the following institutions or groups consistent with federal and state law and the current depository bank contract:

- A. depository bank;
- B. other state or national banks domiciled in Texas that are insured by FDIC;
- C. public funds investment pool; or
- D. primary government securities brokers and dealers.

### **Qualifications for Approval of Broker/Dealers**

In accordance with 2256.005(k), a written copy of this investment policy shall be presented to any person seeking to sell to the County an authorized investment. The registered principal of the business organization seeking to sell an authorized investment shall execute a written instrument substantially to the effect that the registered principal has:

- A. received and thoroughly reviewed the investment policy of the County; and
- B. acknowledged that the organization has implemented reasonable procedures and controls in an effort to preclude imprudent investment activities arising out of investment transactions conducted between the County and the organization

The Investment Officer may not buy any securities from a person who has not delivered to the County an instrument in substantially the form provided above according to Section 2256.005(l).

The Investment Committee shall, at least annually, review, revise, and adopt a list of qualified brokers that are authorized to engage in investment transactions with Tom Green County.

### **Standards of Operation**

The County Investment officer shall develop and maintain written administrative procedures for the operation of the investment program, consistent with this investment policy.

### **Delivery Vs. Payment**

It will be the policy of the County that all Treasury Bills, Notes and Bonds and Government Agencies' securities shall be purchased using the "Delivery Vs. Payment" (DVP) method through the Federal Reserve System. By so doing, County funds are not released until the County has received, through the Federal Reserve wire, the securities purchased.

### **Audit control**

The County Investment Officer will establish liaison with the Tom Green County Auditor in preparing investment forms to assist the County Auditor for accounting and auditing control.

The County Investment Officer is subject to audit by the Tom Green County Auditor. In addition, it is the policy of the Tom Green County Commissioners' Court, at a minimum to have an annual audit of all County funds, investments and investment procedures by an independent auditing firm. The County Investment Officer and the County's investment procedures shall be subject to an annual compliance audit of management controls on investments and adherence to the County's established investment policies in accordance with Government Code 2256.005(m).



### **Standard of Care**

In accordance with Government Code 2256.006, investments shall be made with judgment and care, under prevailing circumstances, that a person of prudence, discretion, and intelligence would exercise in the management of the person's own affairs, not for speculation, but for investment, with due regard for the safety of principal, liquidity and the probable income to be derived. Investment of funds shall be governed by the following investment objectives, in order of priority:

- A. Preservation and safety of principal;
- B. Liquidity; and
- C. Yield

In determining whether the Investment Officer has exercised prudence with respect to an investment decision, the determination shall be made taking into consideration:

- A. the investment of all funds, or funds under the County's control, over which the officer had responsibility rather than a consideration as to the prudence of a single investment; and
- B. whether the investment decision was consistent with the written investment policy of the County.

### **VII. Investment Collateral and Safekeeping**

#### **Collateral or Insurance**

The Investment Officer shall insure that all County funds are fully collateralized or insured consistent with federal and state law and the current Bank Depository Contract in one or more of the following manners:

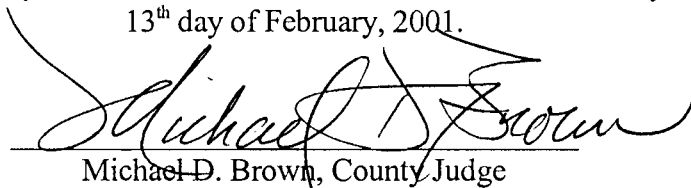
- (1) FDIC insurance coverage;
- (2) obligations of the United States or its agencies and instrumentalities;
- (3) direct obligations of the state of Texas or its agencies;
- (4) other obligations, the principal of and interest on which are unconditionally guaranteed or insured by the state of Texas or the United States or its agencies and instrumentalities;
- (5) obligations of states, agencies, counties, cities, and other political subdivisions of any state having been rated as to investment quality by a nationally recognized investment rating firm and having received a rating of not less than "A" or its equivalent; or


- (6) any other manner allowed Government Code Chapter 2257 (Public Funds Collateral Act).

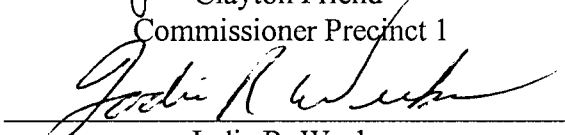
### Safekeeping

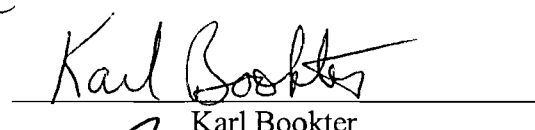
All purchased securities shall be held in safekeeping by the County, or a County account in a third party financial institution, or with a Federal Reserve bank. All certificates of deposit, insured by FDIC, purchased outside the depository bank shall be held in safekeeping by either the County or a County account in a third party financial institution. All pledged securities by the depository bank shall be held in safekeeping by the County, or a County account in a third party financial institution, or with a Federal Reserve bank..

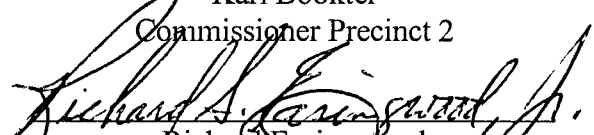
Approved by the Commissioners' Court of Tom Green County this  
13<sup>th</sup> day of February, 2001.

  
Michael D. Brown, County Judge

  
Clayton Friend  
Commissioner Precinct 1

  
Jodie R. Weeks  
Commissioner Precinct 3

  
Karl Bookter  
Commissioner Precinct 2

  
Richard A. Basingwood  
Commissioner Precinct 4

**TOM GREEN COUNTY - FUND INVESTMENT STRATEGY 2001**  
*ATTACHED TO AND MADE A PART OF THE TOM GREEN COUNTY INVESTMENT POLICY DATED FEBRUARY 2001*

**GENERAL FUNDS** - Accounts for all financial resources traditionally associated with government which are not required legally to be accounted for in another fund. Shall be invested to insure funds are available to meet operating demands.

**SPECIAL REVENUE FUNDS** - Accounts that are legally restricted to expenditure for a particular purpose. Usually grant funds under the direction of a certain department. Maturity no longer than twelve (12) months except on special projects for which the department can provide cash flow projections.

**DEBT SERVICE FUNDS** - Accumulated for payment of general obligation bond principal and interest from governmental resources and special assessment bond principal and interest from special assessment levies when the government is obligated in same manner for payment. Invested to meet obligation payments on 2/1 and 8/1 each year.

**CAPITAL PROJECT FUNDS** - Acquisition and construction of major capital facilities. Invested to meet needs over the length of the project. Based on cash flow projections provided by the appropriate entity.

**TRUST AND AGENCY FUNDS** - Assets held by the County in a fiduciary capacity for other governmental entities. If invested, such funds shall be invested to insure funds are available when reports and funds are disbursed..

**SURPLUS FUNDS** - funds not expended during a budget year. Shall be maintained and accounted for using generally accepted accounting principles. May be used to increase yields to defer taxes.

**TAX ASSESSOR/COLLECTOR** - Funds that are collected for the state and county. Tom Green County tax funds are collected and invested until the receipts are balanced or as soon as practical. Maturities range from over-night or until needed. Funds collected and invested for the state shall have a maturity of no longer than thirty-four days.

**COUNTY CLERK TRUST FUNDS** - Funds that are deposited in the registry of the County Courts and the Commissioners' Court. Usually invested in a pooled fund, no-load money market mutual fund, insured certificates of deposit, savings accounts and money market checking accounts. Shall provide for immediate liquidity except when ordered invested with a longer maturity by the Court.

**DISTRICT CLERK TRUST FUNDS** - Funds that are deposited in the registry of the Districts Courts. Usually invested in a pooled fund, no-load money market mutual fund, insured certificates of deposit, savings accounts and money market checking accounts. Need immediate liquidity except when ordered invested with a longer maturity by the Court.