

**Hall County, Texas**  
**Regular Commissioners' Court Meeting**

November 8, 2021

BE IT REMEMBERED THAT THE HALL COUNTY COMMISSIONERS MET IN A REGULAR COMMISSIONERS' COURT MEETING on November 8, 2021 with the following members present: Ray Powell, County Judge, presiding; Ronny Wilson, Commissioner Precinct #1; Terry Lindsey, Commissioner Precinct #2; Gary Proffitt, Commissioner Precinct #3; Troy Glover, Commissioner Precinct #4; Olivia M. Fisher, County Clerk; and Pauline Johnsey, Judge's Assistant. Also, present were Tom Heck, County Sheriff; Luke Inman, District Attorney; and Sherrie Stone, Justice of Peace 1, 2, & 3.

The meeting was called to order at 10:04 A.M.

**1. Opening prayer.**

The opening prayer was led by Commissioner Lindsey.

**2. Approval of minutes of the Regular Meeting of October 12, 2021, and Called Meeting of November 3, 2021.**

Motion by Commissioner Wilson and second by Commissioner Lindsey and It is the Order of the Court to approve the minutes of the Regular Meeting of October 12, 2021, and Called Meeting of November 3, 2021. Motion passed, unanimously.

**3. Reports.**

Reports of Treasurer, Sheriff/EMC, Road & Bridge, Tax Assessor-Collector, County & District Clerk, Justice of the Peace 1, 2, & 3, and Tax Appraisal District were presented. Extension Office and County Judge did not present a report.

**4. Approve reports.**

Motion by Commissioner Wilson and second by Commissioner Lindsey and It is the Order of the Court to approve all reports, except the Treasurer's report, to be approved at the next regular meeting. Motion passed, unanimously.

**5. Approve payment of bills.**

Motion by Commissioner Lindsey and second by Commissioner Proffitt and It is the Order of the Court to approve the payment of the monthly bills. Motion passed, unanimously.

**6. Discuss and/or action on burn ban. (Currently OFF as of 1-11-21)**

Motion by Commissioner Glover and second by Commissioner Lindsey and It is the Order of the Court to place the county under a burn ban for the next 30 days, to be addressed at the next commissioners court meeting in December. Motion passed, unanimously.

**7. Take action on canvassing of votes from November 2, 2021 Special Election.**

Motion by Judge Powell and second by Commissioner Lindsey and It is the Order of the Court to accept and canvass the votes for the November 2, 2021 Special Election. Motion passed, unanimously. (Exhibit A)

**8. Take action on approval of resolution and casting votes for Hall County Appraisal District Board of Directors.**

Motion by Commissioner Lindsey and second by Commissioner Glover and It is the Order of the Court to approve the resolution casting 1400 votes for Gary Proffitt and 635 votes for Dixie Barbee for the Hall County Appraisal District Board of Directors. Motion passed, unanimously.

**9. Discuss and consider approval of County Holiday Calendar for 2022.**

Motion by Commissioner Lindsey and second by Commissioner Wilson and It is the Order of the Court to approve the County Holiday Calendar for 2022, as presented. Motion passed, unanimously. (Exhibit B)

**10. Presentation and request for approval of the 100<sup>th</sup> Judicial District Chapter 59 Asset Forfeiture Report for 2020-2021.**

Motion by Commissioner Lindsey and second by Commissioner Wilson and It is the Order of the Court to approve the 100<sup>th</sup> Judicial District Chapter 59 Asset Forfeiture Report for 2020-2021 as presented by Luke Inman. Motion passed, unanimously.

**11. Appointment of members of the 100<sup>th</sup> Judicial District Adult Sexual Assault Response Team and set date of the first meeting.**

Motion by Commissioner Glover and second by Commissioner Proffitt and It is the Order of the Court to approve the appointment of members to the 100<sup>th</sup> Judicial District Adult Sexual Assault Response Team, as presented by Luke Inman. Motion passed, unanimously.

**12. Take action to ratify signing of the FY 22/23 Interlocal Agreement by Judge Powell between Hall County and the Regional Public Defender for Capital Cases.**

Motion by Commissioner Wilson and second by Commissioner Proffitt and It is the Order of the Court to ratify and approve the signing of the FY 22/23 Interlocal Agreement by Judge Powell between Hall County and the Regional Public Defender for Capital Cases. Motion passed, unanimously.

**13. Discuss and consider approval of appointment of Sheriff Terry Bouchard to the Texas Panhandle Centers Behavioral & Developmental Health Board of Directors.**

Motion by Commissioner Proffitt and second by Judge Powell and It is the Order of the Court to approve the appointment of Sheriff Terry Bouchard to the Texas Panhandle Centers Behavioral & Developmental Health Board of Directors. Motion passed, unanimously.

**14. Discuss and consider participating in the State of Texas' Proposed Agreement to settle claims against opioid manufacturers by adopting a resolution to do so (Exhibit A) and by signing two participation forms required by the State (Exhibits B & C).**

Motion by Judge Powell and second by Commissioner Glover and It is the Order of the Court to participate in the State of Texas' Proposed Agreement to settle claims against opioid manufacturers by adopting a resolution to do so and by signing two participation forms required by the State. Motion passed, unanimously (Exhibit C)

**15. Discuss and consider and take necessary action on use of equipment, materials, purchases, county work projects, extra help or hiring of road employees on county road and bridges by Commissioner in each precinct.**

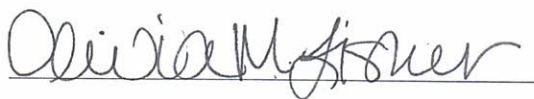
Discussion held. No action taken.

**16. Public Comments.**

No public comments.

**17. Adjournment**

Motion by Commissioner Wilson and second by Commissioner Proffitt and It is the Order of the Court to adjourn at 11:44 A.M. Motion passed, unanimously.



Olivia M. Fisher  
Hall County Clerk



1000  
1000  
1000



	BALLOTS CAST	STATE PROP 5		STATE PROP 6		STATE PROP 7		STATE PROP 8	
		For	Against	For	Against	For	Against	For	Against
Precinct 101 - MAIL	0	0	0	0	0	0	0	0	0
Precinct 101 - EV	5	4	1	4	1	4	1	4	1
Precinct 101 - ED	13	11	2	11	2	13	0	13	0
Precinct 201 - MAIL	0	0	0	0	0	0	0	0	0
Precinct 201 - EV	2	2	0	2	0	2	0	2	0
Precinct 201 - ED	17	9	6	14	1	13	2	14	1
Precinct 202 - MAIL	1	0	1	0	1	1	0	1	0
Precinct 202 - EV	6	5	1	6	0	3	3	6	0
Precinct 202 - ED	21	13	8	20	1	20	1	18	3
Precinct 301 - MAIL	0	0	0	0	0	0	0	0	0
Precinct 301 - EV	2	2	0	2	0	2	0	2	0
Precinct 301 - ED	8	4	4	7	1	8	0	7	1
Precinct 302 - MAIL	3	0	3	1	2	3	0	3	0
Precinct 302 - EV	7	4	3	6	1	5	2	5	1
Precinct 302 - ED	14	11	3	14	0	14	0	14	0
Precinct 401 - MAIL	0	0	0	0	0	0	0	0	0
Precinct 401 - EV	4	2	2	4	0	4	0	4	0
Precinct 401 - ED	39	22	15	35	4	33	6	34	5
Precinct 402 - MAIL	2	2	0	2	0	2	0	2	0
Precinct 402 - EV	8	8	0	8	0	7	0	8	0
Precinct 402 - ED	15	11	4	14	1	14	1	14	1
COUNTY TOTALS	167	110	53	150	15	148	16	151	13

<b><i>OFFICE OF HALL COUNTY JUDGE</i></b>				
<b>Hall County Courthouse</b>			<b>(806) 259-2511</b>	
<b>512 West Main Street, Suite 4</b>			<b>FAX 259-3083</b>	
<b>Memphis, Texas 79245</b>				
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<b><u>HALL COUNTY HOLIDAYS - 2022</u></b>				
<b><u>HOLIDAY</u></b>	<b><u>DAY OF WEEK</u></b>	<b><u>MONTH</u></b>	<b><u>DAY</u></b>	<b><u>YEAR</u></b>
NEW YEAR'S DAY (OBSERVED 12-31-21)	FRIDAY	DECEMBER	31	2021
MARTIN LUTHER KING, JR. BIRTHDAY	MONDAY	JANUARY	17	2022
PRESIDENTS' DAY	MONDAY	FEBRUARY	21	2022
TEXAS INDEPENDENCE DAY (MARCH 2)	WEDNESDAY	MARCH	2	2022
GOOD FRIDAY	FRIDAY	APRIL	15	2022
MEMORIAL DAY	MONDAY	MAY	30	2022
JUNE 19TH	MONDAY	JUNE	20	2022
INDEPENDENCE DAY (OBSERVED)	MONDAY	JULY	4	2022
LYNDON B. JOHNSON BIRTHDAY (8-27)	FRIDAY	AUGUST	26	2022
LABOR DAY	MONDAY	SEPTEMBER	5	2022
COLUMBUS DAY	MONDAY	OCTOBER	10	2022
VETERANS' DAY	FRIDAY	NOVEMBER	11	2022
THANKSGIVING	THURSDAY & FRIDAY	NOVEMBER	24	2022
		NOVEMBER	25	2022
CHRISTMAS HOLIDAY	FRIDAY	DECEMBER	23	2022
CHRISTMAS (OBSERVED)	MONDAY	DECEMBER	26	2022
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APPROVED BY HALL COUNTY COMMISSIONERS' COURT		NOVEMBER 8,	2021	
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RAY POWELL, COUNTY JUDGE, CHAIRMAN				

RESOLUTION

STATE OF TEXAS  
COUNTY OF HALL

BE IT REMEMBERED, at a regular meeting of the Commissioners Court of Hall County, Texas, held on the, 8<sup>th</sup> day of November, 2021, on motion made by JUDGE POWELL Commissioner of Precinct      and seconded by TROY GLOVER Commissioner of Precinct 4 the following Resolution was adopted:

WHEREAS, Hall County obtained information indicating that certain drug companies and ~~it~~ corporate affiliates, parents, subsidiaries, and such other defendants as may be added to the litigation (collectively, "Defendants") have engaged in fraudulent and/or reckless marketing and/or distribution of opioids that have resulted in addictions and overdoses; and

WHEREAS, these actions, conduct and misconduct have resulted in significant financial costs to the County; and

WHEREAS, on May 13, 2020, the State of Texas, through the Office of the Attorney General, and a negotiation group for Texas political subdivisions entered into an Agreement entitled Texas Opioid Abatement Fund Council and Settlement Allocation Term Sheet (hereafter, the Texas Term Sheet) approving the allocation of any and all opioid settlement funds within the State of Texas. and

WHEREAS, Special Counsel and the State of Texas have recommended that the Hall County Commissioners Court support the adoption and approval the Texas Term Sheet in its entirety.

NOW, THEREFORE, BE IT RESOLVED that we, the Commissioners Court of Hall County:

1. Support the adoption and approval the Texas Term Sheet in its entirety; and

2. Finds as follows:

a. There is a substantial need for repayment of opioid-related expenditures and payment to abate opioid-related harms in and about Hall County; and

b. The Commissioners Court supports in its entirety and hereby adopts the allocation method for opioid settlement proceeds as set forth in the STATE OF TEXAS AND TEXAS POLITICAL SUBDIVISIONS' OPIOID ABATEMENT FUND COUNCIL AND SETTLEMENT ALLOCATION TERM SHEET. The County Commissioners Court understands that the purpose of this Texas Term Sheet is to permit collaboration between the State of Texas and Political Subdivisions to explore and potentially effectuate resolution of the Opioid Litigation against Pharmaceutical Supply Chain Participants as defined therein. We also understand that an additional purpose is to create an effective means of distributing any potential settlement funds obtained under this Texas Term Sheet between the State of Texas and Political Subdivisions in a manner and means that would promote an effective and meaningful use of the funds in abating the opioid epidemic in this County and throughout Texas.

DONE IN OPEN COURT on this the 8<sup>th</sup> day of November, 2021.

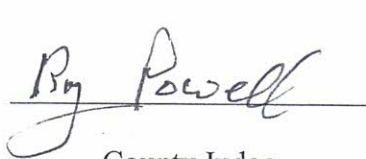
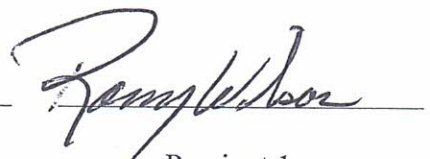

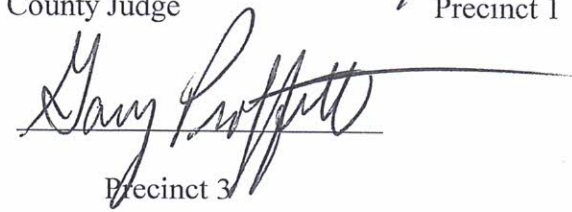
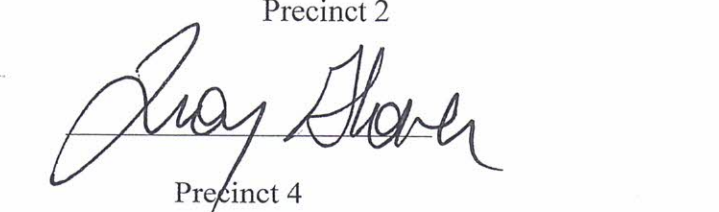
 County Judge	 Precinct 1	 Precinct 2
 Precinct 3	 Precinct 4	



EXHIBIT B

Settlement Participation Form

Governmental Entity: HALL COUNTY	State: TEXAS
Authorized Official: RAY POWELL	
Address 1: 512 WEST MAIN SUITE 4	
Address 2:	
City, State, Zip: MEMPHIS, TEXAS 79245	
Phone: 806-259-2511	
Email: HALLSOJUDGE@BTGOFTEXAS.COM	

The governmental entity identified above ("Governmental Entity"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated July 21, 2021 ("Janssen Settlement"), and acting through the undersigned authorized official, hereby elects to participate in the Janssen Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Janssen Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Janssen Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall, within 14 days of the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed.
3. The Governmental Entity agrees to the terms of the Janssen Settlement pertaining to Subdivisions as defined therein.
4. By agreeing to the terms of the Janssen Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Janssen Settlement solely for the purposes provided therein.
6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Janssen Settlement.
7. The Governmental Entity has the right to enforce the Janssen Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Janssen Settlement, including but not limited to all provisions of

Section IV (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Janssen Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Janssen Settlement shall be a complete bar to any Released Claim.

9. In connection with the releases provided for in the Janssen Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

**General Release; extent.** A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Janssen Settlement.

10. Nothing herein is intended to modify in any way the terms of the Janssen Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Janssen Settlement in any respect, the Janssen Settlement controls.

I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Signature: Ray Powell  
Name: RAY POWELL  
Title: COUNTY JUDGE  
Date: NOVEMBER 8, 2021

EXHIBIT C

Subdivision Settlement Participation Form

Governmental Entity: HALL COUNTY	State: TEXAS
Authorized Official: RAY POWELL	
Address 1: 512 WEST MAIN SUITE 4	
Address 2:	
City, State, Zip: MEMPHIS, TEXAS 79245	
Phone: 806-159-2511	
Email: HALLCOJUDGE@DTG OF TEXAS.COM	

The governmental entity identified above (“Governmental Entity”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated July 21, 2021 (“Distributor Settlement”), and acting through the undersigned authorized official, hereby elects to participate in the Distributor Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Distributor Settlement, understands that all terms in this Participation Form have the meanings defined therein, and agrees that by signing this Participation Form, the Governmental Entity elects to participate in the Distributor Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall, within 14 days of the Reference Date and prior to the filing of the Consent Judgment, secure the dismissal with prejudice of any Released Claims that it has filed.
3. The Governmental Entity agrees to the terms of the Distributor Settlement pertaining to Subdivisions as defined therein.
4. By agreeing to the terms of the Distributor Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Distributor Settlement solely for the purposes provided therein.
6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity’s state where the Consent Judgment is filed for purposes limited to that court’s role as provided in, and for resolving disputes to the extent provided in, the Distributor Settlement. The Governmental Entity likewise agrees to arbitrate before the National Arbitration Panel as provided in, and for resolving disputes to the extent otherwise provided in, the Distributor Settlement.

7. The Governmental Entity has the right to enforce the Distributor Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Distributor Settlement, including, but not limited to, all provisions of Part XI, and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Distributor Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Distributor Settlement shall be a complete bar to any Released Claim.
9. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the Distributor Settlement.
10. In connection with the releases provided for in the Distributor Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

**General Release; extent.** A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release, and that if known by him or her would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Distributor Settlement.

11. Nothing herein is intended to modify in any way the terms of the Distributor Settlement, to which Governmental Entity hereby agrees. To the extent this Participation Form is interpreted differently from the Distributor Settlement in any respect, the Distributor Settlement controls.

I have all necessary power and authorization to execute this Participation Form on behalf of the Governmental Entity.

Signature: Ray Powell  
Name: RAY POWELL  
Title: COUNTY JUDGE  
Date: NOVEMBER 8, 2021