

**CORRECTED NOTICE OF REGULAR MEETING
ELLIS COUNTY COMMISSIONERS' COURT**

Notice is hereby given that a regular meeting of the Ellis County Commissioners' Court will be held on **Monday, September 22, 2008 at 6:00 P.M., in the Commissioners' Courtroom, 101 West Main Street (2nd Floor), Waxahachie, Texas** at which time the following will be discussed and considered, to-wit:

County Judge:

Judge Chad Adams

Commissioners:

Dennis Robinson, Commissioner, Pct. 1

Bill Dodson, Commissioner, Pct. 2

Heath Sims, Commissioner, Pct. 3

Ron Brown, Commissioner, Pct. 4

County Clerk:

Cindy Polley, County Clerk

County & District Attorney's Office:

Ann Montgomery, Assistant County Attorney

Lee Auvenshine, Assistant County Attorney

1. OPENING COURT

1.1 County Judge will call meeting to order, declare quorum if present, and declare notices legally posted pursuant to Open Meetings Act.

1.2 Motion to Open Court.

1.3 Invocation and Pledge of Allegiance – Commissioner Dennis Robinson

2. CONSENT AGENDA – Consideration and Action:

Administrative:

A1 Approval of Regular Bills, Payroll, and Officers' Reports.

A2 Approval of the August 2008 Travel Reports of the Texas Cooperative Extension Office

Mark Arnold, Agriculture

Page Bishop, 4-H

Rita Hodges, Family & Consumer Sciences

A3 To approve a correction to the salary/position listing for the Sheriff's Office from a Detention Officer I to a Civilian Maintenance Supervisor (dollar change from \$34,551 to \$44,304), as approved in March 2007.

A4 Approval to adopt an Order authorizing certain Sheriff's Department vehicles to be exempt from the inscription requirement in the Transportation Code and to appoint Sheriff Ray Stewart, Chief Deputy Charles Sullins, and Captain Danny Williams representatives to obtain regular license plates to be used on those exempt vehicles. (Captain Danny Williams)

A5 Approval and Certification of the Minutes from the Commissioners' Court Agenda dated:
August 25, 2008 Special August 25, 2008 Regular

Financial:

- F1 From 3-010-0000-0302 Fund Balance to 5-010-0652-0903 Gravel – Bill Dodson, Commissioner, Pct. 2
- F2 From 5-001-0050-0843 4-H Travel, 5-001-0050-0805 Conference, 5-001-0050-0830 Maint/Repair to 5-001-0050-0803 Furniture, 5-001-0050-0801 Supplies – Mark Arnold, Extension
- F3 From 3-001-0000-0302 Fund Balance to 5-001-0010-0811 Auto Purchase, 5-001-0420-0811 Auto Purchase – Chad Adams, County Judge
- F4 From 5-001-0612-0703 Telephone, 5-001-0612-0803 Furniture, 5-001-0612-0809 Auto Repairs, 5-001-0612-0806 Bond/Dues, 5-001-0612-0805 Conference, 5-001-0612-0811 Insurance to 5-001-0612-0802 Equipment – Terry Nay, Constable, Pct. 2
- F5 From 4-001-0210-0719 Chapter 19 State Fund to 5-001-0210-0801 Supplies, 5-001-0210-0805 Conference – Jane Anderson, Elections
- F6 From 5-006-0754-0807 Gen Misc to 5-006-0754-0915 Asphalt - Ron Brown, Commissioner, Pct. 4
- F7 From 5-005-0703-0868 Contract Labor to 5-005-0703-0910 Gas/Oil – Heath Sims, Commissioner, Pct. 3
- F8 From 5-001-0703-0912 Bridge Repair, 5-011-0703-0910 Equipment, 5-011-0703-0903 Gravel to 5-011-0703-0911 Asphalt, 5-011-0704-0807 Gen Misc. – Heath Sims, Commissioner, Pct. 3
- F9 From 5-001-0392-0601 Travel to 5-001-0390-0805 Conference – Chad Adams, County Judge
- F10 From 5-009-0601-0908 Lumber to 5-009-0601-0901 Repairs/Parts- -Denis Robinson, Commissioner Pct. 1
- F11 From 4-006-0754-0008 Interlocals to 5-006-0754-0924 Soil Conservation , 5-006-0754-0909 Repair, 5-006-0754-0911 Gravel, 5-006-0754-0807 Gen Misc – Ron Brown, Commissioner, Pct. 4
- F12 From 5-001-0613-0703 Telephone, 5-001-0613-0806 Bond/Dues, 5-001-0613-0808 Gas to 5-001-0613-0811 Insurance, 5-001-0613-0802 Equipment – Jimmie Ray, Constable, Pct. 3
- F13 From 5-001-0520-0803 Fixtures, 5-001-0520-0601 Travel to 5-001-0520-0805 Conference, 5-001-0520-0874 Docket Books, 5-001-0520-0873 Maint, 5-001-0520-0801 Supplies – Jackie Miller, Jr. JP Pct. 2

ADMINISTRATIVE

- 3.1 Consideration and action to approve a proclamation the Ellis County Veteran’s Service Office.
 - Chad Adams, County Judge
- 3.2 Consideration and action to adopt a Maintenance and Operations tax rate of 0.295002 and to adopt a Interest and Sinking tax rate of .065089 for Ellis County FY 2008-2009, pursuant to Texas Local Government Code §81.006 and Texas Tax Code §26.05.
 - Holly Davis, Special Projects Director
- 3.3 Consideration and action to adopt a Farm to Market tax rate of 0.033508 for Ellis County FY 2008-2009, pursuant to Texas Local Government Code §81.006 and Texas Tax Code §26.05.
 - Holly Davis, Special Projects Director
- 3.4 Consideration and action to approve ratifying that the adoption of the 2008-2009 Ellis County tax rate will raise more property taxes than last year’s budget by \$2,818,729.89 and of that amount \$1,496,426.90 is tax revenue that will be raised from new property added to the tax roll this year with the total tax rate of \$0.393599 per \$100 of taxable value.
 - Holly Davis, Special Projects Director

- 3.5 To approve the second year of the three year agreement with CASA of Ellis County to provide financial support of \$5,000 for FY 2008-2009.
- Rhodie Rawls, Executive Director, CASA of Ellis County
- 3.6 Approval of the resolution for the 2009 Indigent Defense Grant Program that assists the County in the implementation of the provisions of the Fair Defense Act and the improvement of the indigent criminal defense services in the County, enabling Ellis County to obtain \$69,049.00 for indigent defense.
- Mike Navarro, Auditor
- 3.7 Approval of a Memorandum of Understanding between Ellis County and the North Central Texas Council of Governments Area Agency on Aging for services to Ellis County residents over age 60.
- Holly Davis, Special Projects Director
- 3.8 Consideration and action to approve an Interlocal Cooperation Contract between County of Ellis and the City of Italy.
- Heath Sims, Commissioner, Pct. 3
- 3.9 Consideration and action to approve an Interlocal Cooperation Contract between County of Ellis and the City of Maypearl.
- Heath Sims, Commissioner, Pct. 3
- 3.10 Consideration and action to approve an Interlocal Cooperation Contract between County of Ellis and the City of Milford.
- Heath Sims, Commissioner, Pct. 3
- 3.11 Consideration and action to approve an Interlocal Cooperation Contract between County of Ellis and the City of Waxahachie.
- Heath Sims, Commissioner, Pct. 3
- 3.12 Consideration and action to approve an Interlocal Cooperation Contract between County of Ellis and Italy ISD.
- Heath Sims, Commissioner, Pct. 3
- 3.13 Consideration and action to approve an Interlocal Cooperation Contract between County of Ellis and Maypearl ISD.
- Heath Sims, Commissioner, Pct. 3
- 3.14 Consideration and action to approve an Interlocal Cooperation Contract between County of Ellis and Midlothian ISD.
- Heath Sims, Commissioner, Pct. 3
- 3.15 Consideration and action to approve an Interlocal Cooperation Contract between County of Ellis and Milford ISD.
- Heath Sims, Commissioner, Pct. 3
- 3.16 Consideration and action to approve an Interlocal Cooperation Contract between County of Ellis and Waxahachie ISD.
- Heath Sims, Commissioner, Pct. 3

- 3.17 Consideration and action to approve the Presiding Judges and Alternate Judges for the November 4, 2008 General Election.
 - Jane Anderson, Elections Administrator
- 3.18 Consideration and action to approve the number of clerks needed for each polling place for the November 4, 2008 General Election.
 - Jane Anderson, Elections Administrator
- 3.19 Consideration and action to approve the renewal of the lease agreement between Ellis County and Edwin Spaniel for the term of October 1, 2008 through September 30, 2009, for agricultural purposes, for \$6461.23 which is \$20.01 an acre, for 322.9 acres of the property referred to as the Ellis County Farm.
 - Bill Dodson, Commissioner, Pct. 2
- 3.20 Consideration and action to lease temporary warehouse space from Tejas Logistics System for storage of the Sheriff's seized vehicles and other property.
 - Joe White, County Engineer
- 3.21 Consideration and action to approve a Memorandum of Understanding between Ellis County and the First Administrative Judicial Region regarding an interim plan to ensure "Judicial Readiness in Times of Emergency" that essential juridical services are available to those who seek access to the court when a courthouse is unavailable or inoperable.
 - Holly Davis, Special Projects Director

4. DEPARTMENT OF COUNTY DEVELOPMENT

Consideration and action regarding the following presented by Delton Ake, Director Department of County Development:

- 4.1 To grant a variance to County of Ellis Rules, Regulations and Specifications for Subdivisions and Manufactured Home Parks as it relates to the 30' building setback requirement, Kyle Kruppa, Pct. 4.
- 4.2 To grant a variance to County of Ellis Rules, Regulations and Specifications for Subdivisions and Manufactured Home Parks as it relates to the 10' building side setback requirement, Kyle Kruppa, Pct. 4.
- 4.3 To grant a variance to County of Ellis Rules, Regulations and Specifications for Subdivisions and Manufactured Home Parks as it relates to the 40' side setback for corner lots, Kyle Kruppa, Pct. 4.
- 4.4 To grant a variance to County of Ellis Rules, Regulations and Specifications for Subdivisions and Manufactured Home Parks as it relates to the 20' wide utility easements along the front and rear lots, Kyle Kruppa, Pct. 4.

- 4.5 To grant a variance to County of Ellis Rules, Regulations and Specifications for Subdivisions and Manufactured Home Parks as it relates to a minimum of 60' street ROW width, Kyle Kruppa, Pct. 4.
- 4.6 To grant a variance to County of Ellis Rules, Regulations and Specifications for Subdivisions and Manufactured Home Parks as it relates to a minimum block length of 1,000', Kyle Kruppa, Pct. 4.

5 PURCHASING

Consideration and action regarding the following presented by Richard Denniston, Purchasing Agent:

- 5.1 To declare as surplus and approve for sale a 2007 new Dodge Dooley Pick Up bed with accessories (bumper and receiver).

6. RECESS TO CONVENE TO EXECUTIVE SESSION

7. EXECUTIVE SESSION

“The Commissioners’ Court of Ellis County reserves the right to adjourn into **Executive Session** at any time during the course of this meeting to discuss any of the matters listed in this agenda, in the order deemed appropriate, as authorized by Texas Government Code §551.071 and §551.072, or to seek the advice of its attorney and/or other attorneys representing Ellis County on any matter in which the duty of the attorney to the Commissioners’ Court under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Texas Government Code Chapter 551 or as otherwise may be permitted under §551.071 and §551.072.”

- 7.1 Pursuant to Section 551.072 of the Government Code, consultation with counsel regarding the possible sale or lease of real property “if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person”.
- 7.2 Pursuant to Section 551.071 of the Government Code, consultation with counsel concerning lawsuit filed by Tony and Barbara Davis against Ellis County and Herman and Sandra Garcia.

8. ADJOURNMENT OF EXECUTIVE SESSION

9. ADJOURNMENT

Signed this the 18th day of September, 2008.

Chad Adams
Ellis County Judge

I, the undersigned, County Clerk of the Ellis County Commissioners Court do hereby certify that the above Notice of Regular Meeting of the Ellis County Commissioners Court is a true and correct copy of said Notice, that I received

said Notice, and it was posted at the doors of the Ellis County Courthouse, a place readily accessible to the general public at all times on the 18th day of September, 2008, at _____ a.m./p.m.

Cindy Polley, County Clerk

By _____
Deputy

The Commissioners Court reserves the right to consider and take action on the above agenda items in any particular order.

Anyone wishing to address the Commissioners Court concerning a posted agenda item must make a formal request by presenting a "Participation Form" to the County Clerk at least 10 minutes prior to the beginning of the meeting.

If you or your representative, have a disability that requires special arrangements and you plan to attend this public meeting, please contact the County Judge's Office at (972) 825-5011 within 72 hours of the meeting. Reasonable accommodations will be made to meet your needs at the meeting.