

**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, March 23, 2009, 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 Heath Sims

2. CONSENT AGENDA – Consideration and Action:

Administrative:

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

A2 Approval of the February 2009 Travel Reports of the Texas Cooperative Extension Office

Mark Arnold, Agriculture

Page Bishop, 4-H

Rita Hodges, Family & Consumer Sciences

A3 Accept certificate of completion of the Master Wellness Volunteer Program for Diana Buckley and Donna Evenden.

A4 Approve and affirm the appointment of Jerry Smith to Red Oak ESD #4.

A5 Approval and Certification of the Minutes from the Commissioners' Court Agenda dated

January 12, 2009 Regular January 26, 2009 Regular

February 9, 2009 Regular February 23, 2009 Regular

A6 Approval to remove Tommy Rossa from the Facilities Bond Oversight Committee and replace him with Albert Garcia, Sr. of Italy.

Financial:

- F1 From 001-0612-40096 LEOSE Revenue to 001-0612-50820 LEOSE Training – Terry Nay, Constable, Pct. 2
- F2 From 005-0703-40003 Misc. Reimbursement to 005-0703-50912 Bridge Repair – Heath Sims, Pct. 3
- F3 From 009-0602-50807 Gen Exp. FM 1 to 009-0602-50913 Chemicals, 00900602-50909 Repairs/Parts – Dennis Robinson, Pct. 1
- F4 From 010-0653-40008 Interlocal Agreement to 010-0652-50903 Gravel – Bill Dodson, Pct. 2
- F5 From 001-0000-30302 Fund Balance to 001-0380-50802 Equipment – Chad Adams, County Judge
- F6 From 005-0703-30301 Fund Balance to 005-0703-50930 ROW Purchase – Heath Sims, Pct. 3
- F7 From 001-0000-30302 Fund Balance to 001-0010-50811 Auto Purchase – Chad Adams, County Judge
- F8 From 001-0210-40719 Chapter 19 Funding to 001-0210-50800 Chapter 19 Expenditures – Jane Anderson, Elections
- F9 From 009-0602-50807 General Expense to 009-0602-50868 Contract Labor – Dennis Robinson, Pct. 1
- F10 Approve refund of overpayment to the following accounts for payment in error (John Bridges):

First American Real Estate	Acct #150362	\$3,060.23
Wells Fargo Real Estate Tax Svc	Acct #173922	\$2,892.06
CVS/Caremark Corp.	Acct #208720	\$3,085.81
Wells Fargo Real Estate Tax Svc	Acct #225967	\$3,151.70
Countrywide Tax Svc Corp	Acct #226949	\$6,874.44
Eric Lightle	Acct #236555	\$2,520.53
GMAC Mortgage LLC	Acct #239046	\$8,888.92
- F11 From 001-0010-50802 Equipment to 001-0010-50812 radio – Johnny Brown, Sheriff

Simplified Plat:

2.1 Hogan’s Acres, 1 lot, Joseph E. Hogan, Pct. 3.

3. ADMINISTRATIVE

3.1 Consideration and action to proclaim April, 2009 as Child Abuse Awareness Month in Ellis County.

- Ron Brown, Commissioner, Pct. 4

3.2 Consideration and action to approve a resolution opposing Senate Bill 320 filed by Senator Wentworth legislation in the 81st Texas Legislative Session.

- Heath Sims, Commissioner, Pct. 3

3.3 Consideration and action to accept the resignation of Ellis County Judge Chad Adams, effective April 1, 2009.

- Ron Brown, Commissioner, Pct.4

- 3.4 Consideration and action to enter into a contract with First Care Medical testing for pre-employment and random drug and alcohol screening and DNA testing.
 - Diana Buckley, Human Services
- 3.5 Consideration and action to accept a grant from the Texas Commission on Environmental Quality (TCEQ) in the amount of \$20,954.30 for the Clean Vehicle Fleet Project (vehicle for Constable, Pct. 4).
 - Holly Davis, Special Projects Director
- 3.6 Discussion concerning Ellis County Commissioners Court Order No. 69.03 regarding the duties and responsibilities of County Judge and Commissioners Court of the supervision and management of certain Commissioners Court and County Judge employees.
 - Heath Sims, Commissioner, Pct. 3
- 3.7 Consideration and action to appoint a county judge, effective April 2, 2009, to be ratified on April 13, 2009.
 - Ron Brown, Commissioner, Pct. 4

4. ENGINEERING

Consideration and action regarding the following presented by Joe White, County Engineer:

- 4.1 To remove from table an item requesting approval of construction costs and associated professional fees for the below grade street crossing which is the completing link of the secured prisoner walkway from the jail to the courts building (tabled on 3-16-2009).
- 4.2 To approve construction costs and associated professional fees for the below grade street crossing which is the completing link of the secured prisoner walkway from the jail to the courts building.
- 4.3 For the County Judge to sign a pipeline right of way easement between Ellis County and Atmos Energy Corporation. The easement is for approximately 500 sq. ft. along Main and Clift Streets in Waxahachie and is associated with pipeline reroutes for the Bond Project.
- 4.4 To approve payment to Atmos Energy Corporation \$6,500 for additional unforeseen labor cost in association with the pipeline reroute along Main and Clift Streets in Waxahachie.
- 4.5 For the County Judge to sign a contract between Electra Link and Ellis County for low voltage structured cabling associated with the Bond Program.

5. DEPARTMENT OF COUNTY DEVELOPMENT

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

- 5.1 To grant a set-back variance to Michael Driggers, Pct 2.

5.2 Replat- Hugh McDaniel Addition, lot 3, block 2, Sandra Clark, Pct. 4.

6. PURCHASING

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

6.1 To award the asphalt emulsion contract as follows for the period 4/1/200- through 3/31/2010:

CRS-2: Cleveland (Primary), Ergon (Secondary)

MS-2 and AE Prime: Ergon (Primary), Cleveland (Secondary)

7. RECESS TO CONVENE TO EXECUTIVE SESSION

8. 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, 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.”

8.1 Pursuant to Section 551.074 of the Government Code, to deliberate the appointment of a new county judge to fill the unexpired term of County Judge Chad Adams.

8.2 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”.

9. ADJOURNMENT OF EXECUTIVE SESSION

10. ADJOURNMENT

Signed this the 20th day of March, 2009.

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 20th day of March, 2009, 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.