

COPY

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**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, November 9, 2009 at 10:00 A.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:

NOV - 6 AM 9:37
CLERK OF COUNTY CLERK
CINDY POLLEY

County Judge:

Judge Carol Bush

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

Financial:

- F1 From 001-00150502 Staff Salary, 001-0015-50884 Auto Insurance to 001-0015-50701 Utilities, 001-0015-50813 Inmate Medical, 001-0015-50819 Computer, 001-0015-50802 Equipment, 001-0015-50702 Repairs, 001-0015-50815 Jailer Uniforms, 001-0015-50803 Furniture, 001-0015-50835 Employee Training – Johnny Brown, Sheriff
- F2 From 005-0703-50911 Gravel to 005-0703-50701 Utilities, 001-0703-50807 Gen Misc – Heath Sims, Commissioner, Pct. 3
- F3 From 005-0703-50556 Unemployment Fees to 005-0703-50557 Worker's Comp – Heath Sims, Commissioner, Pct. 3

- F4 From 001-0540-50602 Staff Travel, 001-0540-50802 Equipment to 001-0540-50601 Travel Reimb, 001-0540-50801 Supplies, 001-0540-50805 Conference – Linda Sibley, JP Pct. 4
- F5 From 001-0614-50802 Equipment to 001-0614-50819 Computer – Mike Jones, Constable, Pct. 4
- F6 From 004-0652-50916 Auto/Equip/Bldg to 004-0652-50557 Worker’s Comp – Bill Dodson, Commissioner, Pct. 2
- F7 From 010-0653-40928 Auction Proceeds-FM 2 to 010-0653-50802 Equipment – Bill Dodson, Commissioner, Pct. 2
- F8 From 001-0540-50803 Furniture to 001-0540-50874 Printing – Linda Sibley, JP Pct. 4
- F9 From 001-0140-50868 Contract Services, 001-0140-50558 Contingencies/Reserve, 001-0140-50724 Lease Facility, 001-0140-50801 Supplies, 001-0140-50802 Equipment/Maint/Repairs, 001-0140-50806 Org Dues, 001-0140-50807 Other Expenses, 001-0140-50886 Child Welfare Board to 001-0140-50694 Appreciation Dinner, 001-0140-50556 Unemployment Fee, 001-0140-50822 Legal Fees, 001-0140-50825 Annual Audit, 001-0140-50831 Administrative Judicial, 001-0140-50837 Postmortem Exams, 001-0140-50887 Radio Tower, 001-0140-50969 Grant Distributions – Carol Bush, County Judge

Simplified Plat:

- 2.1 Reeves Addition- 2 lots, Black Champ Road, Robert Reeves, Pct. 4.

3. ADMINISTRATIVE

- 3.1 Consideration and action to authorize Hunter Excavation to utilize six-wheel trucks along approximately 1,000 feet of gravel county roadway to transport approximately 45,000 cubic yards of earthen materials in furtherance of a contract with the U.S. Corps of Engineers to improve Lake Bardwell. Said authority is subject to Hunter Excavation’s agreement to provide adequate signals and flagmen and to repair all damage to existing county roadway. Said authority is also subject to revocation by Ellis County.
 - Bill Dodson, Commissioner, Pct. 2
- 3.2 Consideration and action to submit the application for funds to continue the “Ellis County Emissions Enforcement Grant” from the Texas Commission on Environmental Quality. This project is in place in the Constable Precinct 2 office. The grant amount for 2010 is \$46, 476 and the Ellis County match amount is 25% or \$11,619. This grant originally started in July of 2008.
 - Holly Davis, Special Projects
- 3.3 Pursuant to Section 366.092 of the Texas Health and Safety Code, consideration and action to authorize the Ellis County and District Attorney’s Office to file a civil lawsuit against Stuart Demerse seeking both injunctive relief and civil penalties to address an ongoing sanitation and environmental quality nuisance, as defined by Chapters 341 and 366 of the Texas Health and Safety Code, 30 TAC Chapter 285 and the Ellis County Commissioners Court Order No. 20162, which exists on property located at 1150 Ashemore Court, near Midlothian, Texas.
 - Lee Auvenshine, Assistant County and District Attorney

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4. DEPARTMENT OF COUNTY DEVELOPMENT

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

- 4.1 To grant a one-time variance for County of Ellis Rules, Regulations and Specifications for Subdivisions and Manufactured Homes as it relates to road frontage requirement, Green Manor Addition lot 2B, Barton, Maypearl, TX., Carmelo Lopez Izaguirre, Pct. 3.
- 4.2 To grant a one-time variance for County of Ellis Rules, Regulations and Specifications for Subdivisions and Manufactured Homes as it relates to fire hydrant requirement, Green Manor Addition lot 2B, Barton Road, Maypearl, TX., Carmelo Lopez Izaguirre, Pct. 3.
- 4.3 To accept the completion of the infrastructure of Rockett Ranch including John Rockett Lane and the portion of Cotton Gin Pass located in this phase of Rockett Ranch, off F.M. 813, Jeff Love, Pct. 1.
- 4.4 To release the construction bond for the completed infrastructure of Rockett Ranch in the amount of \$143,900.00 to Insurors Indemnity Company, Waco, TX., Jeff Love, Pct. 1.

5. PURCHASING

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

- 5.1 To purchase one (1) 2007 Dynapac Soil Compactor Model CA150D from Bane Machinery, Inc. for the total amount of \$23,700.00 for RB3.

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 §551.072, 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 §551.072.”

- 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”.

8. ADJOURNMENT OF EXECUTIVE SESSION

9. ADJOURNMENT

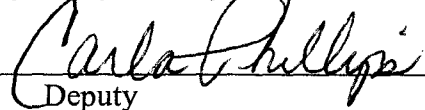
Signed this the 6th day of November, 2009.



Carol Bush
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 6th day of November, 2009, at 9:37 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.