

FILED
FEB 13 2012
COUNTY CLERK
ELLIS COUNTY, TEXAS

ELLIS COUNTY COMMISSIONERS' COURT
OFFICIAL MINUTES // JANUARY 23, 2012

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON MONDAY, JANUARY 23, 2012 AT 6:00 P.M., IN THE HISTORIC ELLIS COUNTY COURTHOUSE, COMMISSIONERS' COURTROOM, 101 WEST MAIN STREET (2ND FLOOR), WAXAHACHIE, TEXAS AT WHICH TIME THE FOLLOWING WAS DISCUSSED AND CONSIDERED TO WIT:

PRESENT WERE:

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-MORAN, ASSISTANT COUNTY ATTORNEY

LEE AUVENSHINE, ASSISTANT COUNTY ATTORNEY

OPENING COURT:

THE COUNTY JUDGE CALLS MEETING TO ORDER, DECLARES QUORUM AND DECLARES NOTICES LEGALLY POSTED PURSUANT TO THE OPEN MEETINGS ACT

MOTION TO OPEN COURT BY COMMISSIONER DODSON, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

INVOCATION AND PLEDGE OF ALLEGIANCE—COMMISSIONER DENNIS ROBINSON

CONSENT AGENDA:

MINUTE ORDER NO 105.12 APPROVING CONSENT AGENDA

ADMINISTRATIVE:

- A1 Approval of Regular Bills, Payroll, and Officers' Reports
- A2 Approval of the December, 2011 Travel Reports of the Texas AgriLife Extension Office
 - Mark Arnold, Agriculture
 - Page Bishop, 4-H
 - Rita Hodges, Family & Consumer Sciences
- A3 Approval of the Public Official Bond for Joseph Stewart, the appointed Fire Marshal of Ellis County, in the amount of \$10,000, effective on January 9, 2012 through January 12, 2013.
- A4 Approval of the necessary bond renewals for the following ESD Board of Directors:
 - ESD#2 Position bonds of \$10,000 for each member and \$100,000 for the treasurer for a term effective January 1, 2012 to January 1, 2013
 - ESD#3 Position bonds of \$10,000 for each member and \$30,000 for the treasurer for a term effective January 1, 2012 to January 1, 2013.

- A5 Approval of the Statements of Elected/Appointed Officials and Oaths of Office for the following Emergency Service District Board Members:
 ESD#1: Don Frisbee, Wade Norquist
 ESD#2: Tom Manning
- A6 Approval of the Statements of Elected/Appointed Officials and Oaths of Office for the Ellis County Rural Rail Transportation Board Members: Randy Cox, Charlie Morton, Joe Pitts, Elmo Wade.
- A7 Approval to transfer benefits from one RB4 Equipment Operator to the RB4 Road Worker VI position.
- A8 Acceptance of the 2011 Racial Profiling Report for the Ellis County Sheriff's Office.
- A9 Approval to place the following vehicle on the list of authorized vehicles that are allowed to display regular exempt plates: 1) 2008 Ford F-250 pickup VIN #1FTSW21R98ED05429; 2) 2002 Volkswagen VIN #3VWSE69M056340; 3) 2005 Acura VIN #19UUA662X5A142031; 4) 2005 Ford F-350 pickup VIN #1FTWW33P95ED04926; 5) 2005 Ford Ranger pickup VIN #1FTZR45E25PA06955.
- A10 Consideration and action to approve payment of invoice in the amount of \$3,000.00 to Wray, Willett & Stoffer, P.L.L.C., for legal services rendered on behalf of Ellis Prairie SWCD in a matter involving the application of Galilee Partners, L.P., for the creation of Maypearl WCID #1.
- A11 Approval of all contracts and expenses related to the 2012 Ellis County Employee Appreciation Dinner on February 10, 2012.
- A12 Approval of Resolution Authorizing Participation in the TexPool Investment Pools and Designating Authorized Representatives.
- A13 Approval of TexPool Investment Pools Participation Agreement
- Financial:**
- F1 **From** 001-0140-50558, Contingencies / Reserve **To** 001-0140-50694, Employee Appreciation. – Carol Bush, County Judge
SPEAKER: Amy Hedtke

Simplified Plat:

- SP1 Watson Estates, 2 lots, Christopher and Melissa Watson, Pct. 3
SPEAKER: DAVE VANCE

MOTION TO APPROVE CONSENT AGENDA BY COMMISSIONER DODSON, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

SPEAKER: BOYCE WHATLEY

ADMINISTRATIVE:

MINUTE ORDER NO 106.12 ACCEPTING APPLICATION OF GARY F. SPORTSAN AS COMMISSIONER FOR ESD #7, EFFECTIVE IMMEDIATELY FOR A TERM ENDING DECEMBER 31, 2013. (DENNIS ROBINSON COMMISSIONER PCT 1)

MOTION TO APPROVE BY COMMISSIONER DODSON, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

NO ACTION 3.2 Consideration and action to enact the Ellis County Burn Ban effective immediately.
Carol Bush, County Judge

MINUTE ORDER NO. 107.12 APPROVING AN INTERLOCAL AGREEMENT BETWEEN ELLIS COUNTY ROAD AND BRIDGE PCT. 1 AND THE CITY OF FERRIS. *Dennis Robinson, Commissioner, Pct. 1*

MOTION TO APPROVE BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON TO APPROVE AGENDA ITEMS 3.3, 3.4 & 3.5*

MINUTE ORDER NO 108.12 APPROVING AN INTERLOCAL AGREEMENT BETWEEN ELLIS COUNTY ROAD AND BRIDGE PCT. 1 AND THE CITY OF PALMER. *Dennis Robinson, Commissioner, Pct. 1*

MINUTE ORDER NO 109.12 APPROVING AN INTERLOCAL AGREEMENT BETWEEN ELLIS COUNTY ROAD AND BRIDGE PCT. 1 AND PALMER ISD. *Dennis Robinson, Commissioner, Pct. 1*

*..... MOTION TO APPROVE CARRIES UNANIMOUSLY

MINUTE ORDER NO 110.12 APPROVAL FOR PRECINCT 3 TO ENTER INTO AGREEMENT WITH TXDOT FOR THE FEDERAL OFF-SYSTEM BRIDGE PROGRAM ADMINISTERED BY THE TEXAS DEPARTMENT OF TRANSPORTATION (THE STATE) TO REPLACE OR REHABILITATE STRUCTURALLY DEFICIENT AND FUNCTIONALLY OBSOLETE (COLLECTIVELY REFERRED TO AS DEFICIENT) BRIDGES LOCATED ON PUBLIC ROADS AND STREETS OFF THE DESIGNATED STATE HIGHWAY SYSTEM; THE BRIDGES TO BE REPLACED ARE RICHLAND BEND, WHISKERS AND COWAN AT AN ESTIMATED COST OF \$1,224,706.50. ELLIS COUNTY PRECINCT 3 AGREES TO AN IN KIND MATCH OF \$ 67,358.87 TO REPLACE THE BRIDGE ON HOLDER ROAD. *Heath Sims, Commissioner, Pct. 3*

MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER DODSON TO APPROVE CARRIES UNANIMOUSLY

RECESS TO CONVENE TO EXECUTIVE SESSION (6:28 PM)

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

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, 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.”

4.1 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.”

4.2 Pursuant to Section 551.072 of the Government Code, consultation with counsel regarding all matters related to Cause No. 84,227, Petition of Carl H. Watson Requesting Deposition Before Suit, which is presently pending in the

ADJOURNMENT OF EXECUTIVE SESSION AND RECONVENE IN REGULAR SESSION (06:53 PM)

MOTION BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

ADJOURNMENT

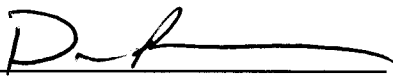
MOTION TO ADJOURN BY COMMISSIONER BROWN, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT REGULAR MEETING OF JANUARY 23, 2012 ARE HEREBY APPROVED.

PRESIDING OFFICER:



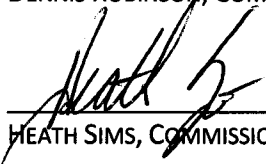
CAROL BUSH, COUNTY JUDGE



DENNIS ROBINSON, COMMISSIONER PCT 1



BILL DODSON, COMMISSIONER, PCT 2




HEATH SIMS, COMMISSIONER, PCT 3



RON BROWN, COMMISSIONER, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS FEBRUARY 13, 2012.



CINDY POLLEY, COUNTY CLERK