

**ELLIS COUNTY COMMISSIONERS' COURT
OFFICIAL MINUTES // SEPTEMBER 24, 2012**

FILED

OCT - 8 2012

**COUNTY CLERK
ELLIS COUNTY, TEXAS**

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON MONDAY, SEPTEMBER 24, 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 BROWN, SECOND BY COMMISSIONER DODSON; MOTION CARRIES UNANIMOUSLY

INVOCATION AND PLEDGE OF ALLEGIANCE—RON BROWN, COMMISSIONER PCT. 4

CONSENT AGENDA:

MINUTE ORDER NO 263.12 APPROVING CONSENT AGENDA

ADMINISTRATIVE:

A1 APPROVAL OF REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS

A2 APPROVAL OF THE AUGUST, 2012 TRAVEL REPORTS OF THE TEXAS AGRILIFE EXTENSION OFFICE

-MARK ARNOLD, AGRICULTURE

-PAGE BISHOP, 4-H

-RITA HODGES, FAMILY & CONSUMER SCIENCES

A3 APPROVAL TO DIRECT ALL MONEY THAT OTHERWISE WOULD BE DEPOSITED IN A SALARY FUND CREATED UNDER THIS CHAPTER TO BE DEPOSITED IN THE GENERAL FUND OF THE COUNTY

No ACTION: A4 AUTHORIZATION OF PAYMENT OF THE OCTOBER INSTALLMENT OF THE HOPE CLINIC CONTRACT FEE FOR THE PERIOD OCTOBER 1, 2012 THROUGH

DECEMBER 31, 2012 IN THE AMOUNT OF \$110,228.82, WHICH REPRESENTS
ONE QUARTER OF THE ANNUAL CONTRACT AMOUNT.

A5 APPROVAL AND CERTIFICATION OF THE MINUTES FROM THE REGULAR COMMISSIONERS'
COURT AGENDAS DATED: AUGUST 27, 2012 REG

FINANCIAL:

- F1 FROM 001-0010-50502, STAFF SALARY TO 001-0010-50702, REPAIRS; 001-0010-50802, EQUIPMENT; 001-0010-50803, FURNITURE/FIXTURES; 001-0010-50806, OFFICIAL BOND/DUES; 001-0010-50808, AUTO GAS/OIL; 001-0010-50809, AUTO REPAIRS; 001-0010-50810, AUTO TIRES; 001-0010-50865, EMPLOYEE SCREENING; 001-0010-50884, AUTO INSURANCE. – JOHNNY BROWN, SHERIFF
- F2 FROM 001-0015-50502, STAFF SALARY TO 001-0015-50802, EQUIPMENT; 001-0015-50803, FURNITURE/FIXTURES; 001-0015-50808, AUTO/GAS; 001-0015-50813, INMATES MEDICAL. JOHNNY BROWN, SHERIFF
- F3 FROM 001-0210-50803, FURNITURE/FIXTURES TO 001-0210-50805, CONFERENCE. – JANE ANDERSON, ELECTIONS
- F4 FROM 001-0360-50846, DA-WITNESS FEE TO 001-0360-50802, DA-EQUIPMENT. – PATRICK WILSON, COUNTY & DISTRICT ATTORNEY
- F5 FROM 001-0375-50601, TRAVEL REIMBURSEMENT 001-0375-50873, MAINT/REPAIR OFC EQUIPMENT; 001-0375-50869, PROFESSIONAL FEES TO 001-0375-50802, EQUIPMENT. – JOE WHITE, ENGINEERING
- F6 FROM 001-0375-50819, COMPUTER; 001-0375-50805, CONFERENCE; 001-0375-50933, CONSULTANT; 001-0375-50689, GIS SOFTWARE; 001-0375-50601, TRAVEL REIMBURSEMENT TO 001-0375-50801, SUPPLIES; 001-0375-50888, SERVICE GIS; 001-0375-50835, TRAINING EDUCATION. –JOE WHITE, ENGINEERING
- F7 FROM 001-0375-50882, BOOKS; 001-0375-50869, PROFESSIONAL FEES TO 001-0375-50808, AUTO GAS/OIL. – JOE WHITE, ENGINEERING
- F8 FROM 001-0425-50819, COMPUTER; 001-0425-50850, MEDICAL TO 001-0425-50805, CONFERENCE; 001-0425-50806, DUES; 001-0425-50804, POSTAGE; 001-0425-50851, HOSPITAL. – CAROL BUSH, COUNTY JUDGE
- F9 FROM 001-0540-50802, EQUIPMENT; 001-0540-50873, MAIN/OFFICE EQUIPMENT TO 001-0540-50819, COMPUTER. – STEVE EGAN, JP 4
- F10 FROM 005-0703-50807, RB3 GENERAL MISC TO 005-0703-50907, RB3 TIRES; 005-0703-50701, RB3 UTILITIES. – HEATH SIMS, RB3
- F11 FROM 009-0602-50918, FM1 HDW/TOOLS; 009-0602-50908, FM1 LUMBER TO 009-0602-50807, FM1 GEN MISC.; 009-0602-50910, FM1 GAS/OIL; 009-0602-50909, FM1 REPAIRS/PARTS. – DENNIS ROBINSON, RB1
- F12 FROM 010-0653-50807, FM2 GEN EXP TO 010-0653-50915, FM2 ASPHALT - BILL DODSON, FM2
- F13 FROM 010-0653-50912, FM2 BRIDGE REPAIR TO 010-0653-50906, FM2 CULVERTS. – BILL DODSON, FM2
- F14 FROM 019-0919-50802, LAW LIBRARY EQUIPMENT TO 019-0919-50502, LAW LIBRARY SALARIES; 019-0919-50553, LAW LIBRARY SOCIAL SECURITY. – CAROL BUSH, COUNTY JUDGE
- F15 APPROVE REFUND OF OVERPAYMENT TO THE FOLLOWING ACCOUNTS FOR PAYMENT IN ERROR:

<u>REFUND TO BE ISSUED TO:</u>	<u>ACCOUNT</u>	<u>AMOUNT DUE</u>
CHASE REFUND DEPARTMENT	199211	\$3,142.11
CHASE REFUND DEPARTMENT	216415	\$2,502.25

F16 FROM 001-0015-50502, STAFF SALARY; 001-0015-50807, GENERAL MISC; 001-001550814, FEEDING INMATES; 001-0015-50865, EMPLOYEE SCREENING; 001-0015-50884, AUTO INSURANCE To 001-0015-50702, REPAIRS; 001-0015-50802, EQUIPMENT; 001-0015-50803, FURNITURE/FIXTURE; 001-0010-50809, AUTO REPAIRS; 001-0015-50813, INMATE MEDICAL; 001-0015-50819, COMPUTERS; 001-0015-50811, AUTO PURCHASE. –

JOHNNY BROWN, SHERIFF

F17 FROM 001-0015-50502, STAFF SALARY; 001-0010-50801, SUPPLIES; 001-0010-50807, GEN MISC; 001-0010-50834, CRIME SCENE; 001-0010-50835, EMPLOYEE TRAINING; 001-0010-50868, CONTRACT SERVICES; 001-0010-50888, COMPUTER SERVICES To 001-0015-50811, AUTO PURCHASE. – JOHNNY BROWN, SHERIFF

F18 FROM 001-0010-50502, STAFF SALARY To 001-0140-50860, TSF FUNDS TO PERMANENT IMPROVEMENT. – JOHNNY BROWN, SHERIFF

MOTION BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON TO APPROVE
 CONSENT AGENDA *WITH NO ACTION ON ITEM A4* CARRIES UNANIMOUSLY

ADMINISTRATIVE:

MINUTE ORDER NO 264.12 APPROVING THE PRESIDING AND ALTERNATE JUDGES AND THE NUMBER OF CLERKS FOR EACH POLLING PLACE FOR THE NOVEMBER 6, 2012 GENERAL ELECTION

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER BROWN CARRIES UNANIMOUSLY

DEPARTMENT OF COUNTY DEVELOPMENT

CONSIDERATION AND ACTION REGARDING THE FOLLOWING PRESENTED BY JUDY ARMSTRONG, DIRECTOR DEPARTMENT OF DEVELOPMENT:

MINUTE ORDER NO 265.12 GRANTING A ONE-TIME VARIANCE AS IT RELATES TO THE REQUIREMENT OF 150' OF COUNTY ROAD FRONTAGE PER RESIDENT AT THE LOCATION OF 249 TIGHTWAD ROAD, MAYPEARL, CORBIN AND MINDY SCHWAIM, PCT. 3

MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 266.12 APPROVING REPLAT DAWN ESTATES, LOT 2, JERRY AND SHERRY POTTER, PCT. 1

MOTION BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

MINUTE ORDER NO 267.12 APPROVING REPLAT BROOK BEND PLACE, PHASE ONE, LOT 1, JERRY AND SHERRY POTTER, PCT. 1

MOTION BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

MINUTE ORDER NO 268.12 APPROVING REPLAT SHILOH FOREST, PHASE 2, LOTS 23 AND 24, BLOCK D, GEORGE AND LINDA RICKS, PCT. 4
MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

PURCHASING

CONSIDERATION AND ACTION REGARDING THE FOLLOWING:

MINUTE ORDER NO 269.12 DECLARING THE FOLLOWING VEHICLES AS SURPLUS: #3570 (#30006) 1990 FORD F350 1 TON TRASH TRUCK; #3913 (#30008) 1996 CHEVROLET ½ TON PICKUP; #4175 (#30057) 1998 FORD ½ TON PICKUP
MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER BROWN CARRIES UNANIMOUSLY

ADMINISTRATIVE:

MINUTE ORDER NO 270.12 APPROVING THE ELLIS COUNTY SHERIFF'S AND CONSTABLES' FEES, EFFECTIVE JANUARY 1, 2013, AS REQUIRED UNDER LOCAL GOVERNMENT CODE SECTION 118.131. THIS LAW REQUIRES COMMISSIONERS' COURTS TO SET FEES CHARGED FOR CIVIL SERVICES BY THE OFFICES OF THE SHERIFF AND CONSTABLES AND DIRECTS THAT THESE FEES BE REPORTED TO THE TEXAS COMPTROLLER. (CINDY POLLEY, COUNTY CLERK)
MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 271.12 APPROVING FINAL ONE YEAR CONTRACT TERM FOR INMATE MEDICAL WITH CORRECTIONAL HEALTH COMPANY FOR TIME PERIOD OF OCTOBER 1, 2012 THRU SEPTEMBER 30, 2013 FOR A TOTAL ANNUAL COST OF \$1,182,453.24 (DENNIS BREARLEY, SHERIFF'S OFFICE)
MOTION BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 272.12 PURCHASING 11 CHEVROLET POLICE TAHOES AND 3 FORD EXPLORER VEHICLES FOR THE SHERIFF'S OFFICE TO REPLACE 14 OLDER VEHICLES BEING ROTATED OUT OF SERVICE. ALL VEHICLES WILL BE PURCHASED PURSUANT TO CHAPTER 262 OF THE TEXAS LOCAL GOVERNMENT CODE. (CHUCK LAUBACH, SHERIFF'S OFFICE)
MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 273.12 CONSIDERATION AND ACTION TO ENACT A NEW BURN BAN ORDER IN ELLIS COUNTY TO TAKE REPLACE THE CURRENT BURN BAN ORDER #261.12 ENACTED 9/10/12 (JOE STEWART, EMERGENCY MANAGEMENT COORDINATOR)
MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

THE FOLLOWING ITEMS (4.5-4.11) ARE PRESENTED BY BILL DODSON, COMMISSIONER PCT. 2:

MINUTE ORDER NO 274.12 APPROVING INTERLOCAL COOPERATION CONTRACT BETWEEN COUNTY OF ELLIS AND CITY OF ENNIS FOR TERM AGREEMENT OCTOBER 1, 2012 TO SEPTEMBER 30, 2013

MINUTE ORDER NO 275.12 APPROVING INTERLOCAL COOPERATION CONTRACT BETWEEN COUNTY OF ELLIS AND CITY OF BARDWELL FOR TERM AGREEMENT OCTOBER 1, 2012 TO SEPTEMBER 30, 2013

MINUTE ORDER NO 276.12 APPROVING INTERLOCAL COOPERATION CONTRACT BETWEEN COUNTY OF ELLIS AND CITY OF GARRETT FOR TERM AGREEMENT OCTOBER 1, 2012 TO SEPTEMBER 30, 2013

MINUTE ORDER NO 277.12 APPROVING INTERLOCAL COOPERATION CONTRACT BETWEEN COUNTY OF ELLIS AND CITY OF ALMA FOR TERM OCTOBER 1, 2012 TO SEPTEMBER 30, 2013

MINUTE ORDER NO 278.12 APPROVING INTERLOCAL COOPERATION CONTRACT BETWEEN COUNTY OF ELLIS AND THE ENNIS INDEPENDENT SCHOOL DISTRICT (ENNIS ISD) FOR TERM AGREEMENT OCTOBER 1, 2012 TO SEPTEMBER 30, 2013

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER ROBINSON *TO APPROVE*

MINUTE ORDER NO 274.12-278.12 CARRIES UNANIMOUSLY

MINUTE ORDER NO 279.12 APPROVING AGREEMENT COOPERATION BETWEEN COUNTY OF ELLIS AND ENNIS GARDEN CLUB (REPRESENTED BY CHAIRMAN OF THE BLUEBONNET TRAIL ANNUAL EVENT) PURSUANT TO LOCAL GOVT. CODE § 319.003 (A) AND 319.004 FOR TERM AGREEMENT OCTOBER 1, 2012 TO SEPTEMBER 30, 2013

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER BROWN CARRIES UNANIMOUSLY

MINUTE ORDER NO 280.12 APPROVING WORK ORDER UNDER AGREEMENT COOPERATION BETWEEN COUNTY OF ELLIS AND ENNIS GARDEN CLUB (REPRESENTED BY CHAIRMAN OF THE BLUEBONNET TRAIL ANNUAL EVENT) (FY 2012-13). WORK ORDER CONSISTS OF PLACEMENT OF DIRECTIONAL SIGNS THAT ARE PROVIDED BY ENNIS GARDEN CLUB ON ELLIS COUNTY EASEMENTS AS DESIGNATED BY REPRESENTATIVES OF THE ENNIS GARDEN CLUB. WORK ORDER SERVICES WILL BE PROVIDED BEFORE, DURING AND AFTER THE BLUEBONNET TRAIL ANNUAL EVENT (APPROXIMATELY THE END OF FEBRUARY, MARCH, APRIL AND MIDDLE OF MAY 2013.)

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

THE FOLLOWING ITEMS (4.12-4.18) ARE PRESENTED BY HEATH SIMS, COMMISSIONER PCT. 3 FOR CONSIDERATION AND APPROVAL FOR THE TERM OF OCTOBER 1, 2012 TO SEPTEMBER 30, 2013:

MINUTE ORDER NO 281.12 APPROVING INTERLOCAL COOPERATION CONTRACT BETWEEN THE CITY OF ITALY AND ELLIS COUNTY

MINUTE ORDER NO 282.12 APPROVING INTERLOCAL COOPERATION CONTRACT BETWEEN THE CITY OF MILFORD AND ELLIS COUNTY

MINUTE ORDER NO 283.12 APPROVING INTERLOCAL COOPERATION CONTRACT BETWEEN THE CITY OF WAXAHACHIE AND ELLIS COUNTY

MINUTE ORDER NO 284.12 APPROVING INTERLOCAL COOPERATION CONTRACT BETWEEN THE ITALY
ISD AND ELLIS COUNTY

MINUTE ORDER NO 285.12 APPROVING INTERLOCAL COOPERATION CONTRACT BETWEEN THE
MAYPEARL ISD AND ELLIS COUNTY

MINUTE ORDER NO 286.12 APPROVING INTERLOCAL COOPERATION CONTRACT BETWEEN THE
MILFORD ISD AND ELLIS COUNTY

MINUTE ORDER NO 287.12 APPROVING INTERLOCAL COOPERATION CONTRACT BETWEEN THE
WAXAHACHIE ISD AND ELLIS COUNTY

MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER DODSON *TO APPROVE MINUTE ORDER NO 281.12-287.12*
CARRIES UNANIMOUSLY

RECESS TO CONVENE TO EXECUTIVE SESSION (6:39 PM)

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER DODSON 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.”

- 5.1 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.”
- 5.2 PURSUANT TO SECTION 551.074 OF THE GOVERNMENT CODE, TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE OR DISMISSAL OF A PUBLIC OFFICER OR EMPLOYEE.
(PURCHASING AGENT AND/OR HUMAN RESOURCES DIRECTOR).

ADJOURNMENT OF EXECUTIVE SESSION (7:14 PM)

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER ROBINSON 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 SEPTEMBER 24, 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 OCTOBER 8, 2012


CINDY POLLEY, COUNTY CLERK *Deputy*

