

**ELLIS COUNTY COMMISSIONERS COURT
OFFICIAL MINUTES // DECEMBER 18, 2018**

THE ELLIS COUNTY COMMISSIONERS COURT MET ON TUESDAY, DECEMBER 18, 2018, 10:00 A.M., IN THE HISTORIC ELLIS COUNTY COURTHOUSE, COMMISSIONERS COURTROOM (2ND FLR), 101 W. MAIN STREET, WAXAHACHIE, TEXAS AT WHICH TIME THE FOLLOWING WAS DISCUSSED AND CONSIDERED, TO-WIT:

MEMBERS PRESENT:

COUNTY JUDGE: CAROL BUSH

COUNTY CLERK: CINDY POLLEY

COMMISSIONERS:

ASSISTANT COUNTY ATTORNEY: VANCE HINDS

RANDY STINSON, COMMISSIONER, PCT 1
LANE GRAYSON, COMMISSIONER, PCT 2
PAUL PERRY, COMMISSIONER, PCT 3
KYLE BUTLER, COMMISSIONER, PCT 4

OPENING COURT

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

MOTION TO OPEN COURT BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY
INVOCATION AND PLEDGE OF ALLEGIANCE – COMMISSIONER LANE GRAYSON

PUBLIC COMMENT*- MEMBERS OF THE PUBLIC WILL HAVE THE OPPORTUNITY TO MAKE THEIR COMMENTS AT THE TIME THE AGENDA ITEM IS BEING ADDRESSED.

**MINUTE ORDER 506.18 APPROVING CONSENT AGENDA EXCLUDING OFFICIAL MINUTES OF
NOVEMBER 20, 2018**

ADMINISTRATIVE:

- A1 APPROVING OF REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS
- A2 APPROVING OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS COURT: OCTOBER 3, 2018; OCTOBER 8, 2018; OCTOBER 23, 2018; NOVEMBER 6, 2018 & NOVEMBER 16, 2018 - CINDY POLLEY COUNTY CLERK
- A3 NOVEMBER 2018 TRAVEL REPORTS OF THE TEXAS AGRILIFE EXTENSION OFFICE.
-MARK ARNOLD, AGRICULTURE
-MEGAN PARR, 4H
- A4 APPROVING THE NECESSARY BONDS FOR THE FOLLOWING ELECTED AND/OR APPOINTED ELLIS COUNTY OFFICIALS, IMMEDIATELY EFFECTIVE UPON THE SIGNING OF THE BRIBERY STATEMENT AND THE OATH OF OFFICE, AND BEING SWORN IN ON OR AFTER JANUARY 1, 2019.

KRYSTAL VALDEZ, COUNTY CLERK	\$ 500,000.00
CHERYL CHAMBERS, COUNTY TREASURER	\$ 256,000.00
MELANIE REED, DISTRICT CLERK	\$ 100,000.00

CHARLES EDGE, SHERIFF	\$ 30,000.00
TODD LITTLE, COUNTY JUDGE	\$ 10,000.00
CHRISTOPHER MACON, JUSTICE OF THE PEACE, PCT 1	\$ 5,000.00
JACKIE MILLER JR., JUSTICE OF THE PEACE, PCT 2	\$ 5,000.00
DAN COX, JUSTICE OF THE PEACE, PCT 3	\$ 5,000.00
STEVE EGAN, JUSTICE OF THE PEACE, PCT4	\$ 5,000.00
LANE GRAYSON, COMMISSIONER, PCT 2	\$ 3,000.00
KYLE BUTLER, COMMISSIONER, PCT 4	\$ 3,000.00
CURTIS POLK JR., CONSTABLE, PCT 3	\$ 1,500.00

FINANCIAL:

- F1 FROM 001-0400-50801 SUPPLIES \$500.00 To 001-0400-50806 BONDS/DUES \$500.00. – CHERYL CHAMBERS, TREASURER
- F2 FROM 010-0653-50807 FM2 GENERAL EXPENSES \$115,000.00 To 010-0653-30301 FM2 FUND BALANCE CARRYOVER \$115,000.00. – LANE GRAYSON, COMMISSIONER, PCT 2
- F3 FROM 009-0602-50807 FM – GEN Misc \$3,500.00 To 009-0602-50914 FM – SIGNS \$3,500.00. – RANDY STINSON, COMMISSIONER, PCT 1
- F4 APPROVE REFUND OF OVERPAYMENT TO THE FOLLOWING ACCOUNT FOR PAYMENT IN ERROR:

<u>REFUND TO BE ISSUED TO:</u>	<u>ACCOUNT</u>	<u>AMOUNT DUE</u>
MICHAEL AND KIM KALKA	264094	\$7,513.19

SIMPLIFIED PLAT:

SP1 APPROVING A SIMPLIFIED PLAT OF LANKFORD ACRES. THE PROPERTY CONTAINS A TOTAL OF ± 8.361 ACRES OF LAND IN THE J. CHAPMAN SURVEY, ABSTRACT NO. 209 LOCATED ON SLIPPERY ELM DRIVE ± 600 FEET NORTH OF SLIPPERY ELM COURT IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF OVILLA, ROAD & BRIDGE PCT NO. 4.

MOTION BY COMMISSIONER GRAYSON TO APPROVE CONSENT AGENDA WITH EXCLUSION OF NOVEMBER 20, 2018 MINUTES, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

DEPARTMENT OF COUNTY DEVELOPMENT

MINUTE ORDER 507.18 1.1 APPROVING A SIMPLIFIED PLAT OF STINSON ACRES. THE PROPERTY CONTAINS A TOTAL OF ± 5.31 ACRES OF LAND IN THE CP ALBRIGHT SURVEY, ABSTRACT NO. 19 LOCATED ON THE NORTH SIDE OF WEST FM 813 ± 1,700 FEET WEST OF MCKEEVER ROAD, PALMER, ROAD & BRIDGE PCT NO. 1. (COMMISSIONER STINSON FILED AN AFFIDAVIT OF CONFLICT OF INTEREST WITH THE COUNTY CLERK AND WILL ABSTAIN FROM VOTE)

MOTION TO APPROVE BY COMMISSIONER BUTLER, SECOND BY COMMISSIONER GRAYSON CARRIES 4/1 WITH COMMISSIONER STINSON ABSTAINING

MINUTE ORDER 508.18 1.2 APPROVING A PRELIMINARY PLAT OF PRAIRIE RIDGE, PHASE 2B. THE PROPERTY CONTAINS ± 90.00 ACRES OF LAND IN THE JOHN STEWART SURVEY, ABSTRACT NO. 961 LOCATED AT THE INTERSECTION OF U.S. HIGHWAY 287 AND PRAIRIE RIDGE

BOULEVARD THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF GRAND PRAIRIE,
ROAD & BRIDGE PCT NO. 4.

MOTION TO APPROVE BY COMMISSIONER BUTLER, SECOND BY COMMISSIONER GRAYSON CARRIES UNANIMOUSLY

MINUTE ORDER 509.18 1.3 APPROVING A PRELIMINARY PLAT OF IKE FARMS, PHASE 1. THE
PROPERTY CONTAINS A TOTAL OF ± 19.483 ACRES OF LAND IN THE T. JACKSON SURVEY,
ABSTRACT NO. 574 LOCATED AT THE SOUTHWEST CORNER OF IKE ROAD AND FM 878 IN THE
EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF WAXAHACHIE, ROAD & BRIDGE PCT
NO. 1.

MOTION TO APPROVE BY COMMISSIONER STINSON, SECOND BY COMMISSIONER GRAYSON CARRIES UNANIMOUSLY

PURCHASING

MINUTE ORDER 510.18 2.1 APPROVING A REQUEST FOR ADDITIONAL FUNDING FOR THE ELLIS
COUNTY MASTER THOROUGHFARE PLAN UPDATE FOR OPTIONAL AND ADDITIONAL
PROFESSIONAL SERVICES IN AN AMOUNT NOT TO EXCEED \$16,309.00

MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY

MINUTE ORDER 511.18 2.2 APPROVING THE ON-LINE WEST LAW SUBSCRIPTION FOR THE LAW
LIBRARY AT \$1,196.25 PER MONTH.

MOTION TO APPROVE BY COMMISSIONER PERRY, SECOND BY COMMISSIONER GRAYSON CARRIES UNANIMOUSLY

MINUTE ORDER 512.18 2.3 APPROVING JC CONCRETE FOR CURB WORK FOR THE ELECTIONS
BUILDING UTILIZING LOCAL GOVERNMENT CODE 262.0225.

MOTION TO APPROVE BY COMMISSIONER BUTLER, SECOND BY COMMISSIONER GRAYSON CARRIES UNANIMOUSLY

MINUTE ORDER 513.18 2.4 AWARDING RFP-2018-004 TO DON SMITH FOR CONCRETE STREET
REPAIR FOR MASON, MADDIE, MEGHANN LANES IN MIDLOTHIAN, TEXAS PENDING LEGAL
APPROVAL.

MOTION TO APPROVE BY COMMISSIONER BUTLER, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

MINUTE ORDER 514.18 2.5 APPROVING CONCRETE REPAIRS TO JASON DRIVE UTILIZING LOCAL
GOVERNMENT CODE 262.0225 FOR ROAD AND BRIDGE PCT 1.

MOTION TO APPROVE BY COMMISSIONER STINSON, SECOND BY COMMISSIONER GRAYSON CARRIES UNANIMOUSLY

NO ACTION 2.6 APPROVAL TO MOVE FORWARD ON THE CONCRETE CURB WORK FOR THE ELECTIONS BUILDING UTILIZING
LOCAL GOVERNMENT CODE 262.0225. (DUPLICATE ... SEE 2.3)

ADMINISTRATIVE

MINUTE ORDER 515.18 3.1 ACCEPTING INSURANCE POLICIES IN LIEU OF BONDS PURSUANT TO
25.0006 OF THE GOVERNMENT CODE FOR JUDGE JIM CHAPMAN, COUNTY COURT AT
LAW #1 AND JUDGE GENE CALVERT, COUNTY COURT AT LAW #2.

MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER STINSON CARRIES UNANIMOUSLY

NO ACTION 3.2 BURN BAN FOR ELLIS COUNTY. – TIM BIRDWELL, FIRE MARSHAL

MINUTE ORDER 516.18 3.3 AUTHORIZING THE COUNTY JUDGE TO SIGN A MEMORANDUM OF UNDERSTANDING BETWEEN INDIGENT HEALTH CARE SOLUTIONS AND ELLIS COUNTY, INTENDED TO DOCUMENT THAT BOTH PARTIES INTEND TO EXTEND FOR A PERIOD OF 2 YEARS. – TERRY KLEIN, INDIGENT HEALTH COORDINATOR

MOTION BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY

MINUTE ORDER 517.18 3.4 APPROVING INTERLOCAL COOPERATION CONTRACT BETWEEN COUNTY OF ELLIS AND THE CITY OF PALMER BEGINNING JANUARY 1, 2019 THROUGH DECEMBER 31, 2019. – RANDY STINSON, COMMISSIONER, PCT 1

MOTION TO APPROVE BY COMMISSIONER STINSON, SECOND BY COMMISSIONER GRAYSON CARRIES UNANIMOUSLY

MINUTE ORDER 518.18 3.5 APPROVING INTERLOCAL COOPERATION CONTRACT BETWEEN COUNTY OF ELLIS AND THE CITY OF GARRETT BEGINNING JANUARY 1, 2019 THROUGH DECEMBER 31, 2019. – RANDY STINSON, COMMISSIONER, PCT 1

MOTION TO APPROVE BY COMMISSIONER STINSON, SECOND BY COMMISSIONER GRAYSON CARRIES UNANIMOUSLY

MINUTE ORDER 519.18 3.6 RATIFYING PAYMENT FOR PURCHASE OF CANDY FOR COMMUNITY OUTREACH IN THE AMOUNT OF \$195 FOR THE SHERIFF’S OFFICE. – CHUCK EDGE, SHERIFF

MOTION TO APPROVE BY COMMISSIONER PERRY, SECOND BY COMMISSIONER GRAYSON CARRIES UNANIMOUSLY

NO ACTION 3.7 COMPENSATORY TIME REPORTING. – THERESA TAYLOR, DIRECTOR OF HUMAN RESOURCES

MINUTE ORDER 520.18 3.8 ACCEPTING THE RESIGNATION OF THE FOLLOWING EMERGENCY SERVICES DISTRICT BOARD MEMBERS:

GARY RATLIFF ESD #2 – ANNEXED

MONICA ARROYO ESD #2 – ANNEXED

T TIM BERNEKING ESD #8

MOTION TO APPROVE BY COMMISSIONER STINSON, SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY

MINUTE ORDER 521.18 3.9 APPROVING THE FOLLOWING EMERGENCY SERVICES DISTRICT REAPPOINTMENTS FOR A 2 YEAR TERM EFFECTIVE JANUARY 1, 2019 THROUGH DECEMBER 31, 2020. – TIM BIRDWELL, FIRE MARSHAL

JAMES MORRISON ESD #1

GARRY HARRIS ESD #1

VINCENTE GUERRERO ESD #3

ALBERT GARCIA ESD #3

JOE BOND ESD #4

STEVE TANNER ESD #4

BRIAN HENSON ESD #4

MIKE HECKATHORN ESD #5

ALFRED LEMON ESD #5

DALLAS DIAL ESD #5
CHARLES McCORMACK ESD #6
TOMMY HAMILTON ESD #6
WILLIAM HOWELL ESD #6
TAMMY ALLEN ESD #7
CECIL HAMMON ESD#7
KEVIN MASON ESD #8
MARK DONOHO ESD #8
CAREY PERRY ESD #8
MIKE GREENLEE ESD #9
DOUGLAS YOUNG ESD #9
JOHN GRIFFIN HANCOCK ESD #9

MOTION TO APPROVE BY COMMISSIONER STINSON, SECOND BY COMMISSIONER GRAYSON CARRIES UNANIMOUSLY

NO ACTION 3.10 DISCUSSION OF STATUS OF NEW BIDS FOR ROAD CONSTRUCTION MATERIAL. – PAUL PERRY,
COMMISSIONER, PCT 3

MINUTE ORDER 522.18 3.11 APPROVING RISE BROADBAND SERVICE AGREEMENT ... NET
DECREASE OF \$460.05 PER MONTH. – TERAL CRAWFORD, IT DIRECTOR

MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

MINUTE ORDER 523.18(A) 3.12 APPROVING INTERLOCAL COOPERATION CONTRACT BETWEEN
COUNTY OF ELLIS AND THE CITY OF RED OAK FOR TERM AGREEMENT JANUARY 1, 2019 TO
DECEMBER 31, 2019. – KYLE BUTLER, COMMISSIONER, PCT 4

MINUTE ORDER 523.18(B) 3.13 APPROVING INTERLOCAL COOPERATION CONTRACT BETWEEN
COUNTY OF ELLIS AND RED OAK ISD FOR TERM AGREEMENT JANUARY 1, 2019 TO
DECEMBER 31, 2019. – KYLE BUTLER, COMMISSIONER, PCT 4

MINUTE ORDER 523.18(C) 3.14 APPROVAL OF INTERLOCAL COOPERATION CONTRACT BETWEEN
COUNTY OF ELLIS AND OAK LEAF FOR TERM AGREEMENT JANUARY 1, 2019 TO DECEMBER
31, 2019. – KYLE BUTLER, COMMISSIONER, PCT 4

MINUTE ORDER 523.18(D) 3.15 APPROVAL OF INTERLOCAL COOPERATION CONTRACT BETWEEN
COUNTY OF ELLIS AND CITY OF OVILLA FOR TERM AGREEMENT JANUARY 1, 2029 TO
DECEMBER 31, 2019. – KYLE BUTLER, COMMISSIONER, PCT 4

MINUTE ORDER 523.18(E) 3.16 APPROVAL OF INTERLOCAL COOPERATION CONTRACT BETWEEN
COUNTY OF ELLIS AND CITY OF WAXAHACHIE FOR TERM AGREEMENT JANUARY 1, 2019 TO
DECEMBER 31, 2019. – KYLE BUTLER, COMMISSIONER, PCT 4

MINUTE ORDER 523.18(F) 3.17 APPROVAL OF INTERLOCAL COOPERATION CONTRACT BETWEEN
COUNTY OF ELLIS AND WAXAHACHIE ISD FOR TERM AGREEMENT JANUARY 1, 2019 TO
DECEMBER 31, 2019. – KYLE BUTLER, COMMISSIONER, PCT 4

MINUTE ORDER 523.18(G) 3.18 APPROVAL OF INTERLOCAL COOPERATION CONTRACT BETWEEN

COUNTY OF ELLIS AND CITY OF GLENN HEIGHTS FOR TERM AGREEMENT JANUARY 1, 2019 TO DECEMBER 31, 2019. – KYLE BUTLER, COMMISSIONER, PCT 4

MOTION TO APPROVE 3.12 - 3.18 BY COMMISSIONER BUTLER, SECOND BY COMMISSIONER GRAYSON CARRIES UNANIMOUSLY {MINUTE ORDERS 523.18(A), (B), (C), (D), (E), (F) & (G)}

MINUTE ORDER 524.18 3.19 APPROVING WORK ORDER UNDER THE INTERLOCAL AGREEMENT BETWEEN ELLIS COUNTY PCT 2 AND THE CITY OF ALMA FOR THE AMOUNT OF \$1,400.00. – LANE GRAYSON, COMMISSIONER, PCT 2

MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

MINUTE ORDER 525.18 3.20 APPROVING WORK ORDER UNDER THE INTERLOCAL AGREEMENT BETWEEN ELLIS COUNTY PCT 2 AND THE CITY OF ALMA IN THE AMOUNT OF \$4,850.00. – LANE GRAYSON, COMMISSIONER, PCT 2

MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER STINSON CARRIES UNANIMOUSLY

RECESS TO CONVENE TO EXECUTIVE SESSION 10:47 AM

MOTION BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER STINSON 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 §551.074 OF THE GOVERNMENT CODE, CONSULTATION REGARDING PERSONNEL MATTERS.
- 4.2 PURSUANT TO § 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.
- 4.3 PURSUANT TO SECTION 551.071 OF THE GOVERNMENT CODE, CONSULTATION WITH COUNSEL REGARDING PENDING OR CONTEMPLATED LITIGATION.

ADJOURNMENT OF EXECUTIVE SESSION 11:32 AM

MOTION BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY

MINUTE ORDER 526.18 3.21 AUTHORIZING THE COUNTY JUDGE TO EXECUTE A WATER AND SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT, IDENTIFIED AS COLE CREEK TRUNK SEWER CAPITAL IMPROVEMENT PROJECT WW-4 - PARCEL 3, FOR THE BENEFIT OF THE CITY OF WAXAHACHIE CONCERNING THE COUNTY FARM, WHICH WAS APPROVED IN COURT ON NOVEMBER 6, 2018 UNDER AGENDA ITEM 3.6. – VANCE HINDS, ELLIS COUNTY AND DISTRICT ATTORNEY'S OFFICE.

MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

MINUTE ORDER 527.18 3.22 AUTHORIZING THE COUNTY JUDGE, TO EXECUTE A WATER AND SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT, IDENTIFIED AS COLE CREEK TRUNK SEWER CAPITAL IMPROVEMENT PROJECT WW-4 - PARCEL 4, FOR THE BENEFIT OF THE CITY OF WAXAHACHIE CONCERNING THE COUNTY FARM, WHICH WAS APPROVED IN COURT ON NOVEMBER 6, 2018 UNDER AGENDA ITEM 3.6. – VANCE HINDS, ELLIS COUNTY AND DISTRICT ATTORNEY’S OFFICE.

MOTION TO APPROVE BY COMMISSIONER STINSON, SECOND BY COMMISSIONER GRAYSON CARRIES UNANIMOUSLY

MINUTE ORDER 528.18 3.23 AUTHORIZING THE COUNTY JUDGE TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN MAYPEARL ISD POLICE DEPARTMENT & ELLIS COUNTY SHERIFF OFFICE. – VANCE HINDS, ELLIS COUNTY AND DISTRICT ATTORNEY’S OFFICE

MOTION TO APPROVE BY COMMISSIONER PERRY, SECOND BY COMMISSIONER GRAYSON CARRIES UNANIMOUSLY

MINUTE ORDER 529.18 3.24 AUTHORIZING THE COUNTY JUDGE TO EXECUTE AN AMENDED SERVICE CONTRACT WITH AMR FOR AMBULANCE SERVICES FOR ELLIS COUNTY FOR A PERIOD OF TWO YEARS, EFFECTIVE JANUARY 3, 2019 THROUGH JANUARY 3, 2021 SUBJECT TO AMR ACCEPTING TERMS. THE COUNTY’S ANNUAL SUBSIDY OF \$120,641.00 IS PAYABLE IN FOUR (4) EQUAL PARTS DUE BY THE TENTH (10TH) DAY OF THE MONTH, QUARTERLY. – VANCE HINDS, ELLIS COUNTY AND DISTRICT ATTORNEY’S OFFICE

MOTION BY COMMISSIONER GRAYSON TO APPROVE SUBJECT TO AMR APPROVAL, SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY

(To 3.28)

3.28 *VANCE HINDS OPENS DISCUSSION:* AUTHORIZING THE COUNTY ATTORNEY TO SUBMIT A COMPLETED QUESTIONNAIRE TO THE TEXAS COMPTROLLER OF PUBLIC ACCOUNTS FOR REVIEW AND APPROVAL OF THE CONTINGENCY FEE AGREEMENT FOR LEGAL SERVICES PURSUANT TO SECTION 403.0305 OF THE TEXAS GOVERNMENT CODE. – VANCE HINDS, ELLIS COUNTY AND DISTRICT ATTORNEY’S OFFICE

(JUDGE BUSH INTERRUPTS MR HINDS IN ORDER TO GO FORWARD WITH PUBLIC COMMENT CONCERNING AGENDA ITEM 3.29)

3.29 DISCUSSION AND POSSIBLE ACTION RELATING TO ELLIS COUNTY BAR ASSOCIATION MEETING ROOM AND PROPERTY BELONGING TO MEMBERS OF THE BAR. – PAUL PERRY, COMMISSIONER, PCT 3

**PUBLIC COMMENT BY: CONNIE MCGUIRE, ATTORNEY DAN GUS, ATTORNEY*

**DISCUSSION BETWEEN COMMISSIONERS AND COUNTY JUDGE*

MINUTE ORDER 530.18 APPROVING THAT ALL FACILITIES DECISIONS ... ALL OFFICE RELOCATIONS GO THROUGH COMMISSIONERS COURT FOR CONSIDERATION BY THE ENTIRE COURT

MOTION BY COMMISSIONER STINSON, SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY

**JUDGE BUSH COMMENTS: THIS SHOULD BE ADDED TO RULES AND REGULATIONS AND COMMISSIONERS COURT PROCESSES. ADDITIONAL COMMENTS ...*

(To 3.25)

MINUTE ORDER 531.18 3.25 RESCINDING THE COURT'S ACTIONS ON JULY 31, 2018 ON AGENDA ITEM 3.11 AND ON OCTOBER 3, 2018 ON AGENDA ITEM 2.2 CONCERNING THE RETENTION OF THE PROFESSIONAL LEGAL SERVICES OF FERRER POIROT & WANSBROUGH, FEARS NACHAWATI, MOTLEY RICE AND ATTORNEY AARON WILEY, COLLECTIVELY, TO REPRESENT ELLIS COUNTY CONCERNING ANY CLAIMS IT MAY HAVE AGAINST PURDUE PHARMA, L.P., PURDUE PHARMA, INC., AND OTHER CORPORATIONS AND ENTITIES RESPONSIBLE FOR VIOLATIONS OF LAW IN THE FRAUDULENT MARKETING AND SALES OF CERTAIN HIGHLY ADDICTIVE, OPIATE-DERIVED PAINKILLERS. – VANCE HINDS, ELLIS COUNTY AND DISTRICT ATTORNEY'S OFFICE

MOTION TO RESCIND BY COMMISSIONER PERRY, SECOND BY COMMISSIONER GRAYSON CARRIES UNANIMOUSLY

MINUTE ORDER 532.18 3.26 APPROVING RESOLUTION AND ORDER GRANTING A PROFESSIONAL SERVICES EXEMPTION UNDER SECTION 262.024, LOCAL GOVERNMENT CODE, FROM THE BIDDING REQUIREMENTS OF SECTION 262.023, LOCAL GOVERNMENT CODE THAT THE CONTINGENCY FEE CONTRACT FOR REPRESENTATION WITH FERRER POIROT & WANSBROUGH, MOTLEY RICE, LLC, FEARS | NACHAWATI, PLLC, AND AARON WILEY IS FOR A PROFESSIONAL SERVICE. – VANCE HINDS, ELLIS COUNTY AND DISTRICT ATTORNEY'S OFFICE

MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY

MINUTE ORDER 533.18 3.27 APPROVING RESOLUTION AND ORDER THAT THE COMMISSIONERS COURT OF ELLIS COUNTY, TEXAS DOES HEREBY ENTER THIS ORDER APPROVING AN ATTORNEY'S RETAINER CONTRACT OF REPRESENTATION WITH FERRER POIROT & WANSBROUGH, MOTLEY RICE, LLC, FEARS | NACHAWATI, PLLC AND AARON WILEY, FOR OPIOID LITIGATION UPON THE COMMISSIONERS COURT FINDING THAT THERE IS A SUBSTANTIAL NEED FOR THE LEGAL SERVICES, THE LEGAL SERVICES CANNOT BE ADEQUATELY PERFORMED BY THE COUNTY ATTORNEY'S OFFICE AND THE LEGAL SERVICES CANNOT REASONABLY BE OBTAINED FROM ATTORNEYS IN PRIVATE PRACTICE UNDER A CONTRACT PROVIDING ONLY FOR THE PAYMENT OF HOURLY FEES, WITHOUT REGARD TO THE OUTCOME OF THE MATTER, BECAUSE OF THE NATURE OF THE MATTER FOR WHICH THE SERVICES WILL BE OBTAINED OR BECAUSE THE COUNTY DOES NOT HAVE APPROPRIATED FUNDS AVAILABLE TO PAY THE ESTIMATED AMOUNTS REQUIRED UNDER A CONTRACT PROVIDING ONLY FOR PAYMENT OF HOURLY FEES.

MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER STINSON CARRIES 4/1 WITH COMMISSIONER PERRY OPPOSED AND VOTING NO

MINUTE ORDER 534.18 3.28 (CONTINUED) AUTHORIZING THE COUNTY ATTORNEY TO SUBMIT A COMPLETED QUESTIONNAIRE TO THE TEXAS COMPTROLLER OF PUBLIC ACCOUNTS FOR REVIEW AND APPROVAL OF THE CONTINGENCY FEE AGREEMENT FOR LEGAL SERVICES PURSUANT TO SECTION 403.0305 OF THE TEXAS GOVERNMENT CODE. – VANCE HINDS, ELLIS COUNTY AND DISTRICT ATTORNEY'S OFFICE

MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER STINSON CARRIES 4/1 WITH COMMISSIONER PERRY OPPOSED AND VOTING NO

3.30 COUNTY FACILITIES.

JUDGE BUSH COMMENTS ... REGARDING RED OAK TAX OFFICE AND HISTORIC COURTHOUSE

ADJOURN

JUDGE BUSH ADJOURNED THE MEETING

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT DECEMBER 18, 2018 ARE HEREBY APPROVED.

PRESIDING OFFICER:


TODD LITTLE, COUNTY JUDGE


RANDY STINSON, COMMISSIONER, PCT 1


LANE GRAYSON, COMMISSIONER, PCT 2


PAUL PERRY, COMMISSIONER, PCT 3


KYLE BUTLER, COMMISSIONER, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS JANUARY 29, 2019


KRYSTAL VALDEZ, COUNTY CLERK

