

FILED

DEC 12 2011

COUNTY CLERK
ELLIS COUNTY, TEXAS

**ELLIS COUNTY COMMISSIONERS' COURT
OFFICIAL MINUTES // NOVEMBER 14, 2011**

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON MONDAY, NOVEMBER 14, 2011 AT 10:00 A.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 RON BROWN

ADMINISTRATIVE:

MINUTE ORDER NO 373.11 APPROVING A PROCLAMATION IN RECOGNIZING A TRIBUTE TO THE JANICEK FAMILY FARM AND THE WALKER CREEK RANCH BY THE DEPARTMENT OF AGRICULTURE AS PART OF ITS FAMILY LAND HERITAGE PROGRAM (CAROL BUSH, COUNTY JUDGE)

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

CONSENT AGENDA:

MINUTE ORDER NO 374.11 APPROVING CONSENT AGENDA

ADMINISTRATIVE:

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

A2 APPROVAL OF THE OCTOBER, 2011 TRAVEL REPORTS OF THE TEXAS AGRILIFE EXTENSION OFFICE

-MARK ARNOLD, AGRICULTURE

-PAGE BISHOP, 4-H

-RITA HODGES, FAMILY & CONSUMER SCIENCES

- A3 TO APPROVE PAYMENT OF INVOICE IN THE AMOUNT OF \$3,062.50 TO JASON WILLET 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 No. 1;
- A4 APPROVAL TO MOVE ONE RB2 EQUIPMENT OPERATOR TO THE RB2 HEAVY CREW CHIEF II POSITION;
- A5 APPROVAL AND CERTIFICATION OF THE OFFICIAL MINUTES FROM THE COMMISSIONERS COURT AGENDA:
REGULAR – OCTOBER 10 & 24, 2011 SPECIAL – OCTOBER 3 & 28, 2011

FINANCIAL:

APPROVING THE FOLLOWING BUDGET AMENDMENTS:

- F1 FROM 001-0010-50802, EQUIPMENT TO 001-0010-50840, IMPREST FUNDS. – JOHNNY BROWN, SHERIFF
- F2 FROM 001-0015-50807, GENERAL MISC. TO 001-0015-50806, OFFICIAL BOND/DUES. –JOHNNY BROWN, SHERIFF
- F3 FROM 001-0520-50801, SUPPLIES; 001-0520-50601, TRAVEL REIMBURSEMENT TO 001-0520-50802, EQUIPMENT; 001-0520-50874, DOCKET BOOKS. – JACKIE MILLER, JR., JP2
- F4 FROM 011-0704-50912, BRIDGE REPAIR TO 001-0704-50908, LUMBER. – HEATH SIMS, RB3
- F5 FROM 042-0942-30302, FUND BALANCE TO 042-0942-50807, EQUIPMENT. – JOHNNY BROWN, SHERIFF

SIMPLIFIED PLAT:

SP1 COUNTY PLACE APARTMENTS MANOR, 3 LOTS, BILLY WATKINS, PCT. 1

SP2 VIEW POINT ESTATES, 1 LOT, BRINT AND CLINT WALKER, PCT. 3

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

ADMINISTRATIVE:

- 2.2 **DISCUSSION** ONLY CONCERNING THE COUNTY’S AUTHORITY TO ADDRESS NOISE IN THE UNINCORPORATED AREAS OF ELLIS COUNTY. (HEATH SIMS, COMMISSIONER PCT 3)

No ACTION: 2.3 CONSIDERATION AND ACTION TO ENACT THE ELLIS COUNTY BURN BAN EFFECTIVE IMMEDIATELY.
- CAROL BUSH, COUNTY JUDGE

No ACTION: 2.4 CONSIDERATION AND ACTION TO APPROVE CHANGES TO ELECTION PRECINCTS AND POLLING PLACES TO CONFORM TO THE COMMISSIONER AND JUSTICE PRECINCT/CONSTABLE LINES RECENTLY PRE-CLEARED BY THE ATTORNEY GENERAL.
- JANE ANDERSON, ELECTIONS

- 2.5 **DISCUSSION** TO ALLOW SECURITY CLEARANCE EXCEPTIONS TO THE ELLIS COUNTY COURTS BUILDING FOR THE ELLIS COUNTY BAR ASSOCIATION MEMBERS. - CAROL BUSH, COUNTY JUDGE
JOE GALLO REPRESENTING THE BAR ASSOCIATION

MINUTE ORDER NO 375.11 APPROVING A RESOLUTION TO DESIGNATE THE COUNTY JUDGE AS THE PROGRAM DIRECTOR / CONTACT PERSON AND THE COUNTY AUDITOR AS THE FINANCIAL OFFICER FOR THE 2012 INDIGENT DEFENSE FORMULA GRANT PROGRAM (MIKE NAVARRO, AUDITOR)

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

MINUTE ORDER NO 376.11 APPROVING AN AMENDMENT TO THE INMATE HEALTHCARE SERVICES CONTRACT PREVIOUSLY APPROVED BY THE COMMISSIONERS' COURT ON SEPTEMBER 12, 2011 ADDRESSING A NAME CHANGE OF THE PROVIDER AND WORDING CONSISTENT WITH THAT APPROVAL. ALL REFERENCES TO "CORRECTIONAL HEALTHCARE MANAGEMENT, INC." ARE REPLACED WITH "CORRECTIONAL HEALTHCARE COMPANIES, INC., A DELAWARE CORPORATION" AND ALL REFERENCES TO THE ABBREVIATION "CHM" ARE REPLACED WITH "CHC"
(CHUCK LAUBACH, SHERIFF'S OFFICE)

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

MINUTE ORDER NO 377.11 AUTHORIZING THE FOLLOWING VEHICLES TO DISPLAY REGULAR EXEMPT LICENSE PLATES: 1) 2006 CHEVROLET SILVERADO PICKUP VIN#1GCEC19V26Z300340
(CHUCK LAUBACH, SHERIFF'S OFFICE)

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

MINUTE ORDER NO 378.11 RATIFYING AN AGREEMENT BETWEEN THE ELLIS COUNTY SHERIFF'S OFFICE AND GLEN GARRISON REGARDING THE LEASE OF AN ALL PURPOSE LAW ENFORCEMENT ANIMAL WHICH WILL BE UTILIZED IN A WIDE RANGE OF LAW ENFORCEMENT ACTIVITIES
(DENNIS BREARLEY, SHERIFF'S OFFICE)

MINUTE ORDER NO 379.11 RATIFYING AN AGREEMENT BETWEEN THE ELLIS COUNTY SHERIFF'S OFFICE AND MIKE MCCORKLE REGARDING THE LEASE OF AN ALL PURPOSE LAW ENFORCEMENT ANIMAL WHICH WILL BE UTILIZED IN A WIDE RANGE OF LAW ENFORCEMENT ACTIVITIES
(DENNIS BREARLEY, SHERIFF'S OFFICE)

MOTION BY COMMISSIONER BROWN TO APPROVE AGENDA ITEM Nos. 2.9 AND 2.10 - **MINUTE ORDER No 378.11 & 379.11**, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

MINUTE ORDER NO 380.11 APPROVING CONTINUED PARTICIPATION IN THE TEXAS COUNTY AND DISTRICT RETIREMENT SYSTEM AS APPROVED IN THE 2011-12 BUDGET AND AUTHORIZING THE COUNTY JUDGE TO SIGN NECESSARY FORMS
(DIANA BUCKLEY, HUMAN SERVICES)

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER BROWN CARRIES UNANIMOUSLY

MINUTE ORDER NO 381.11 APPOINTING *KATHY ERIKSEN* TO THE ELLIS COUNTY BAIL BOND BOARD IN THE SLOT STATUTORILY DESIGNATED FOR A JUDGE OF A COUNTY COURT OR COUNTY COURT AT LAW IN THE COUNTY HAVING JURISDICTION OVER CRIMINAL MATTERS AND DESIGNATED BY THE COMMISSIONERS COURT TO SERVE FROM JANUARY THROUGH DECEMBER, 2012
(CAROL BUSH, COUNTY JUDGE)

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 382.11 APPROVING RENEWAL OF THE LEASE AGREEMENT BETWEEN ELLIS COUNTY AND EDWIN SPANIEL FOR THE TERM OF OCTOBER 1, 2011 THROUGH SEPTEMBER 30, 2012, FOR AGRICULTURAL PURPOSES FOR \$6,143.07 WHICH IS \$20.01 AN ACRE, FOR 307 ACRES OF THE PROPERTY REFERRED TO AS THE ELLIS COUNTY FARM (BILL DODSON, COMMISSIONER PCT 2)

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

MINUTE ORDER NO 383.11 APPROVING AN INTERLOCAL AGREEMENT CONTRACT BETWEEN ELLIS COUNTY PCT. 4 AND MIDLOTHIAN INDEPENDENT SCHOOL DISTRICT

(RON BROWN, COMMISSIONER PCT 4)

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

PURCHASING

CONSIDERATION AND ACTION REGARDING THE FOLLOWING PRESENTED BY ALISHA WICKENS, PURCHASING AGENT:

MINUTE ORDER NO 384.11 APPROVING THE PURCHASE OF THREE (3) USED TANDEM AXLE DUMP TRUCKS FOR RB1/FM1 FROM GRIFFITH TRUCK & EQUIPMENT, INC. IN CHANNELVIEW, TEXAS; IN THE AMOUNT OF \$32,500 EACH FOR A TOTAL OF \$97,500

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

MINUTE ORDER NO 385.11 DECLARING AS SURPLUS ONE (1) EUCLID SHEET FOOT ROLLER FOR RB2, VIN 70FDT13920/RLT0027 FOR SALE

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

RECESS TO CONVENE TO EXECUTIVE SESSION (10:45 AM)

MOTION BY COMMISSIONER SIMS, 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.”

- 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 551.074 OF THE GOVERNMENT CODE, CONSULTATION TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, DUTIES, OR HIRING OF THE ELLIS COUNTY FIRE MARSHAL / EMERGENCY MANAGEMENT COORDINATOR AND DISCUSSION OF THE DUTIES OF PURCHASING AGENT.

ADJOURNMENT OF EXECUTIVE SESSION (11:47 AM)

MOTION BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

ADJOURNMENT

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

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT REGULAR MEETING OF NOVEMBER 14, 2011 ARE HEREBY APPROVED.

PRESIDING OFFICER:



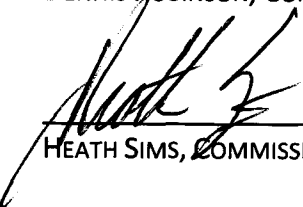
CAROL BUSH, COUNTY JUDGE



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 DECEMBER 12, 2011:



CINDY POLLEY, COUNTY CLERK