

FILED

JAN 26 2014

**COUNTY CLERK
ELLIS COUNTY, TEXAS**

**ELLIS COUNTY COMMISSIONERS' COURT
OFFICIAL MINUTES // DECEMBER 8, 2014**

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON MONDAY, DECEMBER 8, 2014 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 - *ABSENT*

BILL DODSON, COMMISSIONER, PCT. 2

PAUL PERRY, COMMISSIONER, PCT. 3

RON BROWN, COMMISSIONER, PCT. 4 - *ABSENT*

COUNTY CLERK:

TINA CHAMBERS, ASSISTANT COUNTY CLERK

COUNTY & DISTRICT ATTORNEY'S OFFICE:

ANN MONTGOMERY-MORAN, ASSISTANT COUNTY ATTORNEY

VANCE HINDS, ASSISTANT COUNTY ATTORNEY

OPENING COURT: (10:03 AM)

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 PERRY CARRIES UNANIMOUSLY

INVOCATION AND PLEDGE OF ALLEGIANCE—COMMISSIONER PAUL PERRY

CONSENT AGENDA:

MINUTE ORDER NO 448.14 APPROVING CONSENT AGENDA

ADMINISTRATIVE:

- A1 APPROVAL OF REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS
- A2 APPROVAL OF THE OFFICIAL MINUTES FOR NOVEMBER 10, 2014 - CINDY POLLEY, COUNTY CLERK
- A3 TO APPOINT JUDGE GENE CALVERT AS A MEMBER 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 1, 2015 THROUGH DECEMBER 31, 2015 - CAROL BUSH, COUNTY JUDGE
- A4 TO APPOINT SARA GARCIA AS A MEMBER TO THE ELLIS COUNTY BAIL BOND BOARD IN THE SLOT STATUTORILY DESIGNATED FOR THE COUNTY JUDGE, A MEMBER OF THE COMMISSIONERS COURT DESIGNATED BY THE COUNTY JUDGE OR A DESIGNEE APPROVED BY THE COMMISSIONERS COURT, TO SERVE FROM JANUARY 1, 2015 THROUGH DECEMBER 31, 2015 – CAROL BUSH, ELLIS COUNTY JUDGE
- A5 PURSUANT TO THE RESOLUTION APPROVED BY THE ELLIS COUNTY JUVENILE BOARD, TO CONSENT TO THE DISCHARGE OF NON-COLLECTIBLE FEES TO ELLIS COUNTY THROUGH ELLIS COUNTY JUVENILE SERVICES

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

ADMINISTRATIVE:

CONSIDERATION AND ACTION AS MAY BE APPROPRIATE REGARDING THE FOLLOWING MATTERS:

MINUTE ORDER NO 449.14 APPROVING PROCLAMATION RECOGNIZING AVALON SCHOOL FOR THE ACHIEVEMENT OF BEING DESIGNATED AS A 2014 NATIONAL BLUE RIBBON SCHOOL
(BILL DODSON, COMMISSIONER, PCT.2)

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

PURCHASING

CONSIDERATION AND ACTION AS MAY BE APPROPRIATE REGARDING THE FOLLOWING MATTERS:

MINUTE ORDER NO 450.14 APPROVING A PREVENTATIVE MAINTENANCE AGREEMENT BETWEEN ELLIS COUNTY AND EMERSON NETWORK POWER LIEBERT SERVICES (*PENDING LEGAL REVIEW*)

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

MINUTE ORDER NO 451.14 APPROVING ELLIS COUNTY MASTER SERVICE AGREEMENT LGS03-0019-8 CONTRACT ADDENDUM FOR THE NEW 443RD DISTRICT COURT

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

MINUTE ORDER NO 452.14 RENEWING CONTRACT WITH ELLIS COUNTY SPCA FOR ANIMAL CONTROL AND SHELTERING SERVICES. THE TERM OF THIS CONTRACT IS NOVEMBER 1, 2014 THROUGH SEPTEMBER 30, 2015. THEY ARE PROPOSING AN INCREASE OF \$3 PER HEAD FOR THIS CONTRACT YEAR.

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

MINUTE ORDER NO 453.14 DECLARING OUTDATED LEGAL BOOKS FROM THE LAW LIBRARY AS SURPLUS AND APPROVING OF THEIR DISPOSAL USING AN ONLINE AUCTION IN ACCORDANCE WITH THE LOCAL GOVERNMENT CODE

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

MINUTE ORDER NO 454.14 APPROVING AGREEMENT WITH DUNBAR ARMORED, INC., FOR ARMORED CAR SERVICE FOR ELLIS COUNTY (*PENDING LEGAL REVIEW*) (*JOHN BRIDGES SPOKE RE TRANSFER LIABILITY*)

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

MINUTE ORDER NO 455.14 APPROVING ELECTRALINK TO PROVIDE HORIZONTAL CABLING FOR THE COURTS ADDITION, WAREHOUSE AND ELECTIONS BUILDING, UTILIZING DIR-SDD-1723

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

ADMINISTRATIVE:

CONSIDERATION AND ACTION AS MAY BE APPROPRIATE REGARDING THE FOLLOWING MATTERS:

MINUTE ORDER NO 456.14 APPROVING COUNTY SPONSORSHIP FOR THE 2015 - 2016 TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION, REQUESTED BY SOUTH ELLIS COUNTY WATER SUPPLY CORPORATION

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

No ACTION: 2.3 BURN BAN ORDER FOR ELLIS COUNTY. – JOE STEWART, FIRE MARSHAL

MINUTE ORDER NO 457.14 APPROVING INTERLOCAL AGREEMENT FOR ENFORCEMENT OF ELLIS COUNTY FIRE CODE BETWEEN ELLIS COUNTY AND CITY OF MAYPEARL (JOE STEWART, FIRE MARSHAL)
MOTION TO APPROVE BY COMMISSIONER PERRY, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 458.14 ACCEPTING THE APPLICATION OF CHARLES E. MCCORMACK TO EMERGENCY SERVICES DISTRICT #6 FOR A 2 YEAR TERM BEGINNING JANUARY 1, 2015 THROUGH DECEMBER 31, 2016
MOTION TO APPROVE BY COMMISSIONER DODSON, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 459.14 APPOINTING COMMISSIONER DENNIS ROBINSON AS COUNTY JUDGE PRO TEM EFFECTIVE JANUARY 1, 2015 (CAROL BUSH, COUNTY JUDGE)
MOTION TO APPROVE BY COMMISSIONER BROWN, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 460.14 APPROVAL TO CONTINUE PARTICIPATION IN THE TEXAS COUNTY AND DISTRICT RETIREMENT SYSTEM AS APPROVED IN THE 2014-2015 BUDGET, AUTHORIZING COUNTY JUDGE TO SIGN THE NECESSARY FORMS (ANNE PRICE, HUMAN RESOURCES DIRECTOR)
MOTION TO APPROVE BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

2.8 **STATUS REPORT** ON USE OF COMPENSATORY TIME. – ANNE PRICE, DIRECTOR OF HUMAN RESOURCES

MINUTE ORDER NO 461.14 APPROVING INTERLOCAL COOPERATIVE AGREEMENT BETWEEN ELLIS COUNTY AND ITALY INDEPENDENT SCHOOL DISTRICT (PAUL PERRY, COMMISSIONER, PCT 3)
MOTION TO APPROVE BY COMMISSIONER PERRY, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

RECESS TO CONVENE TO EXECUTIVE SESSION (11:10 AM)
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.

- 3.1 PURSUANT TO SECTION 551.071 OF THE GOVERNMENT CODE, CONSULTATION WITH COUNSEL CONCERNING A CLAIM INVOLVING VICKIE MCCOY CONCERNING PROPERTY DAMAGE TO THE SECURITY FENCE SURROUNDING THE EMPLOYEE ONLY PARKING LOT.
- 3.2 PURSUANT TO SECTION 551.071 OF THE GOVERNMENT CODE, CONSULTATION WITH COUNSEL CONCERNING A CLAIM INVOLVING CHARLIE FORD CONCERNING PROPERTY DAMAGE TO HIS WINDSHIELD FROM A HOPPER OWNED AND OPERATED BY AN EMPLOYEE OF ELLIS COUNTY.
- 3.3 PURSUANT TO SECTION 551.072 OF THE GOVERNMENT CODE, AN EXECUTIVE SESSION IS NECESSARY TO DELIBERATE ON THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY LOCATED IN ENNIS, TEXAS.

- 3.4 PURSUANT TO SECTION 551.071 OF THE GOVERNMENT CODE, CONSULTATION WITH COUNSEL CONCERNING CAUSE NO. 3:24-CV-04397-M, TREVINO V. ELLIS COUNTY, ET AL.
- 3.5 PURSUANT TO §551.074 OF THE GOVERNMENT CODE, CONSULTATION TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF THE PURCHASING AGENT.
- 3.6 PURSUANT TO §551.074 OF THE GOVERNMENT CODE, CONSULTATION TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF THE EMERGENCY MANAGEMENT COORDINATOR.

ADJOURNMENT OF EXECUTIVE SESSION AND RECONVENE TO REGULAR SESSION (12:00 PM)

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

MINUTE ORDER NO 462.14 AUTHORIZING THE COUNTY ATTORNEY TO OFFER AND SETTLE A CLAIM ON BEHALF OF ELLIS COUNTY INVOLVING VICKIE MCCOY CONCERNING PROPERTY DAMAGE TO THE SECURITY FENCE SURROUNDING THE EMPLOYEE ONLY PARKING LOT

(VANCE HINDS, ASSISTANT COUNTY & DISTRICT ATTORNEY)

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

MINUTE ORDER NO 463.14 *DENYING LIABILITY* IN A CLAIM INVOLVING CHARLIE FORD CONCERNING PROPERTY DAMAGE TO HIS WINDSHIELD FROM A HOPPER OWNED AND OPERATED BY AN EMPLOYEE OF ELLIS COUNTY

(VANCE HINDS, ASSISTANT COUNTY & DISTRICT ATTORNEY)

MOTION TO DENY CLAIM BY COMMISSIONER BROWN, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

ADJOURNMENT (12:10 PM) (WILL RECONVENE AT 1:30 PM)

RECONVENE (1:33 PM)

DISCUSSION ARMORED CAR SERVICE: CHERYL CHAMBERS, KIM GOULD, VANCE HINDS, ANN MONTGOMERY AND DENNIS ROBINSON

ADJOURNMENT (1:55 PM)

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

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT REGULAR MEETING OF DECEMBER 8, 2014 ARE HEREBY APPROVED.

PRESIDING OFFICER:



CAROL BUSH, COUNTY JUDGE


DENNIS ROBINSON, 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 26, 2015


CINDY POLLEY, COUNTY CLERK

