

**ELLIS COUNTY COMMISSIONERS' COURT  
OFFICIAL MINUTES // OCTOBER 13, 2015**

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON TUESDAY, OCTOBER 13, 2015 AT 2:00 P.M., IN THE HISTORIC ELLIS COUNTY COURTHOUSE, COMMISSIONERS' COURTROOM, 101 WEST MAIN STREET (2<sup>ND</sup> 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

LANE GRAYSON, COMMISSIONER, PCT. 2

PAUL PERRY, COMMISSIONER, PCT. 3

KYLE BUTLER, COMMISSIONER, PCT. 4

**COUNTY CLERK:**

TINA CHAMBERS, CHIEF DEPUTY CLERK

**COUNTY & DISTRICT ATTORNEY'S OFFICE:**

VANCE HINDS

RAY RIKE

**OPENING COURT:** (2:05 PM)

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 PERRY, SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY

INVOCATION AND PLEDGE OF ALLEGIANCE—COMMISSIONER DENNIS ROBINSON

**CONSENT AGENDA:**

**MINUTE ORDER NO 402.15 APPROVING CONSENT AGENDA**

**ADMINISTRATIVE:**

- A1 APPROVAL OF REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS
- A2 APPROVAL OF THE 2015-2016 LAW LIBRARY SERVICE FEES AS FOLLOWS: PRINTING AND COPYING, .25 CENTS PER PAGE; INCOMING FAX, \$1.50 PER PAGE; OUTGOING FAX, \$2.00 FIRST PAGE AND \$1.00 PER ADDITIONAL PAGE; NOTARY FEE, \$6.00 PER DOCUMENT AND \$1.00 FEE PER ADDITIONAL SIGNATURE PER DOCUMENT; BOARD ROOM RENTAL FEE, \$25.00 PER HOUR. — CARLA KNEPPER, LAW LIBRARY
- A3 SEPTEMBER 2015 TRAVEL REPORTS OF THE TEXAS AGRILIFE EXTENSION OFFICE
  - MARK ARNOLD, AGRICULTURE
  - RITA HODGES, FAMILY & CONSUMER SCIENCE
  - MEGAN PARR, 4H
- A4 APPOINT ANITA PREWITT TO THE WOMEN'S BUILDING BOARD FOR A THREE YEAR TERM.

**FINANCIAL:**

- F1 FROM 001-0612-50808 GAS/OIL \$400.00, 001-0612-50806 BONDS/DUES \$600.00, 001-0612-50803 FURN/FIXTURES \$300.00, 001-0612-50812 RADIO \$50.00, 001-0612-50801 SUPPLIES \$500.00, 001-0612-50810 AUTO TIRES \$600.00 TO 001-0612-50809 AUTO REPAIRS \$2,450.00. — TERRY NAY, CONSTABLE, PCT. 2

- F2 FROM 001-0010-50601 MILEAGE REIMBURSEMENT \$327.00, 001-0010-50602 STAFF TRAVEL & EXPENSE \$1,180.00, 001-0010-50804 SHIPPING & POSTAGE \$2,000.00, 001-0010-50824 COLLISION REPAIR \$5,000.00, 001-0010-50835 EMPLOYEE TRAINING \$1,500.00, 001-0010-50868 CONTRACT SERV \$3,000.00, 001-0010-50847 PROMOTIONAL & PRINTING \$1,500.00, 001-0010-50947 DISPATCH SUPPLIES \$1,000.00 To 001-0010-50807 GENERAL MISC \$2,000.00, 001-0010-50808 AUTO GAS & OIL \$6,000.00, 001-0010-50809 AUTO REPAIRS \$5,800.00, 001-0010-50810 AUTO TIRES \$600.00, 001-0010-50865 PRE-EMPLOYMENT SCREENING \$1,107.00. – BRAD NORMAN, ELLIS COUNTY SHERIFF’S OFFICE
- F3 FROM 001-0420-50897 SUBSTANCE ABUSE SERVICES \$3,500.00 To 001-0420-50895 JUV. VOCATIONAL/EDUCATION TRAINING \$3,500.00. – CHATRINIA JOHNSON, JUVENILE SERVICES
- F4 FROM 001-0530-50812 RADIO \$200.00, 001-0530-50802 EQUIPMENT \$50.00, 001-0530-50602 STAFF TRAVEL \$220.00, 001-0530-50801 SUPPLIES \$454.00 To 001-0530-50601 TRAVEL REIMB \$555.00, 001-0530-50703 TELEPHONE \$300.00, 001-0530-50805 CONFERENCE \$69.00. – CURTIS POLK, JUSTICE OF THE PEACE, PCT. 3
- F5 FROM 003-0601-30302 RB1 FUND BALANCE \$49,000.00 To 003-0601-50911 RB1 GRAVEL \$17,000.00, 003-0601-50915 RB1 ASPHALT \$32,000.00. – DENNIS ROBINSON, COMMISSIONER, PCT. 1
- F6 FROM 001-0140-50708 COMP INSURANCE \$146,050.00 To 001-0015-50702 REPAIRS \$30,050.00, 001-0015-50868 PROF. SERVICES \$42,500.00, 001-0140-50887 RADIO TOWER \$2,000.00, 001-0140-50811 FLEET PURCHASE \$50,000.00, 001-0140-50807 OTHER EXPENSES \$2,000.00, 001-0140-50804 POSTAGE \$8,000.00, 001-0140-50706 INS DEDUCTIBLE \$9,500.00, 001-0140-50558 CONTINGENCIES/RESERVE \$2,000.00.
- F7 FROM 001-0015-50704 PEST CONTROL \$150.00, 001-0015-50806 OFFICIAL BOND/DUES \$1,600.00, 001-0015-50819 COMPUTER \$280.00, 001-0015-50888 COMPUTER SERVICES \$320.00, 001-0015-50905 JAIL PETTY CASH \$490.00 To 001-0015-50865 PRE-EMPLOYMENT SCREENING \$1,255.00, 001-0015-50873 BLDG MECHANICAL CONTRACTS \$1,585.00. – BRAD NORMAN, ELLIS COUNTY SHERIFF’S OFFICE

**SIMPLIFIED PLAT:**

SP1 JUST- CALVERY ESTATES, 2 LOTS, ALLEN CALVERY, LOCATED @4390 JOE WILSON ROAD, MIDLOTHIAN, IN ROAD AND BRIDGE PCT. 4

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

**DEPARTMENT OF COUNTY DEVELOPMENT**

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

**MINUTE ORDER NO 403.15** APPROVING REPLAT INDIA ACRES, 36C, STEPHEN HAMM, LOCATED @499 TEN MILE ROAD, FERRIS, IN ROAD AND BRIDGE PCT. 1

MOTION TO APPROVE PASS ON TO THE EMPLOYEE BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

**MINUTE ORDER NO 404.15** APPROVING REPLAT OAK RIDGE, TRACTS 7, 8-B, 8-C AND 9 A, GENE LEWIS, LOCATED @1866 GREATHOUSE ROAD, WAXAHACHIE, IN ROAD AND BRIDGE PCT. 3

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

**MINUTE ORDER NO 405.15** APPROVING FINAL PLAT DELANIE PARK, 15 LOTS, INCLUDING PART OF LYNN WAY, WAXAHACHIE, JAMES SARGENT, LOCATED IN ROAD AND BRIDGE PCT. 4

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

**MINUTE ORDER NO 406.15** GRANTING A ONE-TIME VARIANCE FROM COUNTY OF ELLIS RULES, REGULATIONS AND SPECIFICATIONS AS IT RELATES TO ROAD FRONTAGE REQUIREMENT @ 542 PIERCE ROAD, RED OAK, ANNA DUARTE, LOCATED IN ROAD AND BRIDGE PCT. 4  
MOTION TO APPROVE BY COMMISSIONER BUTLER, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

**ADMINISTRATIVE:**

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

**MINUTE ORDER NO 407.15** APPROVING PROCLAMATION RECOGNIZING OCTOBER 2015 AS DOMESTIC VIOLENCE AWARENESS MONTH IN ELLIS COUNTY  
MOTION TO APPROVE BY JUDGE BUSH, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

**MINUTE ORDER NO 408.15** APPROVING TAX RESALE OFFER BY TIMOTHY MCDANIEL FOR PROPERTY LOCATED AT 401 RUSHING ST., ENNIS, TX

**MINUTE ORDER NO 409.15** APPROVING TAX RESALE OFFER BY KERRI J. DUNCAN FOR PROPERTY LOCATED 1010 S. PRESTON ST., ENNIS, TX

**MINUTE ORDER NO 410.15** APPROVING TAX RESALE OFFER BY KERRI J. DUNCAN FOR PROPERTY LOCATED AT 1007 S. PRESTON ST., ENNIS, TX

**MINUTE ORDER NO 411.15** APPROVING TAX RESALE OFFER BY KERRI J. DUNCAN FOR PROPERTY LOCATED AT S. SMITH ST., ENNIS, TX

**MINUTE ORDER NO 412.15** APPROVING TAX RESALE OFFER BY KERRI J. DUNCAN FOR PROPERTY LOCATED AT 1009 S. PRESTON ST., ENNIS, TX

MOTION TO APPROVE BY COMMISSIONER ROBINSON TO APPROVE 3.2-3.6 SECOND BY COMMISSIONER GRAYSON CARRIES UNANIMOUSLY (MINUTE ORDER NO 408.15-412.15)

**No ACTION:** 3.7 TO NOMINATE CANDIDATES FOR THE BOARD OF DIRECTORS OF THE ELLIS CENTRAL APPRAISAL DISTRICT FOR THE TERM OF 2015-16, ACCORDING TO THE TEXAS TAX CODE, TITLE 1, SUBTITLE B, CHAPTER 6, SUBCHAPTER A, SECTION 6.03.

3.8 BURN BAN FOR ELLIS COUNTY (*CONTINUED*)

3.9 COMPENSATORY ANALYSIS REPORT. – ANNE PRICE, DIRECTOR OF HUMAN RESOURCES

**MINUTE ORDER NO 413.15** APPROVAL TO IMPOSE A FEE IMPOSE A FEE OF \$1.50 PER PAYMENT TRANSMITTED THROUGH EXPERT PAY TO TRANSMIT CHILD SUPPORT PAYMENTS TO THE STATE OF TEXAS FOR EMPLOYERS. EFFECTIVE NOVEMBER 1, 2015, EXPERT PAY WILL CHARGE \$1.50 PER PAYMENT TO THE STATE OF TEXAS. ELLIS COUNTY SENDS 35 PAYMENTS FROM EMPLOYEES ON EACH PAYDAY. IF THE COUNTY ABSORBED THE FEE THE APPROXIMATE ANNUAL COST WOULD BE \$1,260.00. TEXAS FAMILY CODE §158.204 ALLOWS ELLIS COUNTY TO PASS THROUGH THIS COST TO THE EMPLOYEE.

(CHERYL CHAMBERS, TREASURER)

MOTION TO APPROVE BY COMMISSIONER BUTLER TO ACCEPT FEE AND PASS IT ON TO EMPLOYEES, SECOND BY COMMISSIONER GRAYSON CARRIES UNANIMOUSLY

**MINUTE ORDER NO 414.15** APPROVING CONTRACT BETWEEN THE DEPARTMENT OF STATE HEALTH SERVICES VITAL STATISTICS UNIT AND ELLIS COUNTY TO PROVIDE ACCESS TO THE TEXAS ELECTRONIC REGISTRATION REMOTE SYSTEM FOR THE PURPOSE OF ISSUING INDIVIDUAL BIRTH CERTIFICATES TO BEGIN ON SEPTEMBER 1, 2015 AND END ON AUGUST 31, 2017 (CINDY POLLEY, COUNTY CLERK)  
MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

**MINUTE ORDER NO 415.15** APPROVING THE INTERLOCAL AGREEMENT FOR 2015-2016 BETWEEN THE COUNTY OF ELLIS AND THE CITY OF WAXAHACHIE, TEXAS (PAUL PERRY, COMMISSIONER, PCT. 3)  
MOTION TO APPROVE BY COMMISSIONER PERRY, SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY

**MINUTE ORDER NO 416.15** ACCEPTING THE INTERLOCAL AGREEMENT BETWEEN THE COUNTY OF ELLIS AND THE MILFORD INDEPENDENT SCHOOL DISTRICT (PAUL PERRY, COMMISSIONER, PCT. 3)  
MOTION TO APPROVE BY COMMISSIONER PERRY, SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY

**MINUTE ORDER NO 417.15** ACCEPTING THE INTERLOCAL AGREEMENT BETWEEN THE COUNTY OF ELLIS AND THE MIDLOTHIAN INDEPENDENT SCHOOL DISTRICT (PAUL PERRY, COMMISSIONER, PCT. 3)  
MOTION TO APPROVE BY COMMISSIONER PERRY, SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY

**MINUTE ORDER NO 418.15** APPROVING AN AGREEMENT WITH THE CITY OF MIDLOTHIAN TO REHABILITATE THE PRECINCT 3 PORTION OF MCALPIN ROAD (APPROXIMATELY 2400 FEET IN LENGTH). THE CITY OF MIDLOTHIAN WORK WILL INCLUDE CEMENT STABILIZATION, ASPHALT OVERLAY, BACKFILLING OF SHOULDERS AND STRIPING AT AN ESTIMATED COST OF \$137,000. THE SEGMENT OF ROADWAY IS APPROXIMATELY 2,400 FEET. UPON COMPLETION, THE CITY WILL ASSUME FULL MAINTENANCE RESPONSIBILITY ON THIS ROADWAY. IN EXCHANGE FOR THE DESCRIBED WORK ON MCALPIN ROAD, WHICH IS TO BE COMPLETED IN 2015, PRECINCT THREE ROAD AND BRIDGE WILL PERFORM WORK ON THE CITY PORTION OF BAUCUM RD. BY THE END OF THE THIRD QUARTER OF 2016. THE PORTION OF BAUCUM IS APPROXIMATELY 1.10 MILES IN LENGTH. THE WORK ON BAUCUM ROAD WILL INCLUDE RECLAMATION OF THE EXISTING ROADWAY, THE ADDITION OF BASE AS NEEDED, AND A 2 COURSE TREATMENT ON THE SURFACE (I.E. CHIP AND SEAL). THE BAUCUM ROAD WORK WILL NOT START UNTIL THE BULK OF THE HEAVY EQUIPMENT IS MOVED OFF THE TRWD IPL PROJECT.  
(PAUL PERRY, COMMISSIONER, PCT. 3)

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

**MINUTE ORDER NO 419.15** APPROVING THE SYSTEM ACCEPTANCE DOCUMENT FROM DFW COMMUNICATIONS TO BEGIN THE ONE YEAR WARRANTY FOR EQUIPMENT INSTALLED DURING THE 2014-2015 COMMUNICATIONS UPGRADE. THIS UPGRADE PROVIDED ELLIS COUNTY WITH TWO DIGITAL CHANNELS, AND IMPROVEMENTS TO TWO ANALOG CHANNELS, FOR PUBLIC SAFETY OPERATION.

*TIM DRISCOLL, CONSULTANT ADDRESSED THE COURT*

MOTION TO APPROVE BY JUDGE BUSH, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

3.17 ELLIS COUNTY SOCIAL MEDIA POLICY: *JUDGE BUSH... RE: MIKE JONES USE OF FACEBOOK*

3.18 DUNBAR UPDATE ... *SAFER WAY TO HANDLE FUNDS*

**MINUTE ORDER NO 420.15** ADOPTING A RULE BY THE ELLIS COUNTY COMMISSIONERS COURT IN ACCORDANCE WITH §170.001 OF THE TEXAS LOCAL GOVERNMENT CODE PROHIBITING THE USE OF A PRIVATELY OWNED MOTOR VEHICLE FOR THE PERFORMANCE OF COUNTY BUSINESS OR LAW ENFORCEMENT DUTIES BY THE SHERIFF, DEPUTY SHERIFF, CONSTABLE, OR A DEPUTY CONSTABLE  
*TERRY NAY, CONSTABLE PCT 3 ADDRESSED COURT*  
MOTION TO APPROVE BY JUDGE BUSH, SECOND BY COMMISSIONER ROBINSON CARRIES 4/1 WITH COMMISSIONER PERRY OPPOSING

**No Action:** 3.20 DISCUSSION, REVIEW AND POSSIBLE ACTION ON THE CURRENT STATUS (INCLUDING LOCATION AND LIQUIDITY) AND POSSIBLE FUTURE USE OF FUNDS DIRECTED TO THE COUNTY FROM THE EAST TEXAS AMBULANCE SERVICE OR OTHER SIMILAR ENTITY. – PAUL PERRY, COMMISSIONER, PCT. 3

**MINUTE ORDER NO 421.15** APPROVING ALARM MONITORING CONTRACT WITH BAT SECURITY FOR THE ELLIS COUNTY SHERIFF’S OFFICE (CHUCK LAUBACH, ELLIS COUNTY SHERIFF’S OFFICE)  
MOTION TO APPROVE BY COMMISSIONER PERRY, SECOND BY COMMISSIONER GRAYSON CARRIES UNANIMOUSLY

3.22 DISCUSSION REGARDING THE USE OF COUNTY FACILITIES BY OUTSIDE LAW ENFORCEMENT AGENCIES.  
*SHERIFF BROWN HAD NOTHING TO DISCUSS*

**RECESS TO CONVENE TO EXECUTIVE SESSION (2:44 PM)**  
MOTION TO APPROVE BY COMMISSIONER BUTLER, SECOND BY COMMISSIONER GRAYSON 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 §551.071 OF THE GOVERNMENT CODE, CONSULTATION WITH COUNSEL CONCERNING CAUSE NO. 91288 FELIPE PINEDA AND ISRAEL LOZANO V. ELLIS COUNTY, TEXAS. SUIT INVOLVING PRECINCT 2 CONSTABLE, TERRY NAY.
- 4.2 ADVICE OF COUNSEL – EAST TEXAS MEDICAL CENTER EMS FINAL PAYMENTS TO ELLIS COUNTY.
- 4.3 PURSUANT TO §551.074 OF THE GOVERNMENT CODE, CONSULTATION TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF THE HUMAN RESOURCES DIRECTOR AND INDIGENT CARE DIRECTOR.
- 4.4 PURSUANT TO §551.076 OF THE GOVERNMENT CODE, CONSULTATION TO DELIBERATE THE DEPLOYMENT, OR SPECIFIC OCCASIONS FOR IMPLEMENTATION, OF SECURITY PERSONNEL OR DEVICES.

**ADJOURNMENT OF EXECUTIVE SESSION (4:26 PM)**  
MOTION BY COMMISSIONER PERRY TO RECONVENE, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

**ADJOURNMENT (4:50 PM)**  
MOTION TO ADJOURN BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT REGULAR MEETING OF OCTOBER 13, 2015 ARE HEREBY APPROVED.

PRESIDING OFFICER:

  
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CAROL BUSH, COUNTY JUDGE

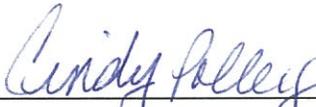
  
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DENNIS ROBINSON, COMMISSIONER, PCT 1

  
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LANE GRAYSON, COMMISSIONER, PCT 2

  
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PAUL PERRY, COMMISSIONER, PCT 3

  
\_\_\_\_\_  
KYLE BUTLER, COMMISSIONER, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS JANUARY 12, 2015

  
\_\_\_\_\_  
CINDY POLLEY, COUNTY CLERK

