

**ELLIS COUNTY COMMISSIONERS' COURT  
OFFICIAL MINUTES // NOVEMBER 22, 2016**

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON TUESDAY, NOVEMBER 22, 2016 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:**

CINDY POLLEY, COUNTY CLERK

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

VANCE HINDS

RAY RIKE

**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 BUTLER, SECOND BY COMMISSIONER GRAYSON 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.

**CONSENT AGENDA:**

**MINUTE ORDER NO 470.16** APPROVING CONSENT AGENDA AS AMENDED: (A3: REMOVING MINUTES OF OCTOBER 25, 2016)

**ADMINISTRATIVE:**

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

A2 OCTOBER 2016 TRAVEL REPORTS OF THE TEXAS AGRILIFE EXTENSION OFFICE

-MARK ARNOLD, AGRICULTURE

-RITA HODGES, FAMILY & CONSUMER SCIENCE

-MEGAN PARR, 4H

A3 APPROVAL OF THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS COURT - OCTOBER 11, 2016. – CINDY POLLEY, COUNTY CLERK

**FINANCIAL:**

F1 FROM 010-0653-50868 FM2 CONTRACT LABOR \$15,000.00 To 010-0653-50908 FM2 LUMBER \$15,000.00. – LANE GRAYSON, COMMISSIONER, PCT. 2

- F2 FROM 004-0652-30302 RB2 FUND BALANCE CARRY OVER \$104,388.80 To 004-0652-50807 RB2 GENERAL EXPENSES \$104,388.80. – LANE GRAYSON, COMMISSIONER, PCT. 2
- F3 FROM 001-0210-40964 CONTRACTING ELECTION \$31,508.00 To 001-0210-50801 SUPPLIES \$27,808.00; 001-0210-50823 LEGAL NOTICES \$1,700.00; 001-0210-50804 POSTAGE \$2,000.00. – JANA ONYON, ELECTIONS ADMINISTRATOR
- F4 FROM 042-0942-30302 SHERIFF FEDERAL DRUG FORFEITURE \$5,580.00 To 042-0942-50802 EQUIPMENT \$5,580.00. – CHUCK LAUBACH, ELLIS COUNTY SHERIFF'S OFFICE
- F5 FROM 042-0942-30302 SHERIFF FEDERAL DRUG FORFEITURE \$5,576.91 To 042-0942-50807 GENERAL EXPENSES \$5,576.91. – CHUCK LAUBACH, ELLIS COUNTY SHERIFF'S OFFICE
- F6 FROM 024-0924-50802 EQUIPMENT \$50.00 To 024-0924-50831 UNIFORM \$50.00. -TIM BIRDWELL, FIRE MARSHAL
- F7 FROM 005-0703-30302 ROAD & BRIDGE FUND BALANCE \$5,000.00 To 005-0703-50502 SALARY \$5,000.00. – PAUL PERRY, COMMISSIONER, PCT. 3
- F8 FROM 005-0703-30302 ROAD & BRIDGE FUND BALANCE \$1,000.00 To 005-0703-50805 RB3 CONFERENCE AND DUES \$1,000.00. – PAUL PERRY, COMMISSIONER, PCT. 3
- F9 FROM 011-0704-30302 FUND BALANCE \$50,000.00 To 011-0704-50911 FM3 GRAVEL \$50,000.00. – PAUL PERRY, COMMISSIONER, PCT. 3
- F10 FROM 011-0704-30302 FUND BALANCE \$50,000.00 To 011-0704-50915 FM3 ASPHALT \$50,000.00. – PAUL PERRY, COMMISSIONER, PCT. 3

**SIMPLIFIED PLAT:**

- SP1 FOSHEA PLACE, 2 LOTS, JOE WILSON ROAD, MIDLOTHIAN, ROAD & BRIDGE PCT. 4, WILLIAM FOSHEA.
- SP2 JED'S ADDITION, 3 LOTS, NORTH ARMSTRONG ROAD, VENUS, ROAD & BRIDGE PCT. 4, JASON RAMSEY.
- SP3 JOHN'S ADDITION, 3 LOTS, MARION ROAD, VENUS, ROAD & BRIDGE PCT. 4, JASON RAMSEY.

MOTION TO APPROVE CONSENT AGENDA AS AMENDED BY COMMISSIONER PERRY, SECOND BY COMMISSIONER GRAYSON CARRIES UNANIMOUSLY

**ADMINISTRATIVE:**

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

**MINUTE ORDER NO 471.16** APPROVING THE 2017 CONTRIBUTION RATE AND BUDGETED PLAN OPTIONS FOR TCDRS. OPTIONS INCLUDE APPROVING A 1% FLAT RATE COLA ADJUSTMENT FOR RETIREES, APPROVING A PARTIAL LUMP SUM PAYMENT DISTRIBUTION, AND APPROVING A BUYBACK AUTHORIZATION. ALL ABOVE OPTIONS HAVE BEEN INCLUDED IN THE 2016/2017 BUDGET, AND THE REQUIRED RATE TO FUND OF 10.98% IS LESS THAN THE BUDGETED RATE OF 11.08%. - MICHAEL S. NAVARRO, CPA, ELLIS COUNTY AUDITOR

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

**1.5 PRESENTATION** ANITA BROWN, DIRECTOR OF THE DOWNTOWN DEVELOPMENT AND HERITAGE PRESERVATION COMMISSION PRESENTED ELLIS COUNTY WITH AWARD FROM TEXAS DOWNTOWN ASSOCIATION FOR BEST NEW CONSTRUCTION FOR A CITY WITH A POPULATION UNDER 150,000 FOR THE ELLIS COUNTY ELECTIONS BUILDING

**MINUTE ORDER NO 472.16** CANVASSING AND APPROVING THE RESULTS OF THE GENERAL ELECTION HELD ON NOVEMBER 8, 2016 IN ELLIS COUNTY, TEXAS, FOR THE PURPOSE OF ELECTING A PRESIDENTIAL ELECTOR, MEMBER OF CONGRESS, MEMBERS OF THE LEGISLATURE, STATE, DISTRICT, COUNTY AND PRECINCT OFFICERS. – JANA ONYON, ELECTIONS ADMINISTRATOR

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

**RECESS TO CONVENE TO EXECUTIVE SESSION (2:16PM)**

MOTION BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER PERRY 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.

- 2.1 PURSUANT TO §551.071 OF THE GOVERNMENT CODE, CONSULTATION WITH COUNSEL REGARDING PENDING OR CONTEMPLATED LITIGATION WITH PROFESSIONAL COATING TECHNOLOGIES.
- 2.2 PURSUANT TO SECTION 551.071 OF THE GOVERNMENT CODE, CONSULTATION WITH COUNSEL CONCERNING CAUSE NO. 94796. NORTH TEXAS EMPLOYMENT SOLUTIONS VS. ELLIS COUNTY AND DISTRICT ATTORNEY'S OFFICE.

**ADJOURNMENT OF EXECUTIVE SESSION (3:06PM)**

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

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

**MINUTE ORDER NO 473.16** AUTHORIZING COUNTY JUDGE TO DRAFT A LETTER TO OTHER ENTITIES REGARDING PARTICIPATION AGREEMENTS WITH LOCAL MAGISTRATES WITH REGARDS TO DWI SEARCH WARRANTS. .

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

- 1.6 REPORT COMPENSATORY TIME ANALYSIS REPORT. – THERESA TAYLOR, DIRECTOR OF HUMAN RESOURCES

**MINUTE ORDER NO 474.16** APPROVING THE 2015-2016 EQUITABLE SHARING AGREEMENT AND CERTIFICATION REPORT FOR SUBMISSION TO THE DEPARTMENT OF JUSTICE. – CHUCK LAUBACH, ELLIS COUNTY SHERIFF'S OFFICE

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

**MINUTE ORDER NO 475.16** APPROVING PURCHASE OF A DANUSER AUGER BUCKET, MODEL DA11003 FROM AUSTIN TURF AND TRACTOR, FOR ROAD AND BRIDGE PRECINCT 4. – KYLE BUTLER, COMMISSIONER, PCT. 4

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

**MINUTE ORDER NO 476.16** APPROVING INTERLOCAL COOPERATION CONTRACT BETWEEN COUNTY OF ELLIS AND CITY OF WAXAHACHIE FOR SERVICES INCLUDING MAINTENANCE, REPAIR AND/OR CONSTRUCTION OF STREETS, ROADS, ALLEYS, BRIDGES AND PARKING AREAS AND MAINTENANCE AND CONSTRUCTION OF WATERWAYS AND DITCHERS AND AUTHORIZING COUNTY TO SELL GOODS AND SERVICES. . – KYLE BUTLER, COMMISSIONER, PCT. 4

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

**MINUTE ORDER NO 477.16** APPROVING INTERLOCAL COOPERATION CONTRACT BETWEEN COUNTY OF ELLIS AND CITY OF OVILLA FOR SERVICES INCLUDING MAINTENANCE, REPAIR AND/OR CONSTRUCTION OF STREETS, ROADS, ALLEYS, BRIDGES AND PARKING AREAS AND MAINTENANCE AND CONSTRUCTION OF WATERWAYS AND DITCHERS AND AUTHORIZING COUNTY TO SELL GOODS AND SERVICES – KYLE BUTLER, COMMISSIONER, PCT. 4

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

**MINUTE ORDER NO 478.16** APPROVING INTERLOCAL COOPERATION CONTRACT BETWEEN COUNTY OF ELLIS AND CITY OF RED OAK FOR SERVICES INCLUDING MAINTENANCE, REPAIR AND/OR CONSTRUCTION OF STREETS, ROADS, ALLEYS, BRIDGES AND PARKING AREAS AND MAINTENANCE AND CONSTRUCTION OF WATERWAYS AND DITCHERS AND AUTHORIZING COUNTY TO SELL GOODS AND SERVICES. – KYLE BUTLER, COMMISSIONER, PCT. 4

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

**MINUTE ORDER NO 479.16** APPROVING INTERLOCAL COOPERATION CONTRACT BETWEEN COUNTY OF ELLIS AND RED OAK ISD FOR SERVICES INCLUDING MAINTENANCE, REPAIR AND/OR CONSTRUCTION OF STREETS, ROADS, ALLEYS, BRIDGES AND PARKING AREAS AND MAINTENANCE AND CONSTRUCTION OF WATERWAYS AND DITCHERS AND AUTHORIZING COUNTY TO SELL GOODS AND SERVICES. – KYLE BUTLER, COMMISSIONER, PCT. 4

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

**MINUTE ORDER NO 480.16** APPROVING INTERLOCAL COOPERATION CONTRACT BETWEEN COUNTY OF ELLIS AND WAXAHACHIE ISD. FOR SERVICES INCLUDING MAINTENANCE, REPAIR AND/OR CONSTRUCTION OF STREETS, ROADS, ALLEYS, BRIDGES AND PARKING AREAS AND MAINTENANCE AND CONSTRUCTION OF WATERWAYS AND DITCHERS AND AUTHORIZING COUNTY TO SELL GOODS AND SERVICES – KYLE BUTLER, COMMISSIONER, PCT. 4

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

**MINUTE ORDER NO 481.16** AUTHORIZING IT (INFORMATION TECHNOLOGY) TO ARRANGE FOR THE NECESSARY INFRASTRUCTURE AT THE MIDLOTHIAN FACILITY UP TO \$20,000 FOR HARDWARE AND INTERCONNECTIVITY.

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

**MINUTE ORDER NO 482.16** DECLARING EXCESS OFFICE FURNITURE ITEMS FROM THE ELECTIONS OFFICE AT 106 S. MONROE, VETERANS SERVICES, AND CONSTABLE PRECINCT 3 AS SURPLUS AND TO BE DISPOSED OF AND/OR DONATED TO A 501 (C) (3) ORGANIZATION IN ACCORDANCE OF THE LOCAL GOVERNMENT CODE.

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

**1.16 NO ACTION** INVOICES FROM PROFESSIONAL COATING TECHNOLOGIES.

**1.17 NO ACTION** CONSIDERATION AND ACTION AS APPROPRIATE CONCERNING CAUSE NO. 94796. NORTH TEXAS EMPLOYMENT SOLUTIONS VS. ELLIS COUNTY AND DISTRICT ATTORNEY'S OFFICE.

**ADJOURNMENT**

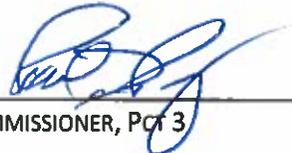
MOTION TO APPROVE BY COMMISSIONER PERRY, SECOND BY COMMISSIONER BUTLER CARRIES UNANIMOUSLY

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT REGULAR MEETING OF NOVEMBER 22, 2016 ARE HEREBY APPROVED.

PRESIDING OFFICER:

  
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CAROL BUSH, COUNTY JUDGE

  
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DENNIS ROBINSON, COMMISSIONER, PCT 1

  
\_\_\_\_\_  
PAUL PERRY, COMMISSIONER, PCT 3

  
\_\_\_\_\_  
LANE GRAYSON, COMMISSIONER, PCT 2

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

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS DECEMBER 20, 2016.

  
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CINDY POLLEY, COUNTY CLERK

