

ELLIS COUNTY COMMISSIONERS COURT  
OFFICIAL MINUTES – APRIL 23, 2019

THE ELLIS COUNTY COMMISSIONERS COURT MET ON TUESDAY, APRIL 23, 2019 AT 2:03 P.M., IN THE HISTORIC ELLIS COUNTY COURTHOUSE, COMMISSIONERS COURTROOM (2<sup>ND</sup> FLOOR) 101 W. MAIN STREET, WAXAHACHIE, TEXAS AT WHICH TIME THE FOLLOWING WAS DISCUSSED AND CONSIDERED, TO-WIT:

**MEMBERS PRESENT:**

**COUNTY JUDGE:** TODD LITTLE

**COUNTY CLERK:** KRYSTAL VALDEZ

**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 PERRY, CARRIES UNANIMOUSLY

INVOCATION AND PLEDGE OF ALLEGIANCE – *COMMISSIONER RANDY STINSON*

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 210.19      APPROVING CONSENT AGENDA**

**ADMINISTRATIVE:**

- A1      APPROVING OF REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS
- A2      APPROVING COMMISSIONERS COURT MINUTES FROM APRIL 9, 2019. – *KRYSTAL VALDEZ, COUNTY CLERK*
- A3      AUTHORIZING THE POSTING AND SCHEDULING OF A PUBLIC HEARING FOR A PORTION OF PUMPHOUSE ROAD FOR A PROPOSED NAME CHANGE TO SOUTH PUMPHOUSE ROAD – *TED KANTOR, ENGINEERING*

- A4 ACCEPTING THE MARCH TRAVEL AND ACTIVITY REPORT. – MARK ARNOLD, MEGAN PARR, LIZ ESPIE, AGRILIFE EXTENSION

**FINANCIAL:**

- F1 APPROVING REFUNDS TO THE FOLLOWING ACCOUNTS:

| <u>REFUND TO BE ISSUED:</u> | <u>ACCOUNT NUMBER</u> | <u>REFUND AMOUNT</u> |
|-----------------------------|-----------------------|----------------------|
| CORELOGIC                   | 188337                | \$3,516.85           |
| CORELOGIC                   | 182054                | \$7,107.78           |
| CORELOGIC                   | 174242                | \$4,869.16           |
| WELLS FARGO HOME MTG.       | 139684                | \$5,536.86           |

TOTAL REFUNDS: \$21,030.65 – JOHN BRIDGES, TAX ASSESSOR

- F2 FROM 001-0430-508080 GAS \$200.00; 001-0430-508050 CONFERENCE \$1,000.00 To 001-0430-508150 UNIFORMS \$200.00; 001-0430-508020 EQUIPMENT \$1,000.00 – SAMANTHA PICKETT, EMERGENCY MANAGEMENT COORDINATOR

- F3 **(MOVED TO REGULAR AGENDA BY COMMISSIONER STINSON)** F3 FROM 001-0210-409640 CONTRACTING ELECTIONS \$23,700.00; 001-0210-508490 RECOUNT \$500.00 To 001-0210-509420 ELECTION EXPENSES \$10,700.00; 001-0210-508480 HOLDING SALARY \$13,000.00; 001-0210-508880 COMPUTER/SERVICE/RENTAL \$500.00 – JANA ONYON, ELECTIONS

- F4 FROM 012-0755-400080 FM4/INTERLOCAL \$2,500.00 To 012-0755-509060 FM4/CULVERTS \$2,500.00 – KYLE BUTLER, COMMISSIONER, PRECINCT 4

- F5 **(MOVED TO REGULAR AGENDA BY COMMISSIONER STINSON)** F5 FROM 001-0140-505580 CONTINGENCIES/RESERVE \$1,262.00 To 001-0612-508010 SUPPLIES \$1,262.00 – TERRY NAY, CONSTABLE, PRECINCT 2

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

**To F3**

**REGULAR AGENDA**

**MINUTE ORDER 211.19** (F3) FROM 001-0210-409640 CONTRACTING ELECTIONS \$23,700.00; 001-0210-508490 RECOUNT \$500.00 To 001-0210-509420 ELECTION EXPENSES \$10,700.00; 001-0210-508480 HOLDING SALARY \$13,000.00; 001-0210-508880 COMPUTER/SERVICE/RENTAL \$500.00 – JANA ONYON, ELECTIONS

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

**MINUTE ORDER 212.19** (F5) FROM 001-0140-505580 CONTINGENCIES/RESERVE \$1,262.00 TO 001-0612-508010 SUPPLIES \$1,262.00 – TERRY NAY, CONSTABLE, PRECINCT 2

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

## **ADMINISTRATIVE**

**NO ACTION** (3.1) SPECIAL PRESENTATION TO ELLIS COUNTY COMMISSIONERS COURT BY EXTENSION VOLUNTEERS. – *MARK ARNOLD, AGRILIFE EXTENSION*

**NO ACTION** (3.2) ELLIS COUNTY BURN BAN. – *TIM BIRDWELL, FIRE MARSHALL*

### **To 3.7**

**MINUTE ORDER 213.19** (3.7) APPROVING A RESOLUTION TO APPROVE JOHN TABOR OF WAXAHACHIE FOR ELLIS APPRAISAL DISTRICT BOARD OF DIRECTORS COMMITTEE VACANCY FOR 2019. – TODD LITTLE, COUNTY JUDGE

PUBLIC COMMENT: ALEX SMITH; JOHN TABOR

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

**DISCUSSION** **MOVED TO EXECUTIVE SESSION** (3.6) DISCUSSION CONCERNING 1STEL, INC. PLACING TELECOMMUNICATION POLES IN THE COUNTY'S RIGHT OF WAY. – *VANCE HINDS, ELLIS COUNTY AND DISTRICT ATTORNEY'S OFFICE.*

**MINUTE ORDER 214.19** (3.5) FOUND THAT THE DELIBERATION OR DISCUSSION OF ITEMS 3.3, 3.4, 3.5 AND 3.6 OUT OF EXECUTIVE SESSION WOULD HAVE A DETRIMENTAL EFFECT OF THE POSITION OF ELLIS COUNTY. COMMISSIONERS COURT WILL DISCUSS THESE ITEMS IN EXECUTIVE SESSION.

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

**RECESS TO CONVENE TO EXECUTIVE SESSION** **2:47 P.M.**

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.

- (4.1) PURSUANT TO SECTION §551.074 OF THE GOVERNMENT CODE, CONSULTATION REGARDING PERSONNEL MATTERS.
- (4.2) PURSUANT TO SECTION §551.074 OF THE GOVERNMENT CODE, CONSULTATION WITH COUNSEL REGARDING PENDING OR CONTEMPLATED LITIGATION CONCERNING 1STEL, INC. PLACING TELECOMMUNICATION POLES IN THE COUNTY'S RIGHT OF WAY. – *VANCE HINDS, ELLIS COUNTY AND DISTRICT ATTORNEY'S OFFICE.*
- (4.3) PURSUANT TO SECTION §551.071 OF THE GOVERNMENT CODE, CONSULTATION WITH COUNSEL REGARDING PENDING OR CONTEMPLATED LITIGATION, CONCERNING THE OPIOID LITIGATION. – *VANCE HINDS, ELLIS COUNTY AND DISTRICT ATTORNEY'S OFFICE.*

## **ADJOURNMENT OF EXECUTIVE SESSION TO RECONVENE IN REGULAR SESSION 3:40 P.M.**

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

**MINUTE ORDER 215.19** (3.3) RESCINDING THE COURT'S ACTIONS ON DECEMBER 18, 2018 ON AGENDA ITEM 3.27, MINUTE ORDER No. 533.18, 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 APPROVE BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER PERRY, CARRIES UNANIMOUSLY

**MINUTE ORDER 216.19** (3.4) APPROVING A NEW CONTINGENCY FEE CONTRACT 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 PHARM, 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.*

(3.5) APPROVING A RESOLUTION FOR FERRER POIROT & WANSBROUGH, FEARS NACHAWATI, MOTLEY RICE AND ATTORNEY AARON WILEY, TO INITIATE PROCEEDINGS IN STATE COURT 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 APPROVE BY COMMISSIONER GRAYSON, SECOND BY COMMISSIONER BUTLER, CARRIES UNANIMOUSLY

**To 3.8**

**NO ACTION** (3.8) DISCUSSION CONCERNING THE CREATION OF ELLIS COUNTY CAPITAL IMPROVEMENTS COMMITTEE

**To 3.6**

**NO ACTION** (3.6) DISCUSSION CONCERNING 1STEL, INC. PLACING TELECOMMUNICATION POLES IN THE COUNTY’S RIGHT OF WAY. – *VANCE HINDS, ELLIS COUNTY AND DISTRICT ATTORNEY’S OFFICE.*

**ADJOURNMENT** **4:01 P.M.**

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

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT OF APRIL 23, 2019 ARE HEREBY APPROVED.

PRESIDING OFFICER:

  
TODD LITTLE, COUNTY JUDGE

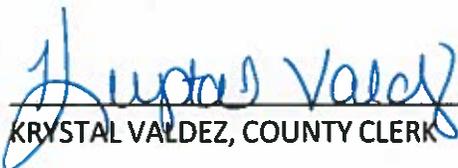
  
RANDY STINSON, COMMISSIONER, PCT 1

  
LANE GRAYSON, COMMISSIONER, PCT 2

  
PAUL PERRY, COMMISSIONER, PCT 3

  
KYLE BUTLER, COMMISSIONER, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS 7TH DAY OF MAY 2019.

  
KRYSTAL VALDEZ, COUNTY CLERK

