

ELLIS COUNTY COMMISSIONERS COURT  
OFFICIAL MINUTES – AUGUST 22, 2023

THE ELLIS COUNTY COMMISSIONERS COURT MET ON TUESDAY, AUGUST 22, 2023, AT 2:00 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

PRECINCT 1 COMMISSIONER RANDY STINSON

PRECINCT 2 COMMISSIONER LANE GRAYSON

PRECINCT 3 COMMISSIONER PAUL PERRY

PRECINCT 4 COMMISSIONER KYLE BUTLER

**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 PERRY, SECONDED BY COMMISSIONER BUTLER, MOTION CARRIED

INVOCATION AND PLEDGE OF ALLEGIANCE. – *PRECINCT 1 COMMISSIONER RANDY STINSON*

**RECOGNITIONS**

- R1 PROCLAMATION RECOGNIZING SEPTEMBER AS NATIONAL PREPAREDNESS MONTH AND THANKING WAXAHACHIE FOR PARTNERSHIP IN THE ELLIS COUNTY EMERGENCY PREPAREDNESS FAIR ON 09.09.23.

**CONSENT AGENDA: MINUTE ORDER 391.23**

**ADMINISTRATIVE:**

- A1 APPROVING REGULAR BILLS, PAYROLL AND OFFICER'S REPORTS. – *COUNTY TREASURER CHERYL CHAMBERS*
- A2 ACCEPTING OF THE TREASURER'S NOTICE OF LOCAL PROVIDER PARTICIPATION FUND PAYMENT FOR \$451,424.99. – *COUNTY TREASURER CHERYL CHAMBERS*
- A3 APPROVING AS AMENDED (AGENDA ITEM A11 WAS STRUCK), THE COMMISSIONERS' COURT REGULAR MEETING MINUTES FROM AUGUST 8, 2023– *COUNTY CLERK KRYSTAL VALDEZ*
- A4 APPROVING OF INTERLOCAL WORK BETWEEN THE COUNTY OF ELLIS, PRECINCT 1, AND THE CITY OF WAXAHACHIE FOR INTERLOCAL MINUTE ORDER 467.22. INTERLOCAL WORK INCLUDES BROADHEAD ROAD FROM APRIL LANE TO THE NORTHERN CITY LIMITS, RECLAIMING APPROXIMATELY 3,800' WITH 2-COURSE CHIP SEAL ADDING EARTHLOK STABILIZATION. THE TOTAL COST OF THE PROJECT IS \$107,730.00. – *PRECINCT 1 COMMISSIONER RANDY STINSON*
- A5 APPROVING OF THE 2024 SHERIFF AND CONSTABLE FEES IN ACCORDANCE WITH LOCAL GOVERNMENT CODE §118.131. – *SHERIFF BRAD NORMAN*

- A6 ACCEPTING OF THE COUNTY AUDITOR'S MONTHLY REPORT FOR MAY 2023, PURSUANT TO TEXAS LOCAL GOVERNMENT CODE §114.025. – COUNTY AUDITOR JANET MARTIN
- A7 ACCEPTING OF THE COUNTY AUDITOR'S MONTHLY REPORT FOR JUNE 2023, PURSUANT TO TEXAS LOCAL GOVERNMENT CODE §114.025. – COUNTY AUDITOR JANET MARTIN
- A8 ACCEPTING OF THE COUNTY AUDITOR'S MONTHLY REPORT FOR JULY 2023, PURSUANT TO TEXAS LOCAL GOVERNMENT CODE §114.025. – COUNTY AUDITOR JANET MARTIN
- A9 ACCEPTING A TABULATED REPORT OF THE COUNTY'S RECEIPTS AND DISBURSEMENTS OF FUNDS FROM AUGUST 1, 2023 – AUGUST 11, 2023, PURSUANT TO LOCAL GOVERNMENT CODE §114.024. – COUNTY AUDITOR JANET MARTIN
- A10 APPROVING OF THE 2023-2024 ELLIS COUNTY HOLIDAY SCHEDULE, WHICH CORRESPONDS TO PAYROLL AND COMMISSIONERS' COURT DATES. – COUNTY JUDGE TODD LITTLE
- A11 APPROVING THE DEPARTMENT OF DEVELOPMENT'S MONTHLY FINANCIAL REPORT FOR JULY 2023, AS REQUIRED BY CHAPTER 114.044 OF THE TEXAS LOCAL GOVERNMENT CODE. – DEPARTMENT OF DEVELOPMENT DIRECTOR ALBERTO MARES

**FINANCIAL:**

- F1 FY2023 LINE-ITEM TRANSFER – *THE HONORABLE GENE CALVERT, COUNTY COURT AT LAW #2*  
DECREASE 001-0385-508350 (STAFF TRAINING/CONFERENCE) BY \$1,100.00  
INCREASE 001-0385-508420 (JUDGE'S CONFERENCE) BY \$1,100.00
- F2 FY2023 LINE-ITEM TRANSFER – *THE HONORABLE WILLIAM WALLACE, 378<sup>TH</sup> DISTRICT COURT*  
DECREASE 001-0190-508880 (COMPUTER SOFTWARE) BY \$1,900.00  
DECREASE 001-0190-508020 (EQUIPMENT) BY \$1,673.00  
INCREASE 001-0190-508680 (CONTRACT SERVICES) BY \$800.00  
INCREASE 001-0190-506980 (LAW BOOKS) BY \$380.00  
INCREASE 001-0190-508050 (CONFERENCE) BY \$2,350.00  
INCREASE 001-0190-508320 (VISITING JUDGE) BY \$41.00  
INCREASE 001-0190-506010 (MILEAGE REIMBURSEMENT) BY \$2.00
- F3 FY2023 LINE-ITEM TRANSFER – *THE HONORABLE CINDY ERMATINGER, 443<sup>RD</sup> DISTRICT COURT*  
DECREASE 001-0200-505020 (SALARIES) BY \$4,142.06  
INCREASE 001-0200-508020 (EQUIPMENT) BY \$4,142.06
- F4 FY2023 LINE-ITEM TRANSFER – *THE HONORABLE JACKIE MILLER, JUSTICE OF THE PEACE, PRECINCT 2*  
DECREASE 001-0520-508020 (EQUIPMENT) BY \$800.00  
INCREASE 001-0520-508010 (SUPPLIES) BY \$500.00  
INCREASE 001-0520-508060 (OFFICIAL BOND-DUES) BY \$300.00
- F5 FY2023 LINE-ITEM TRANSFER – *ELECTIONS ADMINISTRATOR JANA ONYON*  
DECREASE 001-0210-508040 (POSTAGE) BY \$2,500.00  
INCREASE 001-0210-508880 (COMPUTER SOFTWARE) BY \$2,500.00
- F6 FY2023 LINE-ITEM TRANSFER – *MAINTENANCE DIRECTOR KEITH ROBERTS*  
DECREASE 001-0020-508100 (AUTO TIRES) BY \$200.00  
INCREASE 001-0020-508090 (AUTO REPAIRS) BY \$200.00
- F7 FY2023 LINE-ITEM TRANSFER – *PRECINCT 1 COMMISSIONER RANDY STINSON*  
DECREASE 009-0602-570000 (FM1 – CONTINGENCY SURPLUS) BY \$25,000.00

INCREASE 009-0602-509070 (FM1-TIRES) BY \$5,000.00  
INCREASE 009-0602-509100 (FM1-FUEL) BY \$20,000.00

- F8 FY2023 LINE-ITEM TRANSFER – *INDIGENT HEALTH COORDINATOR TERRI KLEIN*  
DECREASE 001-0110-508050 (CONFERENCE) BY \$130.58  
INCREASE 001-0110-508350 (SAFETY/TRAINING) BY \$130.58
- F9 FY2023 LINE-ITEM TRANSFER – *I. T. DIRECTOR JOCELYN KING*  
DECREASE 001-0035-508050 (CONFERENCE) BY \$1,990.00  
DECREASE 001-0035-505020 (SALARIES-FULL TIME) BY \$5,000.00  
DECREASE 001-0035-506010 (MILEAGE REIMBURSEMENT) BY \$1,000.00  
DECREASE 001-0035-508010 (SUPPLIES) BY \$5,500.00  
INCREASE 001-0035-508190 (COMPUTER EQUIPMENT) BY \$8,600.00  
INCREASE 001-0035-508680 (CONTRACT SERVICES) BY \$4,890.00
- F10 AUTHORIZING THE TREASURER TO PAY ADDITIONAL BRINKS INVOICES IN THE AMOUNT OF \$11,869.10. –  
*COUNTY TREASURER CHERYL CHAMBERS*
- F11 APPROVING FOR THE TAX ASSESSOR TO DISBURSE PROPERTY TAX REFUNDS IN THE AMOUNT OF  
\$14,700.65. – *COUNTY AUDITOR JANET MARTIN*
- F12 ACCEPTING OF FUNDS FROM THE ELLIS COUNTY & DISTRICT ATTORNEY IN THE AMOUNT OF \$170.00 FOR  
RESTITUTION FOR THE ELLIS COUNTY SHERIFF’S OFFICE AS UNANTICIPATED REVENUE. REQUEST FOR SPECIAL  
BUDGET OF UNANTICIPATED REVENUE:  
  - INCREASE 001-0010-506970 (EVIDENCE ANALYSIS AND TESTING) BY \$170.00PURSUANT TO TEXAS LOCAL GOVERNMENT CODE §111.0108, UNANTICIPATED REVENUE CERTIFIED BY  
COUNTY AUDITOR. – *COUNTY AUDITOR JANET MARTIN*
- F13 ACCEPTING OF FUNDS FROM SEDWICK CLAIM MANAGEMENT FOR PARTIAL LOSS OF SO VEHICLE IN THE  
AMOUNT OF \$4,941.47 BY THE ELLIS COUNTY SHERIFF’S OFFICE AS UNANTICIPATED REVENUE. REQUEST  
FOR SPECIAL BUDGET OF UNANTICIPATED REVENUE:  
  - INCREASE 001-0010-508240 (COLLISION REPAIR) BY \$4,941.97PURSUANT TO TEXAS LOCAL GOVERNMENT CODE §111.0108, UNANTICIPATED REVENUE CERTIFIED BY  
COUNTY AUDITOR. – *COUNTY AUDITOR JANET MARTIN*

MOTION TO APPROVE BY COMMISSIONER PERRY, SECONDED BY COMMISSIONER GRAYSON, MOTION CARRIED

**REGULAR AGENDA – DISCUSSION, CONSIDERATION AND ACTION:**

**DEPARTMENT OF DEVELOPMENT**

- MINUTE ORDER 392.23** (1.1) APPROVING TO RELEASE A PERFORMANCE BOND AND ACCEPT  
MAINTENANCE BONDS FOR BISON MEADOWS. THE PROPERTY CONTAINS ± 111.936 ACRES OF LAND  
LOCATED AT THE INTERSECTION OF FM 813 AND FM 387, IN THE EXTRATERRITORIAL JURISDICTION  
(ETJ) OF THE CITY OF WAXAHACHIE, ROAD AND BRIDGE PRECINCT NO. 1.

MOTION TO APPROVE BY COMMISSIONER STINSON, SECONDED BY COMMISSIONER GRAYSON, MOTION CARRIED

**MINUTE ORDER 393.23** (1.2) APPROVING TO RELEASE A PERFORMANCE BOND AND ACCEPT MAINTENANCE BONDS FOR ELLIS RANCH ESTATES NORTH AND SOUTH. THE PROPERTY CONTAINS ± 246.358 ACRES OF LAND LOCATED AT THE NORTH SIDE OF FM 878 ± 5,050 FEET WEST OF THE INTERSECTION OF FM 878 AND RUTHERFORD ROAD, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF WAXAHACHIE, ROAD & BRIDGE PRECINCT No. 1.

MOTION TO APPROVE BY COMMISSIONER STINSON, SECONDED BY COMMISSIONER GRAYSON, MOTION CARRIED

**MINUTE ORDER 394.23** (1.3) APPROVING TO RELEASE A MAINTENANCE BOND AND ACCEPT INFRASTRUCTURE FOR FERRIS RANCH, PHASE ONE. THIS PROPERTY CONTAINS ± 18.762 ACRES OF LAND LOCATED ± 745 FEET WEST OF THE INTERSECTION OF FM 660 AND INDIA ROAD, FERRIS, ROAD & BRIDGE PRECINCT No. 1.

MOTION TO APPROVE BY COMMISSIONER STINSON, SECONDED BY COMMISSIONER GRAYSON, MOTION CARRIED

**MINUTE ORDER 395.23** (1.4) APPROVING A REPLAT OF HAYES & WILLIAMS ESTATES, TRACT 1R, BLOCK A. THE PROPERTY CONTAINS ± 12.759 ACRES OF LAND IN THE M. WILKINS SURVEY, ABSTRACT No. 1142, LOCATED ON THE NORTH SIDE OF JUDY'S LANE, ± 630 FEET WEST OF THE INTERSECTION OF JUDY'S LANE AND MORGAN ROAD, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF ITALY, ROAD AND BRIDGE PRECINCT No. 3.

MOTION TO APPROVE BY COMMISSIONER PERRY, SECONDED BY COMMISSIONER BUTLER, MOTION CARRIED

**MINUTE ORDER 396.23** (1.5) APPROVING A REPLAT OF PECAN TREE CORNER, LOT 1AR-5AR. THE PROPERTY CONTAINS ± 6.006 ACRES LOCATED ON THE EAST SIDE OF EAST PECAN TREE ROAD, ± 1,200 FEET EAST OF THE INTERSECTION OF EAST PECAN TREE ROAD AND EDNA ROAD, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF WAXAHACHIE, ROAD AND BRIDGE PRECINCT No. 3.

MOTION TO APPROVE BY COMMISSIONER PERRY, SECONDED BY COMMISSIONER BUTLER, MOTION CARRIED

**MINUTE ORDER 397.23** (1.6) APPROVING TO RELEASE A MAINTENANCE BOND AND ACCEPT INFRASTRUCTURE FOR PIONEER POINT, PHASE 5 & 6. THE PROPERTY CONTAINS ± 98.537 ACRES OF LAND, LOCATED NORTH OF CROSSWIND DRIVE BETWEEN RICHARD ROAD AND ARROWHEAD ROAD IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF WAXAHACHIE, ROAD AND BRIDGE PRECINCT No. 3.

MOTION TO APPROVE BY COMMISSIONER PERRY, SECONDED BY COMMISSIONER BUTLER, MOTION CARRIED

**NO ACTION** (1.7) DISCUSSION, CONSIDERATION, AND ACTION TO RELEASE A MAINTENANCE BOND AND ACCEPT INFRASTRUCTURE FOR THE CROSS FENCE AT OAK VISTA. THE PROPERTY CONTAINS ± 248.60 ACRES OF LAND IN THE S. B. ORTON SURVEY, ABSTRACT NO. 813, THE J. FIFER SURVEY ABSTRACT NO. 352, AND THE D.M. McNEIL SURVEY NO. 71, LOCATED NORTH OF THE FM 66, ± 6,200 FEET WEST OF ARROWHEAD ROAD, IN THE EXTRATERRITORIAL JURISDICTION'S (ETJ'S) OF THE CITIES OF WAXAHACHIE AND MAYPEARL, ROAD AND BRIDGE PRECINCT NO. 3.

**PUBLIC HEARING NO. 1**

MOTION TO OPEN P1 BY COMMISSIONER PERRY, SECONDED BY COMMISSIONER GRAYSON, MOTION CARRIED

(P1) CONDUCT A PUBLIC HEARING TO CONSIDER & ACT UPON A REQUEST TO AMEND ITS DEVELOPMENT REGULATIONS, THE ELLIS COUNTY QUALITY GROWTH INITIATIVES – VOLUMES I, II, & III.

MOTION TO CLOSE BY COMMISSIONER BUTLER, SECONDED BY COMMISSIONER GRAYSON, MOTION CARRIED

**MINUTE ORDER 398.23** (1.8) APPROVING TO AMEND DEVELOPMENT REGULATIONS, THE ELLIS COUNTY QUALITY GROWTH INITIATIVES – VOLUMES I, II, & III, EFFECTIVE SEPTEMBER 1, 2023. THESE PROPOSED AMENDMENTS WILL PRIMARILY ADDRESS (1) UPDATES TO THE DEVELOPMENT REVIEW PROCESS (PERMITTING, PLATTING, ENGINEERING, CONSTRUCTION, ETC.) AND ENSURE COMPLIANCE WITH RECENT UPDATES TO STATE LAW PER THE 88<sup>TH</sup> TEXAS STATE LEGISLATURE, (2) AMENDMENTS RELATED TO SPECIAL DISTRICTS, SUBDIVISION BONDS, AND DEFINITIONS, (3) UPDATES TO CURRENT CULVERT & ROAD STANDARDS AND INSPECTIONS/TESTING PROCESSES, AND ANY OTHER CHANGES IN RELATED ARTICLES, SECTIONS, AND PARAGRAPHS, AND ANY OTHER RELATED ADDITIONS, DELETIONS, AND CHANGES, PROVIDING A CONFLICTS CLAUSE, SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE. APPROVING TO REQUIRE THE INCLUSION OF A 6 INCH COMPACTED LAYER OF CEMENT STABILIZED FLEX BASE AT 4%.

MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECONDED BY COMMISSIONER BUTLER, MOTION CARRIED

**PURCHASING**

**MINUTE ORDER 399.23** (2.1) APPROVING TO PURCHASE A 2024 MACK DUMP TRUCK FROM NAFG IN THE AMOUNT OF \$181,768.00 USING SOURCEWELL CONTRACT # 060920-NAF FOR ROAD & BRIDGE PRECINCT 3.

MOTION TO APPROVE BY COMMISSIONER PERRY, SECONDED BY COMMISSIONER BUTLER, MOTION CARRIED

*(BREAK 3:05 P.M. – 3:13 P.M.)*

**MINUTE ORDER 400.23** (2.2) APPROVING TO PURCHASE A 2024 WARREN HALF ROUND PUP TRAILER FROM NAFG IN THE AMOUNT OF \$64,435.00 USING SOURCEWELL CONTRACT # 060920-NAF FOR ROAD & BRIDGE PRECINCT 3.

MOTION TO APPROVE BY COMMISSIONER PERRY, SECONDED BY COMMISSIONER GRAYSON, MOTION CARRIED

**MINUTE ORDER 401.23** (2.3) APPROVING TO DECLARE THE LISTED ITEMS AS SURPLUS TO BE DISPOSED IN ACCORDANCE WITH LOCAL GOVERNMENT CODE CHAPTER 263 FOR THE JUSTICE OF THE PEACE, PCT. 4 AND CONSTABLE, PCT. 4:

ITEM TITLE	ITEM DESCRIPTION AND QUANTITY
CUBICLE WORKSTATION	4 PERSON CUBICLE WORKSTATION, 4 EA. UNDER DESK KEYBOARD TRAYS
OFFICE CHAIRS	9 EA. VARIOUS STYLE OFFICE CHAIRS – USED, CONDITION UNKNOWN
METAL FILE CABINETS	1 EA. 3 LATERAL DRAWER, 3 EA. 2 DRAWER- USED, CONDITION UNKNOWN
MISC. COMPUTER EQUIPMENT	6 EA. PRINTER/SCANNERS, 10EA. KEYBOARDS, 4 EA. FLAT SCREEN MONITORS, HP CPU, MISC. CABLES, AND CORDS – USED CONDITION UNKNOWN
AUTOMOBILE JUMP START UNITS	3 EA. BATTERY SUPPLIED AUTO JUMP START UNITS – USED CONDITION UNKNOWN
FLAT SCREEN TV	SAMSUNG 50” FLAT SCREEN TV – SCREEN BROKEN – USED CONDITION UNKNOWN
OFFICE DESKS	2 EA. WOOD OFFICE DESKS, MODULAR DESK SYSTEM – USED CONDITION UNKNOWN
MISC. ELECTRONIC EQUIPMENT	MIDLAND BASE RADIO W/MIC, WIRELESS VISITOR QUEUE SYSTEM, 2 EA. MOBILE VISION IN CAR VIDEO SYSTEMS – USED CONDITION UNKNOWN

MOTION TO APPROVE BY COMMISSIONER BUTLER, SECONDED BY COMMISSIONER STINSON, MOTION CARRIED

**MINUTE ORDER 402.23** (2.4) AUTHORIZING TO ADVERTISE AND SOLICIT REQUEST FOR BID FOR SUBSTANCE ABUSE EVALUATION, TREATMENT AND EDUCATION SERVICES.

MOTION TO APPROVE BY JUDGE LITTLE, SECONDED BY COMMISSIONER PERRY, MOTION CARRIED

**NO ACTION** (2.5) DISCUSSION, CONSIDERATION, AND APPROVAL TO PURCHASE HVAC AND MECHANICAL EQUIPMENT FOR THE ELLIS COUNTY JAIL IN AN AMOUNT OF \$468,610.00 USING BUYBOARD COOPERATIVE CONTRACTS 631-20 WITH AMERICAN MECHANICAL SERVICES OF TEXAS, LLC.

**MINUTE ORDER 403.23** (2.6) APPROVING TO AWARD CSP-2023-002 “ELLIS COUNTY SUB-COURTHOUSE PRECINCT #2” TO MCGOUGH CONSTRUCTIONS CO., LLC IN THE AMOUNT OF \$14,131,378.00.

MOTION TO APPROVE BY COMMISSIONER PERRY, SECONDED BY COMMISSIONER BUTLER, MOTION CARRIED

## **ADMINISTRATIVE**

**NO ACTION** (3.1) DISCUSSION OF THE FISCAL YEAR 2024 PROPOSED BUDGET. NO ACTION WILL BE TAKEN. A PUBLIC HEARING ON THE FY2024 BUDGET WILL BE HELD ON SEPTEMBER 5, 2023. – COUNTY JUDGE TODD LITTLE

**MINUTE ORDER 404.23** (3.2) APPROVING A PROPOSED COMBINED (M&O, I&S, AND F/M) TAX RATE OF .277189. THE PUBLIC HEARING ON THE TAX RATE WILL BE HELD ON SEPTEMBER 12, 2023. – COUNTY JUDGE TODD LITTLE, AND TAX ASSESSOR/COLLECTOR RICHARD ROZIER

MOTION TO APPROVE BY COMMISSIONER PERRY, SECONDED BY COMMISSIONER GRAYSON, MOTION CARRIED

**MINUTE ORDER 405.23** (3.3) AUTHORIZING THE COUNTY JUDGE AND PRECINCT 4 COMMISSIONER TO SIGN A LEASE AGREEMENT WITH TOMMY AND JANICE CHILDERS FARIES FOR A TERM OF TWO YEARS WITH CONSTRUCTION OF A 680 FT. R.A.P. ROAD AS PAYMENT.– COUNTY JUDGE TODD LITTLE, AND PRECINCT 4 COMMISSIONER KYLE BUTLER

MOTION TO APPROVE BY COMMISSIONER BUTLER, SECONDED BY COMMISSIONER PERRY, MOTION CARRIED

*(TO AGENDA 3.5)*

**MINUTE ORDER 406.23** (3.5) APPROVING THE 4<sup>TH</sup> AMENDED ORDER RESOLUTION ADOPTED BY MINUTE ORDER NO. 244.23 – AMENDING AND RESTATING RESOLUTION CONCERNING UTILITY AND COMMUNICATION LINES IN COUNTY RIGHT-OF-WAY. – ENGINEERING DIRECTOR TED KANTOR

MOTION TO APPROVE BY COMMISSIONER BUTLER, SECONDED BY COMMISSIONER GRAYSON, MOTION CARRIED

**MINUTE ORDER 407.23** (4.1) FINDING THAT THE DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE GOVERNMENTAL BODY IN NEGOTIATIONS WITH A THIRD PERSON.

MOTION FOR A FINDING BY COMMISSIONER PERRY, SECONDED BY COMMISSIONER BUTLER, MOTION CARRIED

**RECESS TO EXECUTIVE SESSION** **4:01 P.M.**

MOTION TO RECESS BY COMMISSIONER BUTLER, SECONDED BY COMMISSIONER PERRY, MOTION CARRIED

## **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 TEXAS GOVERNMENT CODE 551.072, TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY IF THE DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE GOVERNMENTAL BODY IN NEGOTIATIONS WITH A THIRD PERSON REGARDING COUNTY UTILITY EASEMENTS.
- 4.2 PURSUANT TO TEXAS GOVERNMENT CODE §551.071(1), CONSULTATION WITH LEGAL COUNSEL REGARDING PENDING OR CONTEMPLATED LITIGATION MATTER CONCERNING TCEQ MATTERS, SPECIFICALLY PENDING TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEMS PERMITS (TPDES) AND PENDING PETITIONS FOR THE CREATION OF MUNICIPAL UTILITY DISTRICTS (MUD's).

## **RECONVENED TO REGULAR SESSION 4:37 P.M.**

MOTION TO RECONVENE BY COMMISSIONER PERRY, SECONDED BY COMMISSIONER BUTLER, MOTION CARRIED

*(To AGENDA ITEM 3.4)*

**MINUTE ORDER 408.23** (3.4) ACCEPTING THE REQUEST TO GRANT AN ELECTRIC LINE EASEMENT THROUGH COUNTY-OWNED PROPERTY (COUNTY FARM – PARCEL 194448); AND AUTHORIZING THE COUNTY JUDGE TO SIGN THE AGREEMENT. – *ENGINEERING DIRECTOR TED KANTOR*

MOTION TO APPROVE BY COMMISSIONER STINSON, SECONDED BY COMMISSIONER BUTLER, MOTION CARRIED

## **ADJOURNMENT 4:38 P.M.**

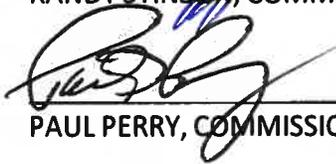
MOTION TO ADJOURN BY COMMISSIONER BUTLER, SECONDED BY COMMISSIONER PERRY, MOTION CARRIED

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT ON AUGUST 22, 2023,  
ARE HEREBY APPROVED.

PRESIDING OFFICER:

  
TODD LITTLE, COUNTY JUDGE

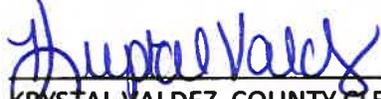
  
RANDY STINSON, COMMISSIONER, PCT 1

  
PAUL PERRY, COMMISSIONER, PCT 3

  
LANE GRAYSON, COMMISSIONER, PCT 2

  
KYLE BUTLER, COMMISSIONER, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS 5TH DAY OF SEPTEMBER 2023.

  
KRYSTAL VALDEZ, COUNTY CLERK

