

FILED
FEB 14 2011
COUNTY CLERK
ELLIS COUNTY, TEXAS

**ELLIS COUNTY COMMISSIONERS' COURT
OFFICIAL MINUTES // JANUARY 24, 2011**

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON MONDAY, JANUARY 24, 2011 AT 6:00 P.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

BILL DODSON, COMMISSIONER, PCT. 2

HEATH SIMS, COMMISSIONER, PCT. 3

RON BROWN, COMMISSIONER, PCT. 4

COUNTY CLERK:

CINDY POLLEY, COUNTY CLERK

COUNTY & DISTRICT ATTORNEY'S OFFICE:

ANN MONTGOMERY, ASSISTANT COUNTY ATTORNEY

LEE AUVENSHINE, ASSISTANT COUNTY ATTORNEY

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 DODSON, SECOND BY COMMISSIONER ROBINSON; MOTION CARRIES UNANIMOUSLY

INVOCATION AND PLEDGE OF ALLEGIANCE—COMMISSIONER DENNIS ROBINSON

SKIPPED MINUTE ORDER NO 109.11

CONSENT AGENDA:

MINUTE ORDER NO 110.11 APPROVING CONSENT AGENDA

ADMINISTRATIVE:

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

A2 APPROVAL OF THE DECEMBER, 2010 TRAVEL REPORTS OF THE TEXAS AGRILIFE
EXTENSION OFFICE

-MARK ARNOLD, AGRICULTURE

-PAGE BISHOP, 4-H

-RITA HODGES, FAMILY & CONSUMER SCIENCES

A3 APPROVAL AND CERTIFICATION OF THE MINUTES FROM THE COMMISSIONERS' COURT
AGENDA DATED:

DECEMBER 3, 2010, SPECIAL
DECEMBER 13, 2010, SPECIAL
DECEMBER 23, 2010, REGULAR

DECEMBER 13, 2010, REGULAR
DECEMBER 17, 2010, SPECIAL

NO ACTION: A4 APPROVAL TO ENTER INTO A CONTRACT WITH NEXTEL OF TEXAS, INC. FOR RECONFIGURATION OF OUR 800 MHZ FREQUENCY.

A8 APPROVAL TO PLACE THE FOLLOWING VEHICLE ON THE LIST OF AUTHORIZED VEHICLES THAT ARE ALLOWED TO DISPLAY REGULAR EXEMPT PLATES: 2011 CHEVY PICKUP VIN#3GCPCPEA9BG210367;

A5 APPROVAL OF THE FOLLOWING ELLIS COUNTY EMERGENCY DISTRICT BONDS:

ESD #3 VINCENT GUERRERO POSITION (SECRETARY) BOND \$10,000

HOWARD MORGAN POSITION (VICE PRESIDENT) BOND \$10,000

JAMES STEELE POSITION (TREASURER) BOND \$10,000

MURRIE WAINSCOTT POSITION (MEMBER) BOND \$10,000

ESD #5 BRUCE MOORE PUBLIC OFFICIAL BOND \$10,000

STEVE SALMON PUBLIC OFFICIAL BOND \$10,000

GERALD B. TYLER PUBLIC OFFICIAL BOND \$10,000

PAUL JONES PUBLIC OFFICIAL BOND \$10,000

RAYMOND MINER PUBLIC OFFICIAL BOND \$10,000

A6 APPROVAL OF THE STATEMENT OF ELECTED/APPOINTED OFFICIAL AND OATH OF OFFICE FOR THE FOLLOWING EMERGENCY SERVICE DISTRICT BOARD MEMBERS:

ESD #1 - JAMES MORRISON, PHILIP ANDREW MULVANEY

ESD #2 - DANNY F. GREEN, GARY RATLIFF

ESD #3 - VINCENT GUERRERO, HOWARD MORGAN, JAMES STEELE, MURRIE WAINSCOTT,

ESD #4 - STUART SCHAFFER,

ESD #5 - BRUCE MOORE, STEVE SALMON, GERALD B. TYLER

ESD #6 - JERRY CRAWFORD, GARY BEATY, BILL GILLILAND

ESD #7 - LARRY MENTZER, JEFF PRESSLER

ESD #8 - ALLEN LANE, EVERETT RUSSELL

ESD #9 - MIKE GREENLEE, JOHN HANCOCK, MARVIN RHOADES, DOUGLASS YOUNG

A7 APPROVAL OF A CONTRACT WITH POWERPLAY PRODUCTIONS TO PLAY MUSIC DURING THE ELLIS COUNTY EMPLOYEE APPRECIATION DINNER ON FEBRUARY 11, 2011 FOR \$500.00

FINANCIAL:

APPROVING THE FOLLOWING BUDGET AMENDMENTS:

F1 APPROVE REFUND OF OVERPAYMENT TO THE FOLLOWING ACCOUNTS FOR PAYMENT IN ERROR:

CITIMORTGAGE	139842	\$4,386.92
BAC TAX SERVICES CORP	141481	\$4,315.38
CAPITAL TITLE OF TEXAS, LLC	150891	\$3,050.52
WELLS FARGO HOME MORTGAGE	153695	\$3,952.58
ELLIS COUNTY ABSTRACT	167487	\$4,422.84
ANGELA NEW	201258	\$2,465.49

SCOTT N. OATES	215753	\$2,966.11
BRUCE BRADLEY NORMAN	222637	\$2,946.25
STEWART TITLE NORTH TEXAS, INC.	225594	\$2,710.88
WELLS FARGO HOME MORTGAGE	233231	\$3,161.53
LERETA	149131	\$3,649.76
EVERHOME MORTGAGE C/O LERETA LLC	151893	\$3,282.27

- JOHN BRIDGES, TAX ASSESSOR / COLLECTOR

- F2 FROM 001-0510-50874, DOCKET BOOKS To 001-0510-50819, COMPUTER. – BILL WOODY, JP, PCT. 1
- F3 FROM 001-0530-50703, TELEPHONE To 001-0530-50802, EQUIPMENT. – CURTIS POLK, JP, PCT. 3
- F4 FROM 031-0931-50807, DA DRUG FORFEITURE, GEN. MISC. To 031-0931-50802, DA DRUG FORFEITURE, EQUIPMENT. –PATRICK WILSON, COUNTY & DISTRICT ATTORNEY
- F5 FROM 3-001-0000-0302, FUND BALANCE CARRYOVER To 001-0010-50802, EQUIPMENT; 001-0015-50802, EQUIPMENT; 001-0015-50811, AUTO PURCHASE. – CAROL BUSH, COUNTY JUDGE

MOTION BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON TO APPROVE CONSENT AGENDA *EXCLUDING A4*; MOTION CARRIES UNANIMOUSLY

ADMINISTRATIVE:

No ACTION: 3.1 PRESENTATION OF THE SHERIFF’S ANNUAL RACIAL PROFILING REPORT
- CHUCK LAUBACH, SHERIFF’S OFFICE

MINUTE ORDER NO 111.11 AUTHORIZING SHERIFF JOHNNY BROWN TO SIGN A MEMORANDUM OF AGREEMENT WITH THE NORTH CENTRAL TEXAS MAJOR CASE INVESTIGATIVE TEAM (MCIT). THE AGREEMENT WILL ALLOW PARTICIPATION IN THIS JOINT TASK FORCE (CHUCK LAUBACH, SHERIFF’S OFFICE)

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER DODSON; MOTION CARRIES UNANIMOUSLY

No ACTION: 3.3 PURSUANT TO SECTIONS 284.003 AND 284.066 OF THE TEXAS TRANSPORTATION CODE, CONSIDERATION AND ACTION TO APPOINT AN OPERATING BOARD TO MANAGE THE GOALS EXPRESSED WITHIN THE ELLIS COUNTY THOROUGHFARE PLAN.
- BARBRA LEFTWICH, COUNTY PLANNER

MINUTE ORDER NO 112.11 APPROVING A RESOLUTION REQUESTING TXDOT ADVANCE THE PLANNED AND PROPOSED IMPROVEMENTS FOR IH 35E, US 287, FM 664; AS WELL AS OTHER PRIMARY AND SECONDARY ROAD CORRIDORS IN ELLIS COUNTY (BARBRA LEFTWICH, COUNTY PLANNER)

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER SIMS; MOTION CARRIES UNANIMOUSLY

MINUTE ORDER NO 113.11 LIFTING THE BAN ON OUTDOOR BURNING
(JIM PHARR, FIRE MARSHAL'S OFFICE)
MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER ROBINSON; MOTION CARRIES
UNANIMOUSLY

MINUTE ORDER NO 114.11 APPROVING A RESOLUTION RELATING TO THE
PAYMENT OF INDIGENT OR MEDICAID RATES FOR ALL HEALTHCARE AND DRUGS
PROVIDED TO INMATES OF ELLIS COUNTY AND NAMING CHM AS AN AGENT OF ELLIS
COUNTY IN PROVIDING HEALTHCARE AND DRUGS TO INMATES
(ANN MONTGOMERY, COUNTY ATTORNEY'S OFFICE)
MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER BROWN; MOTION CARRIES UNANIMOUSLY

MINUTE ORDER NO 115.11 APPROVING A RESOLUTION SUPPORTING THE
PASSAGE OF HJR 56, A CONSTITUTIONAL AMENDMENT THAT WOULD MAKE THE
STATE OF TEXAS PAY FOR UNFUNDED MANDATES OR ABSOLVE LOCAL
GOVERNMENTS FROM CARRYING THEM OUT IF THE STATE FAILS TO PROVIDE
APPROPRIATED FUNDS (DENNIS ROBINSON, COMMISSIONER, PCT. 1)
MOTION BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER BROWN; MOTION CARRIES
UNANIMOUSLY

MINUTE ORDER NO 116.11 APPROVING AN INTER-LOCAL AGREEMENT
BETWEEN ELLIS COUNTY AND DALLAS COUNTY TO INCREASE THE EFFICIENCY AND
EFFECTIVENESS OF BOTH COUNTIES' EFFORTS TO REDUCE AIR POLLUTION EMITTED
BY MOTOR VEHICLES OPERATING UNLAWFULLY BECAUSE OF FRAUDULENT,
IMPROPER AND COUNTERFEIT MOTOR VEHICLE INSPECTIONS. THE TERM OF
AGREEMENT IS EFFECTIVE FOR FIVE YEARS AFTER IT IS EFFECTIVE.
(TERRY NAY, CONSTABLE, PCT. 2)
MOTION BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON; MOTION CARRIES
UNANIMOUSLY

MINUTE ORDER NO 117.11 RATIFYING THE FILING OF ELLIS COUNTY VS.
HONORABLE GREG ABBOTT, ATTORNEY GENERAL OF TEXAS ON JANUARY 3, 2011,
CAUSE NUMBER D1VF11000001-1
(ANN MONTGOMERY, COUNTY ATTORNEY'S OFFICE)
MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER DODSON; MOTION CARRIES UNANIMOUSLY

DEPARTMENT OF COUNTY DEVELOPMENT
CONSIDERATION AND ACTION REGARDING THE FOLLOWING PRESENTED BY DELTON AKE, DIRECTOR
DEPARTMENT OF DEVELOPMENT:

MINUTE ORDER NO 118.11 APPROVING FINAL PLAT – MAYPEARL HIDDEN
HILLS, 49 LOTS, F.M. 66 AND OAK BRANCH ROAD, NORTH TEXAS DISTRICT COUNCIL
OF THE ASSEMBLIES OF GOD, INC., PCT. 3
MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER ROBINSON; MOTION CARRIES
UNANIMOUSLY

RECESS TO CONVENE TO EXECUTIVE SESSION (6:25 PM)

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER ROBINSON; MOTION 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 551.072 OF THE GOVERNMENT CODE, CONSULTATION WITH COUNSEL REGARDING THE POSSIBLE SALE OR LEASE OF REAL PROPERTY “IF DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE GOVERNMENTAL BODY IN NEGOTIATIONS WITH A THIRD PERSON.”
- 4.2 PURSUANT TO 551.071(1)(A) OF THE TEXAS GOVERNMENT CODE, CONSULTATION WITH LEGAL COUNSEL REGARDING CAUSE NO. D1GV11000001-1, ELLIS COUNTY V. HONORABLE GREG ABBOTT, ATTORNEY GENERAL OF TEXAS, IN THE DISTRICT COURT OF TRAVIS COUNTY, TEXAS.

ADJOURNMENT OF EXECUTIVE SESSION (6:34 PM)

MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER BROWN; MOTION CARRIES UNANIMOUSLY

ADJOURNMENT

MOTION TO ADJOURN BY COMMISSIONER BROWN, SECOND BY COMMISSIONER SIMS; MOTION CARRIES UNANIMOUSLY

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS’ COURT REGULAR MEETING OF JANUARY 24, 2011 ARE HEREBY APPROVED.

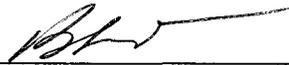
PRESIDING OFFICER:



CAROL BUSH, COUNTY JUDGE



DENNIS ROBINSON, COMMISSIONER PCT 1



BILL DODSON, COMMISSIONER, PCT 2



HEATH SIMS, COMMISSIONER, PCT 3



RON BROWN, COMMISSIONER, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS FEBRUARY 14, 2011



CINDY POLLEY, COUNTY CLERK