

**ELLIS COUNTY COMMISSIONERS' COURT
OFFICIAL MINUTES // JULY 25, 2011**

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON MONDAY, JULY 25, 2011 AT 6:00 PM, 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 - *ABSENT*

COUNTY CLERK:

CINDY POLLEY, COUNTY CLERK

COUNTY & DISTRICT ATTORNEY'S OFFICE:

ANN MONTGOMERY-MORAN, 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

CONSENT AGENDA:

MINUTE ORDER NO 261.11 APPROVING CONSENT AGENDA

ADMINISTRATIVE:

- A1 APPROVAL OF REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS
- A2 ACCEPTANCE OF THE STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS FOR THE YEAR ENDED 12/31/10 FOR ELLIS COUNTY EMERGENCY SERVICE DISTRICTS # 1 & 2; PURSUANT TO SEC. 775.082(B) OF THE TEXAS HEALTH AND SAFETY CODE
- A3 ACCEPTANCE OF SURETY BOND FOR DEPUTY TREASURER, LAURI HARTLEY
- A4 APPROVAL OF THE JUNE, 2011 TRAVEL REPORTS OF THE TEXAS AGRILIFE EXTENSION OFFICE
 - MARK ARNOLD, AGRICULTURE
 - PAGE BISHOP, 4-H
 - RITA HODGES, FAMILY & CONSUMER SCIENCES
- A5 APPROVAL OF PAYMENT FROM THE COUNTY JUDGE'S SUPPLY LINE FOR OFFICE STATIONERY AND ENVELOPES IN THE AMOUNT OF \$414.22

A6 APPROVAL AND CERTIFICATION OF THE OFFICIAL MINUTES FROM THE COMMISSIONERS COURT AGENDA:
JULY 11, 2011 REGULAR MEETING

FINANCIAL:

APPROVING THE FOLLOWING BUDGET AMENDMENTS:

- F1 FROM 001-0010-40927, SETTLEMENT PROCEEDS TO 001-0010-50702, REPAIRS. – JOHNNY BROWN, SHERIFF
- F2 FROM 001-0050-50873, MAINT/REPAIR; 001-0050-50819, COMPUTER TO 001-0050-50843, 4-H TRAVEL
– MARK ARNOLD, TEXAS AGRILIFE EXTENSION
- F3 FROM 001-0060-50805, CONFERENCE TO 001-0060-50703, TELEPHONE – DELTON AKE, DEPT OF DEVELOPMENT
- F4 FROM 001-0140-50806, ORGANIZATIONAL DUES TO 001-0140-50802, EQUIP/MAINT/REPAIRS
– CAROL BUSH, COUNTY JUDGE
- F5 FROM 001-0190-50801, SUPPLIES TO 001-0190-50698, LAW BOOKS. – JOE GRUBBS, 378TH DISTRICT COURT
- F6 FROM 001-0360-50801, DA-SUPPLIES TO 001-0360-50811, DA-AUTO/INSURANCE – PATRICK WILSON, COUNTY AND
DISTRICT ATTORNEY
- F7 FROM 001-0421-50502, PART-TIME DETENTION TO 001-0420-50601, TRAVEL ALLOWANCE; 001-0420-50835,
EDUCATION/TRAINING; 001-0420-50889, TRANSPORT EXPENSE. – DARRIN RAY, JUVENILE SERVICES
- F8 FROM 01-0430-50805, CONFERENCES; 001-0430-50809, AUTO REPAIR; 001-0430-50810, AUTO TIRES TO 001-0430-
50808, AUTO GAS; 001-0430-50802, EQUIPMENT – JOHN PATTERSON, EMERGENCY MNGMT
- F9 FROM 001-0612-50808, AUTO GAS/OIL; 001-0612-50803, FURNITURE/FIXTURES; 001-0612-50812, RADIO TO 001-
0612-50821, CONSTABLE UNIFORMS; 001-0612-50809, AUTO REPAIRS; 001-0612-50805, CONFERENCE
– TERRY NAY, CONSTABLE, PCT 2
- F10 FROM 001-0614-50812, RADIO TO 001-0614-50805, CONFERENCE. – MIKE JONES, CONSTABLE, PCT 4

SIMPLIFIED PLAT:

SP1 MARTIN FARM, UNIT 2, 3 LOTS, PAUL AND MARCELLA MARTIN, PCT 2
MOTION TO APPROVE BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON; MOTION CARRIES UNANIMOUSLY

ADMINISTRATIVE:

MINUTE ORDER NO 262.11 AUTHORIZING THE COUNTY JUDGE TO EXECUTE AND ISSUE A LETTER OF
SUPPORT FOR THE CITY OF RED OAK'S APPLICATION TO ESTABLISH A FOREIGN TRADE ZONE TO BE
LOCATED AT THE RED OAK INDUSTRIAL PARK (RON BROWN, COMMISSIONER, PCT 4)
MOTION TO APPROVE BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON; MOTION CARRIES UNANIMOUSLY

RECESS TO CONVENE PUBLIC HEARING (6:14 P.M.)

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

- 3.1 PUBLIC HEARING REGARDING POTENTIAL CHANGES TO ELLIS COUNTY FLOOD DAMAGE PREVENTION ORDER #98-355
WHICH WAS ORIGINALLY ADOPTED ON NOVEMBER 30, 1998, PURSUANT TO SUBCHAPTER 1, SECTION 16 OF THE TEXAS
WATER CODE, TO COMPLY WITH THE REQUIREMENTS AND CRITERIA OF THE NATIONAL FLOOD INSURANCE PROGRAM.

ADJOURN PUBLIC HEARING & RECONVENE REGULAR SESSION

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

MINUTE ORDER NO 263.11 APPROVING CHANGES TO ELLIS COUNTY FLOOD DAMAGE PREVENTION WHICH WAS ORIGINALLY ADOPTED ON NOVEMBER 30, 1998, PURSUANT TO SUBCHAPTER 1, SECTION 16 OF THE TEXAS WATER CODE TO COMPLY WITH THE CRITERIA OF THE NATIONAL FLOOD INSURANCE PROGRAM (DELTON AKE, DEPARTMENT OF DEVELOPMENT)
MOTION TO APPROVE BY COMMISSIONER SIMS, SECOND BY COMMISSIONER DODSON; MOTION CARRIES UNANIMOUSLY

MINUTE ORDER NO 264.11 APPROVING REPLAT FOR SHANKLE ESTATES, LOT 5, F. 879, JOHN & BARBARA JETT, PCT 2 (DELTON AKE, DEPARTMENT OF DEVELOPMENT)
MOTION TO APPROVE BY COMMISSIONER DODSON, SECOND BY COMMISSIONER ROBINSON; MOTION CARRIES UNANIMOUSLY

MINUTE ORDER NO 265.11 APPROVING REPLAT FOR DUVALL PLACE ADDITION, LOT 1, BLOCK 1, PLAINVIEW RD., PAUL PROCTOR, PCT 4 (DELTON AKE, DEPARTMENT OF DEVELOPMENT)
MOTION TO APPROVE BY COMMISSIONER SIMS, SECOND BY COMMISSIONER DODSON; MOTION CARRIES UNANIMOUSLY

4.5 PRESENTATION BY CHERYL CHAMBERS, COUNTY TREASURER: UPDATE REGARDING ELLIS COUNTY'S DIRECT VENDOR PAY.

MINUTE ORDER NO 266.11 ALLOCATING UP TO \$75,000 FOR THE 5% LOCAL MATCH PORTION OF GRANTS AVAILABLE THROUGH THE TEXAS STATE SOIL AND WATER CONSERVATION BOARD (TSSWCD) FOR STRUCTURAL REPAIRS ON FLOOD CONTROL DAMS IN ACCORDANCE WITH TEXAS ADMINISTRATIVE CODE, CHAPTER 529, SUBCHAPTER B (DAVID RIDGWAY, ENGINEERING)
MOTION TO APPROVE BY COMMISSIONER SIMS, SECOND BY COMMISSIONER DODSON; MOTION CARRIES UNANIMOUSLY

MINUTE ORDER NO 267.11 INCREASING THE FIVE PERCENT MATCHING GRANT FUNDS TO \$54,307 FOR STRUCTURAL REPAIRS OF MOUNTAIN CREEK FLOODWATER RETARDING STRUCTURE NO. 9 (DAVID RIDGWAY, ENGINEERING)
MOTION TO APPROVE BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON; MOTION CARRIES UNANIMOUSLY

MINUTE ORDER NO 268.11 APPROVAL TO ENTER INTO A COST SHARE AGREEMENT WITH DALWORTH SOIL & WATER CONSERVATION DISTRICT, TRINITY RIVER AUTHORITY, CITY OF MIDLOTHIAN, CITY OF VENUS, CITY OF GRAND PRAIRIE, AND ONE WINDSOR HILLS, L.P. FOR FUNDING OF THE LOCAL MATCH PORTION OF GRANT TO REHABILITATE/REPAIR MOUNTAIN CREEK FLOODWATER RETARDING STRUCTURE NO. 10, *SUBJECT TO LEGAL REVIEW* (DAVID RIDGWAY, ENGINEERING)
MOTION TO APPROVE BY COMMISSIONER DODSON, SECOND BY COMMISSIONER SIMS; MOTION CARRIES UNANIMOUSLY

No ACTION: 4.9 CONSIDERATION AND ACTION AS NEEDED TO ALLOW FOR SHERIFF BROWN TO SIGN AN INTERAGENCY AGREEMENT WITH NORTH CENTRAL COG FOR THE RURAL LAW ENFORCEMENT INITIATIVE ANALYSIS PORTAL.
- DENNIS BREARLEY, SHERIFF'S DEPARTMENT

No ACTION: 4.10 CONSIDERATION AND ACTION AS NEEDED TO ALLOW FOR SHERIFF BROWN TO SIGN AN INTERAGENCY AGREEMENT WITH TARLETON STATE UNIVERSITY FOR THE RURAL LAW ENFORCEMENT INITIATIVE.
- DENNIS BREARLEY, SHERIFF'S DEPARTMENT

MINUTE ORDER NO 269.11 AUTHORIZING SHERIFF BROWN TO SIGN AN INTERAGENCY AGREEMENT WITH THE CITY OF MANSFIELD FOR PARTICIPATION IN THE TRI-COUNTY AUTO THEFT TASK FORCE (DENNIS BREARLEY, SHERIFF'S DEPARTMENT)

MOTION TO APPROVE BY COMMISSIONER SIMS, SECOND BY COMMISSIONER DODSON; MOTION CARRIES UNANIMOUSLY

No ACTION: 4.12 CONSIDERATION AND ACTION AS NECESSARY TO ALLOW COUNTY JUDGE BUSH AND SHERIFF BROWN TO SIGN A MEMO OF UNDERSTANDING TO ALLOW FOR ADDITIONAL TECHNOLOGY SERVICES FROM JUSTICE SOLUTIONS. (DENNIS BREARLEY, SHERIFF'S DEPARTMENT)

MINUTE ORDER NO 270.11 APPOINTING BILLY R. HILL TO THE ELLIS COUNTY EMERGENCY SERVICE DISTRICT #9 BOARD TO COMPLETE A VACANT TERM THAT WILL EXPIRE DECEMBER 31, 2012 (DENNIS ROBINSON, COMMISSIONER PCT 1)

MOTION TO APPROVE BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON; MOTION CARRIES UNANIMOUSLY

RECESS TO CONVENE TO EXECUTIVE SESSION (6:55 P.M.)

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER SIMS; 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."

- 5.1 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."
- 5.2 PURSUANT TO SECTION 551.072 OF THE GOVERNMENT CODE, CONSULTATION WITH COUNSEL REGARDING CAUSE NO. 66,519 HOLNAM TEXAS LIMITED PARTNERSHIP V. ECAD, ET. AL., AND ALL OTHER RELATED CASES, ALL OF WHICH ARE PENDING IN THE 40TH JUDICIAL DISTRICT COURT OF ELLIS COUNTY, TEXAS.

ADJOURN EXECUTIVE SESSION AND RECONVENE IN REGUAR SESSION..... (8:04 P.M.)

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

ADJOURNMENT

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

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT REGULAR MEETING OF JULY 25, 2011 ARE HEREBY APPROVED.

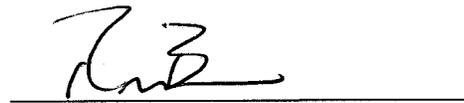
PRESIDING OFFICER:


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 AUGUST 8, 2011:


CINDY POLLEY
ELLIS COUNTY CLERK