

FILED
OCT 24 2011
COUNTY CLERK
ELLIS COUNTY, TEXAS

ELLIS COUNTY COMMISSIONERS' COURT
OFFICIAL MINUTES // SEPTEMBER 12, 2011

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON MONDAY, SEPTEMBER 12, 2011 AT 10:00 A.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-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 BROWN, SECOND BY COMMISSIONER DODSON; MOTION CARRIES UNANIMOUSLY

INVOCATION AND PLEDGE OF ALLEGIANCE—COMMISSIONER BILL DODSON

CONSENT AGENDA:

MINUTE ORDER NO 302.11 APPROVING CONSENT AGENDA

ADMINISTRATIVE:

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

A2 APPROVAL AND CERTIFICATION OF THE OFFICIAL MINUTES FROM THE COMMISSIONERS
COURT AGENDA:

AUGUST 8 & 22, 2011 REGULAR AUGUST 16 & 25, 2011 SPECIAL

A3 *PULLED FROM CONSENT AGENDA—SEE MINUTE ORDER NO 303.11*

A4 APPROVAL OF THE NOMINATION OF CAROL MRAZ TO THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENT'S REGIONAL AGENCY ON AGING ADVISORY COMMITTEE. MS. MRAZ WILL COMPLETE AN UNEXPIRED TERM ENDING DECEMBER 31, 2011 AND WILL CONTINUE WITH THE NEXT TERM FROM JANUARY 1, 2012 THROUGH DECEMBER 31, 2014.

A5 CONSIDERATION AND ACTION TO APPROVE THE ELLIS COUNTY SHERIFF'S AND CONSTABLES' FEES, EFFECTIVE JANUARY 1, 2012, AS REQUIRED UNDER LOCAL GOVERNMENT CODE SECTION 118.131. THIS LAW REQUIRES COMMISSIONERS' COURTS TO SET FEES CHARGED FOR CIVIL SERVICES BY THE OFFICES OF THE SHERIFF AND CONSTABLES AND DIRECTS THAT THESE FEES BE REPORTED TO THE TEXAS COMPTROLLER. THERE ARE NO CHANGES IN THE FEES FOR 2012.

FINANCIAL:

APPROVING THE FOLLOWING BUDGET AMENDMENTS:

F1 FROM 001-0210-40719, CHAPTER 19 STATE FUNDS TO 01-0210-50800, CHAPTER 19 EXPENSE. JANE ANDERSON, ELECTIONS

- F2 FROM 001-0230-50601, TRAVEL REIMBURSEMENT; 001-0230-50703, TELEPHONE; 001-0230-50874, PRINTING TO 001-0230-50805, CONFERENCE; 001-0230-50801, SUPPLIES; 001-0230-50802, EQUIPMENT. – ALISHA WICKENS, PURCHASING
- F3 FROM 001-0380-50888, COMPUTER SERVICE TO 001-0380-50819, COMPUTER. – JIM CHAPMAN, CCL1
- F4 FROM 001-0400-50802, EQUIPMENT TO 001-0400-50805, CONFERENCE. – CHERYL CHAMBERS, TREASURER
- F5 FROM 001-0612-50808, AUTO GAS / OIL TO 001-0612-50819, COMPUTERS. – TERRY NAY, CONSTABLE PCT 2
- F6 FROM 003-0601-50915, RB1 ASPHALT TO 003-0601-50911, RB1 GRAVEL. – DENNIS ROBINSON, RB1
- F7 FROM 006-0754-30302, FUND BALANCE; 006-0754-40010, SALE OF EQUIPMENT; 006-0754-50868, CONTRACT LABOR; 006-0754-50807, GEN. MISC. TO 006-0754-50911, GRAVEL; 006-0754-50915, ASPHALT. – RON BROWN, RB4
- F8 FROM 010-0653-50807, FM2 GEN. MISC. TO 010-0653-50909, FM2 REPAIRS PARTS. – BILL DODSON, FM2
- F9 FROM 010-0653-50868, FM2 CONTRACT LABOR TO 010-0653-50910, FM2 GAS. – BILL DODSON, FM2
- F10 FROM 011-0704-50807, MISC.; 001-0704-50911, GRAVEL; 001-0704-50912, BRIDGE REPAIR; 001-0704-50914, SIGNS TO 001-0704-50915, ASPHALT. – HEATH SIMS, FM3
- F11 FROM 012-0755-50908, LUMBER TO 012-0755-50909, REPAIRS & PARTS. – RON BROWN, RB4
- F12 FROM 012-0755-50913, CHEMICALS; 012-0755-50906, CULVERTS TO 012-0755-50807, GEN. MISC. – RON BROWN, RB4
- F13 FROM 001-0010-40003 GEN. FUND MISC. REIMBURSEMENT TO 001-0010-50802, EQUIPMENT. – JOHNNY BROWN, SHERIFF

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

MINUTE ORDER NO 303.11 APPROVING A "NOTICE OF INTENT TO PARTICIPATE" IN THE HOG OUT COUNTY GRANTS PROGRAM. MARK ARNOLD, ELLIS COUNTY EXTENSION AGENT TO BE RESPONSIBLE FOR GRANT APPLICATION PROCESS FOR ELLIS COUNTY'S PARTICIPATION IN THE TEXAS DEPARTMENT OF AGRICULTURE FERAL HOG ABATEMENT TECHNOLOGIES PROGRAM. (DEADLINE TO FILE NOTICE SEPTEMBER 30, 2011)

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

ADMINISTRATIVE:

RECESS REGULAR SESSION TO CONVENE TO PUBLIC HEARING

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

PUBLIC HEARING

PUBLIC HEARING ON THE PROPOSED ELLIS COUNTY TAX RATE FOR BUDGET FISCAL YEAR 2011-2012 PURSUANT TO COMMISSIONERS COURT ANNOUNCEMENT ON AUGUST 22, 2011 (MINUTE ORDER No 296.11)

SPEAKERS: SANDY FISHER JIMMIE SIMMONS CINDY KELLEY
 PATRICK WILSON DAN DAVIS

ADJOURNMENT OF PUBLIC HEARING & RECONVENE TO REGULAR SESSION

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

MINUTED ORDER NO 304.11 SETTING THE DATE, TIME, AND PLACE FOR THE COMMISSIONERS' COURT MEETING TO VOTE ON THE 2011-12 TAX RATE ON MONDAY, SEPTEMBER 26, 2011 AT 6:00 PM IN THE ELLIS COUNTY COMMISSIONERS' COURTROOM, 101 W. MAIN ST., WAXAHACHIE, TX 75165.

(CAROL BUSH, COUNTY JUDGE)

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

MINUTE ORDER NO 305.11 APPROVING A JOINT ELECTIONS AGREEMENT AND CONTRACT FOR SERVICES FOR THE NOVEMBER 8, 2011 ELECTION FOR THE CITY OF MANSFIELD. THE CONTRACT MUST BE SIGNED BY THE ENTITY MAYOR AND THE ELLIS COUNTY CONTRACTING OFFICER.

(JANE ANDERSON, ELECTIONS ADMINISTRATOR)

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

MINUTE ORDER NO 306.11 APPROVING THE PRESIDING JUDGES, ALTERNATE JUDGES AND FORTY NINE (49) CLERKS TO BE HIRED FOR THE NOVEMBER 8, 2011 ELECTION

(JANE ANDERSON, ELECTIONS ADMINISTRATOR)

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

MINUTE ORDER NO 307.11 APPROVING DAN ALTMAN AS PRESIDING JUDGE OF THE EARLY VOTING BALLOT BOARD AND SIX (6) TO BE HIRED FOR THE NOVEMBER 8, 2011 ELECTION

(JANE ANDERSON, ELECTIONS ADMINISTRATOR)

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

MINUTE ORDER NO 308.11 APPROVING RENEWAL OF AN AGREEMENT WITH SIMPLEXGRINNELL FOR FIRE ALARM SAFETY INSPECTIONS FOR THE WAYNE MCCOLLUM DETENTION CENTER. THE TERMS OF THIS AGREEMENT ARE FROM OCTOBER 1, 2011 THROUGH SEPTEMBER 30, 2012.

(DENNIS BREARLEY, SHERIFF'S OFFICE)

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

MINUTE ORDER NO 309.11 APPROVING THE CONTRACTUAL RATE OF \$95,306.87 PER MONTH WITH CORRECTIONAL HEALTHCARE COMPANIES FOR OCTOBER 1, 2011, THROUGH SEPTEMBER 30, 2012, FOR HEALTH CARE SERVICES RENDERED AT THE WAYNE MCCOLLUM DETENTION CENTER. THIS AMOUNT IS THE SAME AS LAST BUDGET YEAR WITH NO INCREASE.

(DENNIS BREARLEY, SHERIFF'S OFFICE)

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

MINUTE ORDER NO 310.11 APPROVING RENEWAL CONTRACT WITH THE SPCA FOR ANIMAL SERVICES WITH CONTRACTED MONTHLY PAYMENTS OF \$4,315 FROM OCTOBER 1, 2011 THROUGH SEPTEMBER 30, 2012

(BILL DODSON, COMMISSIONER PCT. 2)

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

MINUTE ORDER NO 311.11 APPROVING A RESOLUTION AUTHORIZING THE COUNTY JUDGE TO EXECUTE AN AGREEMENT FOR BRIDGE REPLACEMENT IN THE FEDERAL OFF SYSTEM "BRIDGE REPLACEMENT AND REHABILITATION PROGRAM" ADMINISTERED BY THE STATE OF TEXAS

(No 18-071-0-AA0353-001)

(BILL DODSON, COMMISSIONER PCT. 2)

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

MINUTE ORDER NO 312.11 ENACTING THE ELLIS COUNTY BURN BAN EFFECTIVE IMMEDIATELY

(JIM PHARR, FIRE MARSHAL)

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

RECESS TO CONVENE TO EXECUTIVE SESSION (11:24 A.M.)

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."

- 3.1 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."

ADJOURNMENT OF EXECUTIVE SESSION (11:38 A.M.)

MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER ROBINSON; 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 SEPTEMBER 12, 2011 ARE HEREBY APPROVED.

PRESIDING OFFICER:



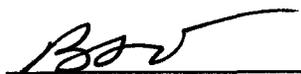
CAROL BUSH, COUNTY JUDGE



DENNIS ROBINSON, COMMISSIONER PCT 1



HEATH SIMS, COMMISSIONER, PCT 3

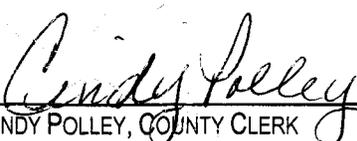


BILL DODSON, COMMISSIONER, PCT 2



RON BROWN, COMMISSIONER, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS OCTOBER 24, 2011.



CINDY POLLEY, COUNTY CLERK