

**FILED**  
**OCT 24 2011**  
COUNTY CLERK  
ELLIS COUNTY, TEXAS

**ELLIS COUNTY COMMISSIONERS' COURT  
OFFICIAL MINUTES // SEPTEMBER 26, 2011**

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON MONDAY, SEPTEMBER 26, 2011 AT 6:00 P.M., IN THE HISTORIC ELLIS COUNTY COURTHOUSE, COMMISSIONERS' COURTROOM, 101 WEST MAIN STREET (2<sup>ND</sup> 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 DODSON, SECOND BY COMMISSIONER ROBINSON; MOTION CARRIES UNANIMOUSLY

INVOCATION AND PLEDGE OF ALLEGIANCE—COMMISSIONER RON BROWN

**CONSENT AGENDA:**

**MINUTE ORDER NO 315.11      APPROVING CONSENT AGENDA**

**ADMINISTRATIVE:**

- A1 APPROVAL OF REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS
- A2 APPROVAL OF THE AUGUST, 2011 TRAVEL REPORTS OF THE TEXAS AGRILIFE EXTENSION OFFICE
  - MARK ARNOLD, AGRICULTURE
  - PAGE BISHOP, 4-H
  - RITA HODGES, FAMILY & CONSUMER SCIENCES
- A3 APPROVAL TO ACCEPT A CHECK IN THE AMOUNT OF \$500 FROM BUNKER TO BE APPLIED TO THE EMPLOYEE APPRECIATION DINNER

**FINANCIAL:**

APPROVING THE FOLLOWING BUDGET AMENDMENTS:

- F1 FROM 001-0060-50801, SUPPLIES TO 001-0060-50819, COMPUTER. – JUDY ARMSTRONG, DEPT OF DEVELOPMENT
- F2 FROM 001-0230-50873, MAINT/RPS/OFFICE EQUIPMENT; 001-0230-50802, EQUIPMENT TO 001-0230-50805, CONFERENCE; 001-0230-50803, FURN/FIXTURES. – ALISHA WICKENS, PURCHASING
- F3 FROM 001-0370-50804, POSTAGE; 001-0370-50802, EQUIPMENT TO 001-0370-50801, SUPPLIES; 001-0370-50805, CONFERENCE. – JOHN BRIDGES, TAX OFFICE
- F4 FROM 001-0520-50602, STAFF TRAVEL; 001-0520-50874, DOCKET BOOKS & PRINT; 0010520-50873, MAINT & REPAIRS TO 001-0520-50802, EQUIPMENT. – JACKIE MILLER, JR. JP2

- F5 FROM 001-0520-50812, RADIO; 001-0520-50803, OFFICE FIXTURES; 001-0520-50602, STAFF TRAVEL TO 001-0520-50805, CONFERENCE. – JACKIE MILLER, JR. JP2
- F6 FROM 001-0520-50873, MAINT & REPAIR; 001-0520-50703, TELEPHONE; 001-0520-50601, TRAVEL REIMBURSEMENT TO 001-0520-50801, SUPPLIES. – JACKIE MILLER, JR. JP2
- F7 FROM 001-0540-50873, MAINT/RPS/OFFICE EQUIPMENT; TO 001-0540-50819, COMPUTER. –STEVE EGAN, JP4
- F8 FROM 001-0612-50703, TELEPHONE; 001-0612-50806, BONDS/DUES; 001-0612-50808, AUTO GAS/OIL; 001-0612-50805, CONFERENCE; 001-0612-50945, ECEEP EXPENSES TO 001-0612-50802, EQUIPMENT TERRY NAY, CONSTABLE, PCT 2
- F9 FROM 004-0652-40619, RB2 RESTITUTION TO 004-0652-50807, RB2 GEN EXP. – BILL DODSON, RB2
- F10 FROM 004-0652-50807, RB2 GEN EXP TO 004-0652-50703, RB2 TELEPHONE. - BILL DODSON, RB2
- F11 FROM 005-0703-50911, GRAVEL TO 005-0703-50907, TIRES; 005-0703-50915, ASPHALT -- HEATH SIMS, RB3
- F12 FROM 006-0754-40008, INTERLOCAL TO 006-0754-50915, ASPHALT. – RON BROWN, RB4
- F13 FROM 006-0754-50502, WAGES TO 006-0754-50911, GRAVEL. – RON BROWN, RB4
- F14 FROM 011-0704-50909, REPAIR/PARTS TO 001-0704-50915, ASPHALT. – HEATH SIMS, RB3
- F15 FROM 001-0010-50902, CRIME PREVENTION; 001-0010-50888, COMPUTER SERVICES; 001-0010-50834, CRIME SCENE; 001-0010-50904, ANIMAL CONTROL; 001-0010-50502, STAFF SALARY TO 001-0010-50819, COMPUTERS. – JOHNNY BROWN, SHERIFF
- F16 FROM 001-0010-50502, STAFF SALARY; 0010-0015-50502, STAFF SALARY TO 001-0010-50503, CERTIFICATION PAY; 001-0010-50703, TELEPHONE; 001-0010-50802, EQUIPMENT; 001-0010-50805, CONFERENCE; 001-0010-50806, OFFICIAL BOND/DUES; 001-0010-50807, GEN. MISC; 001-0010-50808, AUTO GAS & OIL; 001-0010-50809, AUTO REPAIRS; 001-0010-50810, AUTO TIRES; 001-0010-50811, AUTO PURCHASE; 001-0010-50835, EMPLOYEE TRAINING; 001-0010-50865, EMPLOYEE SCREENING; 001-0010- 50885, SALES TAX. – JOHNNY BROWN, SHERIFF
- F17 FROM 001-0015-50503, CERTIFICATION PAY; 001-0015-50553, SOCIAL SECURITY; 001-0015-50865, EMPLOYEE SCREENING; 001-0015-50814, FEEDING INMATES TO 001-0015- 50802, EQUIPMENT; 001-0015-50808, AUTO GAS & OIL; 001-0015-50809, AUTO REPAIRS/MAINTENANCE; 001-0015-50835, EMPLOYEE TRAINING; 001-0015-50812, RADIO. – JOHNNY BROWN, SHERIFF
- F18 FROM 001-0015-50502, STAFF SALARY; 001-0015-50553, SOCIAL SECURITY; 001-0015-50813, INMATES MEDICAL TO 001-0010-50802, EQUIPMENT; 001-0010-50811, AUTO PURCHASE; 001-0010-50809, AUTO REPAIRS. – JOHNNY BROWN, SHERIFF

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

**ADMINISTRATIVE:**

**MINUTE ORDER NO 316.11** APPROVING A PROCLAMATION DESIGNATING OCTOBER 2–8, 2011 AS NATIONAL 4-H WEEK IN ELLIS COUNTY (HEATH SIMS, COMMISSIONER PCT. 3)

MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

2.2 **PRESENTATION** DR. MACKIE OWENS PRESENTED A REPORT ON THE STATUS OF PROGRAMS AT HOPE CLINIC. DIANA BUCKLEY, HUMAN SERVICES

**MINUTE ORDER NO 317.11** AUTHORIZING PAYMENT OF THE OCTOBER 1 INSTALLMENT OF THE HOPE CLINIC CONTRACT FOR THE PERIOD OCTOBER 1, 2011 THROUGH DECEMBER 31, 2011 IN THE AMOUNT OF \$107,018.27, WHICH REPRESENTS ONE QUARTER OF THE ANNUAL CONTRACT AMOUNT (DIANA BUCKLEY, HUMAN SERVICES)

MOTION TO APPROVE BY COMMISSIONER SIMS, SECOND BY COMMISSIONER BROWN CARRIES UNANIMOUSLY

**MINUTE ORDER NO 318.11** ADOPTING A GENERAL MAINTENANCE AND OPERATIONS TAX RATE OF 0.380091 (CONSISTING OF AN INTEREST AND SINKING RATE OF 0.059754 AND OPERATIONS RATE OF 0.320337), AND ADOPTING A FARM TO MARKET TAX RATE OF 0.033508 FOR ELLIS COUNTY FY

2011-2012, PURSUANT TO TEXAS LOCAL GOVERNMENT CODE §81.006 AND TEXAS TAX CODE §26.05, MAKING THE TOTAL TAX RATE 0.413599 PER \$100 OF TAXABLE VALUE  
(CAROL BUSH, COUNTY JUDGE)

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER SIMS TO APPROVE PROPOSED TAX RATE

VOTING YES: COMMISSIONER DODSON, COMMISSIONER SIMS, JUDGE BUSH

VOTING NO: COMMISSIONER ROBINSON, COMMISSIONER BROWN

MOTION CARRIES 3/2

**MINUTE ORDER NO 319.11** RATIFYING A PROPERTY TAX INCREASE OF 2 CENTS THAT IS NECESSARY TO FUND THE ELLIS COUNTY BUDGET FY 2011-12, THAT WAS ADOPTED BY THE COMMISSIONERS COURT ON SEPTEMBER 21, 2011, AS REQUIRED BY LOCAL GOVERNMENT CODE 111.008(C)  
(CAROL BUSH, COUNTY JUDGE)

MOTION TO APPROVE BY COMMISSIONER DODSON, SECOND BY COMMISSIONER SIMS WITH JUDGE BUSH AND COMMISSIONERS DODSON AND SIMS IN FAVOR AND COMMISSIONER ROBINSON AND COMMISSIONER BROWN OPPOSING ... MOTION CARRIES 3/2

2.5 **PRESENTATION** BY DAVID HARDAWAY OF AT&T OF THE BENEFITS AND COST SAVINGS TO TRANSITION COUNTY CELL PHONES FROM INDIVIDUAL PLANS TO A POOLED MINUTE PLAN UNDER THE STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES CONTRACT. - ALISHA WICKENS, PURCHASING

2.6 **PRESENTATION** AND DISCUSSION CONCERNING CELL PHONE USAGE AND COUNTY POLICY. - ALISHA WICKENS, PURCHASING

**MINUTE ORDER NO 320.11** APPROVAL TO MOVE THE CURRENT AT&T CELL PHONE NUMBERS FROM INDIVIDUAL PLANS TO A POOLED MINUTE PLAN UNDER THE STATE'S DEPARTMENT OF INFORMATION RESOURCES CONTRACT AND AUTHORIZING COUNTY JUDGE TO SIGN, SUBJECT TO LEGAL REVIEW OF CONTRACT  
(CAROL BUSH, COUNTY JUDGE)

MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

**No ACTION** 2.8 CONSIDERATION AND ACTION TO FIX TELEPHONE LINE ITEMS FOR EACH DEPARTMENT, DISALLOWING TRANSFER OF FUNDS FROM THOSE LINE ITEMS EXCEPT UPON REVIEW BY THE COMMISSIONERS' COURT IN OPEN SESSION. CAROL BUSH, COUNTY JUDGE

**MINUTE ORDER NO 321.11** NOMINATING JACK WALKER FOR THE BOARD OF DIRECTORS OF THE ELLIS CENTRAL APPRAISAL DISTRICT FOR THE TERM OF 2011-12, ACCORDING TO THE TEXAS TAX CODE, TITLE 1, SUBTITLE B, CHAPTER 6, SUBCHAPTER A, SECTION 6.03  
(CAROL BUSH, COUNTY JUDGE)

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

**MINUTE ORDER NO 322.11** APPROVING A WORK ORDER WITH THE CITY OF OVILLA TO RECLAIM AND RESEAL MALLOY RD., OVILLA, TEXAS  
(RON BROWN, COMMISSIONER PCT. 4)

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

**MINUTE ORDER NO 323.11** APPROVING INTERLOCAL COOPERATION CONTRACT BETWEEN COUNTY OF ELLIS AND CITY OF ENNIS FOR TERM AGREEMENT OCTOBER 1, 2011 TO SEPTEMBER 30, 2012

**MINUTE ORDER NO 324.11** APPROVING INTERLOCAL COOPERATION CONTRACT BETWEEN COUNTY OF ELLIS AND CITY OF BARDWELL FOR TERM AGREEMENT OCTOBER 1, 2011 TO SEPTEMBER 30, 2012

**MINUTE ORDER NO 325.11** APPROVING INTERLOCAL COOPERATION CONTRACT BETWEEN COUNTY OF ELLIS AND CITY OF GARRETT FOR TERM AGREEMENT OCTOBER 1, 2011 TO SEPTEMBER 30, 2012

- MINUTE ORDER NO 326.11** APPROVING INTERLOCAL COOPERATION CONTRACT BETWEEN COUNTY OF ELLIS AND CITY OF ALMA FOR TERM OCTOBER 1, 2011, TO SEPTEMBER 30, 2012
- MINUTE ORDER NO 327.11** APPROVING INTERLOCAL COOPERATION CONTRACT BETWEEN COUNTY OF ELLIS AND AVALON INDEPENDENT SCHOOL DISTRICT (AVALON ISD)
- MINUTE ORDER NO 328.11** APPROVING INTERLOCAL COOPERATION CONTRACT BETWEEN COUNTY OF ELLIS AND THE ENNIS INDEPENDENT SCHOOL DISTRICT (ENNIS ISD) FOR TERM AGREEMENT OCTOBER 1, 2011 TO SEPTEMBER 30, 2012
- MINUTE ORDER NO 329.11** APPROVING AGREEMENT COOPERATION BETWEEN COUNTY OF ELLIS AND ENNIS GARDEN CLUB (REPRESENTED BY CHAIRMAN OF THE BLUEBONNET TRAIL ANNUAL EVENT) PURSUANT TO LOCAL GOVT. CODE § 319.003 (A) AND 319.004 FOR TERM AGREEMENT OCTOBER 1, 2011 TO SEPTEMBER 30, 2012

(BILL DODSON, COMMISSIONER PCT. 2)

MOTION BY COMMISSIONER DODSON TO APPROVE **Agenda Items 2.18 – 2.24 / MINUTE ORDER No 323.11-329.11** SECOND BY COMMISSIONER BROWN CARRIES UNANIMOUSLY

- MINUTE ORDER NO 330.11** APPROVING WORK ORDER UNDER AGREEMENT COOPERATION BETWEEN COUNTY OF ELLIS AND ENNIS GARDEN CLUB (REPRESENTED BY CHAIRMAN OF THE BLUEBONNET TRAIL ANNUAL EVENT). WORK ORDER CONSISTS OF PLACEMENT OF DIRECTIONAL SIGNS THAT ARE PROVIDED BY ENNIS GARDEN CLUB ON ELLIS COUNTY EASEMENTS AS DESIGNATED BY REPRESENTATIVES OF THE ENNIS GARDEN CLUB. WORK ORDER SERVICES WILL BE PROVIDED BEFORE, DURING AND AFTER THE BLUEBONNET TRAIL ANNUAL EVENT (APPROXIMATELY THE END OF FEBRUARY, MARCH, APRIL AND MIDDLE OF MAY 2012).

(BILL DODSON, COMMISSIONER PCT. 2)

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER BROWN CARRIES UNANIMOUSLY

**CONSIDERATION AND ACTION REGARDING THE FOLLOWING PRESENTED BY JUDY ARMSTRONG, DEPARTMENT OF DEVELOPMENT: (ITEMS 2.11 – 2.17)**

- MINUTE ORDER NO 331.11** APPROVING REPLAT – BROOKBEND PLACE, LOTS 2, 3, AND 4, BLOCK A, CHRIS AND TINA AUTRY AND TERRY AND SHELIA GILMAN, PCT. 1

MOTION BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

- MINUTE ORDER NO 332.11** APPROVING REPLAT – BAUCUM RANCH, PHASE I, LOT 2, JOHN AND ALICE VALDERAS, PCT. 3

MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

- MINUTE ORDER NO 333.11** APPROVING VARIANCE- FROM COUNTY OF ELLIS RULES, REGULATIONS AND SPECIFICATIONS FOR SUBDIVISIONS AND MANUFACTURED HOMES AS IT PERTAINS TO THE FIRE HYDRANT REQUIREMENT EVERY 450', 300 E.P. DAWSON ROAD, JOHN AND LISA AUSTIN, PCT. 3

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

- MINUTE ORDER NO 334.11** APPROVING REPLAT – AUSTIN ACRES TWO, LOT 1, BLOCK A, JOHN AND LISA AUSTIN, PCT. 3

MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

**MINUTE ORDER NO 335.11** APPROVING VARIANCE – FROM COUNTY OF ELLIS RULES, REGULATIONS AND SPECIFICATIONS FOR SUBDIVISIONS AND MANUFACTURED HOMES AS IT RELATES TO THE 150' PER LOT OF ROAD FRONTAGE, 1291 PANORAMA LOOP, DAN GUS, PCT. 4

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

**No ACTION** 2.16 REPLAT – ROLLING ACRES, LOT 3, JANIE JONES, 824 BROADHEAD ROAD, JANIE JONES, PCT. 2.

**MINUTE ORDER NO 336.11** APPROVING VARIANCE- FROM COUNTY OF ELLIS RULES, REGULATIONS AND SPECIFICATIONS FOR SUBDIVISIONS AND MANUFACTURED HOMES, AS IT RELATES TO THE 10' UTILITY/BUILDING SET-BACK LINE, 175 BOZ ROAD, ROBERT AND TERI BEST, PCT. 3

MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER CARRIES UNANIMOUSLY

**MINUTE ORDER NO 337.11** APPROVAL TO PURCHASE OF 15 VEHICLES FOR SHERIFF'S OFFICE TO REPLACE 15 OLDER VEHICLES BEING ROTATED OUT OF SERVICE. ALL VEHICLES WILL BE PURCHASED PURSUANT TO CHAPTER 262 OF THE TEXAS LOCAL GOVERNMENT CODE. (JOHNNY BROWN, SHERIFF)

*DENNIS BREARLEY ADDRESSING COURT*

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

**ADJOURNMENT**

MOTION TO ADJOURN BY COMMISSIONER DODSON, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT REGULAR MEETING OF SEPTEMBER 26, 2011 ARE HEREBY APPROVED.

PRESIDING OFFICER:



CAROL BUSH, COUNTY JUDGE



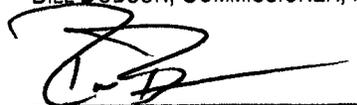
DENNIS ROBINSON, COMMISSIONER PCT 1



HEATH SIMS, COMMISSIONER, PCT 3

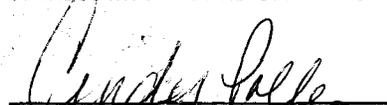


BILL DODSON, COMMISSIONER, PCT 2



RON BROWN, COMMISSIONER, PCT 4

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



CINDY POLLEY, COUNTY CLERK