

FILED

NOV 14 2011

COUNTY CLERK
ELLIS COUNTY, TEXAS

**ELLIS COUNTY COMMISSIONERS' COURT
OFFICIAL MINUTES // OCTOBER 10, 2011**

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON MONDAY, OCTOBER 10, 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:

TINA CHAMBERS, ASSISTANT COUNTY CLERK

COUNTY & DISTRICT ATTORNEY'S OFFICE:

ANN MONTGOMERY-MORAN, ASSISTANT COUNTY ATTORNEY

LEE AUVENSHINE, ASSISTANT COUNTY ATTORNEY

OPENING COURT: (10:00 A.M.)

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 CARRIES UNANIMOUSLY

INVOCATION AND PLEDGE OF ALLEGIANCE—COMMISSIONER DENNIS ROBINSON

CONSENT AGENDA:

MINUTE ORDER NO 340.11 APPROVING CONSENT AGENDA

ADMINISTRATIVE:

- A1 APPROVAL OF REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS
- A2 APPROVAL TO MOVE FULL-TIME BENEFITS FROM POSITION 6754-790-004 TO POSITION 6754-795-001
- A3 APPROVAL TO RATIFY THE ACCEPTANCE OF THE 2011 JUSTICE ASSISTANCE GRANT (JAG) IN THE AMOUNT OF \$10,458
- A4 APPROVE A REQUEST FOR FUNDS IN THE AMOUNT OF \$15,000 TO THE ELLIS COUNTY CHILD PROTECTIVE SERVICES BOARD AS PER THE BUDGET FOR FY 2011-12
- A5 APPROVAL OF A RESOLUTION IN SUPPORT OF THE MEALS-ON-WHEELS OF JOHNSON & ELLIS COUNTY APPLYING FOR A GRANT FROM THE TEXAS DEPARTMENT OF AGRICULTURE HOME—DELIVERED MEAL GRANT PROGRAM
- A6 APPROVE TO RESCIND THE APPOINTMENT OF TIM BIRDWELL AS ELLIS COUNTY FIRE MARSHAL WHO DECLINED THE POSITION

FINANCIAL:

APPROVING THE FOLLOWING BUDGET AMENDMENTS:

- F1 FROM 001-050-50843, 4-H TRAVEL TO 001-0050-50809, AUTO REPAIR. – MARK ARNOLD, TX AG OFFICE
- F2 FROM 001-230-50890, COUNTY SUPPLY ROOM; 001-0230-50802, EQUIPMENT TO 001-0230-50801, SUPPLIES; 001-0230-50703, TELEPHONE. – ALISHA WICKENS, PURCHASING
- F3 FROM 001-0360-50805, DA-CONFERENCE TO 001-0360-50801, DA-SUPPLIES; 001-0360-50808, DA-AUTO GAS. – PATRICK WILSON, COUNTY & DISTRICT ATTORNEY
- F4 FROM 001-0375-50933, CONSULTANT; 001-0375-50873, MAINT; 001-0375-50805, CONFERENCE; 001-0375-50808, AUTO/GAS/OIL TO 001-0375-50835, TRAINING EDUCATION; 001-0375-50801, SUPPLIES. – JOE WHITE, ENGINEER
- F5 FROM 019-0919-50803, FURNITURE/FIXTURES TO 019-0919-50799, COPIER MAINT/SUPPLIES. – CAROL BUSH, LAW LIBRARY

SIMPLIFIED PLAT:

- SP1 CALDWELL'S OATES ROAD ADDITION, 1 LOT, RONNY CALDWELL, PCT. 1
- SP2 LEAH LAYNE ESTATE, 1 LOT, JEFFREY POWELL, PCT. 3
- SP3 PAT & GERTRUDE DUVALL HOMESTEAD, JANICE INMAN, 1 LOT, PCT. 4

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

ADMINISTRATIVE:

2.1 **PRESENTATION** BY TRISTEM, INC. REGARDING ANALYZING UTILITY AND TELECOMMUNICATION BILLING FOR POTENTIAL REFUNDS, TO DETERMINE ELIGIBILITY FOR LOWER RATES AND, IF NECESSARY, ASSIST THE COUNTY WITH THE NEGOTIATION OF NEW OR MODIFICATION OF EXISTING CONTRACTS WITH THE COUNTY'S CURRENT UTILITY AND TELECOMMUNICATION PROVIDERS. (*PATRICIA CROW PRESENTING*) ALISHA WICKENS, PURCHASING

MINUTE ORDER NO 341.11 PROCLAIMING OCTOBER 21, 2011 AS "PINK-OUT DAY IN ELLIS COUNTY" IN SUPPORT OF THE BATTLE AGAINST BREAST CANCER (CAROL BUSH, COUNTY JUDGE)
MOTION TO APPROVE BY COMMISSIONER SIMS, SECOND BY COMMISSIONER BROWN CARRIES UNANIMOUSLY

MINUTE ORDER NO 342.11 APPROVING A PROCLAMATION DESIGNATING OCTOBER 2011 AS DOMESTIC VIOLENCE AWARENESS MONTH IN ELLIS COUNTY (*ALICIA PETERS ADDRESSING COURT*) (BILL DODSON, COMMISSIONER PCT. 2)
MOTION TO APPROVE BY COMMISSIONER DODSON, SECOND BY COMMISSIONER BROWN CARRIES UNANIMOUSLY

MINUTE ORDER NO 343.11 APPROVING AN ORDER PROVIDING FOR THE ISSUANCE AND SALE OF ELLIS COUNTY, TEXAS GENERAL OBLIGATION REFUNDING BONDS, SERIES 2011; LEVYING A TAX IN PAYMENT THEREOF; AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE AGREEMENT, A PAYING AGENT/REGISTRAR AGREEMENT AND AN ESCROW AGREEMENT; CALLING CERTAIN OBLIGATIONS FOR REDEMPTION; AND ENACTING OTHER PROVISIONS RELATING THERETO (*\$272,663.66 SAVINGS OVER 4 YEARS*) (MIKE NAVARRO, AUDITOR)
MOTION TO APPROVE BY COMMISSIONER DODSON, SECOND BY COMMISSIONER BROWN CARRIES UNANIMOUSLY

MINUTE ORDER NO 344.11 APPROVAL TO RECEIVE AN ENERGY EFFICIENCY GRANT PRESENTED BY PAUL HERNANDEZ OF ONCOR ELECTRIC DELIVERY COMPANY IN THE AMOUNT OF \$24,442 TO BE USED TO OFFSET COST OF TWO NEW ENERGY EFFICIENT CHILLERS RECENTLY INSTALLED AT THE ELLIS COUNTY DETENTION CENTER (JOE WHITE, ENGINEER)
MOTION TO APPROVE BY COMMISSIONER SIMS, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 345.11 AWARDING SUB-DEPOSITORY BANK BIDS TO ENNIS STATE BANK FOR OFFICES IN ENNIS AND TO WELLS FARGO FOR OFFICES MIDLOTHIAN AND RED OAK (CHERYL CHAMBERS, TREASURER)
MOTION TO APPROVE BY COMMISSIONER BROWN, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 346.11 APPROVAL TO DIRECT ALL MONEY THAT OTHERWISE WOULD BE DEPOSITED IN A SALARY FUND CREATED UNDER THIS CHAPTER TO BE DEPOSITED IN THE GENERAL FUND OF THE COUNTY (MIKE NAVARRO, AUDITOR)
MOTION TO APPROVE BY COMMISSIONER DODSON, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 347.11 APPROVING AN ORDER TO TAX TANGIBLE PERSONAL PROPERTY IN TRANSIT WHICH WOULD OTHERWISE BE EXEMPT PURSUANT TO TEXAS TAX CODE, SECTION 11.253 (CAROL BUSH, COUNTY JUDGE)
MOTION TO APPROVE BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 348.11 APPROVING A RENEWAL OF THE SALARY SUPPLEMENTS TO THE JUSTICES ON THE TENTH COURT OF APPEALS IN THE AMOUNT OF \$1,632 FOR FISCAL YEAR 2011-2012 (CAROL BUSH, COUNTY JUDGE)
MOTION TO APPROVE BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON CARRIES 4/1 WITH COMMISSIONER SIMS OPPOSING

MINUTE ORDER NO 349.11 APPROVING THE CERTIFICATION OF A LOCAL INITIATIVE PROJECT (EMISSIONS ENFORCEMENT PROGRAM) WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY FROM SEPTEMBER 1, 2011 THROUGH JANUARY 30, 2012 (TERRY NAY, CONSTABLE PCT. 2)
MOTION TO APPROVE BY COMMISSIONER SIMS, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

RECESS TO CONVENE TO EXECUTIVE SESSION (10:50 A.M.)
MOTION TO APPROVE BY COMMISSIONER BROWN, SECOND BY COMMISSIONER ROBINSON 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 (11:02 A.M.)

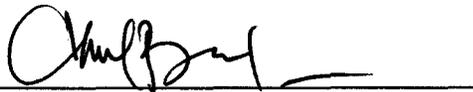
MOTION TO APPROVE BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

ADJOURNMENT (11:03 A.M.)

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

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT REGULAR MEETING OF OCTOBER 10, 2011 ARE HEREBY APPROVED.

PRESIDING OFFICER:



CAROL BUSH, COUNTY JUDGE



DENNIS ROBINSON, COMMISSIONER PCT 1



BILL DODSON, COMMISSIONER, PCT 2

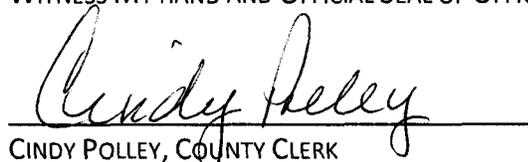


HEATH SIMS, COMMISSIONER, PCT 3



RON BROWN, COMMISSIONER, PCT 4

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



CINDY POLLEY, COUNTY CLERK