

FILED

JAN 09 2012

**COUNTY CLERK
ELLIS COUNTY, TEXAS**

**ELLIS COUNTY COMMISSIONERS' COURT
OFFICIAL MINUTES // DECEMBER 12, 2011**

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON MONDAY, DECEMBER 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 DODSON, SECOND BY COMMISSIONER BROWN CARRIES UNANIMOUSLY

INVOCATION AND PLEDGE OF ALLEGIANCE—COMMISSIONER DENNIS ROBINSON

CONSENT AGENDA:

MINUTE ORDER NO 399.11 APPROVING CONSENT AGENDA

ADMINISTRATIVE:

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

A2 APPROVAL OF THE NOVEMBER, 2011 TRAVEL REPORTS OF THE TEXAS AGRILIFE
EXTENSION OFFICE

-MARK ARNOLD, AGRICULTURE

-PAGE BISHOP, 4-H

-RITA HODGES, FAMILY & CONSUMER SCIENCES

A3 APPROVAL TO REAPPOINT TO THE CHILD PROTECTIVE SERVICES BOARD FOR A THREE-YEAR TERM ENDING DECEMBER
31, 2014: SHREE KENT AND JACKIE WRAY;

A4 APPROVAL TO SELL A GLOCK FIREARM TO A RETIRING EMPLOYEE AT \$325, PURSUANT TO THE AUTHORITY GRANTED
BY LOCAL GOVERNMENT CODE SECTION 170.002;

- A5 APPROVAL OF A ONE YEAR MAINTENANCE CONTRACT ON THE BOILERS AT THE ELLIS COUNTY DETENTION FACILITY. MAINTENANCE WILL BE PROVIDED BY TIGERT CO. INC.
- A6 APPROVAL AND CERTIFICATION OF THE OFFICIAL MINUTES FROM THE COMMISSIONERS COURT AGENDA: NOVEMBER, 14 & 28, 2011 REGULAR NOVEMBER 4, 7 AND 17, 2011 SPECIAL
- A7 APPROVAL OF THE REAPPOINTMENT OF THE FOLLOWING INDIVIDUALS TO THE ELLIS COUNTY EMERGENCY SERVICE DISTRICT BOARDS. THE APPOINTEES ARE TO BE REAPPOINTED TO SERVE TWO-YEAR TERMS EFFECTIVE JANUARY 1, 2012 THROUGH DECEMBER 31, 2013:
- ESD #1 DON FRISBEE
 - GARRY HARRIS
 - NORQUIST WADE
 - ESD #2 DANNY D. LONG
 - TOM MANNING
 - RAY REED
 - ESD #3 JACKIE DWAYNE CATE
 - ESD #4 ANDY LANCASTER
 - ERNIE MARTINEK
 - DUB NOWELL
 - ESD #5 PAUL W. JONES
 - RAYMOND C. MINER
 - ESD #6 WAYNE BALLARD
 - BILLY GETZENDANER
 - ESD #8 RONNIE GATLIN
 - JULIE HASTINGS
 - TEANER JOHNSON
 - ESD #9 KENNY CALDWELL
- A8 APPROVAL OF THE 2012 SLATE OF OFFICERS FOR THE ELLIS COUNTY HISTORICAL COMMISSION:
- | | |
|---------------------------------|----------------------------|
| SYLVIA STANFORD SMITH, CHAIRMAN | REX CAREY, VICE CHAIRMAN |
| SUSIE TOAL, SECRETARY | SHANNON SIMPSON, TREASURER |
- A9 ACCEPTING THE RESIGNATIONS OF THE FOLLOWING FROM THE ELLIS COUNTY HISTORICAL COMMISSION EFFECTIVE IMMEDIATELY:
- ELLIS ABBOTT, EDWIN FARRAR, CAROL FARRAR AND HELEN PRUDE

FINANCIAL:

APPROVING THE FOLLOWING BUDGET AMENDMENTS:

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

<u>REFUND TO BE ISSUED TO:</u>	<u>ACCOUNT</u>	<u>AMOUNT DUE</u>
BANK OF AMERICA	167138	\$3,266.69

- F2 FROM 009-0602-50915, FM1 ASPHALT TO 009-0602-50802, FM1 EQUIPMENT. – D. ROBINSON, FM1

SIMPLIFIED PLAT:

- SP1 OLIVER'S ADDITION, 1 LOT, PALMYRA ROAD, JEREMY OLIVER, PCT. 1.

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

DEPARTMENT OF DEVELOPMENT

CONSIDERATION AND ACTION REGARDING THE FOLLOWING PRESENTED BY JUDY ARMSTRONG, DEPARTMENT OF DEVELOPMENT:

MINUTE ORDER NO 400.11 GRANTING A ONE-TIME VARIANCE AS IT RELATES TO THE 10' UTILITY EASEMENT AND 10' BUILDING SET-BACK LINE AT 851 HIGHT ROAD, ROLLING MEADOWS ESTATES, LOT 7, CARLOS OLIVA, PCT. 3

MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER BROWN CARRIES UNANIMOUSLY

MINUTE ORDER NO 401.11 GRANTING A TWO-YEAR EXTENSION FOR THE PRELIMINARY PLAT, COTTONWOOD CREEK, 146 LOTS, CHARLES JOWELL, PCT. 4

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 402.11 AMENDING DEED RESTRICTIONS TO QUARTER HORSE ESTATES PURSUANT TO A REQUEST BY COLLIDER DATA CENTER, LLC, PCT. 3

MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER BROWN CARRIES UNANIMOUSLY

PURCHASING

CONSIDERATION AND ACTION REGARDING THE FOLLOWING PRESENTED BY ALISHA WICKENS, PURCHASING AGENT:

MINUTE ORDER NO 403.11 APPROVING THE PURCHASE OF ONE (1) NEW 2011 CATERPILLAR MODEL 120 M MOTOR GRADER FOR PRECINCT 1, FROM HOLT CAT VIA BUYBOARD IN THE AMOUNT OF \$161,080.00. (SALES PRICE \$192,080 LESS \$31,000.00 - TRADE IN OF 2000 CASE/NEW HOLLAND MODEL RG170 MOTOR GRADER SN#:11M00279 = \$161,080.00)

MOTION BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

ADMINISTRATIVE:

4.1 **PRESENTATION** BY JAY FOX, BAYLOR MEDICAL CENTER AT WAXAHACHIE AND DAVID ANDERSON, ENNIS REGIONAL MEDICAL CENTER REGARDING A PROPOSED COLLABORATION BETWEEN BOTH HOSPITALS AND ELLIS COUNTY TO PARTICIPATE IN THE STATE'S MEDICAID WAIVER PROGRAM.

MINUTE ORDER NO 404.11 AUTHORIZING ELLIS COUNTY TO ENTER INTO AN ELLIS COUNTY INDIGENT CARE AFFILIATION AGREEMENT WITH BAYLOR MEDICAL CENTER AT WAXAHACHIE AND ENNIS REGIONAL MEDICAL CENTER, AND AUTHORIZING THE COUNTY JUDGE TO ENTER INTO THE NECESSARY AGREEMENTS TO IMPLEMENT AND CARRY OUT THE PROGRAM. THE COUNTY JUDGE IS AUTHORIZED TO CERTFY TO THE CONDITIONS SET FORTH IN THE CERTIFICATION AND TO EXECUTE THE ELLIS COUNTY INDIGENT CARE AFFILIATION AGREEMENT AS WELL AS DOCUMENTS REQUIRED BY THE TEXAS HEALTH AND HUMAN SERVICES COMMISSION, WHICH ADMINISTERS THE STATE'S MEDICAID WAIVER PROGRAM (CAROL BUSH, COUNTY JUDGE)

MOTION BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 405.11 APPROVING NEW APPOINTEES, NANCY FARRAR OF ENNIS AND JUDY HOWARD OF MIDLOTHIAN TO SERVE ON THE BOARD OF THE ELLIS COUNTY HISTORICAL COMMISSION FOR A TERM BEGINNING IMMEDIATELY THROUGH DECEMBER 31, 2012:

(CAROL BUSH, COUNTY JUDGE)

MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER BROWN CARRIES UNANIMOUSLY

MINUTE ORDER NO 406.11 AUTHORIZING THE COUNTY JUDGE TO EXECUTE ALL NECESSARY DOCUMENTS TO AMEND AND EXTEND ELLIS COUNTY'S SECTION 457(B) DEFERRED COMPENSATION PLAN WITH VARIABLE ANNUITY LIFE INSURANCE COMPANY (VALIC), WHICH WAS ORIGINALLY ESTABLISHED ON AUGUST 1, 2001

(CHERYL CHAMBERS, TREASURER)

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 407.11 ADOPTING A REVISED INVESTMENT POLICY, INVESTMENT STRATEGY AND LIST OF AUTHORIZED BROKERS FOR ELLIS COUNTY

(CHERYL CHAMBERS, TREASURER & MIKE NAVARRO, AUDITOR)

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

MINUTE ORDER NO 408.11 APPROVING BY WRITTEN RESOLUTION TO CAST 896 VOTES FOR TOMMY HAMILTON TO SERVE AS A MEMBER OF THE ELLIS CENTRAL APPRAISAL BOARD FOR THE 2012-2013 TERM.

(CAROL BUSH, COUNTY JUDGE)

MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER BROWN CARRIES UNANIMOUSLY

No Action: 4.7 CONSIDERATION AND ACTION TO ENACT THE ELLIS COUNTY BURN BAN EFFECTIVE IMMEDIATELY. CAROL BUSH, COUNTY JUDGE

MINUTE ORDER NO 409.11 RESCINDING MINUTE ORDER NO. 381.11 ON NOVEMBER 14, 2011 AND APPOINTING, JUDGE GENE CALVERT TO THE ELLIS COUNTY BAIL BOND BOARD IN THE SLOT STATUTORILY DESIGNATED FOR A JUDGE OF A COUNTY COURT OR COUNTY COURT AT LAW IN THE COUNTY HAVING JURISDICTION OVER CRIMINAL MATTERS TO SERVE FROM JANUARY THROUGH DECEMBER, 2012

(CAROL BUSH, COUNTY JUDGE)

MOTION TO RESCIND MINUTE ORDER 381.11 BY COMMISSIONER SIMS, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

MOTION TO DESIGNATE JUDGE CALVERT TO SERVE ON THE BAIL BOND BOARD BY COMMISSIONER SIMS, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 410.11 APPOINTING KATHY ERIKSEN TO THE ELLIS COUNTY BAIL BOND BOARD IN THE SLOT STATUTORILY DESIGNATED FOR THE COUNTY JUDGE TO SERVE FROM JANUARY THROUGH DECEMBER, 2012

(CAROL BUSH, COUNTY JUDGE)

MOTION BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

ADJOURNMENT

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

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT REGULAR MEETING OF DECEMBER 12, 2011 ARE HEREBY APPROVED.

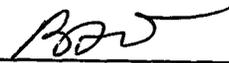
PRESIDING OFFICER:



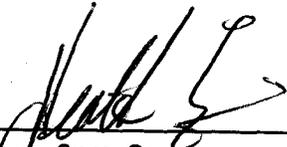
CAROL BUSH, COUNTY JUDGE



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 JANUARY 9, 2011:



CINDY POLLEY, COUNTY CLERK Deputy