

FILED
FEB 13 2012
COUNTY CLERK
ELLIS COUNTY, TEXAS

ELLIS COUNTY COMMISSIONERS' COURT
OFFICIAL MINUTES // JANUARY 9, 2012

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON MONDAY, JANUARY 9, 2012 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, ADMINISTRATIVE ASSISTANT 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 SIMS CARRIES UNANIMOUSLY (10:10 AM)

INVOCATION AND PLEDGE OF ALLEGIANCE—COMMISSIONER RON BROWN

CONSENT AGENDA:

MINUTE ORDER NO 101.12 APPROVING CONSENT AGENDA

ADMINISTRATIVE:

- A1 APPROVAL OF REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS
- A2 APPROVAL AND CERTIFICATION OF THE MINUTES FROM THE COMMISSIONERS' COURT AGENDAS DATED: DECEMBER 12 & 22, 2011, REGULAR
- A3 APPROVAL OF A PROCLAMATION EXPRESSING APPRECIATION TO RETIRING VETERANS' SERVICES OFFICER, JAMES WILHOITE.
- A4 APPROVAL OF THE NECESSARY BOND RENEWALS FOR THE FOLLOWING ELECTED AND/OR APPOINTED ELLIS COUNTY OFFICIALS, EFFECTIVE JANUARY 1, 2012:
 - CAROL BUSH, COUNTY JUDGE \$10,000
 - BILL DODSON, COMMISSIONER, PCT 2 \$3,000
 - MIKE NAVARRO, COUNTY AUDITOR \$5,000
 - CINDY POLLEY, COUNTY CLERK \$500,000

A5 APPROVAL OF THE NECESSARY BOND RENEWALS FOR THE FOLLOWING ESD BOARD OF DIRECTORS:

WAYNE BALLARD, ESD #6 \$10,000
GARY D. BEATY, ESD #6 \$10,000
JERRY CRAWFORD, ESD #6 \$10,000
BILLY GETZENDANER, ESD #6 \$10,000
BILL GILLILAND, ESD #6 \$10,000

RONNIE GATLIN, ESD #8 *TREASURER* \$30,000
JULIE HASTINGS, ESD #8 \$10,000
TEANER JOHNSON, ESD #8 \$10,000
ALLEN LANE, ESD #8 \$10,000
EVERETT RUSSELL, ESD #8 \$10,000

A6 APPROVAL OF THE STATEMENTS OF ELECTED/APPOINTED OFFICIALS AND OATHS OF OFFICE FOR THE FOLLOWING EMERGENCY SERVICE DISTRICT BOARD MEMBERS:

ESD#2: RAY REED
ESD#3: JACKIE DeWAYNE CATE
ESD#6: WAYNE BALLARD, BILLY GETZENDANER
ESD#8: JULIE HASTINGS
ESD#9: KENNY CALDWELL

A7 APPROVAL OF INVOICE #0028142-IN FROM RCC CONSULTANTS, INC. IN THE AMOUNT OF \$1,505.20 FOR NOVEMBER 1, 2011 – NOVEMBER 30, 2011 AS PER THE CONSULTANT SERVICES AGREEMENT EFFECTIVE JUNE 27, 2011 (MINUTE ORDER 243.11) BETWEEN RCC AND ELLIS COUNTY.

A8 APPROVAL TO AMEND MINUTE ORDER 98-251 OF THE AUGUST 24, 1998 MINUTES OF THE ELLIS COUNTY COMMISSIONERS COURT BY OMITTING THE WORD "TEXAS" AND ADDING THE NAME, CHARLES MORTON:

MINUTE ORDER NO. 98-251 (AUGUST 24, 1998)
APPROVING ORDER CREATING THE ELLIS COUNTY, TEXAS RURAL RAIL TRANSPORTATION DISTRICT AND APPOINTING JAMES HIGHTOWER, RICK BARRETT, JACK HOOD AND DAVID RITCHEY TO THE BOARD OF DIRECTORS.

AMENDED AS FOLLOWS:

APPROVING ORDER CREATING THE ELLIS COUNTY RURAL RAIL TRANSPORTATION DISTRICT AND APPOINTING JAMES HIGHTOWER, RICK BARRETT, JACK HOOD, DAVID RITCHEY AND CHARLES MORTON TO THE BOARD OF DIRECTORS.

FINANCIAL:

APPROVING THE FOLLOWING BUDGET AMENDMENTS:

- F1 FROM 001-0035-50801, SUPPLIES TO 001-0035-50805, CONFERENCE. – TERAL CRAWFORD, IT
- F2 FROM 006-0754-40003, MISC. REIMBURSEMENT TO 006-0754-50910, GAS & OIL. – RON BROWN, RB4
- F3 FROM 031-0931-50807, DA DRUG FORF, GEN MISC TO 031-0931-50835, DA DRUG FORF, TRAINING/CLE. – PATRICK WILSON, COUNTY & DISTRICT ATTORNEY

SIMPLIFIED PLAT:

SP1 HIGHLAND ESTATES, 3 LOTS, BILL CROUCH, PCT. 4

MOTION 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:

No ACTION: 2.1 TO CLOSE A PORTION OF BLUEBONNET DRIVE LOCATED IN BLUE BONNET BAY ADDITION; JAROD BROWN, PCT. 2

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER ROBINSON TO APPROVE.....NANCY YOUNG SPOKE REGARDING CONCERNS ABOUT LAND LOCKING 1.39 ACRES. MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER SIMS TO RESCIND PREVIOUS VOTE CARRIES UNANIMOUSLY....RECORDED AS NO ACTION

ADMINISTRATIVE:

MINUTE ORDER NO 102.12 APPOINTING JOSEPH STEWART AS THE ELLIS COUNTY FIRE MARSHAL, EFFECTIVE JANUARY 9, 2012 (CAROL BUSH, COUNTY JUDGE)

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

MINUTE ORDER NO 103.12 APPROVING THE EARLY VOTING SCHEDULES FOR THE APRIL 3, 2012 PRIMARY ELECTION AND THE JUNE 5, 2012 PRIMARY RUN-OFF ELECTION FOR THE DEMOCRATIC AND REPUBLICAN PARTIES (JANE ANDERSON, ELECTION)

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

No ACTION: 3.3 DISCUSSION OF PROPOSED WEIGHT LIMIT CHANGES TO ARROWHEAD ROAD, PRECINCT 3 AND ACTION TO SET A PUBLIC HEARING ON THIS TOPIC FOR MONDAY, JANUARY 23, 2012 AT 6:00 P.M. OR AFTER IN THE ELLIS COUNTY COMMISSIONERS' COURTROOM. HEATH SIMS, COMMISSIONER, PCT. 3

SPEAKERS (REGARDING MAGNABLEND): Kathleen Spillar, Amy Hedtke, Douglas Esselman, Brian Hess (Presented Petition with signatures), Jane Wilemon, Philip Swayne, Dawn Walsh, David Henderson, Roger Gibson, Carl Watson, Alton Le Brecque, Thomas Jefferson, Vannessa Dash, Paula Smith, Mary Rabien, Earnest Williams, Mike Hastings, Kim Wiens

MINUTE ORDER NO 104.12 APPROVING AN EQUIVALENT MATCH PROJECT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION AND AUTHORIZING THE COUNTY JUDGE TO EXECUTE ALL NECESSARY AGREEMENTS REGARDING SAME. PURSUANT TO THE PROJECT, THE TEXAS DEPARTMENT OF TRANSPORTATION WILL REPLACE BRIDGES LOCATED ON WEST ROAD AND CARTWRIGHT ROAD IN EXCHANGE FOR ELLIS COUNTY'S AGREEMENT TO CONDUCT REPAIRS ON BACAK ROAD. ALL WORK TO BE LOCATED WITHIN ELLIS COUNTY ROAD AND BRIDGE PRECINCT NO 2. 2.

(BILL DODSON, COMMISSIONER, PCT. 2)

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

3.5 **DISCUSSION** REGARDING PROPERTY/CONTENTS IN TEJAS STORAGE AND DISPOSITION OF PROPERTY.... *PROPERTY SHOULD BE INVENTORIED AND DISPOSED* CAROL BUSH, COUNTY JUDGE

No ACTION: 3.6 CONSIDERATION AND ACTION TO ENACT THE ELLIS COUNTY BURN BAN EFFECTIVE IMMEDIATELY. CAROL BUSH, COUNTY JUDGE

RECESS TO CONVENE TO EXECUTIVE SESSION (11:51 AM)

MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER DODSON 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."

- 4.1 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."
- 4.2 PURSUANT TO SECTION 551.074 OF THE GOVERNMENT CODE, CONSULTATION TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, DUTIES, OR HIRING OF THE ELLIS COUNTY FIRE MARSHAL/ EMERGENCY MANAGEMENT COORDINATOR.
- 4.3 PURSUANT TO SECTION 551.074 OF THE GOVERNMENT CODE, CONSULTATION TO DELIBERATE THE DUTIES OF THE VETERANS' SERVICES OFFICE.

ADJOURNMENT OF EXECUTIVE SESSION (12:11 PM)

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

ADJOURNMENT (12:14 PM)

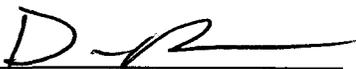
MOTION TO ADJOURN BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON;
MOTION CARRIES UNANIMOUSLY

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT REGULAR MEETING OF JANUARY 9, 2012 ARE HEREBY APPROVED.

PRESIDING OFFICER:



CAROL BUSH, COUNTY JUDGE

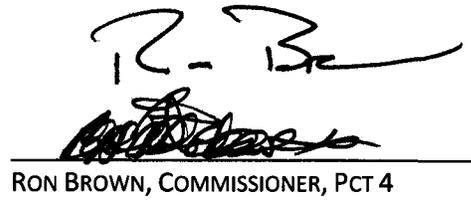


DENNIS ROBINSON, COMMISSIONER PCT 1

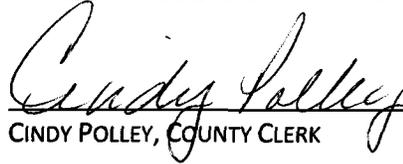


BILL DODSON, COMMISSIONER, PCT 2


HEATH SIMS, COMMISSIONER, PCT 3


RON BROWN, COMMISSIONER, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS FEBRUARY 13, 2012.


CINDY POLLEY, COUNTY CLERK