

FILED
JUL 13 2012
COUNTY CLERK
ELLIS COUNTY, TEXAS

**ELLIS COUNTY COMMISSIONERS' COURT
OFFICIAL MINUTES // JULY 9, 2012**

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON MONDAY, JULY 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, ASSISTANT COUNTY CLERK

COUNTY & DISTRICT ATTORNEY'S OFFICE:

ANN MONTGOMERY-MORAN, ASSISTANT COUNTY ATTORNEY

LEE AUUVENSHINE, 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 RON BROWN, PCT. 4

CONSENT AGENDA:

MINUTE ORDER NO 203.12 APPROVING CONSENT AGENDA

ADMINISTRATIVE:

- A1 APPROVAL OF REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS
- A2 APPROVAL OF THE NECESSARY BOND RENEWAL FOR THE FOLLOWING ESD BOARD OF DIRECTORS:
ESD #1 POSITION BONDS OF \$10,000 FOR EACH MEMBER FOR A TERM EFFECTIVE JANUARY 24, 2012 TO JANUARY 24, 2013
- A3 APPROVAL TO EXECUTE THE FOLLOWING SIGNED AGREEMENTS RELATIVE TO THE MEMORANDUM OF UNDERSTANDING (MOU) WITH ELLIS COUNTY REGARDING THE AUTHORIZED USE OF DESIGNATED ELLIS COUNTY PRIMARY REPEATER CHANNELS FOR THE PURPOSE OF PROVIDING TWO-WAY RADIO COMMUNICATIONS TO SUPPORT PUBLIC SAFETY OPERATIONS AND WHEN THERE IS A NEED FOR INTEROPERABLE RADIO COMMUNICATIONS:
 - EMERGENCY SERVICE DISTRICT #6
 - CITY OF ENNIS

- RED OAK FIRE & RESCUE

A4 APPROVAL AND CERTIFICATION OF THE MINUTES FROM THE REGULAR COMMISSIONERS' COURT AGENDAS DATED:
MAY 14, 2012 MAY 29, 2012 JUNE 11, 2012 JUNE 25, 2012

FINANCIAL:

- F1 FROM 001-0020-50809, AUTO REPAIR TO 001-0020-50808, AUTO GAS. – KEITH ROBERTS, MAINTENANCE
- F2 FROM 001-0140-50560, COMPENSATORY / FRINGE LIABILITY TO 001-0030-50502, SALARIES; 001-0030-50553, SOCIAL SECURITY; 001-0030-50554, RETIREMENT. – MIKE NAVARRO, AUDITOR
- F3 FROM 001-0140-50560, COMPENSATORY/FRINGE LIABILITY TO 001-0020-50502, SALARIES. –CAROL BUSH, COUNTY JUDGE
- F4 FROM 001-0210-40719, CHAPTER 19 STATE FUNDING TO 001-0210-50800, CHAPTER 19 EXPENDITURES. – JANE ANDERSON, ELECTIONS
- F5 FROM 001-0510-50805, CONFERENCE TO 001-0510-50601, TRAVEL REIMBURSEMENT. – JUDGE WOODY, JP1
- F6 FROM 001-0611-50805, CONFERENCE TO 001-0611-50809, AUTO REPAIRS. – BEN FRY, CONSTABLE PCT 1
- F7 FROM 011-0704-50802, PURCHASE OF EQUIPMENT; 011-0704-50807, GEN. MISC; 011-0704-50911, GRAVEL; 011-0704-50912, BRIDGE REPAIR; 011-0704-50914, SIGNS TO 011-0704-50915, ASPHALT. – HEATH SIMS, ROAD & BRIDGE PCT 3
- F8 FROM 047-0947-50807, GENERAL MISC TO 047-0947-50802, EQUIPMENT. – CHUCK LAUBACH, SHERIFF'S OFFICE
- F9 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>
CITIMORTGAGE	173028	\$4,384.38
WELLS FARGO	208807	\$5,655.42

SIMPLIFIED PLAT:

SP1 ROCKING B ADDITION, 1 LOT, RONNI BISHOP, PCT 4
MOTION BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON TO APPROVE CONSENT AGENDA CARRIES UNANIMOUSLY

DEPARTMENT OF COUNTY DEVELOPMENT

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

- 2.1 GRANT A ONE-TIME VARIANCE FROM COUNTY OF ELLIS RULES, REGULATIONS AND SPECIFICATIONS FOR SUBDIVISION AND MANUFACTURED HOMES AS IT RELATES TO THE 150' ROAD FRONTAGE REQUIREMENT, 1601 NORTH OAK BRANCH, WAXAHACHIE, TIM AND SUSAN PATE, PCT. 3.

JASON WILLETT ADDRESSED THE COURT AS ATTORNEY FOR THE PATES

MOTION TO GRANT VARIANCE BY COMMISSIONER SIMS, MOTION FAILS FOR LACK OF 2ND

ADMINISTRATIVE:

MINUTE ORDER NO 204.12 APPROVING AN ORDER FOR THE ALLOCATION OF FUNDS TO SUPPORT THE ELLIS COUNTY EMISSIONS ENFORCEMENT PROGRAM (TERRY NAY, CONSTABLE PCT 2)
INFORMATION RELATING TO THE PROGRAM WAS PRESENTED BY TERRY NAY...
MIKE NAVARRO & LEE AUVENSHINE ALSO ADDRESSED THE COURT
MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 205.12 APPROVING AN INTER-LOCAL AGREEMENT BETWEEN THE CITY OF BARDWELL AND THE ELLIS COUNTY TAX OFFICE PURSUANT TO THE AUTHORITY GRANTED BY TEXAS PROPERTY TAX CODE SECTIONS 6.23, 6.24 AND TEXAS GOVERNMENT CODE CHAPTER 791 TO PROVIDE TAX ASSESSMENT AND COLLECTIONS SERVICES FOR THE CITY OF BARDWELL (JOHN BRIDGES, TAX COLLECTOR/ASSESSOR)
MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

No ACTION: 3.3 CONSIDERATION AND ACTION TO ACCEPT OR REJECT ALL BIDS FOR SERVICES TO REMOVE AND REPLACE ALL DAMAGED INSULATION ON DUCTWORK AND CHILLED WATER PIPING LOCATED ON THE ROOF OF THE WAYNE MCCOLLUM DETENTION CENTER. (JOE WHITE, COUNTY ENGINEER)

MINUTE ORDER NO 206.12 APPROVING A MODIFICATION TO THE 2002 INTERLOCAL CONTRACT BETWEEN ELLIS COUNTY AND THE CITY OF WAXAHACHIE REGARDING THE PUBLIC PARK LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF EAST FRANKLIN AND SOUTH COLLEGE STREETS IN WAXAHACHIE, BEING LOT 5B OF BLOCK 9 OF OLD TOWN ADDITION (JOE WHITE, COUNTY ENGINEER)
MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 207.12 RATIFYING THE TERMINATION OF ALISHA WICKENS, PURCHASING AGENT, EFFECTIVE JUNE 26, 2012 (CAROL BUSH, COUNTY JUDGE)
MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER BROWN CARRIES UNANIMOUSLY

RECESS TO CONVENE TO EXECUTIVE SESSION (10:47 AM)
MOTION BY COMMISSIONER BROWN, 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, TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE OR DISMISSAL OF A PUBLIC OFFICER OR EMPLOYEE.
(PURCHASING DIRECTOR AND HUMAN SERVICES DIRECTOR)

ADJOURNMENT OF EXECUTIVE SESSION (11:45 AM)

MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

ADJOURNMENT

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

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT REGULAR MEETING OF JULY 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 AUGUST 13, 2012;



CINDY POLLEY, COUNTY CLERK