

FILED
FEB 11 2013
COUNTY CLERK
ELLIS COUNTY, TEXAS

ELLIS COUNTY COMMISSIONERS' COURT
OFFICIAL MINUTES // DECEMBER 20, 2012

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON THURSDAY, DECEMBER 20, 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:

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—RON BROWN, COMMISSIONER PCT. 4

CONSENT AGENDA:

MINUTE ORDER NO 370.12 APPROVING CONSENT AGENDA EXCEPTING A2 (NO ACTION) AND AMENDING A3 (EFFECTIVE DATE FROM 2013 TO 2012)

ADMINISTRATIVE:

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

NO ACTION: A2 — APPROVAL AND CERTIFICATION OF THE MINUTES FROM THE REGULAR

COMMISSIONERS' COURT AGENDAS DATED:

NOVEMBER 13, 2012 — NOVEMBER 16, 2012 — NOVEMBER 26, 2012

A3 ACCEPTANCE OF WAYNE BALLARD'S RESIGNATION AS COMMISSIONER OF EMERGENCY SERVICE DISTRICT NO. 6, EFFECTIVE DECEMBER 31, 2012

FINANCIAL:

F1 FROM 001-0210-40719-00000-00, CHAPTER 19 STATE FUNDING TO 001-0210-50800-00000-00, CHAPTER 19 EXPENDITURES; 001-0210-50502-00000-000, SALARIES; 001-0210-50502-00000-00, SALARIES. — JANE ANDERSON, ELECTIONS

F2 FROM 001-0430-50689, GSA SOFTWARE; 001-0430-50806, OFFICIAL BOND/DUES TO 001-0430-50802, EQUIPMENT — JOE STEWART, EMERGENCY SERVICES

F3 FROM 004-0652-40004 SALE OF MATERIAL TO 004-0652-50807-00000-00, RB2 – GENERAL MISCELLANEOUS – COMMISSIONER BILL DODSON, PRECINCT 2

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER ROBINSON TO APPROVE CONSENT AGENDA WITH EXCEPTION OF **A2 NO ACTION** AND **AMENDING A3 EFFECTIVE DATE FROM 2013 TO 2012** CARRIES UNANIMOUSLY

PURCHASING:

CONSIDERATION AND ACTION REGARDING THE FOLLOWING PRESENTED BY KIM GOULD, PURCHASING AGENT:

MINUTE ORDER NO 371.12 APPROVAL TO NEGOTIATE AND AWARD RFP 2012-014 TO SABRER COMMUNICATIONS FOR CONSTRUCTION OF THE RADIO COMMUNICATIONS TOWER AS RECOMMENDED BY TIM DRISCOLL, RCC CONSULTANTS, AND THE ELLIS COUNTY RADIO COMMITTEE

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

MINUTE ORDER NO 372.12 AWARDING RFP 2013-004, APPROVING HOURLY RATES FOR BRIDGE AND HEADWALL REPAIR FOR THE PERIOD OF JANUARY 1, 2013 THROUGH DECEMBER 31, 2013... PRIMARY CONTRACT AWARDED TO NEYLAND BRIDGE CO AND SECONDARY CONTRACT AWARDED TO JAME R BOLTON CONSTRUCTION CO

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

No ACTION: 3.3 TO APPROVE AMENDED THREE YEAR LEASE PROPOSAL WITH BUYBACK OPTION FOR MOTOR GRADER 140M2 (RIP) 2012 SERIAL NUMBER M9D01328 FOR THREE (3) ANNUAL PAYMENTS OF \$25,981.09.

MINUTE ORDER NO 373.12 APPOINTING ELLIS COUNTY CLEAN-UP COMMITTEE PER RECOMMENDATION OF PURCHASING AGENT: COUNTY JUDGE, AUDITOR, PURCHASING AGENT, DISTRICT CLERK, COUNTY CLERK, DISTRICT ATTORNEY, SHERIFF'S DEPT, COUNTY ENGINEER, MAINTENANCE, TAX OFFICE AND INFORMATION TECHNOLOGY

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

ADMINISTRATIVE:

MINUTE ORDER NO 373.12(A) REVIEWING AND ADOPTING BY RESOLUTION THE ELLIS COUNTY INVESTMENT POLICY AND AUTHORIZED BROKERS IN ACCORDANCE TO SECTION 256.005 (E) OF THE LOCAL GOVERNMENT CODE. THERE ARE NO CHANGES FROM LAST YEAR.

CHERYL CHAMBERS, TREASURER

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

MINUTE ORDER NO 374.12 APPROVING THE NECESSARY BONDS FOR THE FOLLOWING ELECTED AND/OR APPOINTED ELLIS COUNTY OFFICIALS, IMMEDIATELY EFFECTIVE UPON THE SIGNING OF THE BRIBERY STATEMENT AND THE OATH OF OFFICE, AND BEING SWORN IN ON OR AFTER JANUARY 1, 2013:

	GOVERNOR OF STATE OF TEXAS
CAROL BUSH, COUNTY JUDGE	\$ 10,000
DENNIS ROBINSON, COUNTY COMMISSIONERS, PCT 1	\$ 3,000
BILL DODSON, COUNTY COMMISSIONER, PCT 2	\$ 3,000
PAUL PERRY, COUNTY COMMISSIONER, PCT 3	\$ 3,000
PATRICK WILSON, COUNTY AND DISTRICT ATTORNEY	\$ 5,000
JOHN BRIDGES, TAX ASSESSOR/COLLECTOR	\$100,000

JOHN BRIDGES, TAX ASSESSOR/COLLECTOR (COMMISSIONERS COURT)	\$100,000
JOHN BRIDGES, TAX ASSESSOR/COLLECTOR (TAX ASSESSOR EMPLOYEES)	\$ 2,500
MIKE NAVARRO, COUNTY AUDITOR	\$ 5,000
JOE STEWART	\$ 10,000
JOHNNY BROWN, SHERIFF	\$ 30,000
ROY A. CALLENDER, JR., CONSTABLE PCT 1	\$ 2,000
TERRY NAY, CONSTABLE PCT 2	\$ 1,500
JIMMIE E. RAY, CONSTABLE PCT 3	\$ 1,500
MIKE JONES, CONSTABLE PCT 4	\$ 1,500

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

MINUTE ORDER NO 375.12 APPROVING A SERVICE AGREEMENT WITH SHRED-IT FOR SHREDDING SERVICES OF RECORDS
COUNTY ATTORNEY'S OFFICE

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

MINUTE ORDER NO 376.12 APPROVING INTERLOCAL AGREEMENT BETWEEN ELLIS COUNTY ROAD AND BRIDGE PCT. 1 AND THE CITY OF FERRIS
DENNIS ROBINSON, COMMISSIONER, PCT. 1

MINUTE ORDER NO 377.12 ROAD AND BRIDGE PCT. 1 AND THE CITY OF PALMER

MINUTE ORDER NO 378.12 ROAD AND BRIDGE PCT. 1 AND PALMER ISD

MINUTE ORDER NO 379.12 ROAD AND BRIDGE PCT. 1 AND THE CITY OF PECAN HILL

MOTION APPROVE AGENDA ITEMS 4.4 - 4.7 BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER BROWN TO CARRIES UNANIMOUSLY

MINUTE ORDER NO 380.12 APPROVAL TO CONTINUE LEASING 29,180 SQUARE FEET OF WAREHOUSE SPACE LOCATED AT 415 S. FLAT STREET, WAXAHACHIE, TEXAS, OWNED BY TEJAS LOGISTICS SYSTEM, AT THE RATE OF \$3,090.00 PER MONTH, SUBJECT TO LEGAL REVIEW OF LEASE DOCUMENTS
JOE WHITE, COUNTY ENGINEER

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

4.10 **RECOGNITION OF SERVICE** BY COUNTY COMMISSIONER PRECINCT 3, HEATH SIMS.

RECOGNITION OF KATHY ERIKSEN FOR HER SERVICE

CAROL BUSH, COUNTY JUDGE

RECESS TO CONVENE TO EXECUTIVE SESSION

MOTION FOR EXECUTIVE SESSION 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."

- 5.1 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."
- 5.2 PURSUANT TO SECTION 551.071 OF THE TEXAS GOVERNMENT CODE, CONSULTATION WITH LEGAL COUNSEL REGARDING POTENTIAL LITIGATION CONCERNING THE TAX ABATEMENT AGREEMENT BETWEEN ELLIS COUNTY AND DIRECT ENERGY.

ADJOURNMENT OF EXECUTIVE SESSION (10:43 AM)

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER BROWN CARRIES UNANIMOUSLY

ADJOURNMENT

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

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT REGULAR MEETING OF DECEMBER 20, 2012 ARE HEREBY APPROVED.

PRESIDING OFFICER:



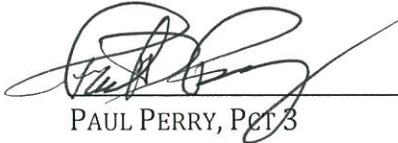
CAROL BUSH, COUNTY JUDGE



DENNIS ROBINSON, COMMISSIONER PCT 1



BILL DODSON, COMMISSIONER, PCT 2



PAUL PERRY, PCT 3



RON BROWN, COMMISSIONER, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS FEBRUARY 11, 2013.



CINDY POLLEY, COUNTY CLERK