

ELLIS COUNTY COMMISSIONERS' COURT  
OFFICIAL MINUTES // AUGUST 27, 2012

**FILED**  
SEP 24 2012  
COUNTY CLERK  
ELLIS COUNTY, TEXAS

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON MONDAY, AUGUST 27, 2012 AT 6:00 P.M., IN THE HISTORIC ELLIS COUNTY COURTHOUSE, COMMISSIONERS' COURTROOM, 101 WEST MAIN STREET (2<sup>ND</sup> 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 ROBINSON CARRIES UNANIMOUSLY

INVOCATION AND PLEDGE OF ALLEGIANCE—BILL DODSON, COMMISSIONER PCT. 2

**CONSENT AGENDA:**

**MINUTE ORDER NO 239.12 APPROVING CONSENT AGENDA**

**ADMINISTRATIVE:**

- A1 APPROVAL OF REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS
- A2 APPROVAL OF THE JULY, 2012 TRAVEL REPORTS OF THE TEXAS AGRILIFE EXTENSION OFFICE
  - MARK ARNOLD, AGRICULTURE
  - PAGE BISHOP, 4-H
  - RITA HODGES, FAMILY & CONSUMER SCIENCES
- A3 APPROVE THE RENEWAL OF THE FY 13/14 STATE CASE REGISTRY/LOCAL CUSTOMER SERVICE (SCR/LCS) CONTRACT BETWEEN ELLIS COUNTY AND THE STATE ATTORNEY GENERAL'S OFFICE BEGINNING SEPTEMBER 1, 2012 THROUGH AUGUST 31, 2014
- A4 APPROVAL OF INVOICE #0029247-IN FROM RCC CONSULTANTS, INC. IN THE AMOUNT OF \$5,100 FOR JULY 1, 2012 – JULY 31, 2012 AS PER THE CONSULTANT SERVICES AGREEMENT EFFECTIVE JUNE 27, 2011 (MINUTE ORDER 243.11) BETWEEN RCC AND ELLIS COUNTY

- A5 AUTHORIZE COUNTY JUDGE TO SIGN NECESSARY DOCUMENTS TO CONTINUE AFLAC FSA FOR PLAN YEAR BEGINNING 10/1/2012 ENDING 09/30/2013
- A6 APPROVAL OF THE RE-APPOINTMENT OF LISA DIANE HEINE AS THE ELLIS COUNTY REPRESENTATIVE TO THE LAKES REGIONAL MENTAL HEALTH AND MENTAL RETARDATION CENTER'S BOARD OF TRUSTEES FOR A TWO YEAR TERM ENDING AUGUST 30, 2014

**FINANCIAL:**

- F1 FROM 003-0601-50807, RB1 GEN MISC. To 003-0601-50915, RB1 ASPHALT. – DENNIS ROBINSON, COMMISSIONER PCT 1
- F2 FROM 010-0653-50807, FM 2 GEN EXP To 010-0653-50909, FM2 REPAIRS PARTS – BILL DODSON, COMMISSIONER PCT 2
- F3 FROM 010-0653-50868, FM2 CONTRACT LABOR To 010-0653-50911, FM2 GRAVEL. - BILL DODSON, COMMISSIONER PCT 2
- F4 FROM 006-0754-40008, RB4/INTERLOCAL To 006-0754-50909, RB4/REPAIRS PARTS - RON BROWN, COMMISSIONER PCT 4
- F5 FROM 012-0755-50908, RB4 LUMBER To 012-0755-50918 RB4 HDW/TOOLS AND To 012-0755-50907 RB4 TIRES. - RON BROWN, COMMISSIONER PCT 4
- F6 FROM 012-0755-50913, RB4 CHEMICALS To 012-0755-50915, RB4 ASPHALT. - RON BROWN, COMMISSIONER PCT 4
- F7 FROM 006-0754-50930, RB4 ROW PURCHASE, FROM 006-0754-50908, RB4 LUMBER To 006-0754-50807, RB4 GEN MISC. - RON BROWN, COMMISSIONER PCT 4
- F8 FROM 006-0754-30302, RB4 FUND BALANCE, FROM 006-0754-40004, RB4 SALE OF MATERIAL To 006-0754-50802, RB4 PURCHASE OF EQUIPMENT.  
RON BROWN, COMMISSIONER PCT 4
- F9 FROM 001-0010-50807, SHERIFF'S OFFICE GEN MISC. To 001-0010-50840, SHERIFF'S OFFICE IMPREST FUNDS. – JOHNNY BROWN, SHERIFF
- F10 FROM 001-0520-50602, JP PCT. 2 STAFF TRAVEL, FROM 001-0520-50601, JP PCT. 2 TRAVEL To 001-0520-50801, JP PCT. 2 SUPPLIES, To 001-0520-50805, JP PCT. 2 CONFERENCE. JACKIE MILLER, JP PCT. 2.
- F11 FROM 001-0613-50812, CONSTABLE PCT. 3 RADIO, FROM 001-0613-50811, CONSTABLE PCT. 3 AUTO INS., FROM 001-0613-50806, CONSTABLE PCT. 3 BONDS/DUES, FROM 001-0613-50808, CONSTABLE PCT. 3 AUTO GAS/OIL To 001-0613-50801, CONSTABLE PCT. 3 SUPPLIES, To 001-0613-50802, CONSTABLE PCT. 3, EQUIPMENT – CONSTABLE JIMMY RAY, PCT. 3
- F12 FROM 001-0612-40968, EMISSIONS ENFORCEMENT GRANT To 001-0612-50502, SALARIES EMISSIONS CONSTABLE TERRY NAY, PCT. 2.
- F13 FROM 001-0050-50873, AG EXTENSION MAIN/REPAIR To 001-0050-50843, AG EXTENSION 4-H TRAVEL, To 001-0050-50805, AG EXTENSION CONFERENCE, To 001-0050-50801 AG EXTENSION SUPPLIES – MARK ARNOLD, AG EXTENSION.
- F14 FROM 001-0060-50805, DOD CONFERENCE To 001-0060-50819, DOD COMPUTER -JUDY ARMSTRONG

**SIMPLIFIED PLAT:**

SP1 BRINKLEY'S SUBDIVISION, 1 LOT, LYNN BRINKLEY, PCT. 2  
 MOTION TO APPROVE CONSENT AGENDA BY COMMISSIONER SIMS, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

**PURCHASING**

CONSIDERATION AND ACTION REGARDING THE FOLLOWING:

**MINUTE ORDER NO 240.12** APPROVING A CONTRACT AGREEMENT FOR BID NUMBER 2012-010 FOR HOURLY SERVICES REPAIR FOR BRIDGE AND HEADWALLS FOR THE PERIOD OF 8/28/2012 THROUGH 12/31/2012 WITH TWO (2) ONE (1) YEAR OPTIONS TO RENEW

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

**ADMINISTRATIVE:**

**MINUTE ORDER NO 241.12** APPROVING THE LEASE OF ONE (1) HANDICAP (AUTO MARK) VOTING MACHINE TO THE MILFORD ISD FOR AN ELECTION TO BE CONDUCTED ON SEPTEMBER 29, 2012  
(JANE ANDERSON, ELECTIONS)

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

**MINUTE ORDER NO 242.12** APPROVING A CONTRACT OF SERVICE FOR A JOINT ELECTION WITH BUENA VISTA-BETHEL SPECIAL UTILITY DISTRICT, THE CITY OF CEDAR HILL AND THE CITY OF GLENN HEIGHTS ON THE GENERAL ELECTION DATE NOVEMBER 6, 2012  
(JANE ANDERSON, ELECTIONS)

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

**MINUTE ORDER NO 243.12** APPROVING THE APPOINTMENT OF PRESIDING AND ALTERNATE JUDGES FOR THE UPCOMING TWO YEAR TERM AS SUBMITTED BY THE DEMOCRATIC AND REPUBLICAN PARTIES  
(JANE ANDERSON, ELECTIONS)

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

**MINUTE ORDER NO 244.12** APPROVING POLLING LOCATIONS FOR THE NOVEMBER 6, 2012 GENERAL ELECTION  
(JANE ANDERSON, ELECTIONS)

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

**MINUTE ORDER NO 245.12** APPROVING THE EARLY VOTING SCHEDULE FOR THE NOVEMBER 6, 2012 GENERAL ELECTION  
(JANE ANDERSON, ELECTIONS)

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

**MINUTE ORDER NO 246.12** ORDERING A GENERAL ELECTION TO BE HELD ON NOVEMBER 6, 2012 FOR THE PURPOSE OF ELECTING COUNTY AND PRECINCT OFFICERS AS REQUIRED BY ARTICLE XVI, SECTION 65 OF THE TEXAS CONSTITUTION  
(JANE ANDERSON, ELECTIONS)

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

3.7 **UPDATE** ON THE COUNTY'S COORDINATION EFFORTS WITH CITIES REGARDING THE WEST NILE VIRUS.

- JOE STEWART, EMERGENCY MANAGEMENT COORDINATOR

3.8 **UPDATE** ON STATUS OF PUBLIC COMMUNICATIONS SYSTEM REPAIR AND NARROWBANDING.

- KATHY ERIKSEN, SPECIAL PROJECTS COORDINATOR

**PUBLIC HEARING**

MOTION TO CONVENE IN PUBLIC HEARING BY COMMISSIONER SIMS, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

PUBLIC HEARING ON THE PROPOSED FY 2012-13 ELLIS COUNTY BUDGET, PURSUANT TO LOCAL GOVERNMENT CODE §111.007. NO PARTICIPATION FROM PUBLIC

**ADJOURNMENT OF PUBLIC HEARING AND RECONVENE IN REGULAR SESSION**

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

**MINUTE ORDER NO 247.12** ADOPTING THE ELLIS COUNTY BUDGET FY 2012-13 PURSUANT TO LOCAL GOVT. CODE 111.008 AMENDING PAGE 13 BY CHANGING DEPUTY 1 PART-TIME (20 HRS PER WEEK) TO DEPUTY 1 PART-TIME (20 HRS PER WEEK) CRIMINAL PREVENTION TECH  
(CAROL BUSH, COUNTY JUDGE)

MOTION TO APPROVE ELLIS COUNTY BUDGET AS AMENDED BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

**MINUTE ORDER NO 248.12** SETTING THE SPENDING LIMITS OF COMMISSIONER, PRECINCT 3 OFFICE AS REQUIRED BY LOCAL GOVERNMENT CODE 130.908 NOT TO EXCEED CURRENT 2012 BUDGET THROUGH DECEMBER 31, 2012  
(MIKE NAVARRO, AUDITOR)

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

**MINUTE ORDER NO 249.12** SETTING THE SPENDING LIMIT FOR CONSTABLE, PRECINCT 1 AS REQUIRED BY LOCAL GOVERNMENT CODE 130.908 FOR REMAINDER OF TERM (THROUGH DEC. 31, 2012) NOT TO EXCEED 25% OF 2012/2013 FISCAL YEAR BUDGET (MIKE NAVARRO, AUDITOR)

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

**RECESS TO CONVENE TO EXECUTIVE SESSION (6:35 PM)**

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

“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 AGENT AND/OR HUMAN RESOURCES DIRECTOR).

4.3 PURSUANT TO SECTION 551.071 OF THE GOVERNMENT CODE, CONSULTATION WITH COUNSEL REGARDING CAUSE NO. 85,559, ALISHA WICKENS V. ELLIS COUNTY, TEXAS, WHICH IS PENDING IN THE 40<sup>TH</sup> JUDICIAL DISTRICT COURT OF ELLIS COUNTY, TEXAS.

**ADJOURNMENT OF EXECUTIVE SESSION (7:25 PM)**

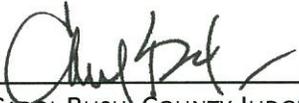
MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

**ADJOURNMENT**

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

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT REGULAR MEETING OF AUGUST 27, 2012 ARE HEREBY APPROVED.

PRESIDING OFFICER:

  
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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 SEPTEMBER 24, 2012

  
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CINDY POLLEY, COUNTY CLERK