

**ELLIS COUNTY COMMISSIONERS' COURT
OFFICIAL MINUTES // NOVEMBER 25, 2013**

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON MONDAY, NOVEMBER 25, 2013 AT 3:00 P.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 - *ABSENT*

BILL DODSON, COMMISSIONER, PCT. 2

PAUL PERRY, 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

OPENING COURT: (3:00 PM)

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 BROWN, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

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

CONSENT AGENDA:

MINUTE ORDER NO 394.13 APPROVING CONSENT AGENDA

ADMINISTRATIVE:

- A1 APPROVAL OF REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS
- A2 3RD QUARTER 2013 INVESTMENT REPORT – CHERYL CHAMBERS, TREASURER
- A3 APPOINTMENT OF A MEMBER (SARA GARCIA, PROJECTS COORDINATOR) 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 AND DESIGNATED BY THE COMMISSIONERS TO SERVE FROM JANUARY THROUGH DECEMBER, 2014 – CAROL BUSH, COUNTY JUDGE

FINANCIAL:

- F1 FROM 001-0230-50502 SALARY, 001-0230-50553 SOCIAL SECURITY, 001-0230-50554 RETIREMENT TO 001-0230-50819 COMPUTER, 001-0230-50805 CONFERENCE, 001-0230-50873 MAINTENANCE/REPAIRS, 001-0230-50801 SUPPLIES – KIM GOULD, PURCHASING AGENT
- F2 FROM 001-0030-50502 SALARIES, 001-0030-50553 FICA/SS, 001-0030-50554 RETIREMENT TO 001-0030-50819 COMPUTER, 001-0030-50803 FURNITURE/FIXTURES, 001-0030-50802 EQUIPMENT – MIKE NAVARRO, AUDITOR

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

DEPARTMENT OF COUNTY DEVELOPMENT:

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

MINUTE ORDER NO 395.13 (1.1) APPROVAL TO CLOSE, ABANDON, VACATE AND DISCONTINUE AN ALLEY WAY IN SKYLINE ACRES, MIDLOTHIAN, TEXAS, BETWEEN LOTS 1-4, BLOCK 6, AND 18-21, BLOCK 6, REQUESTED BY TRACEE SHERWIN. THIS PROPERTY IS LOCATED WITHIN THE UNINCORPORATED AREA OF ELLIS COUNTY, SPECIFICALLY WITHIN ELLIS COUNTY ROAD AND BRIDGE PCT. 4.

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

PURCHASING:

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

MINUTE ORDER NO 396.13 (2.1) DECLARING THE FOLLOWING ITEMS AS SURPLUS TO BE DISPOSED OF IN ACCORDANCE WITH LOCAL GOVERNMENT CODE 263 FOR ROAD & BRIDGE PRECINCT 2: (1) 1985 FORD WATER TRUCK F8000 – S/N –1FDYL8OU9FVA18242, (2) 1977 INTERNATIONAL WATER TRUCK 4300 – S/N D2137HGB10487, (3) 1988 CAT 12G MOTOR GRATER – VIN 6M11598, (4) 1988 CAT MOTOR GRATER – IN 6M11868

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER BROWN CARRIES UNANIMOUSLY

MINUTE ORDER NO 397.13 (2.2) APPROVING A 3 YEAR LEASE PROPOSAL WITH BUY BACK OPTION FOR A 2012 140M MOTOR GRADER, SERIAL NUMBER M9D01332, FOR 3 ANNUAL PAYMENTS IN THE AMOUNT OF \$19,812.01, FOR ROAD & BRIDGE PRECINCT 2. LEASE IS SUBJECT TO REVIEW BY COUNTY ATTORNEY.

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

ADMINISTRATIVE:

MINUTE ORDER NO 398.13 (3.1) APPROVING THE TRANSFER OF CERTAIN REAL PROPERTY PREVIOUSLY ACQUIRED AT A DELINQUENT TAX FORECLOSURE SALE TO CITY OF WAXAHACHIE. ELLIS COUNTY AND THE WAXAHACHIE INDEPENDENT SCHOOL DISTRICT. THE CITY OF WAXAHACHIE ACQUIRED TITLE TO SAID REAL PROPERTY AT A TAX FORECLOSURE SALE REGARDING CAUSE NO. 11,492-TX, IN THE 40TH JUDICIAL DISTRICT COURT OF ELLIS COUNTY, TEXAS. SAID PROPERTY IS DESCRIBED AS FOLLOWS: “.129 ACRES, BEING ALL THAT CERTAIN PART OF LOT 10, BLOCK 1, ORIGINAL TOWN WAXAHACHIE, CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED IN THAT CERTAIN DEED OF RECORD IN VOLUME 784, PAGE 175 OF THE DEED OF RECORDS OF ELLIS COUNTY, TEXAS.”

(JAKE BATTENFIELD, LINEBARGER, GOGGAN, BLAIR & SAMPSON, LLP)

MOTION BY COMMISSIONER PERRY, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 399.13 (3.2) AUTHORIZING AN AGREEMENT BETWEEN ELLIS COUNTY AND THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) REGARDING THE USE OF THE OLD REST STOPS ON I-35E BETWEEN WAXAHACHIE AND FORRESTON. TXDOT IS SHUTTING THESE REST STOPS DOWN AND LAW ENFORCEMENT COULD USE THESE AREAS FOR TRUCK INSPECTIONS, HIGHWAY INTERDICTION, ETC.

MOTION BY COMMISSIONER PERRY TO DRAW UP CONTRACT WITH LEGAL'S APPROVAL, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 400.13 (3.3) APPROVING A MAGISTRATE SERVICES CONTRACT BETWEEN ELLIS COUNTY AND MUNICIPAL JUDGE SCOTT KURTH, FOR THE PURPOSE OF DETERMINING WHETHER SUFFICIENT FACTS JUSTIFY THE ISSUANCE OF SEARCH WARRANTS PERTAINING TO CERTAIN ALLEGED INTOXICATION OFFENSES AS DESCRIBED WITHIN ARTICLE 18.01(j) OF THE CODE OF CRIMINAL PROCEDURE. INITIAL FUNDING FOR THIS CONTRACT WILL BE PROVIDED BY ELLIS COUNTY THROUGH THE ELLIS COUNTY SHERIFF'S ASSET FORFEITURE FUND, AS THE SERVICES CONTEMPLATED IN THIS AGREEMENT FULFILL A LAW ENFORCEMENT PURPOSE PURSUANT TO ARTICLE 59.06(c)(3) OF THE CODE OF CRIMINAL PROCEDURE. THE SERVICES CONTEMPLATED WITHIN THIS CONTRACT ARE PROFESSIONAL SERVICES AND EXEMPT FROM COMPETITIVE PROCUREMENT PURSUANT TO SECTION 262.024(a) (4) OF THE LOCAL GOVERNMENT CODE. (PATRICK WILSON, COUNTY & DISTRICT ATTORNEY)

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

MINUTE ORDER NO 401.13 (3.4) APPROVING A MAGISTRATE SERVICES CONTRACT BETWEEN ELLIS COUNTY AND MUNICIPAL JUDGE BILL SCOTT, FOR THE PURPOSE OF DETERMINING WHETHER SUFFICIENT FACTS JUSTIFY THE ISSUANCE OF SEARCH WARRANTS PERTAINING TO CERTAIN ALLEGED INTOXICATION OFFENSES AS DESCRIBED WITHIN ARTICLE 18.01(j) OF THE CODE OF CRIMINAL PROCEDURE. INITIAL FUNDING FOR THIS CONTRACT WILL BE PROVIDED BY ELLIS COUNTY THROUGH THE ELLIS COUNTY SHERIFF'S ASSET FORFEITURE FUND, AS THE SERVICES CONTEMPLATED IN THIS AGREEMENT FULFILL A LAW ENFORCEMENT PURPOSE PURSUANT TO ARTICLE 59.06(c)(3) OF THE CODE OF CRIMINAL PROCEDURE. THE SERVICES CONTEMPLATED WITHIN THIS CONTRACT ARE PROFESSIONAL SERVICES AND EXEMPT FROM COMPETITIVE PROCUREMENT PURSUANT TO SECTION 262.024(a) (4) OF THE LOCAL GOVERNMENT CODE. (PATRICK WILSON, COUNTY & DISTRICT ATTORNEY)

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

MINUTE ORDER NO 402.13 (3.5) CONTINUING PARTICIPATION IN THE TEXAS COUNTY AND DISTRICT RETIREMENT SYSTEM AS APPROVED IN THE 2013-14 BUDGET, AUTHORIZING THE COUNTY JUDGE TO SIGN NECESSARY FORMS (ANNE PRICE, HUMAN RESOURCE DIRECTOR)

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

MINUTE ORDER NO 403.13 (3.6) APPROVING A RESOLUTION DESIGNATING THE COUNTY JUDGE AS THE PROGRAM DIRECTOR / CONTACT PERSON AND THE COUNTY AUDITOR AS THE FINANCIAL OFFICER FOR THE 2014 INDIGENT DEFENSE FORMULA GRANT PROGRAM (MIKE NAVARRO, COUNTY AUDITOR)

MOTION BY COMMISSIONER PERRY, SECOND BY COMMISSIONER BROWN CARRIES UNANIMOUSLY

MINUTE ORDER NO 404.13 (3.7) ACCEPTING THE 2013 FEDERAL EQUITABLE SHARING AGREEMENT AND CERTIFICATION REPORT (CHUCK LAUBACH, ELLIS COUNTY SHERIFF'S OFFICE)

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

3.8 INFORMATION AND DISCUSSION ON THE 2013 MS4 ANNUAL REPORT SENT TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ). THIS REPORT WAS PREPARED, AND ALL ACTIVITIES MENTIONED THEREIN WERE PERFORMED, IN ACCORDANCE WITH TCEQ REGULATIONS REGARDING SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4). – MAEGAN MOON, ENGINEERING

MINUTE ORDER NO 405.13 (3.9) ADOPTING RULES AND PROCEDURES FOR DETERMINING WHICH FIRES WARRANT INVESTIGATION BY THE ELLIS COUNTY FIRE MARSHAL (JOE STEWART, FIRE MARSHAL)

MOTION BY COMMISSIONER PERRY, SECOND BY COMMISSIONER BROWN CARRIES UNANIMOUSLY

MINUTE ORDER NO 406.13 (3.10) AUTHORIZING THE COUNTY JUDGE AND/OR THE COUNTY ATTORNEY'S OFFICE TO SEND A BREACH OR CONTRACT NOTICE AND/OR TERMINATION LETTER TO ACS, FIREHOUSE SOFTWARE FOR FIRE MARSHAL'S OFFICE (JOE STEWART, FIRE MARSHAL)
MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

No ACTION: 3.11 CONSIDERATION AND ACTION REGARDING IMPLEMENTATION OF SURVEILLANCE EQUIPMENT AND/OR SECURITY DEVICES WITHIN THE ELLIS COUNTY COURTS AND ADMINISTRATION BUILDING AND THE HISTORIC COURTHOUSE.

RECESS TO CONVENE TO EXECUTIVE SESSION (3:43 PM)
MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER PERRY 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 CONSULTATION TO DELIBERATE THE DEPLOYMENT, OR SPECIFIC OCCASIONS FOR IMPLEMENTATION, OF SECURITY PERSONNEL OR DEVICES WITHIN THE ELLIS COUNTY COURTS AND ADMINISTRATION BUILDING AND THE HISTORIC COURTHOUSE UNDER SEC. 551.076.

ADJOURNMENT OF EXECUTIVE SESSION (4:05 PM)
MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

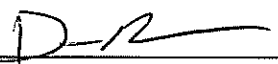
ADJOURNMENT (4:05 PM)
MOTION TO ADJOURN BY COMMISSIONER BROWN, SECOND BY COMMISSIONER PERRY CARRIES UNANIMOUSLY

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT REGULAR MEETING OF NOVEMBER 25, 2013 ARE HEREBY APPROVED.

PRESIDING OFFICER:



CAROL BUSH, COUNTY JUDGE



DENNIS ROBINSON, COMMISSIONER, PCT 1



BILL DODSON, COMMISSIONER, PCT 2



PAUL PERRY, COMMISSIONER, PCT 3



RON BROWN, COMMISSIONER, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS MARCH 24, 2014



CINDY POLLEY, COUNTY CLERK

